



March 23, 1999

**ENGROSSED
HOUSE BILL No. 1868**

DIGEST OF HB 1868 (Updated March 18, 1999 3:38 pm - DI 44)

Citations Affected: IC 6-2.1; IC 6-2.5; IC 6-3; IC 6-3.5; IC 6-5.5; IC 6-6; IC 6-8; IC 6-8.1; IC 6-9; IC 7.1-4; IC 8-2.1; IC 9-18; IC 34-55; IC 36-7; noncode.

Synopsis: Various income and local taxes. Changes the date on which a county treasurer remits gross income tax receipts from the sale or transfer of an interest in real estate to the department of state revenue from the 15th to the 20th day of the month following the end of a quarterly period. Extends the use tax exemption for tangible personal property that is destined out of state to property that is delivered from within Indiana. (Current law provides that only the use of property (Continued next page)

Effective: January 1, 1999 (retroactive); upon passage; July 1, 1999; January 1, 2000.

Bauer

(SENATE SPONSORS — BORST, SIMPSON)

January 26, 1999, read first time and referred to Committee on Ways and Means.
February 10, 1999, amended, reported — Do Pass.
February 18, 1999, read second time, ordered engrossed. Engrossed.
February 22, 1999, read third time, passed. Yeas 97, nays 1.

SENATE ACTION

February 25, 1999, read first time and referred to Committee on Finance.
March 22, 1999, amended, reported favorably — Do Pass.

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delivered into Indiana is exempt.) Changes reporting and payment requirements under the sales and use tax law. Changes the minimum sales and use tax due from \$10,000 to \$5,000 under the electronic fund transfer requirements. Changes the definition of qualifying child for the earned income tax deduction. Updates the references to the Internal Revenue Code. Changes the definition of dependent for the medical care savings account deduction. Permits set offs of income tax refunds for the Internal Revenue Service. Requires the department of state revenue to compile business income data. Allows the department of state revenue to enter into an agreement with the Secretary of the Treasury to offset federal tax refunds for Indiana income taxes owed. Provides that ordinances to adopt, increase, rescind, or repeal local income taxes, innkeepers' taxes, food and beverage taxes, and certain other local taxes must be adopted after January 1 and before April 1 of a year. Provides that certified copies of these ordinances must be sent by certified mail to the commissioner of the department of state revenue not more than ten days after adoption. Provides that these ordinances take effect July 1 of the year in which they are adopted. Provides that, for purposes of local innkeepers' taxes, local food and beverage taxes, and certain other local taxes, if the department of state revenue determines after December 31, 1999, that a person's estimated monthly tax liability for the current year or average monthly tax liability for the preceding year exceeds \$5,000, the person must pay the monthly tax due by electronic funds transfer or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order. Eliminates the requirement that voter registration forms be included in income tax returns that are mailed. Removes vehicle registration information from the income tax return. Makes certain other changes concerning local income taxes, innkeepers' taxes, food and beverage taxes, and other local taxes. Combines the motor carrier certification process for property and passenger carriers under the property carrier law. Provides that Roth IRAs and educational IRAs are not subject to levy or sale on execution or any other final process from a court for a judgment founded upon an express or implied contract or tort claim. (Current law provides that traditional IRAs are not subject to levy or sale on execution or any other final process from a court for a judgment founded upon an express or implied contract or tort claim.) Makes changes regarding the professional sports and convention development tax area law applicable outside Marion County to require that at least one facility be used by a professional sports franchise (this requirement does not apply to a tax area located in Fort Wayne), that facilities for convention or tourism related events serve national or regional markets, and that an agreement exist regarding tax distributions if there is a mix of facility owners. Provides that in Fort Wayne a professional sports and convention development tax area may include a facility connected to and sharing at least one common area with a facility that is included in the development area and that is used for convention and tourism related events. Provides that in the case of a professional sports and convention development tax area in Allen County, food and beverage taxes are not "covered taxes" that are deposited in the professional sports and convention development area fund. Corrects internal references.

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March 23, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1868

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-2.1-5-1.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1.1. (a) This
3 section applies to taxable years beginning after December 31, 1993.
4 (b) Except as provided in subsections (d) through (g), a taxpayer
5 shall file gross income tax returns with, and pay the taxpayer's gross
6 income tax liability to, the department by the due date of the estimated
7 return. A taxpayer who utilizes a taxable year that ends on December
8 31 shall file the taxpayer's estimated gross income tax returns and pay
9 the tax to the department on or before April 20, June 20, September 20,
10 and December 20 of the taxable year. If a taxpayer utilizes a taxable
11 year which does not end on December 31, the due dates for filing
12 estimated gross income tax returns and paying the tax are on or before
13 the twentieth day of the fourth, sixth, ninth, and twelfth months of the
14 taxpayer's taxable year.
15 (c) With each return filed, with each payment by cashier's check,

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1 certified check, or money order delivered in person or by overnight
 2 courier, and with each electronic fund transfer made, a taxpayer shall
 3 pay to the department the remainder of:

- 4 (1) either twenty-five percent (25%) of the estimated or the exact
 5 amount of gross income tax which is due; minus
 6 (2) the amount of gross income tax which was withheld pursuant
 7 to IC 6-2.1-6.

8 (d) If a taxpayer's estimated annual gross income tax liability does
 9 not exceed one thousand dollars (\$1,000), then the taxpayer is not
 10 required to file an estimated gross income tax return.

11 (e) If a taxpayer is required to file an annual gross income tax return
 12 under section 2.1 of this chapter, and pays in full the taxpayer's gross
 13 income tax liability for that taxable year before the taxpayer's final
 14 estimated return is due, then the taxpayer is not required to file the final
 15 estimated gross income tax return for that same taxable year.

16 (f) If the department determines that a taxpayer's:

- 17 (1) estimated quarterly gross income tax liability for the current
 18 year; or
 19 (2) average estimated quarterly gross income tax liability for the
 20 preceding year;

21 exceeds, before January 1, ~~1998~~, **twenty 2000, ten** thousand dollars
 22 ~~(\$20,000)~~ **(\$10,000)** and, after December 31, ~~1997~~, **ten 1999, five**
 23 **thousand dollars** ~~(\$10,000)~~; **(\$5,000)**, the taxpayer shall pay the
 24 estimated gross income taxes due by electronic funds transfer (as
 25 defined in IC 4-8.1-2-7) or by delivering in person or by overnight
 26 courier a payment by cashier's check, certified check, or money order
 27 to the department. The transfer or payment shall be made on or before
 28 the date the tax is due.

29 (g) If a taxpayer's gross income tax payment is made by electronic
 30 funds transfer, the taxpayer is not required to file an estimated gross
 31 income tax return.

32 SECTION 2. IC 6-2.1-8-5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A taxpayer
 34 shall pay the gross income taxes imposed on the sale or transfer of an
 35 interest in real estate by paying the tax to the treasurer of the county in
 36 which the real estate is located. The treasurer shall stamp the
 37 instrument of transfer with a rubber stamp, supplied by the department,
 38 which marks the instrument of transfer "gross income tax paid" and
 39 provides spaces for inscribing the name of the seller or grantor, the
 40 amount and date of payment, and any other information which the
 41 department may require.

42 (b) The county treasurer shall remit the proceeds to the department

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1 on the ~~fifteenth~~ **twentieth** day of January, April, July, and October for
 2 the preceding quarterly period.

3 (c) If the department determines that the average monthly amount
 4 due for the preceding year exceeds ten thousand dollars (\$10,000), the
 5 county treasurer shall pay the taxes due by electronic funds transfer (as
 6 defined in IC 4-8.1-2-7) or by delivering in person or by overnight
 7 courier a payment by cashier's check, certified check, or money order
 8 to the department. The transfer or payment shall be made on or before
 9 the date the tax is due.

10 (d) As compensation for collecting the gross income tax, the county
 11 treasurer may retain one percent (1%) of any payment due to the
 12 department under this section. Any amount the county treasurer retains
 13 shall be deposited in that county's general fund.

14 SECTION 3. IC 6-2.5-3-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) An excise tax,
 16 known as the use tax, is imposed on the storage, use, or consumption
 17 of tangible personal property in Indiana if the property was acquired in
 18 a retail transaction, regardless of the location of that transaction or of
 19 the retail merchant making that transaction.

20 (b) The use tax is also imposed on the storage, use, or consumption
 21 of a vehicle, an aircraft, or a watercraft if the vehicle, aircraft, or
 22 watercraft:

23 (1) is acquired in a transaction that is an isolated or occasional
 24 sale; and

25 (2) is required to be titled, licensed, or registered by this state for
 26 use in Indiana.

27 (c) The use tax is imposed on the addition of tangible personal
 28 property to a structure or facility if, after its addition, the property
 29 becomes part of the real estate on which the structure or facility is
 30 located. However, the use tax does not apply to additions of tangible
 31 personal property described in this subsection if:

32 (1) the state gross retail or use tax has been previously imposed
 33 on the sale or use of that property or

34 (2) the ultimate purchaser or recipient of that property would have
 35 been exempt from the state gross retail and use taxes if that
 36 purchaser or recipient had directly purchased the property from
 37 the supplier for addition to the structure or facility.

38 (d) Notwithstanding any other provision of this section, the use tax
 39 is not imposed on the keeping, retaining, or exercising of any right or
 40 power over tangible personal property if:

41 (1) the property is delivered ~~into~~ **from within or outside** Indiana
 42 by or for the purchaser of the property;



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1 (2) the property is delivered ~~in~~ **from within or outside** Indiana
 2 for the sole purpose of being processed, printed, fabricated, or
 3 manufactured into, attached to, or incorporated into other tangible
 4 personal property; and

5 (3) the property is subsequently transported out of state for use
 6 solely outside Indiana.

7 SECTION 4. IC 6-2.5-6-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) Each person
 9 liable for collecting the state gross retail or use tax shall ~~file a return for~~
 10 ~~each calendar month and~~ pay the state gross retail and use taxes that the
 11 person collects during ~~that each calendar month~~. **The payment shall**
 12 **be made not later than twenty (20) days after the end of the**
 13 **following month.** A person shall file the person's return for a particular
 14 month with the department and make the person's tax payment for that
 15 month to the department not more than thirty (30) days after the end of
 16 that month; if that person's average monthly liability for collections of
 17 state gross retail and use taxes under this section as determined by the
 18 department for the preceding calendar year did not exceed one
 19 thousand dollars (\$1,000). If a person's average monthly liability for
 20 collections of state gross retail and use taxes under this section as
 21 determined by the department for the preceding calendar year exceeded
 22 one thousand dollars (\$1,000); that person shall file the person's return
 23 for a particular month and make the person's tax payment for that
 24 month to the department not more than twenty (20) days after the end
 25 of that month: **for each calendar quarter. The return shall be filed**
 26 **not later than thirty (30) days after the end of each quarter.**

27 (b) If a person files a combined sales and withholding tax report and
 28 either this section or IC 6-3-4-8.1 requires sales or withholding tax
 29 reports to be filed and remittances to be made within twenty (20) days
 30 after the end of each month, then the person shall file the combined
 31 report and remit the sales and withholding taxes due within twenty (20)
 32 days after the end of each month.

33 (b) ~~Instead of twelve (12) monthly reporting periods required under~~
 34 ~~subsection (a); the department may permit a person to divide a year into~~
 35 ~~a different number of reporting periods. Each return and payment for~~
 36 ~~those reporting periods is due not more than thirty (30) days after the~~
 37 ~~end of the respective period.~~

38 (c) Instead of the reporting periods required under subsection (a),
 39 the department may permit a retail merchant to report and pay the
 40 merchant's state gross retail and use taxes for a period covering:

41 (1) a calendar year, if the retail merchant's average monthly state
 42 gross retail and use tax liability in the previous calendar year does

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1 not exceed ten dollars (\$10); **or**
 2 (2) a calendar half year, if the retail merchant's average monthly
 3 state gross retail and use tax liability in the previous calendar year
 4 does not exceed twenty-five dollars (\$25). ~~or~~
 5 ~~(3) a calendar quarter, if the retail merchant's average monthly~~
 6 ~~state gross retail and use tax liability in the previous calendar year~~
 7 ~~does not exceed seventy-five dollars (\$75).~~

8 A retail merchant using a reporting period allowed under this
 9 subsection must file the merchant's return and pay the merchant's tax
 10 for a reporting period no later than ~~the last day of the month~~
 11 **immediately twenty (20) days** following the close of that reporting
 12 period.

13 (d) If a retail merchant reports the merchant's gross income tax, or
 14 the tax the merchant pays in place of the gross income tax, over a fiscal
 15 year or fiscal quarter not corresponding to the calendar year or calendar
 16 quarter, the merchant may, without prior departmental approval, report
 17 and pay the merchant's state gross retail and use taxes over the
 18 merchant's fiscal period that corresponds to the calendar period the
 19 merchant is permitted to use under subsection (c). However, the
 20 department may, at any time, require the retail merchant to stop using
 21 the fiscal reporting period.

22 (e) If a retail merchant files a combined sales and withholding tax
 23 report, the reporting period for the combined report is the shortest
 24 period required under:

- 25 (1) this section;
- 26 (2) IC 6-3-4-8; or
- 27 (3) IC 6-3-4-8.1.

28 (f) If the department determines that a person's:

- 29 (1) estimated monthly gross retail and use tax liability for the
 30 current year; or
- 31 (2) average monthly gross retail and use tax liability for the
 32 preceding year;

33 exceeds, **before January 1, 2000**, ten thousand dollars (\$10,000) **or**,
 34 **after December 31, 1999**, **five thousand dollars (\$5,000)**, the person
 35 shall pay the monthly gross retail and use taxes due by electronic fund
 36 transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by
 37 overnight courier a payment by cashier's check, certified check, or
 38 money order to the department. The transfer or payment shall be made
 39 on or before the date the tax is due.

40 (g) If a person's gross retail and use tax payment is made by
 41 electronic fund transfer, the taxpayer is not required to file a monthly
 42 **or quarterly** gross retail and use tax return. However, the person shall



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1 file a ~~quarterly~~ **an annual** gross retail and use tax return before the
 2 twentieth day following the end of each calendar ~~quarter~~ **year**.

3 SECTION 5. IC 6-3-1-11 IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]; Sec. 11. (a) The
 5 term "Internal Revenue Code" means the Internal Revenue Code of
 6 1986 of the United States as amended and in effect on January 1, ~~1998~~
 7 **1999**.

8 (b) Whenever the Internal Revenue Code is mentioned in this
 9 article, the particular provisions that are referred to, together with all
 10 the other provisions of the Internal Revenue Code in effect on January
 11 1, ~~1998~~ **1999**, that pertain to the provisions specifically mentioned,
 12 shall be regarded as incorporated in this article by reference and have
 13 the same force and effect as though fully set forth in this article. To the
 14 extent the provisions apply to this article, regulations adopted under
 15 Section 7805(a) of the Internal Revenue Code and in effect on January
 16 1, ~~1998~~ **1999**, shall be regarded as rules adopted by the department
 17 under this article, unless the department adopts specific rules that
 18 supersede the regulation.

19 (c) An amendment to the Internal Revenue Code made by an act
 20 passed by Congress before January 1, ~~1998~~ **1999**, that is effective for
 21 any taxable year that began before January 1, ~~1998~~ **1999**, and that
 22 affects:

- 23 (1) individual adjusted gross income (as defined in Section 62 of
 24 the Internal Revenue Code);
- 25 (2) corporate taxable income (as defined in Section 63 of the
 26 Internal Revenue Code);
- 27 (3) trust and estate taxable income (as defined in Section 641(b)
 28 of the Internal Revenue Code);
- 29 (4) life insurance company taxable income (as defined in Section
 30 801(b) of the Internal Revenue Code);
- 31 (5) mutual insurance company taxable income (as defined in
 32 Section 821(b) of the Internal Revenue Code); or
- 33 (6) taxable income (as defined in Section 832 of the Internal
 34 Revenue Code);

35 is also effective for that same taxable year for purposes of determining
 36 adjusted gross income under IC 6-3-1-3.5 and net income under
 37 IC 6-3-8-2(b).

38 SECTION 6. IC 6-3-2.5-3 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. As used in this
 40 chapter, "Indiana total income" means the sum of the following for an
 41 individual taxpayer, and if the individual taxpayer files a joint return,
 42 the individual taxpayer's spouse, for a taxable year:

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- 1 (1) Adjusted gross income (as defined in Section 62 of the
2 Internal Revenue Code).
3 (2) Taxes deducted on a federal income tax return, as described
4 in IC 6-3-1-3.5(a)(2).
5 (3) Any net operating loss carried forward from a prior year and
6 reported on the taxpayer's federal income tax return for the
7 taxable year.
8 (4) The total ordinary income portion of a lump sum distribution
9 described in ~~IC 6-3-1-3.5(a)(6)~~. **IC 6-3-1-3.5(a)(7)**.
10 (5) Any other taxable income not described in subdivision (1).

11 SECTION 7. IC 6-3-2.5-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
13 Sec. 4. As used in this chapter, "qualifying child" means an individual
14 who:

- 15 (1) is the child, stepchild, or foster child of the individual
16 taxpayer;
17 (2) resides in Indiana with the individual taxpayer, including the
18 individual taxpayer's spouse in the case of a joint return, for more
19 than one-half (1/2) of the taxable year;
20 (3) is dependent on the individual taxpayer, including the
21 individual taxpayer's spouse in the case of a joint return, for more
22 than one-half (1/2) of the individual's support;
23 (4) is less than nineteen (19) years of age on the last day of the
24 taxable year; and
25 (5) is not married on the last day of the taxable year.

26 **for whom the taxpayer is entitled to an exemption under Section**
27 **151(c)(1)(B) of the Internal Revenue Code.**

28 SECTION 8. IC 6-3-4-8.1 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8.1. (a) Any entity
30 that is required to file a monthly return and make a monthly remittance
31 of taxes under sections 8, 12, 13, and 15 of this chapter shall file those
32 returns and make those remittances twenty (20) days (rather than thirty
33 (30) days) after the end of each month for which those returns and
34 remittances are filed, if that entity's average monthly remittance for the
35 immediately preceding calendar year exceeds one thousand dollars
36 (\$1,000).

37 (b) The department may require any entity to make the entity's
38 monthly remittance and file the entity's monthly return twenty (20) days
39 (rather than thirty (30) days) after the end of each month for which a
40 return and payment are made if the department estimates that the
41 entity's average monthly payment for the current calendar year will
42 exceed one thousand dollars (\$1,000).



1 (c) If a person files a combined sales and withholding tax report and
 2 either this section or IC 6-2.5-6-1 requires the sales or withholding tax
 3 report to be filed and remittances to be made within twenty (20) days
 4 after the end of each month, then the person shall file the combined
 5 report and remit the sales and withholding taxes due within twenty (20)
 6 days after the end of each month.

7 (d) If the department determines that an entity's:

8 (1) estimated monthly withholding tax remittance for the current
 9 year; or

10 (2) average monthly withholding tax remittance for the preceding
 11 year;

12 exceeds ~~ten five~~ thousand dollars (~~\$10,000~~), (**\$5,000**), the entity shall
 13 remit the monthly withholding taxes due by electronic fund transfer (as
 14 defined in IC 4-8.1-2-7) or by delivering in person or by overnight
 15 courier a payment by cashier's check, certified check, or money order
 16 to the department. The transfer or payment shall be made on or before
 17 the date the remittance is due.

18 (e) If an entity's withholding tax remittance is made by electronic
 19 fund transfer, the entity is not required to file a monthly **or quarterly**
 20 withholding tax return. However, the entity shall file **a quarterly an**
 21 **annual** withholding tax return before the twentieth day following the
 22 end of each calendar ~~quarter~~: **year**.

23 SECTION 9. IC 6-3.5-1.1-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The county
 25 council of any county in which the county option income tax will not
 26 be in effect on July 1 of a year under an ordinance adopted during a
 27 previous calendar year may impose the county adjusted gross income
 28 tax on the adjusted gross income of county taxpayers of its county.
 29 ~~effective July 1 of that year.~~

30 (b) Except as provided in section 2.5 or 3.5 of this chapter, the
 31 county adjusted gross income tax may be imposed at a rate of one-half
 32 of one percent (0.5%), three-fourths of one percent (0.75%), or one
 33 percent (1%) on the adjusted gross income of resident county taxpayers
 34 of the county. Any county imposing the county adjusted gross income
 35 tax must impose the tax on the nonresident county taxpayers at a rate
 36 of one-fourth of one percent (0.25%) on their adjusted gross income.
 37 If the county council elects to decrease the county adjusted gross
 38 income tax, the county council may decrease the county adjusted gross
 39 income tax rate in increments of one-tenth of one percent (0.1%).

40 (c) To impose, **increase, decrease, or rescind** the county adjusted
 41 gross income tax, the county council must, after January 1 but before
 42 April 1 of a year, adopt an ordinance. The ordinance **to impose the tax**



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1 must substantially state the following:

2 "The _____ County Council imposes the county adjusted
3 gross income tax on the county taxpayers of _____ County.
4 The county adjusted gross income tax is imposed at a rate of
5 _____ percent (____%) on the resident county taxpayers of the
6 county and one-fourth of one percent (0.25%) on the nonresident
7 county taxpayers of the county. This tax takes effect July 1 of this
8 year."

9 (d) Any ordinance adopted under this ~~section~~ **chapter** takes effect
10 July 1 of the year the ordinance is adopted.

11 (e) The auditor of a county shall record all votes taken on
12 ordinances presented for a vote under the authority of this ~~section~~
13 **chapter** and ~~immediately shall, not more than ten (10) days after the~~
14 **vote**, send a certified copy of the results to the **commissioner of the**
15 department by certified mail.

16 (f) If the county adjusted gross income tax had previously been
17 adopted by a county under IC 6-3.5-1 (before its repeal on March 15,
18 1983) and that tax was in effect at the time of the enactment of this
19 chapter, then the county adjusted gross income tax continues in that
20 county at the rates in effect at the time of enactment until the rates are
21 modified or the tax is rescinded in the manner prescribed by this
22 chapter. If a county's adjusted gross income tax is continued under this
23 subsection, then the tax shall be treated as if it had been imposed under
24 this chapter and is subject to rescission or reduction as authorized in
25 this chapter.

26 SECTION 10. IC 6-3.5-1.1-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. ~~(a)~~ The county
28 council may increase the county adjusted gross income tax rate
29 imposed upon the resident county taxpayers of the county. To increase
30 the rate, the county council must ~~after January 1 but before April 1 of~~
31 ~~a year~~; adopt an ordinance ~~The ordinance which~~ must substantially
32 state the following:

33 "The _____ County Council increases the county adjusted
34 gross income tax rate imposed upon the resident county taxpayers
35 of the county from _____ percent (____%) to _____ percent
36 (____%). This tax rate increase takes effect July 1 of this year."

37 ~~(b) Any ordinance adopted under this section takes effect July 1 of~~
38 ~~the year the ordinance is adopted.~~

39 ~~(c) The auditor of a county shall record all votes taken on~~
40 ~~ordinances presented for a vote under the authority of this section and~~
41 ~~immediately send a certified copy of the results to the department by~~
42 ~~certified mail.~~



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1 SECTION 11. IC 6-3.5-1.1-3.1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.1. (a) The county
 3 council may decrease the county adjusted gross income tax rate
 4 imposed upon the resident county taxpayers of the county. To decrease
 5 the rate, the county council must ~~after January 1 but before April 1 of~~
 6 ~~a year~~; adopt an ordinance ~~The ordinance which~~ must substantially
 7 state the following:

8 "The _____ County Council decreases the county adjusted
 9 gross income tax rate imposed upon the resident county taxpayers
 10 of the county from _____ percent (____%) to _____ percent
 11 (____%). This tax rate decrease takes effect July 1 of this year."

12 (b) A county council may not decrease the county adjusted gross
 13 income tax rate if the county or any commission, board, department, or
 14 authority that is authorized by statute to pledge the county adjusted
 15 gross income tax has pledged the county adjusted gross income tax for
 16 any purpose permitted by IC 5-1-14 or any other statute.

17 (c) ~~Any ordinance adopted under this section takes effect July 1 of~~
 18 ~~the year the ordinance is adopted.~~

19 (d) ~~The auditor of a county shall record all votes taken on~~
 20 ~~ordinances presented for a vote under the authority of this section and~~
 21 ~~immediately send a certified copy of the results to the department by~~
 22 ~~certified mail.~~

23 (e) Notwithstanding IC 6-3.5-7, and except as provided in
 24 subsection (f); (d), a county council that decreases the county adjusted
 25 gross income tax rate in a year may not in the same year adopt or
 26 increase the county economic development income tax under
 27 IC 6-3.5-7.

28 (f) (d) This subsection applies only to a county having a population
 29 of more than one hundred seven thousand (107,000) but less than one
 30 hundred eight thousand (108,000). The county council may adopt or
 31 increase the county economic development income tax rate under
 32 IC 6-3.5-7 in the same year that the county council decreases the
 33 county adjusted gross income tax rate if the county economic
 34 development income tax rate plus the county adjusted gross income tax
 35 rate in effect after the county council decreases the county adjusted
 36 gross income tax rate is less than the county adjusted gross income tax
 37 rate in effect before the adoption of an ordinance under this section
 38 decreasing the rate of the county adjusted gross income tax.

39 SECTION 12. IC 6-3.5-1.1-3.5 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. (a) This section
 41 applies only to a county having a population of more than twelve
 42 thousand six hundred (12,600) but less than thirteen thousand (13,000).

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1 (b) The county council of a county described in subsection (a) may,
 2 by ordinance, determine that additional county adjusted gross income
 3 tax revenue is needed in the county to fund the operation and
 4 maintenance of a jail and justice center.

5 (c) Notwithstanding section 2 of this chapter, if the county council
 6 adopts an ordinance under subsection (b), the county council may
 7 impose the county adjusted gross income tax at a rate of one and
 8 three-tenths percent (1.3%) on adjusted gross income. However, a
 9 county may impose the county adjusted gross income tax at a rate of
 10 one and three-tenths percent (1.3%) for only four (4) years. After the
 11 county has imposed the county adjusted gross income tax at a rate of
 12 one and three-tenths percent (1.3%) for four (4) years, the rate is
 13 reduced to one percent (1%). If the county council imposes the county
 14 adjusted gross income tax at a rate of one and three-tenths percent
 15 (1.3%), the county council may decrease the rate or rescind the tax in
 16 the manner provided under this chapter.

17 (d) If a county imposes the county adjusted gross income tax at a
 18 rate of one and three-tenths percent (1.3%) under this section, the
 19 revenue derived from a tax rate of three-tenths percent (0.3%) on
 20 adjusted gross income:

- 21 (1) shall be paid to the county treasurer;
- 22 (2) may be used only to pay the costs of operating and
 23 maintaining a jail and justice center; and
- 24 (3) may not be considered by the state board of tax commissioners
 25 under any provision of IC 6-1.1-18.5, including the determination
 26 of the county's maximum permissible property tax levy.

27 (e) Notwithstanding ~~section 3~~ **section 2** of this chapter, the county
 28 fiscal body may adopt an ordinance under this section before June 1.

29 **SECTION 13. IC 6-3.5-1.1-4 IS AMENDED TO READ AS**
 30 **FOLLOWS [EFFECTIVE JULY 1, 1999]:** Sec. 4. (a) The county
 31 adjusted gross income tax imposed by a county council under this
 32 chapter remains in effect until rescinded.

33 (b) Except as provided in subsection ~~(e)~~; (c), the county council may
 34 rescind the county adjusted gross income tax by adopting ~~an~~ **the**
 35 **appropriate** ordinance. ~~to rescind the tax after January 1 but before~~
 36 ~~June 1 of a year.~~

37 ~~(c) Any ordinance adopted under this section takes effect July 1 of~~
 38 ~~the year the ordinance is adopted.~~

39 ~~(d) The auditor of a county shall record all votes taken on~~
 40 ~~ordinances presented for a vote under the authority of this section and~~
 41 ~~immediately send a certified copy of the results to the department by~~
 42 ~~certified mail.~~



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1 (e) (c) A county council may not rescind the county adjusted gross
 2 income tax or take any action that would result in a civil taxing unit in
 3 the county having a smaller certified share than the certified share to
 4 which the civil taxing unit was entitled when the civil taxing unit
 5 pledged county adjusted gross income tax if the civil taxing unit or any
 6 commission, board, department, or authority that is authorized by
 7 statute to pledge county adjusted gross income tax has pledged county
 8 adjusted gross income tax for any purpose permitted by IC 5-1-14 or
 9 any other statute. The prohibition in this section does not apply if the
 10 civil taxing unit pledges legally available revenues to fully replace the
 11 civil taxing unit's certified share that has been pledged.

12 SECTION 14. IC 6-3.5-6-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) A county income
 14 tax council is established for each county in Indiana. The membership
 15 of each county's county income tax council consists of the fiscal body
 16 of the county and the fiscal body of each city or town that lies either
 17 partially or entirely within that county.

18 (b) Using procedures described in this chapter, a county income tax
 19 council may adopt ordinances to:

- 20 (1) impose the county option income tax in its county;
- 21 (2) subject to section 12 of this chapter, rescind the county option
 22 income tax in its county;
- 23 (3) increase the county option income tax rate for the county;
- 24 (4) freeze the county option income tax rate for its county;
- 25 (5) increase the homestead credit in its county;
- 26 (6) subject to section 12.5 of this chapter, decrease the county
 27 option income tax rate for the county; or
- 28 (7) subject to section 17.5 of this chapter, elect to reduce the
 29 required balance in the county special account.

30 (c) **This subsection does not apply to an ordinance adopted**
 31 **under section 17.4 or 17.5 of this chapter. An ordinance adopted**
 32 **under this chapter must be adopted after January 1 and before**
 33 **April 1 of a year.** An ordinance adopted in a particular year under this
 34 chapter ~~to impose or rescind the county option income tax or to~~
 35 ~~increase its tax rate~~ is effective July 1 of that year. **The county auditor**
 36 **shall record all votes taken on ordinances presented for a vote**
 37 **under this chapter, and shall, not more than ten (10) days after the**
 38 **vote, send a certified copy of the results to the commissioner of the**
 39 **department by certified mail.**

40 SECTION 15. IC 6-3.5-6-4 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A member of the
 42 county income tax council may exercise its votes by passing a



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1 resolution and transmitting the resolution to the auditor of the county.
 2 However, in the case of an ordinance to impose, rescind, increase,
 3 decrease, or freeze the county rate of the county option income tax, the
 4 member must transmit the resolution to the county auditor by the
 5 appropriate time described in section ~~8; 9; 2 or 10 or 11~~ of this chapter.
 6 The form of a resolution is as follows:

7 "The _____ (name of civil taxing unit's fiscal body)
 8 casts its _____ votes _____ (for or against) the proposed
 9 ordinance of the _____ County Income Tax Council,
 10 which reads as follows:"

11 (b) A resolution passed by a member of the county income tax
 12 council exercises all votes of the member on the proposed ordinance,
 13 and those votes may not be changed during the year.

14 SECTION 16. IC 6-3.5-6-8 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The county
 16 income tax council of any county in which the county adjusted gross
 17 income tax will not be in effect on July 1 of a year under an ordinance
 18 adopted during a previous calendar year may impose the county option
 19 income tax on the adjusted gross income of county taxpayers of its
 20 county effective July 1 of that same year.

21 (b) The county option income tax may initially be imposed at a rate
 22 of two-tenths of one percent (0.2%) on the resident county taxpayers of
 23 the county and at a rate of five hundredths of one percent (0.05%) for
 24 all other county taxpayers.

25 (c) To impose the county option income tax, a county income tax
 26 council must ~~after January 1 but before April 1 of the year~~, pass an
 27 ordinance ~~The ordinance which~~ must substantially state the following:

28 "The _____ County Income Tax Council imposes the
 29 county option income tax on the county taxpayers of
 30 _____ County. The county option income tax is
 31 imposed at a rate of two-tenths of one percent (0.2%) on the
 32 resident county taxpayers of the county and at a rate of five
 33 hundredths of one percent (0.05%) on all other county taxpayers.
 34 This tax takes effect July 1 of this year."

35 (d) If the county option income tax is imposed on the county
 36 taxpayers of a county, then the county option income tax rate that is in
 37 effect for resident county taxpayers of that county increases by
 38 one-tenth of one percent (0.1%) on each succeeding July 1 until the
 39 rate equals six-tenths of one percent (0.6%).

40 (e) The county option income tax rate in effect for the county
 41 taxpayers of a county who are not resident county taxpayers of that
 42 county is at all times one-fourth (1/4) of the tax rate imposed upon



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1 resident county taxpayers.

2 (f) ~~The auditor of a county shall record all votes taken on ordinances~~
3 ~~presented for a vote under this section and immediately send a certified~~
4 ~~copy of the results to the department by certified mail.~~

5 SECTION 17. IC 6-3.5-6-9 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. ~~(a)~~ If on January 1
7 of a calendar year the county option income tax rate in effect for
8 resident county taxpayers equals six tenths of one percent (0.6%), then
9 the county income tax council of that county may ~~after January 1 and~~
10 ~~before April 1 of that year~~ pass an ordinance to increase its tax rate for
11 resident county taxpayers. If a county income tax council passes an
12 ordinance under this section, its county option income tax rate for
13 resident county taxpayers increases by one tenth of one percent (0.1%)
14 **effective** each succeeding July 1 until its rate reaches a maximum of
15 one percent (1%).

16 ~~(b) The auditor of the county shall record any vote taken on an~~
17 ~~ordinance proposed under the authority of this section and immediately~~
18 ~~send a certified copy of the results to the department by certified mail.~~

19 SECTION 18. IC 6-3.5-6-11 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) The county
21 income tax council of any county may adopt an ordinance to
22 permanently freeze the county option income tax rates at the rate in
23 effect for its county on January 1 of a year.

24 (b) To freeze the county option income tax rates a county income
25 tax council must ~~after January 1 but before April 1 of a year~~, adopt an
26 ordinance ~~The ordinance which~~ must substantially state the following:

27 "The _____ County Income Tax Council permanently
28 freezes the county option income tax rates at the rate in effect on
29 January 1 of the current year."

30 (c) An ordinance adopted under the authority of this section remains
31 in effect until rescinded. The county income tax council may rescind
32 such an ordinance. ~~after January 1 but before April 1 of any calendar~~
33 ~~year. Such an ordinance shall take effect July 1 of that same calendar~~
34 ~~year.~~

35 (d) If a county income tax council rescinds an ordinance as adopted
36 under this section the county option income tax rate shall automatically
37 increase by one-tenth of one percent (0.01%) until:

38 (1) the tax rate is again frozen under another ordinance adopted
39 under this section; or

40 (2) the tax rate equals six tenths of one percent (0.6%) (if the
41 frozen tax rate equaled an amount less than six tenths of one
42 percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled

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1 an amount in excess of six tenths of one percent (0.6%).
2 (e) ~~The county auditor shall record any vote taken on an ordinance~~
3 ~~proposed under the authority of this section and immediately send a~~
4 ~~certified copy of the results to the department by certified mail.~~

5 SECTION 19. IC 6-3.5-6-12 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) The county
7 option income tax imposed by a county income tax council under this
8 chapter remains in effect until rescinded.

9 (b) Subject to subsection (c), the county income tax council of a
10 county may rescind the county option income tax by passing ~~an the~~
11 **appropriate** ordinance to rescind the tax. ~~after January 1 but before~~
12 ~~April 1 of a year.~~

13 (c) A county income tax council may not rescind the county option
14 income tax or take any action that would result in a civil taxing unit in
15 the county having a smaller distributive share than the distributive
16 share to which it was entitled when it pledged county option income
17 tax, if the civil taxing unit or any commission, board, department, or
18 authority that is authorized by statute to pledge county option income
19 tax, has pledged county option income tax for any purpose permitted
20 by IC 5-1-14 or any other statute.

21 (d) ~~The auditor of a county shall record all votes taken on a~~
22 ~~proposed ordinance presented for a vote under the authority of this~~
23 ~~section and immediately send a certified copy of the results to the~~
24 ~~department by certified mail.~~

25 SECTION 20. IC 6-3.5-6-12.5 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12.5. (a) The county
27 income tax council may adopt an ordinance to decrease the county
28 option income tax rate in effect.

29 (b) To decrease the county option income tax rate, the county
30 income tax council must adopt an ordinance ~~after January 1 but before~~
31 ~~April 1 of a year.~~ **The ordinance which** must substantially state the
32 following:

33 "The _____ County Income Tax Council decreases the
34 county option income tax rate from _____ percent (___ %)
35 to _____ percent (___ %). This ordinance takes effect July
36 1 of this year."

37 (c) A county income tax council may not decrease the county option
38 income tax if the county or any commission, board, department, or
39 authority that is authorized by statute to pledge the county option
40 income tax has pledged the county option income tax for any purpose
41 permitted by IC 5-1-14 or any other statute.

42 (d) ~~An ordinance adopted under this subsection takes effect July 1~~

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1 of the year in which the ordinance is adopted.

2 (e) The county auditor shall record the votes taken on an ordinance
3 under this subsection and shall send a certified copy of the ordinance
4 to the department by certified mail not more than thirty (30) days after
5 the ordinance is adopted.

6 (f) Notwithstanding IC 6-3.5-7, a county income tax council that
7 decreases the county option income tax in a year may not in the same
8 year adopt or increase the county economic development income tax
9 under IC 6-3.5-7.

10 SECTION 21. IC 6-3.5-6-13 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) A county
12 income tax council of a county in which the county option income tax
13 is in effect may adopt an ordinance to increase the percentage credit
14 allowed for homesteads in its county under IC 6-1.1-20.9-2.

15 (b) A county income tax council may not increase the percentage
16 credit allowed for homesteads by an amount that exceeds eight percent
17 (8%).

18 (c) The increase of the homestead credit percentage must be
19 uniform for all homesteads in a county.

20 (d) In the ordinance that increases the homestead credit percentage,
21 a county income tax council may provide for a series of increases or
22 decreases to take place for each of a group of succeeding calendar
23 years.

24 (e) ~~An ordinance may be adopted under this section after January 1~~
25 ~~but before June 1 of a calendar year.~~

26 (f) **Notwithstanding section 2 of this chapter,** an ordinance
27 adopted under this section takes effect on January 1 of the next
28 succeeding calendar year.

29 (g) **(f) Notwithstanding section 2 of this chapter,** any ordinance
30 adopted under this section for a county is repealed for a year if on
31 January 1 of that year the county option income tax is not in effect.

32 SECTION 22. IC 6-3.5-6-17.4 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17.4. (a) This section
34 applies only to a county having a population of more than thirty-six
35 thousand seven hundred (36,700) but less than thirty-seven thousand
36 (37,000). **Section 2 of this chapter does not apply to an ordinance**
37 **adopted under this section.**

38 (b) The county income tax council of a county may adopt an
39 ordinance to reduce the required six (6) month balance of that county's
40 special account to a three (3) month balance for that county.

41 (c) To reduce the balance a county income tax council must adopt
42 an ordinance. The ordinance must substantially state the following:

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1 "The _____ County Income Tax Council elects to reduce the
2 required county income tax special account balance from a six (6)
3 month balance to a three (3) month balance within ninety (90) days
4 after the adoption of this ordinance."

5 (d) Not more than thirty (30) days after adopting an ordinance under
6 subsection (c), the county income tax council shall deliver a copy of the
7 ordinance to the budget agency.

8 (e) Not later than:

9 (1) sixty (60) days after a county income tax council adopts an
10 ordinance under subsection (c); and

11 (2) December 31 of each year;

12 the budget agency shall make the calculation described in subsection
13 (f). Not later than ninety (90) days after the ordinance is adopted, the
14 budget agency shall make an initial distribution to the county auditor
15 of the amount determined under subsection (f) STEP FOUR.
16 Subsequent distributions needed to distribute any amount in the county
17 income tax special account that exceeds a three (3) month balance, as
18 determined under subsection (f) STEP FOUR, shall be made in January
19 of the ensuing calendar year after the calculation is made.

20 (f) The budget agency shall make the following calculation:

21 STEP ONE: Determine the cumulative balance in a county's
22 account established under section 16 of this chapter.

23 STEP TWO: Divide the amount estimated under section 17(b) of
24 this chapter before any adjustments are made under section 17(c)
25 or 17(d) of this chapter by twelve (12).

26 STEP THREE: Multiply the STEP TWO amount by three (3).

27 STEP FOUR: Subtract the amount determined in STEP THREE
28 from the amount determined in STEP ONE.

29 (g) The county auditor shall distribute an amount received under
30 subsection (e) to the civil taxing units in the same manner as the
31 certified distribution is distributed and not later than thirty (30) days
32 after the county auditor receives the amount.

33 (h) The civil taxing units may use the amounts received under
34 subsection (g) for any item for which the particular civil taxing unit's
35 certified distribution may be used.

36 SECTION 23. IC 6-3.5-6-17.5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17.5. (a) This section
38 does not apply to a county containing a consolidated city. **Section 2 of**
39 **this chapter does not apply to an ordinance adopted under this**
40 **section.**

41 (b) The county income tax council of any county may adopt an
42 ordinance to reduce the required six (6) month balance of that county's

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1 special account to a three (3) month balance for that county on January
2 1 of a year.

3 (c) To reduce the balance a county income tax council must, after
4 January 1 but before April 1 of a year, adopt an ordinance. The
5 ordinance must substantially state the following:

6 "The _____ County Income Tax Council elects to reduce
7 the required county income tax special account balance from a six (6)
8 month balance to a three (3) month balance."

9 (d) On or before December 31 of each year, the budget agency shall
10 make the following calculation:

11 STEP ONE: Determine the cumulative balance in a county's
12 account established under section 16 of this chapter.

13 STEP TWO: Divide the amount estimated under section 17(b) of
14 this chapter before any adjustments are made under section 17(c)
15 or 17(d) of this chapter by twelve (12).

16 STEP THREE: Multiply the STEP TWO amount by three (3).

17 STEP FOUR: Subtract the amount determined in STEP THREE
18 from the amount determined in STEP ONE.

19 (e) The amount determined in STEP FOUR of subsection (d) shall
20 be distributed to the county auditor in January of the ensuing calendar
21 year.

22 (f) The county auditor shall distribute the amount received under
23 subsection (e) to the civil taxing units in the same manner as the
24 certified distribution is distributed and not later than thirty (30) days
25 after the county auditor receives the amount.

26 (g) The civil taxing units may use the amounts received under
27 subsection (f) as follows:

28 (1) For the later of 1995 or the first calendar year in which the
29 county adopts an ordinance under subsection (c) and:

30 (A) for each civil taxing unit that is a county, city, or town, for
31 the purposes authorized under IC 36-9-14.5-2 or
32 IC 36-9-15.5-2 (whichever applies and regardless of whether
33 the civil taxing unit has established a cumulative capital
34 development fund under IC 36-9-14.5 or IC 36-9-15.5); and

35 (B) for each civil taxing unit that is a township or a special
36 taxing district, for any item for which the civil taxing unit may
37 issue a general obligation bond.

38 (2) For each year after the year to which subdivision (1) applies
39 and for all civil taxing units, for any item for which the particular
40 civil taxing unit's certified distribution may be used.

41 SECTION 24. IC 6-3.5-6-22 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) Except as

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1 otherwise provided in subsection (b) and the other provisions of this
 2 chapter, all provisions of the adjusted gross income tax law (IC 6-3)
 3 concerning:

- 4 (1) definitions;
- 5 (2) declarations of estimated tax;
- 6 (3) filing of returns;
- 7 (4) deductions or exemptions from adjusted gross income;
- 8 (5) remittances;
- 9 (6) incorporation of the provisions of the Internal Revenue Code;
- 10 (7) penalties and interest; and
- 11 (8) exclusion of military pay credits for withholding;

12 apply to the imposition, collection, and administration of the tax
 13 imposed by this chapter.

14 (b) The provisions of IC 6-3-1-3.5(a)(6), IC 6-3-3-3, IC 6-3-3-5, and
 15 IC 6-3-5-1 do not apply to the tax imposed by this chapter.

16 (c) Notwithstanding subsections (a) and (b), each employer shall
 17 report to the **commissioner of the** department the amount of
 18 withholdings attributable to each county. This report shall be submitted
 19 along with the employer's other withholding report.

20 SECTION 25. IC 6-3.5-7-5 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Except as
 22 provided in subsection (c), the county economic development income
 23 tax may be imposed on the adjusted gross income of county taxpayers.
 24 The entity that may impose the tax is:

- 25 (1) the county income tax council (as defined in IC 6-3.5-6-1) if
 26 the county option income tax is in effect on January 1 of the year
 27 the county economic development income tax is imposed;
- 28 (2) the county council if the county adjusted gross income tax is
 29 in effect on January 1 of the year the county economic
 30 development tax is imposed; or
- 31 (3) the county income tax council or the county council,
 32 whichever acts first, for a county not covered by subdivision (1)
 33 or (2).

34 To impose the county economic development income tax, a county
 35 income tax council shall use the procedures set forth in IC 6-3.5-6
 36 concerning the imposition of the county option income tax.

37 (b) Except as provided in subsections (c) and (g), the county
 38 economic development income tax may be imposed at a rate of:

- 39 (1) one-tenth percent (0.1%);
- 40 (2) two-tenths percent (0.2%);
- 41 (3) twenty-five hundredths percent (0.25%);
- 42 (4) three-tenths percent (0.3%);

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1 (5) thirty-five hundredths percent (0.35%);
 2 (6) four-tenths percent (0.4%);
 3 (7) forty-five hundredths percent (0.45%); or
 4 (8) five-tenths percent (0.5%);
 5 on the adjusted gross income of county taxpayers.
 6 (c) Except as provided in subsection (h) or (i), the county economic
 7 development income tax rate plus the county adjusted gross income tax
 8 rate, if any, that are in effect on January 1 of a year may not exceed one
 9 and twenty-five hundredths percent (1.25%). Except as provided in
 10 subsection (g), the county economic development tax rate plus the
 11 county option income tax rate, if any, that are in effect on January 1 of
 12 a year may not exceed one percent (1%).
 13 (d) To impose, **increase, decrease, or rescind** the county economic
 14 development income tax, the appropriate body must, after January 1 but
 15 before April 1 of a year, adopt an ordinance. The ordinance **to impose**
 16 **the tax** must substantially state the following:
 17 "The _____ County _____ imposes the county economic
 18 development income tax on the county taxpayers of _____
 19 County. The county economic development income tax is imposed at
 20 a rate of _____ percent (____%) on the county taxpayers of the
 21 county. This tax takes effect July 1 of this year."
 22 (e) Any ordinance adopted under this **section chapter** takes effect
 23 July 1 of the year the ordinance is adopted.
 24 (f) The auditor of a county shall record all votes taken on ordinances
 25 presented for a vote under the authority of this **section chapter** and
 26 **immediately shall, not more than ten (10) days after the vote**, send
 27 a certified copy of the results to the **commissioner of the department**
 28 by certified mail.
 29 (g) This subsection applies to a county having a population of more
 30 than one hundred twenty-nine thousand (129,000) but less than one
 31 hundred thirty thousand six hundred (130,600). In addition to the rates
 32 permitted by subsection (b), the:
 33 (1) county economic development income tax may be imposed at
 34 a rate of:
 35 (A) fifteen-hundredths percent (0.15%);
 36 (B) two-tenths percent (0.2%); or
 37 (C) twenty-five hundredths percent (0.25%); and
 38 (2) county economic development income tax rate plus the county
 39 option income tax rate that are in effect on January 1 of a year
 40 may equal up to one and twenty-five hundredths percent (1.25%);
 41 if the county income tax council makes a determination to impose rates
 42 under this subsection and section 22 of this chapter.

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1 (h) For a county having a population of more than thirty-seven
 2 thousand (37,000) but less than thirty-seven thousand eight hundred
 3 (37,800), the county economic development income tax rate plus the
 4 county adjusted gross income tax rate that are in effect on January 1 of
 5 a year may not exceed one and thirty-five hundredths percent (1.35%)
 6 if the county has imposed the county adjusted gross income tax at a rate
 7 of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

8 (i) For a county having a population of more than twelve thousand
 9 six hundred (12,600) but less than thirteen thousand (13,000), the
 10 county economic development income tax rate plus the county adjusted
 11 gross income tax rate that are in effect on January 1 of a year may not
 12 exceed one and fifty-five hundredths percent (1.55%).

13 SECTION 26. IC 6-3.5-7-6 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~(a)~~ The body
 15 imposing the tax may decrease or increase the county economic
 16 development income tax rate imposed upon the county taxpayers as
 17 long as the resulting rate does not exceed the rates specified in section
 18 5(b) and 5(c) or 5(g) of this chapter. The rate imposed under this
 19 section must be adopted at one (1) of the rates specified in section 5(b)
 20 of this chapter. To decrease or increase the rate, the appropriate body
 21 must ~~after January 1 but before April 1 of a year~~, adopt an ordinance
 22 ~~The ordinance which~~ must substantially state the following:

23 "The _____ County _____ increases (decreases) the
 24 county economic development income tax rate imposed upon the
 25 county taxpayers of the county from _____ percent (____%) to
 26 _____ percent (____%). This tax rate increase (decrease) takes
 27 effect July 1 of this year."

28 ~~(b) Any ordinance adopted under this section takes effect July 1 of~~
 29 ~~the year the ordinance is adopted.~~

30 ~~(c) The auditor of a county shall record all votes taken on~~
 31 ~~ordinances presented for a vote under the authority of this section and~~
 32 ~~immediately send a certified copy of the results to the department by~~
 33 ~~certified mail.~~

34 SECTION 27. IC 6-3.5-7-7 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The county
 36 economic development income tax imposed under this chapter remains
 37 in effect until rescinded.

38 (b) Subject to section 14 of this chapter, the body imposing the
 39 county economic development income tax may rescind the tax by
 40 adopting ~~an the appropriate~~ ordinance to rescind the tax. ~~after January~~
 41 ~~1 but before April 1 of a year.~~

42 ~~(c) Any ordinance adopted under this section takes effect July 1 of~~

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1 ~~the year the ordinance is adopted.~~

2 (d) ~~The auditor of a county shall record all votes taken on~~
 3 ~~ordinances presented for a vote under the authority of this section and~~
 4 ~~immediately send a certified copy of the results to the department by~~
 5 ~~certified mail.~~

6 SECTION 28. IC 6-5.5-6-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. (a) Each
 8 taxpayer subject to taxation under this article shall report and pay
 9 quarterly an estimated tax equal to twenty-five percent (25%) of the
 10 taxpayer's total estimated tax liability imposed by this article for the
 11 taxable year. The quarterly estimated payments shall be made on or
 12 before the last day of the month for the quarter ending on the last day
 13 of the preceding month, without assessment or notice and demand from
 14 the department. The department shall prescribe the manner and furnish
 15 the forms for reporting and payment.

16 (b) Subsection (a) is applicable only to taxpayers having a tax
 17 liability imposed under this article that exceeds one thousand dollars
 18 (\$1,000) for the taxable year.

19 (c) If the department determines that a taxpayer's:

- 20 (1) estimated quarterly financial institutions tax liability for the
 21 current year; or
 22 (2) average quarterly financial institutions tax payment for the
 23 preceding year;

24 exceeds, **before January 1, 2000**, ten thousand dollars (\$10,000) **or,**
 25 **after December 31, 1999, five thousand dollars (\$5,000)**, the
 26 taxpayer shall pay the quarterly financial institutions taxes due by
 27 electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in
 28 person or by overnight courier a payment by cashier's check, certified
 29 check, or money order to the department. The transfer or payment shall
 30 be made on or before the date the tax is due.

31 (d) If a taxpayer's financial institutions tax payment is made by
 32 electronic fund transfer, the taxpayer is not required to file a quarterly
 33 financial institutions tax return.

34 SECTION 29. IC 6-6-1.1-502 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 502. (a) Except
 36 as provided in subsection (b), at the time of filing each monthly report,
 37 each distributor shall pay to the administrator the full amount of tax
 38 due under this chapter for the preceding calendar month, computed as
 39 follows:

- 40 (1) Enter the total number of invoiced gallons of gasoline
 41 received during the preceding calendar month.
 42 (2) Subtract the number of gallons for which deductions are



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1 provided by sections 701 through 705 of this chapter from the
2 number of gallons entered under subdivision (1).

3 (3) Subtract the number of gallons reported under section 501(3)
4 of this chapter.

5 (4) Multiply the number of invoiced gallons remaining after
6 making the computation in subdivisions (2) and (3) by the tax rate
7 prescribed by section 201 of this chapter to compute that part of
8 the gasoline tax to be deposited in the highway, road, and street
9 fund under section 802(2) of this chapter or in the motor fuel tax
10 fund under section 802(3) of this chapter.

11 (5) Multiply the number of gallons subtracted under subdivision
12 (3) by the tax rate prescribed by section 201 of this chapter to
13 compute that part of the gasoline tax to be deposited in the fish
14 and wildlife fund under section 802(1) of this chapter.

15 (b) If the department determines that a distributor's:

16 (1) estimated monthly gasoline tax liability for the current year;
17 or

18 (2) average monthly gasoline tax liability for the preceding year;
19 exceeds ~~ten five~~ thousand dollars (~~\$10,000~~); (**\$5,000**), the distributor
20 shall pay the monthly gasoline taxes due by electronic fund transfer (as
21 defined in IC 4-8.1-2-7) or by delivering in person or by overnight
22 courier a payment by cashier's check, certified check, or money order
23 to the department. The transfer or payment shall be made on or before
24 the date the tax is due.

25 SECTION 30. IC 6-6-4.1-4 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. (a) A tax is
27 imposed on the consumption of motor fuel by a carrier in its operations
28 on highways in Indiana. The rate of this tax is the same rate per gallon
29 as the rate per gallon at which special fuel is taxed under IC 6-6-2.5.
30 The tax shall be paid quarterly by the carrier to the department on or
31 before the last day of the month immediately following the quarter. **If**
32 **section 4.6 applies, the tax shall be paid by electronic funds**
33 **transfer.**

34 (b) The amount of motor fuel consumed by a carrier in its operations
35 on highways in Indiana is the total amount of motor fuel consumed in
36 its entire operations within and without Indiana, multiplied by a
37 fraction. The numerator of the fraction is the total number of miles
38 traveled on highways in Indiana, and the denominator of the fraction is
39 the total number of miles traveled within and without Indiana.

40 (c) The amount of tax that a carrier shall pay for a particular quarter
41 under this section equals the product of the tax rate in effect for that
42 quarter, multiplied by the amount of motor fuel consumed by the

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1 carrier in its operation on highways in Indiana and upon which the
2 carrier has not paid tax imposed under IC 6-6-1.1 or IC 6-6-2.5.

3 (d) The tax imposed under this section does not apply to that portion
4 of motor fuel used in Indiana to propel equipment mounted on a motor
5 vehicle having a common reservoir for locomotion on the highway and
6 the operation of the equipment, as determined by rule of the
7 commissioner. The exemption granted by this subsection shall be taken
8 on a quarterly basis in the form of a claim for refund prescribed by the
9 department.

10 SECTION 31. IC 6-6-4.1-4.5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4.5. (a) A
12 surcharge tax is imposed on the consumption of motor fuel by a carrier
13 in its operations on highways in Indiana. The rate of this surcharge tax
14 is eleven cents (\$0.11) per gallon. The tax shall be paid quarterly by the
15 carrier to the department on or before the last day of the month
16 immediately following the quarter. **If section 4.6 applies, the tax shall**
17 **be paid by electronic funds transfer.**

18 (b) The amount of motor fuel consumed by a carrier in its operations
19 on highways in Indiana is the total amount of motor fuel consumed in
20 its entire operations within and without Indiana, multiplied by a
21 fraction. The numerator of the fraction is the total number of miles
22 traveled on highways in Indiana, and the denominator of the fraction is
23 the total number of miles traveled within and without Indiana.

24 (c) The amount of tax that a carrier shall pay for a particular quarter
25 under this section equals the product of the tax rate in effect for that
26 quarter, multiplied by the amount of motor fuel consumed by the
27 carrier in its operation on highways in Indiana.

28 (d) The tax imposed under this section does not apply to that portion
29 of motor fuel used in Indiana to propel equipment mounted on a motor
30 vehicle having a common reservoir for locomotion on the highway and
31 the operation of this equipment as determined by rule of the
32 commissioner. The exemption granted by this subsection shall be taken
33 on a quarterly basis in the form of a claim for refund prescribed by the
34 department.

35 SECTION 32. IC 6-6-4.1-4.6 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JANUARY 1, 2000]: **Sec. 4.6. If a carrier's:**

38 (1) motor carrier fuel tax; plus

39 (2) surcharge tax;

40 **liability exceeds ten thousand dollars (\$10,000) for the current or**
41 **previous quarter, the carrier shall pay the taxes due by electronic**
42 **funds transfer (as defined in IC 4-8.1-2-7) or by delivering in**

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1 **person or by overnight courier a payment by cashier's check,**
 2 **certified check, or money order to the department. The transfer or**
 3 **payment shall be made on or before the date the taxes are due.**

4 SECTION 33. IC 6-8-11-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
 6 Sec. 2. As used in this chapter, "dependent" means any of the
 7 following:

8 (1) The spouse of an employee.

9 (2) An employee's child ~~who is one (1) of the following:~~

10 ~~(A) Less than nineteen (19) years of age;~~

11 ~~(B) Less than twenty-three (23) years of age and enrolled as a~~
 12 ~~full-time student at an accredited college or university;~~

13 ~~(C) Legally entitled to the provision by the employee of proper~~
 14 ~~or necessary subsistence, education, medical care, or other~~
 15 ~~care necessary for the child's health, guidance, or well-being;~~
 16 ~~and not otherwise emancipated, self-supporting, married, or a~~
 17 ~~member of the armed forces of the United States;~~

18 ~~(D) Mentally or physically incapacitated to the extent that the~~
 19 ~~child is not self-sufficient. for whom the taxpayer is entitled~~
 20 ~~to an exemption under Section 151(c)(1)(B) of the Internal~~
 21 ~~Revenue Code.~~

22 SECTION 34. IC 6-8.1-3-19 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 19. The
 24 department shall print and include a voter registration form designed
 25 by the Indiana election commission under IC 3-7-23 in **each any** state
 26 adjusted gross income tax booklet that is **not** mailed to a taxpayer.
 27 ~~using a preprinted mailing label with an Indiana address:~~

28 SECTION 35. IC 6-8.1-6-5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. ~~(a)~~ The
 30 department shall request from each taxpayer

31 ~~(1) vehicle identification information for vehicles owned by the~~
 32 ~~taxpayer; and~~

33 ~~(2) the amount of the taxpayer's gross income (as defined in~~
 34 ~~Section 61 of the Internal Revenue Code) derived from sources~~
 35 ~~within or outside Indiana using the provisions applicable to~~
 36 ~~determining the source of adjusted gross income that are set forth~~
 37 ~~in IC 6-3-2-2. The taxpayer shall itemize the amount of gross~~
 38 ~~income derived from each source.~~

39 ~~(b) The department shall send a list to the bureau of motor vehicles~~
 40 ~~showing by taxpayer the vehicle identification information obtained by~~
 41 ~~the department. However, the name, tax identification number, and the~~
 42 ~~corresponding information sent to the bureau may not include income~~



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1 ~~tax information.~~

2 SECTION 36. IC 6-8.1-7-2 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The department
 4 may compile statistical studies from information derived from state tax
 5 returns and may disclose the results of those studies. In addition, the
 6 department may disclose statistical information from the state tax
 7 returns to the governor, the general assembly, or another state agency,
 8 for the purpose of allowing those governmental entities to conduct their
 9 own statistical studies. **The department shall compile data on
 10 business income, including income reported on an individual tax
 11 return. The data shall be organized in a manner that allows the
 12 data to be selected by type of business activity, federal tax status,
 13 and category of income regardless of the return used to report the
 14 income. The department shall make the data available to the
 15 legislative services agency and the budget agency in electronic
 16 database format for their use in doing studies of business income
 17 taxation.**

18 (b) Notwithstanding subsection (a), the department may not disclose
 19 the results of any study and may not disclose any statistical information
 20 if, as a result of that disclosure:

- 21 (1) the identity of a taxpayer who filed a return would be
 22 disclosed;
- 23 (2) the identity of a taxpayer could reasonably be associated with
 24 any of the information which was derived from his return for use
 25 in a statistical study; or
- 26 (3) the ability of the department to obtain information from
 27 federal tax returns would, in the department's judgment, be
 28 jeopardized in any manner.

29 (c) Subject to the rules and regulations of the department, a person
 30 may request information as to whether an individual filed an income
 31 tax return pursuant to the Indiana income tax laws for a particular
 32 taxable year. However, the department may not disclose that
 33 information with respect to any taxable year until the close of the
 34 calendar year following the year in which the return should have been
 35 filed. As soon as practicable after the close of that calendar year, the
 36 department shall inform the person making the request whether the
 37 return was filed.

38 SECTION 37. IC 6-8.1-9.5-14 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 1999]: **Sec. 14. (a) The department may enter
 41 into an agreement with the Secretary of the Treasury of the United
 42 States under Section 6402 of the Internal Revenue Code to recover**



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1 **past due, legally enforceable state income tax obligations owed to**
 2 **Indiana.**

3 **(b) The department may enter into an agreement with the**
 4 **Secretary of the Treasury of the United States to set off refunds to**
 5 **recover past due, legally enforceable federal income tax obligations**
 6 **owed by Indiana residents. Only section 12 of this chapter applies**
 7 **to an agreement under this subsection.**

8 SECTION 38. IC 6-8.1-10-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) If a person
 10 fails to file a return for any of the listed taxes, fails to pay the full
 11 amount of tax shown on his return by the due date for the return or the
 12 payment, or incurs a deficiency upon a determination by the
 13 department, the person is subject to interest on the nonpayment.

14 (b) The interest for a failure described in subsection (a) is the
 15 adjusted rate established by the commissioner under subsection (c),
 16 from the due date for payment. The interest applies to:

17 (1) the full amount of the unpaid tax due if the person failed to
 18 file the return;

19 (2) the amount of the tax that is not paid, if the person filed the
 20 return but failed to pay the full amount of tax shown on the return;

21 or

22 (3) the amount of the deficiency.

23 (c) The commissioner shall establish an adjusted rate of interest for
 24 a failure described in subsection (a) and for an excess tax payment on
 25 or before November 1 of each year. For purposes of subsection (b), the
 26 adjusted rate of interest shall be the percentage rounded to the nearest
 27 whole number that equals two (2) percentage points above the average
 28 investment yield on state money for the state's previous fiscal year,
 29 excluding pension fund investments, as published in the auditor of
 30 state's comprehensive annual financial report. For purposes of
 31 IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment
 32 is the percentage rounded to the nearest whole number that equals the
 33 average investment yield on state money for the state's previous fiscal
 34 year, excluding pension fund investments, as published in the auditor
 35 of state's comprehensive annual financial report. The adjusted rates of
 36 interest established under this subsection shall take effect on January
 37 1 of the immediately succeeding year.

38 (d) For purposes of this section, the filing of a substantially blank or
 39 unsigned return does not constitute a return.

40 (e) ~~Except as provided by IC 6-8.1-5-2(e)(2),~~ The department may
 41 not waive the interest imposed under this section.

42 (f) Subsections (a) through (c) do not apply to a motor carrier fuel

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tax return.

SECTION 39. IC 6-9-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) that establishes a medical center development agency pursuant to IC 20-12-30.3 may levy each year a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished for a consideration.

(b) Such tax:

- (1) shall be at a rate of five percent (5%) on the gross retail income derived therefrom;
- (2) **must be imposed by the county fiscal body after January 1 and before April 1 of a year;**
- (3) **must take effect July 1 of the year in which it is imposed;** and
- (4) shall be in addition to the state gross retail tax imposed on such persons by law.

The county fiscal body shall send a certified copy of each ordinance adopted under this chapter to the commissioner of the department of state revenue by certified mail not more than ten (10) days after the adoption of the ordinance.

(c) The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected.

(d) All of the provisions of the state gross retail tax (IC 6-2.5) relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration shall be applicable to the imposition and administration of the tax imposed by this section except to the extent such provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. Specifically and not in limitation of the foregoing sentence, the terms "person" and "gross retail income" shall have the same meaning in this section as they have in the state gross retail tax (IC 6-2.5). If the tax is paid to the department of state revenue, the returns to be filed for the

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1 payment of the tax under this section may be either a separate return or
 2 may be combined with the return filed for the payment of the state
 3 gross retail tax as the department of state revenue may, by rule,
 4 determine.

5 (e) If the tax is paid to the department of state revenue, the amounts
 6 received from the tax shall be paid by the end of the next succeeding
 7 month by the treasurer of state to the county treasurer upon warrants
 8 issued by the auditor of state. The county treasurer shall deposit the
 9 revenue received under this chapter as provided in section 2 of this
 10 chapter.

11 (f) **If the department determines after December 31, 1999, that**
 12 **a person's:**

13 (1) **estimated monthly tax liability for the current year; or**
 14 (2) **average monthly tax liability for the preceding year;**
 15 **exceeds five thousand dollars (\$5,000), the person must pay the**
 16 **monthly tax due under this chapter by electronic funds transfer (as**
 17 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 18 **courier a payment by cashier's check, certified check, or money**
 19 **order to the department. The transfer or payment must be made**
 20 **on or before the date the tax is due.**

21 SECTION 40. IC 6-9-2.5-6 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **After January**
 23 **1 and before April 1 of a year,** the county council may **adopt an**
 24 **ordinance to** levy a tax on every person engaged in the business of
 25 renting or furnishing, for periods of less than thirty (30) days, any room
 26 or rooms, lodgings, or accommodations in any commercial hotel,
 27 motel, inn, tourist camp, or tourist cabin located in a county described
 28 in section 1 of this chapter. Such tax **takes effect July 1 of the year in**
 29 **which the ordinance is adopted, and the tax** shall not exceed the rate
 30 of five percent (5%) on the gross income derived from lodging income
 31 only and shall be in addition to the state gross retail tax imposed on
 32 such persons by IC 6-2.5. **The county fiscal body shall send a**
 33 **certified copy of each ordinance adopted under this chapter to the**
 34 **commissioner of the department of state revenue by certified mail**
 35 **not more than ten (10) days after the adoption of the ordinance.**

36 (b) The county fiscal body may adopt an ordinance to require that
 37 the tax be reported on forms approved by the county treasurer and that
 38 the tax shall be paid monthly to the county treasurer. If such an
 39 ordinance is adopted, the tax shall be paid to the county treasurer not
 40 more than twenty (20) days after the end of the month the tax is
 41 collected. If such an ordinance is not adopted, the tax shall be imposed,
 42 paid, and collected in exactly the same manner as the state gross retail



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1 tax is imposed, paid, and collected pursuant to IC 6-2.5.

2 (c) All of the provisions of IC 6-2.5 relating to rights, duties,
3 liabilities, procedures, penalties, definitions, exemptions, and
4 administration shall be applicable to the imposition and administration
5 of the tax imposed by this section except to the extent such provisions
6 are in conflict or inconsistent with the specific provisions of this
7 chapter or the requirements of the county treasurer. Specifically and not
8 in limitation of the foregoing sentence, the terms "person" and "gross
9 income" shall have the same meaning in this section as they have in
10 IC 6-2.5. If the tax is paid to the department of state revenue, the
11 returns to be filed for the payment of the tax under this section may be
12 either a separate return or may be combined with the return filed for the
13 payment of the state gross retail tax as the department of state revenue
14 may, by rule or regulation, determine. **If the department determines
15 after December 31, 1999, that a person's:**

16 (1) **estimated monthly tax liability for the current year; or**
17 (2) **average monthly tax liability for the preceding year;**
18 **exceeds five thousand dollars (\$5,000), the person must pay the**
19 **monthly tax due under this chapter by electronic funds transfer (as**
20 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
21 **courier a payment by cashier's check, certified check, or money**
22 **order to the department. The transfer or payment must be made**
23 **on or before the date the tax is due.**

24 (d) If the tax is paid to the department of state revenue, the amounts
25 received from such tax shall be paid quarterly by the treasurer of state
26 to the county treasurer upon warrants issued by the auditor of state.

27 (e) The tax imposed under subsection (a) does not apply to the
28 renting or furnishing of rooms, lodgings, or accommodations to a
29 person for a period of thirty (30) days or more.

30 SECTION 41. IC 6-9-4-6 IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **After January 1 and before**
32 **April 1 of a year**, the county council may **adopt an ordinance to** levy
33 a tax on every person engaged in the business of renting or furnishing,
34 for periods of less than thirty (30) days, any room or rooms, lodgings,
35 or accommodations in any commercial hotel, motel, inn, tourist cabin,
36 university memorial union, or university residence hall, except state
37 camping facilities, located in the county. The tax **takes effect July 1 of**
38 **the year in which the ordinance is adopted and** shall be imposed at
39 the rate of at least three percent (3%) but not more than five percent
40 (5%) on the gross income derived from lodging income only and shall
41 be in addition to the state gross retail tax imposed on those persons by
42 IC 6-2.5. The tax does not apply to a retail transaction in which a



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1 student rents lodging in a university memorial union or residence hall
 2 while that student participates in a course of study for which the
 3 student receives college credit from a state university located in the
 4 county.

5 (b) The county fiscal body may adopt an ordinance to require that
 6 the tax be reported on forms approved by the county treasurer and that
 7 the tax shall be paid monthly to the county treasurer. If such an
 8 ordinance is adopted, the tax shall be paid to the county treasurer not
 9 more than twenty (20) days after the end of the month the tax is
 10 collected. If such an ordinance is not adopted, the tax shall be imposed,
 11 paid, and collected in exactly the same manner as the state gross retail
 12 tax is imposed, paid, and collected pursuant to IC 6-2.5. **The county
 13 fiscal body shall send a certified copy of each ordinance adopted
 14 under this chapter to the commissioner of the department of state
 15 revenue by certified mail not more than ten (10) days after the
 16 adoption of the ordinance.**

17 (c) All of the provisions of IC 6-2.5 relating to rights, duties,
 18 liabilities, procedures, penalties, definitions, exemptions, and
 19 administration apply to the imposition and administration of the tax
 20 imposed under this section, except to the extent those provisions are in
 21 conflict or inconsistent with the specific provisions of this chapter or
 22 the requirements of the county treasurer. Specifically and not in
 23 limitation of the foregoing sentence, the terms "person" and "gross
 24 income" shall have the same meaning in this section as they have in
 25 IC 6-2.5, except that "person" shall not include state supported
 26 educational institutions. If the tax is paid to the department of state
 27 revenue, the returns to be filed for the payment of the tax under this
 28 section may be either a separate return or may be combined with the
 29 return filed for the payment of the state gross retail tax as the
 30 department of state revenue may by rule determine. **If the department
 31 determines after December 31, 1999, that a person's:**

32 (1) **estimated monthly tax liability for the current year; or**
 33 (2) **average monthly tax liability for the preceding year;**
 34 **exceeds five thousand dollars (\$5,000), the person must pay the**
 35 **monthly tax due under this chapter by electronic funds transfer (as**
 36 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 37 **courier a payment by cashier's check, certified check, or money**
 38 **order to the department. The transfer or payment must be made**
 39 **on or before the date the tax is due.**

40 (d) If the tax is paid to the department of state revenue, the amounts
 41 received from the tax shall be paid quarterly by the treasurer of state to
 42 the county treasurer upon warrants issued by the auditor of state.



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1 (e) The tax imposed under subsection (a) does not apply to the
 2 renting or furnishing of rooms, lodgings, or accommodations to a
 3 person for a period of thirty (30) days or more.

4 SECTION 42. IC 6-9-5-6 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **After January 1 and before**
 6 **April 1 of a year**, the county council may **adopt an ordinance** to levy
 7 a tax on every person engaged in the business of renting or furnishing,
 8 for periods of less than thirty (30) days, any room or rooms, lodgings,
 9 or accommodations in any commercial hotel, motel, inn, tourist camp,
 10 or tourist cabin located in the county. The tax **takes effect July 1 of the**
 11 **year in which the ordinance is adopted and** may not exceed three
 12 percent (3%) of the gross income derived from lodging income only
 13 and shall be in addition to the state gross retail tax imposed on those
 14 persons by IC 6-2.5.

15 (b) The county fiscal body may adopt an ordinance to require that
 16 the tax be reported on forms approved by the county treasurer and that
 17 the tax shall be paid monthly to the county treasurer. If such an
 18 ordinance is adopted, the tax shall be paid to the county treasurer not
 19 more than twenty (20) days after the end of the month the tax is
 20 collected. If such an ordinance is not adopted, the tax shall be imposed,
 21 paid, and collected in exactly the same manner as the state gross retail
 22 tax is imposed, paid, and collected pursuant to IC 6-2.5. **The county**
 23 **fiscal body shall send a certified copy of each ordinance adopted**
 24 **under this chapter to the commissioner of the department of state**
 25 **revenue by certified mail not more than ten (10) days after the**
 26 **adoption of the ordinance.**

27 (c) All of the provisions of IC 6-2.5 relating to rights, duties,
 28 liabilities, procedures, penalties, definitions, exemptions, and
 29 administration apply to the imposition and administration of the tax
 30 imposed by this section, except to the extent those provisions are in
 31 conflict or inconsistent with the specific provisions of this chapter or
 32 the requirements of the county treasurer. Specifically and not in
 33 limitation of the foregoing sentence, the terms "person" and "gross
 34 income" shall have the same meaning in this section as they have in
 35 IC 6-2.5. If the tax is paid to the department of state revenue, the
 36 returns to be filed for the payment of the tax under this section may be
 37 either a separate return or may be combined with the return filed for the
 38 payment of the state gross retail tax as the department of state revenue
 39 may by rule determine.

40 (d) If the tax is paid to the department of state revenue, the amounts
 41 received from the tax shall be paid quarterly by the treasurer of state to
 42 the county treasurer upon warrants issued by the auditor of state. **If the**



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1 department determines after December 31, 1999, that a person's:

2 (1) estimated monthly tax liability for the current year; or

3 (2) average monthly tax liability for the preceding year;

4 exceeds five thousand dollars (\$5,000), the person must pay the
5 monthly tax due under this chapter by electronic funds transfer (as
6 defined in IC 4-8.1-2-7) or by delivering in person or by overnight
7 courier a payment by cashier's check, certified check, or money
8 order to the department. The transfer or payment must be made
9 on or before the date the tax is due.

10 (e) The tax imposed under subsection (a) does not apply to the
11 renting or furnishing of rooms, lodgings, or accommodations to a
12 person for a period of thirty (30) days or more.

13 SECTION 43. IC 6-9-6-6 IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) In any county to which this
15 chapter applies, there is levied a tax on every person engaged in the
16 business of renting or furnishing, for periods of less than thirty (30)
17 days, any room or rooms, lodgings or accommodations in any
18 commercial hotel, motel, boat motel, inn, tourist camp, or tourist cabin,
19 except state camping facilities, located in the county. The tax shall be
20 imposed at a rate of five percent (5%) on the gross income derived
21 from lodging income only and shall be in addition to the state gross
22 retail tax imposed on those persons by IC 6-2.5.

23 (b) The county fiscal body may adopt an ordinance to require that
24 the tax be reported on forms approved by the county treasurer and that
25 the tax shall be paid monthly to the county treasurer. If such an
26 ordinance is adopted, the tax shall be paid to the county treasurer not
27 more than twenty (20) days after the end of the month the tax is
28 collected. If such an ordinance is not adopted, the tax shall be imposed,
29 paid, and collected in exactly the same manner as the state gross retail
30 tax is imposed, paid, and collected pursuant to IC 6-2.5. **The county
31 fiscal body shall send a certified copy of each ordinance adopted
32 under this chapter to the commissioner of the department of state
33 revenue by certified mail not more than ten (10) days after the
34 adoption of the ordinance.**

35 (c) All of the provisions of IC 6-2.5 relating to rights, duties,
36 liabilities, procedures, penalties, definitions, exemptions, and
37 administration apply to the imposition and administration of the tax
38 imposed under this section, except to the extent those provisions are in
39 conflict or inconsistent with the specific provisions of this chapter or
40 the requirements of the county treasurer. Specifically, the terms
41 "person" and "gross income" have the same meaning in this section as
42 they have in IC 6-2.5. If the tax is paid to the department of state



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1 revenue, the returns to be filed for the payment of the tax under this
 2 section may be either a separate return or may be combined with the
 3 return filed for the payment of the state gross retail tax as the
 4 department of state revenue may, by rule, determine.

5 (d) If the tax is paid to the department of state revenue, all amounts
 6 received by the state department of revenue from the tax during a
 7 month shall be paid to the county treasurer on or before the last day of
 8 the next succeeding month. All amounts received from the tax shall be
 9 paid by the treasurer of state to the county treasurer upon warrants
 10 issued by the auditor of state. **If the department determines after
 11 December 31, 1999, that a person's:**

12 **(1) estimated monthly tax liability for the current year; or**
 13 **(2) average monthly tax liability for the preceding year;**
 14 **exceeds five thousand dollars (\$5,000), the person must pay the**
 15 **monthly tax due under this chapter by electronic funds transfer (as**
 16 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 17 **courier a payment by cashier's check, certified check, or money**
 18 **order to the department. The transfer or payment must be made**
 19 **on or before the date the tax is due.**

20 (e) The tax imposed under subsection (a) does not apply to the
 21 renting or furnishing of rooms, lodgings, or accommodations to a
 22 person for a period of thirty (30) days or more.

23 SECTION 44. IC 6-9-7-6 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **After January 1 and before**
 25 **April 1 of a year, the county council may adopt an ordinance to levy**
 26 **a tax on every person engaged in the business of renting or furnishing,**
 27 **for periods of less than thirty (30) days, any room or rooms, lodgings,**
 28 **or accommodations in any commercial hotel, motel, inn, university**
 29 **memorial union, university residence hall, tourist camp, or tourist cabin**
 30 **located in a county described in section 1 of this chapter. The county**
 31 **treasurer shall allocate and distribute the tax revenues as provided in**
 32 **section 7 of this chapter.**

33 (b) The tax may not exceed the rate of five percent (5%) on the
 34 gross retail income derived from lodging income only and shall be in
 35 addition to the state gross retail tax imposed under IC 6-2.5. **An**
 36 **ordinance adopted under this chapter takes effect July 1 of the**
 37 **year in which it is adopted.**

38 (c) The tax does not apply to gross retail income received in a
 39 transaction in which:

40 (1) a student rents lodgings in a university residence hall while
 41 that student participates in a course of study for which the student
 42 receives college credit from a state university located in the

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- 1 county; or
- 2 (2) a person rents a room, lodging, or accommodations for a
- 3 period of thirty (30) days or more.
- 4 (d) The county fiscal body may adopt an ordinance to require that
- 5 the tax be reported on forms approved by the county treasurer and that
- 6 the tax shall be paid monthly to the county treasurer. If such an
- 7 ordinance is adopted, the tax shall be paid to the county treasurer not
- 8 more than twenty (20) days after the end of the month the tax is
- 9 collected. If such an ordinance is not adopted, the tax shall be imposed,
- 10 paid, and collected in exactly the same manner as the state gross retail
- 11 tax is imposed, paid, and collected under IC 6-2.5. **The county fiscal**
- 12 **body shall send a certified copy of each ordinance adopted under**
- 13 **this chapter to the commissioner of the department of state**
- 14 **revenue by certified mail not more than ten (10) days after the**
- 15 **adoption of the ordinance.**
- 16 (e) All of the provisions of IC 6-2.5 relating to rights, duties,
- 17 liabilities, procedures, penalties, definitions, exemptions, and
- 18 administration shall be applicable to the imposition and administration
- 19 of the tax imposed by this section, except to the extent those provisions
- 20 are in conflict or inconsistent with the specific provisions of this
- 21 chapter or the requirements of the county treasurer. If the tax is paid to
- 22 the department of state revenue, the return to be filed for the payment
- 23 of the tax under this section may be either a separate return or may be
- 24 combined with the return filed for the payment of the state gross retail
- 25 tax as the department of state revenue may, by rule, determine. **If the**
- 26 **department determines after December 31, 1999, that a person's:**
- 27 **(1) estimated monthly tax liability for the current year; or**
- 28 **(2) average monthly tax liability for the preceding year;**
- 29 **exceeds five thousand dollars (\$5,000), the person must pay the**
- 30 **monthly tax due under this chapter by electronic funds transfer (as**
- 31 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
- 32 **courier a payment by cashier's check, certified check, or money**
- 33 **order to the department. The transfer or payment must be made**
- 34 **on or before the date the tax is due.**
- 35 (f) If the tax is paid to the department of state revenue, the amounts
- 36 received from the tax imposed under this section shall be paid quarterly
- 37 by the treasurer of state to the county treasurer upon warrants issued by
- 38 the auditor of state.
- 39 SECTION 45. IC 6-9-8-2 IS AMENDED TO READ AS FOLLOWS
- 40 [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Each year a tax shall be
- 41 levied on every person engaged in the business of renting or furnishing,
- 42 for periods of less than thirty (30) days, any lodgings in any hotel,

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1 motel, inn, tourist camp, tourist cabin, or any other place in which
2 lodgings are regularly furnished for a consideration.

3 (b) This tax shall be in addition to the state gross retail tax and use
4 tax imposed on such persons by IC 6-2.5. The county fiscal body may
5 adopt an ordinance to require that the tax be reported on forms
6 approved by the county treasurer and that the tax shall be paid monthly
7 to the county treasurer. If such an ordinance is adopted, the tax shall be
8 paid to the county treasurer not more than twenty (20) days after the
9 end of the month the tax is collected. If such an ordinance is not
10 adopted, the tax shall be imposed, paid, and collected in exactly the
11 same manner as the state gross retail tax is imposed, paid, and collected
12 under IC 6-2.5. **The county fiscal body shall send a certified copy of**
13 **each ordinance adopted under this chapter to the commissioner of**
14 **the department of state revenue by certified mail not more than ten**
15 **(10) days after the adoption of the ordinance.**

16 (c) All of the provisions of IC 6-2.5 relating to rights, duties,
17 liabilities, procedures, penalties, definitions, exemptions, and
18 administration shall be applicable to the imposition and administration
19 of the tax imposed by this section except to the extent such provisions
20 are in conflict or inconsistent with the specific provisions of this
21 chapter or the requirements of the county treasurer. Specifically, and
22 not in limitation of the foregoing sentence, the terms "person" and
23 "gross income" shall have the same meaning in this section as they
24 have in IC 6-2.5.

25 (d) If the tax is paid to the department of state revenue, the returns
26 to be filed for the payment of the tax under this section may be either
27 a separate return or may be combined with the return filed for the
28 payment of the state gross retail tax as the department of state revenue
29 may determine by rule. **If the department determines after**
30 **December 31, 1999, that a person's:**

31 **(1) estimated monthly tax liability for the current year; or**
32 **(2) average monthly tax liability for the preceding year;**
33 **exceeds five thousand dollars (\$5,000), the person must pay the**
34 **monthly tax due under this chapter by electronic funds transfer (as**
35 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
36 **courier a payment by cashier's check, certified check, or money**
37 **order to the department. The transfer or payment must be made**
38 **on or before the date the tax is due.**

39 (e) If the tax is paid to the department of state revenue, the amounts
40 received from this tax shall be paid monthly by the treasurer of state to
41 the treasurer of the capital improvement board of managers of the
42 county upon warrants issued by the auditor of state.

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1 SECTION 46. IC 6-9-8-3 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) Except as provided in
 3 subsection (b), the tax imposed by section 2 of this chapter shall be at
 4 the rate of:

- 5 (1) before January 1, 2028, five percent (5%) on the gross income
 6 derived from lodging income only, if the fiscal body does not
 7 adopt an ordinance under subsection (b), and six percent (6%) if
 8 the fiscal body adopts an ordinance under subsection (b); and
 9 (2) after December 31, 2027, five percent (5%).

10 (b) In any year subsequent to the initial year in which a tax is
 11 imposed under section 2 of this chapter, the fiscal body may, by
 12 ordinance adopted by at least two-thirds (2/3) of the members elected
 13 to the fiscal body, increase the tax imposed by section 2 of this chapter
 14 from five percent (5%) to six percent (6%). The ordinance must specify
 15 that the increase in the tax authorized under this subsection expires
 16 January 1, 2028. **If the department of state revenue is responsible**
 17 **for collecting the tax, the ordinance:**

- 18 (1) **must be adopted after January 1 and before April 1 of a**
 19 **year; and**
 20 (2) **takes effect on July 1 of the year in which it is adopted.**

21 (c) The amount collected from an increase adopted under subsection
 22 (b) shall be transferred to the capital improvement board of managers
 23 established by IC 36-10-9-3. The board shall deposit the revenues
 24 received under this subsection in a special fund. Money in the special
 25 fund may be used only for the payment of obligations incurred to
 26 expand a convention center, including:

- 27 (1) principal and interest on bonds issued to finance or refinance
 28 the expansion of a convention center; and
 29 (2) lease agreements entered into to expand a convention center.

30 SECTION 47. IC 6-9-9-2 IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Each year a tax shall be
 32 levied on every person engaged in the business of renting or furnishing,
 33 for periods of less than thirty (30) days, any lodgings in any hotel,
 34 motel, inn, tourist camp, tourist cabin, or any other place in which
 35 lodgings are regularly furnished for a consideration.

36 (b) This tax shall be in addition to the state gross retail tax and use
 37 tax imposed on such persons by IC 6-2.5.

38 (c) The county fiscal body may adopt an ordinance to require that
 39 the tax be reported on forms approved by the county treasurer and that
 40 the tax shall be paid monthly to the county treasurer. If such an
 41 ordinance is adopted, the tax shall be paid to the county treasurer not
 42 more than twenty (20) days after the end of the month the tax is



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1 collected. If such an ordinance is not adopted, the tax shall be imposed,
 2 paid, and collected in exactly the same manner as the state gross retail
 3 tax is imposed, paid, and collected under IC 6-2.5. **The county fiscal**
 4 **body shall send a certified copy of each ordinance adopted under**
 5 **this chapter to the commissioner of the department of state**
 6 **revenue by certified mail not more than ten (10) days after the**
 7 **adoption of the ordinance.**

8 (d) All of the provisions of IC 6-2.5 relating to rights, duties,
 9 liabilities, procedures, penalties, definitions, exemptions, and
 10 administration shall be applicable to the imposition and administration
 11 of the tax imposed by this section except to the extent such provisions
 12 are in conflict or inconsistent with the specific provisions of this
 13 chapter. Specifically and not in limitation of the foregoing sentence, the
 14 terms "person" and "gross income" shall have the same meaning in this
 15 section as they have in IC 6-2.5.

16 (e) If the tax is paid to the department of state revenue, the returns
 17 to be filed for the payment of the tax under this section may be either
 18 a separate return or may be combined with the return filed for the
 19 payment of the state gross retail tax as the department of state revenue
 20 may determine by rule. **If the department determines after**
 21 **December 31, 1999, that a person's:**

22 (1) **estimated monthly tax liability for the current year; or**
 23 (2) **average monthly tax liability for the preceding year;**
 24 **exceeds five thousand dollars (\$5,000), the person must pay the**
 25 **monthly tax due under this chapter by electronic funds transfer (as**
 26 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 27 **courier a payment by cashier's check, certified check, or money**
 28 **order to the department. The transfer or payment must be made**
 29 **on or before the date the tax is due.**

30 (f) If the tax is paid to the department of state revenue, the amounts
 31 received from such tax shall be paid monthly by the treasurer of state
 32 to the treasurer of the capital improvement board of managers of the
 33 county upon warrants issued by the auditor of state.

34 SECTION 48. IC 6-9-10-6 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) There is imposed
 36 a tax on every person engaged in the business of renting or furnishing,
 37 for periods of less than thirty (30) days, any room or rooms, lodging, or
 38 accommodations in any hotel, motel, inn, university residence hall,
 39 tourist camp, or tourist cabin located in the county. However, the tax
 40 is not imposed on the renting or furnishing of rooms, lodgings, or
 41 accommodations to a person for a period of thirty (30) days or more, or
 42 on the renting or furnishing of any room, lodging, or accommodations



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1 in a university or college residence hall to a student participating in a
 2 course of study for which the student receives college credit from a
 3 college or university located in the county.

4 (b) The tax shall be imposed at the rate of three percent (3%) on the
 5 gross income derived from lodging income only. **After January 1 and**
 6 **before April 1 of a year, the fiscal body of the county may adopt an**
 7 **ordinance to increase the tax rate up to a maximum rate of five percent**
 8 **(5%). The increase in the tax rate is effective July 1 of the year in**
 9 **which the ordinance is adopted.** The tax is in addition to the state
 10 gross retail tax imposed on such persons by IC 6-2.5. **The county fiscal**
 11 **body shall send a certified copy of each ordinance adopted under**
 12 **this chapter to the commissioner of the department of state**
 13 **revenue by certified mail not more than ten (10) days after the**
 14 **adoption of the ordinance.**

15 (c) The county fiscal body may adopt an ordinance to require that
 16 the tax be reported on forms approved by the county treasurer and that
 17 the tax shall be paid monthly to the county treasurer. If such an
 18 ordinance is adopted, the tax shall be paid to the county treasurer not
 19 more than twenty (20) days after the end of the month the tax is
 20 collected. If such an ordinance is not adopted, the tax shall be imposed,
 21 paid, and collected in exactly the same manner as the state gross retail
 22 tax is imposed, paid, and collected pursuant to IC 6-2.5.

23 (d) All of the provisions of IC 6-2.5 relating to rights, duties,
 24 liabilities, procedures, penalties, definitions, exemptions, and
 25 administration shall be applicable to the imposition and administration
 26 of the tax imposed by this section except to the extent such provisions
 27 are in conflict or inconsistent with the specific provisions of this
 28 chapter or the requirements of the county treasurer. Specifically, and
 29 not in limitation of the foregoing sentence, the terms "person" and
 30 "gross income" have the same meaning in this section as they have in
 31 IC 6-2.5, except that "person" does not include state supported
 32 educational institutions.

33 (e) If the tax is paid to the department of state revenue, the returns
 34 to be filed for the payment of the tax under this section may be either
 35 a separate return or may be combined with the return filed for the
 36 payment of the state gross retail tax, as the department of state revenue
 37 may by rule determine. **If the department determines after**
 38 **December 31, 1999, that a person's:**

39 (1) **estimated monthly tax liability for the current year; or**
 40 (2) **average monthly tax liability for the preceding year;**
 41 **exceeds five thousand dollars (\$5,000), the person must pay the**
 42 **monthly tax due under this chapter by electronic funds transfer (as**

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1 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 2 **courier a payment by cashier's check, certified check, or money**
 3 **order to the department. The transfer or payment must be made**
 4 **on or before the date the tax is due.**

5 (f) If the tax is paid to the department of state revenue, the amounts
 6 received from such tax shall be paid quarterly by the treasurer of state
 7 to the county treasurer upon warrants issued by the auditor of state.

8 SECTION 49. IC 6-9-10.5-6 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **After January**
 10 **1 and before April 1 of a year**, the fiscal body of a county may **adopt**
 11 **an ordinance to** levy a tax on every person engaged in the business of
 12 renting or furnishing, for periods of less than thirty (30) days, any room
 13 or rooms, lodgings, or accommodations in any:

- 14 (1) hotel;
 15 (2) motel;
 16 (3) inn;
 17 (4) tourist cabin; or
 18 (5) campground space;

19 located in the county. **An ordinance adopted under this chapter**
 20 **takes effect July 1 of the year in which it is adopted. The county**
 21 **fiscal body shall send a certified copy of each ordinance adopted**
 22 **under this chapter to the commissioner of the department of state**
 23 **revenue by certified mail not more than ten (10) days after the**
 24 **adoption of the ordinance.**

25 (b) The tax may not exceed the rate of three percent (3%) on the
 26 gross retail income derived from lodging income only and is in addition
 27 to the state gross retail tax imposed under IC 6-2.5.

28 (c) The county fiscal body may adopt an ordinance to require that
 29 the tax be reported on forms approved by the county treasurer and that
 30 the tax shall be paid monthly to the county treasurer. If such an
 31 ordinance is adopted, the tax shall be paid to the county treasurer not
 32 more than twenty (20) days after the end of the month the tax is
 33 collected. If such an ordinance is not adopted, the tax shall be imposed,
 34 paid, and collected in exactly the same manner as the state gross retail
 35 tax is imposed, paid, and collected under IC 6-2.5.

36 (d) All of the provisions of IC 6-2.5 relating to rights, duties,
 37 liabilities, procedures, penalties, definitions, exemptions, and
 38 administration are applicable to the imposition and administration of
 39 the tax imposed under this section except to the extent those provisions
 40 are in conflict or inconsistent with the specific provisions of this
 41 chapter or the requirements of the county treasurer. If the tax is paid to
 42 the department of state revenue, the return to be filed for the payment



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1 of the tax under this section may be either a separate return or may be
 2 combined with the return filed for the payment of the state gross retail
 3 tax as the department of state revenue may, by rule, determine. **If the**
 4 **department determines after December 31, 1999, that a person's:**
 5 **(1) estimated monthly tax liability for the current year; or**
 6 **(2) average monthly tax liability for the preceding year;**
 7 **exceeds five thousand dollars (\$5,000), the person must pay the**
 8 **monthly tax due under this chapter by electronic funds transfer (as**
 9 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 10 **courier a payment by cashier's check, certified check, or money**
 11 **order to the department. The transfer or payment must be made**
 12 **on or before the date the tax is due.**

13 (e) If the tax is paid to the department of state revenue, the taxes the
 14 department of state revenue receives under this section during a month
 15 shall be paid, by the end of the next succeeding month, to the county
 16 treasurer upon warrants issued by the auditor of state.

17 SECTION 50. IC 6-9-11-6 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **After January**
 19 **1 and before April 30 of a year,** the county council may **adopt an**
 20 **ordinance to** levy a tax on every person engaged in the business of
 21 renting or furnishing, for periods of less than thirty (30) days, any room
 22 or rooms, lodgings, or accommodations in any commercial hotel,
 23 motel, inn, tourist camp, tourist cabin, university memorial union, or
 24 university residence hall, except state camping facilities, located in the
 25 county. **An ordinance adopted under this chapter takes effect July**
 26 **1 of the year in which it is adopted. The county fiscal body shall**
 27 **send a certified copy of each ordinance adopted under this chapter**
 28 **to the commissioner of the department of state revenue by certified**
 29 **mail not more than ten (10) days after the adoption of the**
 30 **ordinance.** The tax shall be imposed at the rate of two percent (2%) on
 31 the gross income derived from lodging income only and shall be in
 32 addition to the state gross retail tax imposed on those persons by
 33 IC 6-2.5. The tax does not apply to:

- 34 (1) a retail transaction in which a student rents lodging in a
 35 university memorial union or residence hall while that student
 36 participates in a course of study for which the student receives
 37 college credit from a state university located in the county; **or**
 38 (2) **the renting or furnishing of rooms, lodgings, or**
 39 **accommodations to a person for a period of thirty (30) days**
 40 **or more.**

41 (b) The county fiscal body may adopt an ordinance to require that
 42 the tax be reported on forms approved by the county treasurer and that

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1 the tax shall be paid monthly to the county treasurer. If such an
 2 ordinance is adopted, the tax shall be paid to the county treasurer not
 3 more than twenty (20) days after the end of the month the tax is
 4 collected. If such an ordinance is not adopted, the tax shall be imposed,
 5 paid, and collected in exactly the same manner as the state gross retail
 6 tax is imposed, paid, and collected pursuant to IC 6-2.5.

7 (c) All of the provisions of IC 6-2.5 relating to rights, duties,
 8 liabilities, procedures, penalties, definitions, exemptions, and
 9 administration apply to the imposition and administration of the tax
 10 imposed under this section, except to the extent those provisions are in
 11 conflict or inconsistent with the specific provisions of this chapter or
 12 the requirements of the county treasurer. Specifically and not in
 13 limitation of the foregoing sentence, the terms "person" and "gross
 14 income" shall have the same meaning in this section as they have in
 15 IC 6-2.5, except that "person" shall not include supported educational
 16 institutions. If the tax is paid to the department of state revenue, the
 17 returns to be filed for the payment of the tax under this section may be
 18 either a separate return or may be combined with the return filed for the
 19 payment of the state gross retail tax as the department of state revenue
 20 may by rule determine. **If the department determines after**
 21 **December 31, 1999, that a person's:**

22 **(1) estimated monthly tax liability for the current year; or**

23 **(2) average monthly tax liability for the preceding year;**

24 **exceeds five thousand dollars (\$5,000), the person must pay the**
 25 **monthly tax due under this chapter by electronic funds transfer (as**
 26 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 27 **courier a payment by cashier's check, certified check, or money**
 28 **order to the department. The transfer or payment must be made**
 29 **on or before the date the tax is due.**

30 (d) If the tax is paid to the department of state revenue, the amounts
 31 received from the tax shall be paid quarterly by the treasurer of state to
 32 the county treasurer upon warrants issued by the auditor of state.

33 ~~(e) The tax imposed under subsection (a) does not apply to the~~
 34 ~~renting or furnishing of rooms, lodgings, or accommodations to a~~
 35 ~~person for a period of thirty (30) days or more.~~

36 SECTION 51. IC 6-9-12-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) After January 1
 38 but before ~~June~~ **April 1** of ~~any~~ a year, the city-county council of a
 39 county that contains a consolidated city may adopt an ordinance to
 40 impose an excise tax, known as the county food and beverage tax, on
 41 those transactions described in section 3 of this chapter.

42 (b) If a city-county council adopts an ordinance under ~~subsection~~



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1 ~~(a)~~, **this chapter**, it shall ~~immediately~~ **not more than ten (10) days**
 2 **after adopting the ordinance** send a certified copy of the ordinance
 3 **by certified mail** to the commissioner of the department of state
 4 revenue.

5 (c) If a city-county council adopts an ordinance under ~~subsection~~
 6 ~~(a)~~, **this chapter**, the county food and beverage tax applies to
 7 transactions that occur after June 30 of the year in which the ordinance
 8 is adopted.

9 SECTION 52. IC 6-9-12-7 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The county food and
 11 beverage tax shall be imposed, paid, and collected in the same manner
 12 that the state gross retail tax is imposed, paid, and collected under
 13 IC 6-2.5. However, the return to be filed for the payment of the county
 14 food and beverage tax may be either a separate return or may be
 15 combined with the return filed for the payment of the state gross retail
 16 tax, as prescribed by the department of state revenue. **If the**
 17 **department determines after December 31, 1999, that a person's:**

18 (1) **estimated monthly tax liability for the current year; or**
 19 (2) **average monthly tax liability for the preceding year;**
 20 **exceeds five thousand dollars (\$5,000), the person must pay the**
 21 **monthly tax due under this chapter by electronic funds transfer (as**
 22 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 23 **courier a payment by cashier's check, certified check, or money**
 24 **order to the department. The transfer or payment must be made**
 25 **on or before the date the tax is due.**

26 SECTION 53. IC 6-9-13-1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Except as
 28 provided in subsection (b), the city-county council of a county that
 29 contains a consolidated first class city may adopt an ordinance to
 30 impose an excise tax, known as the county admissions tax, for the
 31 privilege of attending, before January 1, 2028, any event and, after
 32 December 31, 2027, any professional sporting event:

33 (1) held in a facility financed in whole or in part by bonds or notes
 34 issued under IC 18-4-17 (before its repeal on September 1, 1981),
 35 IC 36-10-9, or IC 36-10-9.1; and

36 (2) to which tickets are offered for sale to the public by:

37 (A) the box office of the facility; or

38 (B) an authorized agent of the facility.

39 (b) The excise tax imposed under subsection (a) does not apply to
 40 the following:

41 (1) An event sponsored by an educational institution or an
 42 association representing an educational institution.

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- 1 (2) An event sponsored by a religious organization.
- 2 (3) An event sponsored by an organization that is considered a
- 3 charitable organization by the Internal Revenue Service for
- 4 federal tax purposes.
- 5 (4) An event sponsored by a political organization.
- 6 (c) If a city-county council adopts an ordinance under ~~subsection~~
- 7 ~~(a)~~, **this chapter**, it shall ~~immediately~~ **not more than ten (10) days**
- 8 **after adopting the ordinance** send by certified mail a certified copy
- 9 of the ordinance to the commissioner of the department of state
- 10 revenue.
- 11 (d) If a city-county council adopts an ordinance under subsection (a)
- 12 ~~prior to June 1~~, **An ordinance adopted under this chapter must be**
- 13 **adopted after January 1 and before April 1 of a year.** The county
- 14 admissions tax applies to admission charges collected after June 30 of
- 15 the year in which the ordinance is adopted. ~~If the city-county council~~
- 16 ~~adopts an ordinance under subsection (a) on or after June 1~~, the county
- 17 ~~admissions tax applies to admission charges collected after the last day~~
- 18 ~~of the month in which the ordinance is adopted.~~
- 19 SECTION 54. IC 6-9-13-4 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. A person who
- 21 collects any county admission tax under section 3 of this chapter shall
- 22 remit the tax collections to the department of state revenue. The person
- 23 shall remit those revenues collected during a particular month before
- 24 the ~~fifteenth~~ **twentieth** day of the following month. At the time the tax
- 25 revenues are remitted, the person shall file a county admissions tax
- 26 return on the form prescribed by the department of state revenue.
- 27 SECTION 55. IC 6-9-14-6 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **After January**
- 29 **1 and before April 1 of a year**, the county council may **adopt an**
- 30 **ordinance to** levy a tax on every person engaged in the business of
- 31 renting or furnishing, for periods of less than thirty (30) days, any room
- 32 or rooms, lodgings or accommodations in any hotel, motel, inn,
- 33 conference center, retreat center, or tourist cabin located in the county.
- 34 **An ordinance adopted under this chapter takes effect July 1 of the**
- 35 **year in which it is adopted. The county fiscal body shall send a**
- 36 **certified copy of each ordinance adopted under this chapter to the**
- 37 **commissioner of the department of state revenue by certified mail**
- 38 **not more than ten (10) days after the adoption of the ordinance.**
- 39 However, the county council may not levy the tax on a person for:
- 40 (1) engaging in the business of providing campsites within a state
- 41 or federal park or forest; or
- 42 (2) **renting or furnishing rooms, lodgings, or accommodations**

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1 **to a person for a period of thirty (30) days or more.**

2 The tax may be imposed at any rate up to and including five percent
3 (5%). The tax shall be imposed on the gross retail income derived from
4 lodging income only and shall be in addition to the state gross retail tax
5 imposed on those persons by IC 6-2.5.

6 (b) The county fiscal body may adopt an ordinance to require that
7 the tax be reported on forms approved by the county treasurer and that
8 the tax shall be paid monthly to the county treasurer. If such an
9 ordinance is adopted, the tax shall be paid to the county treasurer not
10 more than twenty (20) days after the end of the month the tax is
11 collected. If such an ordinance is not adopted, the tax shall be imposed,
12 paid and collected in exactly the same manner as the state gross retail
13 tax is imposed, paid, and collected pursuant to IC 6-2.5.

14 (c) All of the provisions of IC 6-2.5 relating to rights, duties,
15 liabilities, procedures, penalties, definitions, exemptions, and
16 administration apply to the imposition and administration of the tax
17 imposed under this section, except to the extent those provisions are in
18 conflict or inconsistent with the specific provisions of this chapter or
19 the requirements of the county treasurer. Specifically and not in
20 limitation of the foregoing sentence, the terms "person" and "gross
21 retail income" shall have the same meaning in this section as they have
22 in IC 6-2.5. If the tax is paid to the department of state revenue, the
23 returns to be filed for the payment of the tax under this section may be
24 either a separate return or may be combined with the return filed for the
25 payment of the state gross retail tax as the department of state revenue
26 may, by rule or regulation, determine. **If the department determines**
27 **after December 31, 1999, that a person's:**

28 **(1) estimated monthly tax liability for the current year; or**

29 **(2) average monthly tax liability for the preceding year;**

30 **exceeds five thousand dollars (\$5,000), the person must pay the**
31 **monthly tax due under this chapter by electronic funds transfer (as**
32 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
33 **courier a payment by cashier's check, certified check, or money**
34 **order to the department. The transfer or payment must be made**
35 **on or before the date the tax is due.**

36 (d) If the tax is paid to the department of state revenue, the amounts
37 received from the tax shall be paid quarterly by the treasurer of state to
38 the county treasurer upon warrants issued by the auditor of state.

39 (e) ~~The tax imposed under subsection (a) does not apply to the~~
40 ~~renting or furnishing of rooms, lodgings, or accommodations to a~~
41 ~~person for a period of thirty (30) days or more.~~

42 SECTION 56. IC 6-9-15-6 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **After January**
 2 **1 and before April 1 of a year**, the county council may **adopt an**
 3 **ordinance to impose or increase** a tax on every person engaged in the
 4 business of renting or furnishing, for periods of less than thirty (30)
 5 days, any room or rooms, lodging, or accommodations in any hotel,
 6 motel, inn, tourist camp, or tourist cabin located in the county.
 7 However, the tax may not be imposed on the renting or furnishing of:

- 8 (1) campsites at a state or federal park or forest;
 9 (2) rooms, lodgings, or accommodations to a person for a period
 10 of thirty (30) days or more; or
 11 (3) any room, lodging, or accommodations in a university or
 12 college residence hall to a student participating in a course of
 13 study for which the student receives college credit from a college
 14 or university located in the county.

15 **An ordinance adopted under this chapter takes effect July 1 of the**
 16 **year in which it is adopted. The county fiscal body shall send a**
 17 **certified copy of each ordinance adopted under this chapter to the**
 18 **commissioner of the department of state revenue by certified mail**
 19 **not more than ten (10) days after the adoption of the ordinance.**

20 (b) The tax shall be imposed at the rate of ~~four~~ **not more than five**
 21 **percent (~~4%~~) (5%)** on the gross income derived from lodging income
 22 only. ~~The county council may increase the tax rate to five percent (5%).~~
 23 The tax is in addition to the state gross retail tax imposed on such
 24 persons by IC 6-2.5.

25 (c) The county fiscal body may adopt an ordinance to require that
 26 the tax be reported on forms approved by the county treasurer and that
 27 the tax shall be paid monthly to the county treasurer. If such an
 28 ordinance is adopted, the tax shall be paid to the county treasurer not
 29 more than twenty (20) days after the end of the month the tax is
 30 collected. If such an ordinance is not adopted, the tax shall be imposed,
 31 paid, and collected in exactly the same manner as the state gross retail
 32 tax is imposed, paid, and collected pursuant to IC 6-2.5.

33 (d) All of the provisions of IC 6-2.5 relating to rights, duties,
 34 liabilities, procedures, penalties, definitions, exemptions, and
 35 administration shall be applicable to the imposition and administration
 36 of the tax imposed by this section except to the extent such provisions
 37 are in conflict or inconsistent with the specific provisions of this
 38 chapter or the requirements of the county treasurer. Specifically and not
 39 in limitation of the foregoing sentence, the terms "person" and "gross
 40 retail income" have the same meaning in this section as they have in
 41 IC 6-2.5, except that "person" does not include state supported
 42 educational institutions.



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1 (e) If the tax is paid to the department of state revenue, the returns
 2 to be filed for the payment of the tax under this section may be either
 3 a separate return or may be combined with the return filed for the
 4 payment of the state gross retail tax, as the department of state revenue
 5 may by rule determine. **If the department determines after**
 6 **December 31, 1999, that a person's:**

7 (1) **estimated monthly tax liability for the current year; or**

8 (2) **average monthly tax liability for the preceding year;**
 9 **exceeds five thousand dollars (\$5,000), the person must pay the**
 10 **monthly tax due under this chapter by electronic funds transfer (as**
 11 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 12 **courier a payment by cashier's check, certified check, or money**
 13 **order to the department. The transfer or payment must be made**
 14 **on or before the date the tax is due.**

15 (f) If the tax is paid to the department of state revenue, the amounts
 16 received from such tax shall be paid quarterly by the treasurer of state
 17 to the county treasurer upon warrants issued by the auditor of state.

18 SECTION 57. IC 6-9-16-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **After January**
 20 **1 and before April 1 of a year, the county council may adopt an**
 21 **ordinance to levy a tax on every person engaged in the business of**
 22 **renting or furnishing, for periods of less than thirty (30) days, any room**
 23 **or rooms, lodgings or accommodations in any commercial hotel, motel,**
 24 **inn, tourist camp, or tourist cabin, except state camping facilities,**
 25 **located in the county. The tax shall be imposed at any rate up to and**
 26 **including:**

27 (1) five percent (5%) before July 1, 2007; and

28 (2) four percent (4%) after June 30, 2007;

29 on the gross retail income derived from lodging income only and shall
 30 be in addition to the state gross retail tax imposed on those persons by
 31 IC 6-2.5. **The tax imposed under this chapter does not apply to the**
 32 **renting or furnishing of rooms, lodgings, or accommodations to a**
 33 **person for a period of thirty (30) days or more. An ordinance**
 34 **adopted under this chapter takes effect July 1 of the year in which**
 35 **it is adopted. The county fiscal body shall send a certified copy of**
 36 **each ordinance adopted under this chapter to the commissioner of**
 37 **the department of state revenue by certified mail not more than ten**
 38 **(10) days after the adoption of the ordinance.**

39 (b) The county fiscal body may adopt an ordinance to require that
 40 the tax be reported on forms approved by the county treasurer and that
 41 the tax shall be paid monthly to the county treasurer. If such an
 42 ordinance is adopted, the tax shall be paid to the county treasurer not



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1 more than twenty (20) days after the end of the month the tax is
 2 collected. If such an ordinance is not adopted, the tax shall be imposed,
 3 paid, and collected in exactly the same manner as the state gross retail
 4 tax is imposed, paid, and collected pursuant to IC 6-2.5.

5 (c) All of the provisions of IC 6-2.5 relating to rights, duties,
 6 liabilities, procedures, penalties, definitions, exemptions, and
 7 administration apply to the imposition and administration of the tax
 8 imposed under this section, except to the extent those provisions are in
 9 conflict or inconsistent with the specific provisions of this chapter or
 10 the requirements of the county treasurer. Specifically and not in
 11 limitation of the foregoing sentence, the terms "person" and "gross
 12 retail income" have the same meaning in this section as they have in
 13 IC 6-2.5, except that "person" shall not include state supported
 14 educational institutions. If the tax is paid to the department of state
 15 revenue, the return to be filed for the payment of the tax under this
 16 section may be either a separate return or may be combined with the
 17 return filed for the payment of the state gross retail tax as the
 18 department of state revenue may, by rule or regulation, determine. **If**
 19 **the department determines after December 31, 1999, that a**
 20 **person's:**

21 (1) **estimated monthly tax liability for the current year; or**
 22 (2) **average monthly tax liability for the preceding year;**
 23 **exceeds five thousand dollars (\$5,000), the person must pay the**
 24 **monthly tax due under this chapter by electronic funds transfer (as**
 25 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 26 **courier a payment by cashier's check, certified check, or money**
 27 **order to the department. The transfer or payment must be made**
 28 **on or before the date the tax is due.**

29 (d) If the tax is paid to the department of state revenue, the amounts
 30 received from the tax shall be paid quarterly by the treasurer of state to
 31 the county treasurer upon warrants issued by the auditor of state.

32 (e) ~~The tax imposed under subsection (a) does not apply to the~~
 33 ~~renting or furnishing of rooms, lodgings, or accommodations to a~~
 34 ~~person for a period of thirty (30) days or more.~~

35 SECTION 58. IC 6-9-18-3 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **After January**
 37 **1 and before April 1 of a year**, the fiscal body of a county may **adopt**
 38 **an ordinance to** levy a tax on every person engaged in the business of
 39 renting or furnishing, for periods of less than thirty (30) days, any room
 40 or rooms, lodgings, or accommodations in any:

- 41 (1) hotel;
 42 (2) motel;



- 1 (3) boat motel;
 2 (4) inn;
 3 (5) college or university memorial union;
 4 (6) college or university residence hall or dormitory; or
 5 (7) tourist cabin;
 6 located in the county. **An ordinance adopted under this chapter**
 7 **takes effect July 1 of the year in which it is adopted. The county**
 8 **fiscal body shall send a certified copy of each ordinance adopted**
 9 **under this chapter to the commissioner of the department of state**
 10 **revenue by certified mail not more than ten (10) days after the**
 11 **adoption of the ordinance.**
- 12 (b) The tax does not apply to gross income received in a transaction
 13 in which:
- 14 (1) a student rents lodgings in a college or university residence
 15 hall while that student participates in a course of study for which
 16 the student receives college credit from a college or university
 17 located in the county; or
 18 (2) a person rents a room, lodging, or accommodations for a
 19 period of thirty (30) days or more.
- 20 (c) The tax may not exceed the rate of five percent (5%) on the gross
 21 retail income derived from lodging income only and is in addition to
 22 the state gross retail tax imposed under IC 6-2.5.
- 23 (d) The county fiscal body may adopt an ordinance to require that
 24 the tax be reported on forms approved by the county treasurer and that
 25 the tax shall be paid monthly to the county treasurer. If such an
 26 ordinance is adopted, the tax shall be paid to the county treasurer not
 27 more than twenty (20) days after the end of the month the tax is
 28 collected. If such an ordinance is not adopted, the tax shall be imposed,
 29 paid, and collected in exactly the same manner as the state gross retail
 30 tax is imposed, paid, and collected under IC 6-2.5.
- 31 (e) All of the provisions of IC 6-2.5 relating to rights, duties,
 32 liabilities, procedures, penalties, definitions, exemptions, and
 33 administration are applicable to the imposition and administration of
 34 the tax imposed under this section except to the extent those provisions
 35 are in conflict or inconsistent with the specific provisions of this
 36 chapter or the requirements of the county treasurer. If the tax is paid to
 37 the department of state revenue, the return to be filed for the payment
 38 of the tax under this section may be either a separate return or may be
 39 combined with the return filed for the payment of the state gross retail
 40 tax as the department of state revenue may, by rule, determine. **If the**
 41 **department determines after December 31, 1999, that a person's:**
 42 (1) **estimated monthly tax liability for the current year; or**

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1 **(2) average monthly tax liability for the preceding year;**
 2 **exceeds five thousand dollars (\$5,000), the person must pay the**
 3 **monthly tax due under this chapter by electronic funds transfer (as**
 4 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 5 **courier a payment by cashier's check, certified check, or money**
 6 **order to the department. The transfer or payment must be made**
 7 **on or before the date the tax is due.**

8 (f) If the tax is paid to the department of state revenue, the amounts
 9 received from the tax imposed under this section shall be paid monthly
 10 by the treasurer of state to the county treasurer upon warrants issued by
 11 the auditor of state.

12 SECTION 59. IC 6-9-19-3 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **After January**
 14 **1 and before April 1 of a year**, the fiscal body of a county may **adopt**
 15 **an ordinance to** levy a tax on every person engaged in the business of
 16 renting or furnishing, for periods of less than thirty (30) days, any room
 17 or rooms, lodgings, or accommodations in any:

- 18 (1) hotel;
- 19 (2) motel;
- 20 (3) inn; or
- 21 (4) tourist cabin;

22 that has thirty (30) or more rooms for rent and is located in the county.
 23 **An ordinance adopted under this chapter takes effect July 1 of the**
 24 **year in which it is adopted. The county fiscal body shall send a**
 25 **certified copy of each ordinance adopted under this chapter to the**
 26 **commissioner of the department of state revenue by certified mail**
 27 **not more than ten (10) days after the adoption of the ordinance.**

28 (b) The tax does not apply to gross income received in a transaction
 29 in which:

- 30 (1) a student rents lodgings in a college or university residence
 31 hall while that student participates in a course of study for which
 32 the student receives college credit from a college or university
 33 located in the county; or
- 34 (2) a person rents a room, lodging, or accommodations for a
 35 period of thirty (30) days or more.

36 (c) The tax may not exceed the rate of five percent (5%) on the gross
 37 retail income derived from lodging income only and is in addition to
 38 the state gross retail tax imposed under IC 6-2.5.

39 (d) The county fiscal body may adopt an ordinance to require that
 40 the tax be reported on forms approved by the county treasurer and that
 41 the tax shall be paid monthly to the county treasurer. If such an
 42 ordinance is adopted, the tax shall be paid to the county treasurer not



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1 more than twenty (20) days after the end of the month the tax is
 2 collected. If such an ordinance is not adopted, the tax shall be imposed,
 3 paid, and collected in exactly the same manner as the state gross retail
 4 tax is imposed, paid, and collected under IC 6-2.5.

5 (e) All of the provisions of IC 6-2.5 relating to rights, duties,
 6 liabilities, procedures, penalties, definitions, exemptions, and
 7 administration are applicable to the imposition and administration of
 8 the tax imposed under this section except to the extent those provisions
 9 are in conflict or inconsistent with the specific provisions of this
 10 chapter or the requirements of the county treasurer. If the tax is paid to
 11 the department of state revenue, the return to be filed for the payment
 12 of the tax under this section may be either a separate return or may be
 13 combined with the return filed for the payment of the state gross retail
 14 tax as the department of state revenue may, by rule, determine. **If the**
 15 **department determines after December 31, 1999, that a person's:**

16 (1) **estimated monthly tax liability for the current year; or**

17 (2) **average monthly tax liability for the preceding year;**

18 **exceeds five thousand dollars (\$5,000), the person must pay the**
 19 **monthly tax due under this chapter by electronic funds transfer (as**
 20 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 21 **courier a payment by cashier's check, certified check, or money**
 22 **order to the department. The transfer or payment must be made**
 23 **on or before the date the tax is due.**

24 (f) If the tax is paid to the department of state revenue, the taxes the
 25 department of state revenue receives under this section during a month
 26 shall be paid, by the end of the next succeeding month, to the county
 27 treasurer upon warrants issued by the auditor of state.

28 SECTION 60. IC 6-9-20-3 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **After January**
 30 **1 and before April 1 of a year, the fiscal body of the county may**
 31 **adopt an ordinance to impose an excise tax, known as the county food**
 32 **and beverage tax, on those transactions described in section 4 of this**
 33 **chapter. An ordinance adopted under this chapter takes effect July**
 34 **1 of the year in which it is adopted.**

35 (b) If a fiscal body adopts an ordinance under ~~subsection (a); this~~
 36 **chapter, it shall immediately not more than ten (10) days after**
 37 **adopting the ordinance send by certified mail a certified copy of the**
 38 **ordinance to the commissioner of the department of state revenue.**

39 (c) If a fiscal body adopts an ordinance under ~~subsection (a); this~~
 40 **chapter, the county food and beverage tax applies to transactions that**
 41 **occur after the last day of the month that succeeds the month June 30**
 42 **of the year in which the ordinance was adopted.**



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1 (d) The tax terminates in a county on January 1 of the year
 2 immediately following the year in which the last of the bonds issued to
 3 finance the construction of an airport terminal and the last of any bonds
 4 issued to refund those bonds have been completely paid as to both
 5 principal and interest.

6 (e) Notwithstanding subsection (d), if the county fiscal body
 7 determines that the tax under this chapter should be continued in order
 8 to finance improvements to a county auditorium or auditorium
 9 renovation resulting in a new convention center and related parking
 10 facilities, the tax does not terminate as specified in subsection (d) but
 11 instead continues until January 1 of the year following the year in
 12 which the last of the bonds issued to finance improvements to a county
 13 auditorium or auditorium renovation resulting in a new convention
 14 center and related parking facilities, and the last of any bonds issued to
 15 refund those bonds, have been completely paid or defeased as to both
 16 principal and interest. An action to contest the validity of the
 17 determination under this subsection must be instituted not more than
 18 thirty (30) days after the determination.

19 SECTION 61. IC 6-9-20-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The tax that may be
 21 imposed under this chapter shall be imposed, paid, and collected in the
 22 same manner that the state gross retail tax is imposed, paid, and
 23 collected under IC 6-2.5. However, the return to be filed for the
 24 payment of the taxes may be made on separate returns or may be
 25 combined with the return filed for the payment of the state gross retail
 26 tax, as prescribed by the department of state revenue. **If the**
 27 **department determines after December 31, 1999, that a person's:**

28 (1) **estimated monthly tax liability for the current year; or**
 29 (2) **average monthly tax liability for the preceding year;**
 30 **exceeds five thousand dollars (\$5,000), the person must pay the**
 31 **monthly tax due under this chapter by electronic funds transfer (as**
 32 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 33 **courier a payment by cashier's check, certified check, or money**
 34 **order to the department. The transfer or payment must be made**
 35 **on or before the date the tax is due.**

36 SECTION 62. IC 6-9-20-7 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The amounts
 38 received from the taxes imposed under this chapter shall be paid
 39 monthly by the treasurer of state to the treasurer of the airport authority
 40 established in the county upon warrants issued by the auditor of state
 41 until the treasurer of the airport authority certifies to the treasurer of
 42 state **and to the commissioner of the department of state revenue**



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1 that the last of the bonds issued to finance the construction of an airport
 2 terminal and the last of any bonds issued to refund those bonds have
 3 been completely paid as to both principal and interest.

4 SECTION 63. IC 6-9-20-7.5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.5. If:

6 (1) the treasurer of the airport authority has certified to the
 7 treasurer of state **and to the commissioner of the department of**
 8 **state revenue** that the last of the bonds issued to finance the
 9 construction of an airport terminal and the last of any bonds
 10 issued to refund those bonds have been completely paid as to both
 11 principal and interest; and

12 (2) the county fiscal body has determined, **by adoption of an**
 13 **ordinance**, to continue the tax to finance improvements to a
 14 county auditorium or auditorium renovation resulting in a new
 15 convention center and related parking facilities;

16 the amounts received from the taxes imposed under this chapter shall
 17 be paid monthly by the treasurer of state to the county treasurer upon
 18 warrants issued by the auditor of state.

19 SECTION 64. IC 6-9-21-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **After January**
 21 **1 and before April 1 of a year**, the fiscal body of the county may
 22 adopt an ordinance to impose an excise tax, known as the county food
 23 and beverage tax, on those transactions described in section 4 of this
 24 chapter. **An ordinance adopted under this chapter takes effect July**
 25 **1 of the year in which it is adopted.**

26 (b) If a fiscal body adopts an ordinance under ~~subsection (a)~~, **this**
 27 **chapter**, it shall ~~immediately~~ **not more than ten (10) days after the**
 28 **ordinance is adopted** send by certified mail a certified copy of the
 29 ordinance to the commissioner of the department of state revenue.

30 (c) ~~If a fiscal body adopts an ordinance under subsection (a), the~~
 31 ~~county food and beverage tax applies to transactions that occur after the~~
 32 ~~last day of the month that succeeds the month in which the ordinance~~
 33 ~~was adopted.~~

34 SECTION 65. IC 6-9-21-6 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The tax that may be
 36 imposed under this chapter shall be imposed, paid, and collected in the
 37 same manner that the state gross retail tax is imposed, paid, and
 38 collected under IC 6-2.5. However, the return to be filed for the
 39 payment of the taxes may be made on separate returns or may be
 40 combined with the return filed for the payment of the state gross retail
 41 tax, as prescribed by the department of state revenue. **If the**
 42 **department determines after December 31, 1999, that a person's:**



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1 (1) estimated monthly tax liability for the current year; or
 2 (2) average monthly tax liability for the preceding year;
 3 exceeds five thousand dollars (\$5,000), the person must pay the
 4 monthly tax due under this chapter by electronic funds transfer (as
 5 defined in IC 4-8.1-2-7) or by delivering in person or by overnight
 6 courier a payment by cashier's check, certified check, or money
 7 order to the department. The transfer or payment must be made
 8 on or before the date the tax is due.

9 SECTION 66. IC 6-9-23-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) After January 1
 11 but before ~~June~~ April 1 of a year, the fiscal body of a county may adopt
 12 an ordinance to impose an excise tax, known as the county food and
 13 beverage tax, on those transactions described in section 4 of this
 14 chapter. **An ordinance adopted under this chapter takes effect July**
 15 **1 of the year in which it is adopted.**

16 (b) If a fiscal body adopts an ordinance under subsection (a); **this**
 17 **chapter, it shall immediately not more than ten (10) days after**
 18 **adopting the ordinance send by certified mail** a certified copy of the
 19 ordinance to the commissioner of the department of state revenue.

20 (c) If a fiscal body adopts an ordinance under subsection (a); the
 21 county food and beverage tax applies to transactions that occur after
 22 ~~June 30~~ of the year in which the ordinance is adopted:

23 (d) (c) The tax terminates two (2) years after the retirement of debt
 24 that was incurred under section 8 of this chapter.

25 SECTION 67. IC 6-9-23-6 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The tax that may be
 27 imposed under this chapter shall be imposed, paid, and collected in the
 28 same manner that the state gross retail tax is imposed, paid, and
 29 collected under IC 6-2.5. However, the return to be filed for the
 30 payment of the tax under this chapter may be made separately or may
 31 be combined with the return filed for the payment of the state gross
 32 retail tax, as prescribed by the department of state revenue. **If the**
 33 **department determines after December 31, 1999, that a person's:**

34 (1) estimated monthly tax liability for the current year; or
 35 (2) average monthly tax liability for the preceding year;
 36 exceeds five thousand dollars (\$5,000), the person must pay the
 37 monthly tax due under this chapter by electronic funds transfer (as
 38 defined in IC 4-8.1-2-7) or by delivering in person or by overnight
 39 courier a payment by cashier's check, certified check, or money
 40 order to the department. The transfer or payment must be made
 41 on or before the date the tax is due.

42 SECTION 68. IC 6-9-23-9 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) Subject to the
 2 limitation of ~~section 3(d)~~ **section 3(c)** of this chapter, the county may
 3 enter into an agreement under which amounts deposited in, or to be
 4 deposited in, the coliseum expansion fund are pledged to payment of
 5 obligations issued to finance the remodeling, expansion, or
 6 maintenance of an athletic and exhibition coliseum under section 8 of
 7 this chapter.

8 (b) With respect to obligations for which a pledge has been made
 9 under subsection (a), the general assembly covenants with the holders
 10 of these obligations that:

11 (1) this chapter will not be repealed or amended in any manner
 12 that will adversely affect the imposition or collection of the tax
 13 imposed under this chapter; and

14 (2) this chapter will not be amended in any manner that will
 15 change the purpose for which revenues from the tax imposed
 16 under this chapter may be used;

17 as long as the payment of any of those obligations is outstanding.

18 SECTION 69. IC 6-9-24-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **After January**
 20 **1 and before April 1 of a year**, the fiscal body of the municipality may
 21 adopt an ordinance to impose an excise tax, known as the municipal
 22 food and beverage tax, on those transactions described in section 4 of
 23 this chapter.

24 (b) If a fiscal body adopts an ordinance under ~~subsection (a)~~; **this**
 25 **chapter**, it shall **immediately not more than ten (10) days after**
 26 **adopting the ordinance** send by **certified mail** a certified copy of the
 27 ordinance to the commissioner of the department of state revenue.

28 (c) If a ~~fiscal body~~ **adopts an ordinance under subsection (a)**; ~~the~~
 29 ~~municipal food and beverage tax applies to transactions that occur after~~
 30 ~~the last day of the month that succeeds the month in which the~~
 31 ~~ordinance was adopted.~~

32 SECTION 70. IC 6-9-24-6 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The tax that may be
 34 imposed under this chapter shall be imposed, paid, and collected in the
 35 same manner that the state gross retail tax is imposed, paid, and
 36 collected under IC 6-2.5. However, the return to be filed for the
 37 payment of the taxes may be made on separate returns or may be
 38 combined with the return filed for the payment of the state gross retail
 39 tax, as prescribed by the department of state revenue. **If the**
 40 **department determines after December 31, 1999, that a person's:**

41 (1) **estimated monthly tax liability for the current year; or**

42 (2) **average monthly tax liability for the preceding year;**



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1 exceeds five thousand dollars (\$5,000), the person must pay the
 2 monthly tax due under this chapter by electronic funds transfer (as
 3 defined in IC 4-8.1-2-7) or by delivering in person or by overnight
 4 courier a payment by cashier's check, certified check, or money
 5 order to the department. The transfer or payment must be made
 6 on or before the date the tax is due.

7 SECTION 71. IC 6-9-25-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **After January**
 9 **1 and before April 1 of a year**, the fiscal body of the county may
 10 adopt an ordinance to impose an excise tax, known as the county food
 11 and beverage tax, on those transactions described in section 4 of this
 12 chapter. **Except as provided in section 10.5(e) of this chapter, an**
 13 **ordinance adopted under this chapter takes effect July 1 of the**
 14 **year in which it is adopted.**

15 (b) If a fiscal body adopts an ordinance under ~~subsection (a)~~, **this**
 16 **chapter**, it shall **immediately not more than ten (10) days after**
 17 **adopting the ordinance send by certified mail** a certified copy of the
 18 ordinance to the commissioner of the department of state revenue.

19 (c) If a fiscal body adopts an ordinance under ~~subsection (a)~~, the
 20 county food and beverage tax applies to transactions that occur after the
 21 last day of the month that succeeds the month in which the ordinance
 22 was adopted:

23 (d) Notwithstanding any other law, the imposition of the tax under
 24 this chapter is prohibited upon the satisfaction by the county of all of
 25 its obligations authorized under section 11.5 of this chapter.

26 SECTION 72. IC 6-9-25-6 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The tax that may be
 28 imposed under this chapter shall be imposed, paid, and collected in the
 29 same manner that the state gross retail tax is imposed, paid, and
 30 collected under IC 6-2.5. However, the return to be filed for the
 31 payment of the taxes may be made on separate returns or may be
 32 combined with the return filed for the payment of the state gross retail
 33 tax, as prescribed by the department of state revenue. **If the**
 34 **department determines after December 31, 1999, that a person's:**

35 (1) **estimated monthly tax liability for the current year; or**
 36 (2) **average monthly tax liability for the preceding year;**
 37 **exceeds five thousand dollars (\$5,000), the person must pay the**
 38 **monthly tax due under this chapter by electronic funds transfer (as**
 39 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 40 **courier a payment by cashier's check, certified check, or money**
 41 **order to the department. The transfer or payment must be made**
 42 **on or before the date the tax is due.**



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1 SECTION 73. IC 6-9-25-10.5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10.5. (a) The county
 3 food and beverage tax council is established in the county. The
 4 membership of the county food and beverage tax council consists of the
 5 fiscal body of the county and the fiscal body of each municipality that
 6 lies either partly or entirely within the county.

7 (b) The county food and beverage tax council has a total of one
 8 hundred (100) votes. Every member of the county food and beverage
 9 tax council is allocated a percentage of the total one hundred (100)
 10 votes that may be cast. The percentage that a municipality in the county
 11 is allocated for a year equals the same percentage that the population
 12 of the municipality bears to the population of the county. The
 13 percentage that the county is allocated for a year equals the same
 14 percentage that the population of all areas of the county not located in
 15 a municipality bears to the population of the county. In the case of a
 16 municipality that lies partly within the county, the allocation shall be
 17 based on the population of that portion of the municipality that lies
 18 within the county.

19 (c) Before January 2 of each year, the county auditor shall certify to
 20 each member of the food and beverage tax council the number of votes,
 21 rounded to the nearest one-hundredth (0.01), the member has for that
 22 year.

23 (d) The food and beverage tax imposed under this chapter remains
 24 in effect until the county food and beverage tax council adopts an
 25 ordinance to rescind the tax.

26 (e) **Notwithstanding section 3 of this chapter**, an ordinance to
 27 rescind the food and beverage tax takes effect December 31 of the year
 28 in which the ordinance is adopted.

29 (f) The county food and beverage tax council may not rescind the
 30 food and beverage tax if there are bonds outstanding or leases or other
 31 obligations payable under this chapter.

32 (g) The county food and beverage tax council is abolished on
 33 January 1, 2005.

34 SECTION 74. IC 6-9-26-9 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The tax that may be
 36 imposed under this chapter shall be imposed, paid, and collected in the
 37 same manner that the state gross retail tax is imposed, paid, and
 38 collected under IC 6-2.5. However, the return to be filed for the
 39 payment of the taxes may be made on separate returns or may be
 40 combined with the return filed for the payment of the state gross retail
 41 tax, as prescribed by the department of state revenue. **If the**
 42 **department determines after December 31, 1999, that a person's:**



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1 **(1) estimated monthly tax liability for the current year; or**
 2 **(2) average monthly tax liability for the preceding year;**
 3 **exceeds five thousand dollars (\$5,000), the person must pay the**
 4 **monthly tax due under this chapter by electronic funds transfer (as**
 5 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 6 **courier a payment by cashier's check, certified check, or money**
 7 **order to the department. The transfer or payment must be made**
 8 **on or before the date the tax is due.**

9 SECTION 75. IC 6-9-26-14 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. If no obligations are
 11 outstanding, the county fiscal body may repeal the ordinance adopted
 12 under section 3 of this chapter imposing the tax before ~~December 1~~
 13 **September 30** in any year.

14 SECTION 76. IC 6-9-26-16 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. The repeal of an
 16 ordinance under section 14 of this chapter takes effect January 1
 17 immediately following the date the repeal was adopted. If the fiscal
 18 body repeals the ordinance, the clerk shall **immediately not more than**
 19 **ten (10) days after adopting the ordinance** send by certified mail a
 20 certified copy of the ordinance repealing the ordinance imposing the
 21 tax to the commissioner of the department of state revenue.

22 SECTION 77. IC 6-9-27-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **After January**
 24 **1 and before April 1 of a year**, the fiscal body of the town may adopt
 25 an ordinance to impose an excise tax, known as the town food and
 26 beverage tax, on transactions described in section 4 of this chapter.

27 (b) If a fiscal body adopts an ordinance under subsection (a), the
 28 fiscal body shall **immediately not more than ten (10) days after**
 29 **adopting the ordinance** send by certified mail a certified copy of the
 30 ordinance to the department of state revenue.

31 (c) If a fiscal body adopts an ordinance under subsection (a), the
 32 town food and beverage tax applies to transactions that occur after ~~the~~
 33 **last day of the month that succeeds the month June 30 of the year** in
 34 which the ordinance was adopted.

35 SECTION 78. IC 6-9-27-6 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. A tax imposed under
 37 this chapter shall be imposed, paid, and collected in the same manner
 38 that the state gross retail tax is imposed, paid, and collected under
 39 IC 6-2.5. However, the return to be filed with the payment of the tax
 40 imposed under this chapter may be made on a separate return or may
 41 be combined with the return filed for the payment of the state gross
 42 retail tax, as prescribed by the department of state revenue. **If the**



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1 department determines after **December 31, 1999**, that a person's:
 2 (1) **estimated monthly tax liability for the current year; or**
 3 (2) **average monthly tax liability for the preceding year;**
 4 **exceeds five thousand dollars (\$5,000), the person must pay the**
 5 **monthly tax due under this chapter by electronic funds transfer (as**
 6 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 7 **courier a payment by cashier's check, certified check, or money**
 8 **order to the department. The transfer or payment must be made**
 9 **on or before the date the tax is due.**

10 SECTION 79. IC 6-9-28-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) After January 1
 12 but before ~~June~~ **April** 1 of a year, the county fiscal body may adopt an
 13 ordinance to impose an excise tax, known as the county admissions tax,
 14 for the privilege of attending an amusement park.

15 (b) If a fiscal body adopts an ordinance under subsection (a), it shall
 16 **immediately not more than ten (10) days after adopting the**
 17 **ordinance send by certified mail** a certified copy of the ordinance to
 18 the commissioner of the department of state revenue.

19 (c) If a county fiscal body adopts an ordinance under subsection (a),
 20 the county admissions tax applies to admission charges collected after
 21 June 30 of the year in which the ordinance is adopted.

22 SECTION 80. IC 6-9-28-5 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. A person who
 24 collects a county admissions tax under section 4 of this chapter shall
 25 remit the tax collections to the department of state revenue. The person
 26 shall remit those revenues collected during a particular month before
 27 the fifteenth day of the following month. At the time the tax revenues
 28 are remitted, the person shall file a county admissions tax return on the
 29 form prescribed by the department of state revenue. **If the department**
 30 **determines after December 31, 1999, that a person's:**

31 (1) **estimated monthly tax liability for the current year; or**
 32 (2) **average monthly tax liability for the preceding year;**
 33 **exceeds five thousand dollars (\$5,000), the person must pay the**
 34 **monthly tax due under this chapter by electronic funds transfer (as**
 35 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 36 **courier a payment by cashier's check, certified check, or money**
 37 **order to the department. The transfer or payment must be made**
 38 **on or before the date the tax is due.**

39 SECTION 81. IC 6-9-29-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter applies
 41 to all counties imposing an innkeeper's tax **or a food and beverage tax**
 42 under this article.



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1 SECTION 82. IC 6-9-29-1.5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.5. (a) Unless
 3 otherwise provided in this article, a county **fiscal body or other** fiscal
 4 body that adopts an ordinance to impose, rescind, or increase or
 5 decrease the rate of a county innkeeper's tax **or a food and beverage**
 6 **tax must do so after January 1 and before April 1 of a year and**
 7 **must specify the effective date of the ordinance to provide that the**
 8 ordinance takes effect

9 ~~(1) at least thirty (30) days after the adoption of the ordinance;~~
 10 ~~and~~

11 ~~(2) on the first day of a month: July 1 of the year in which it is~~
 12 ~~adopted.~~

13 (b) If a ~~county~~ fiscal body adopts an ordinance described in
 14 subsection (a), it must, ~~immediately not more than ten (10) days after~~
 15 **adopting the ordinance**, send **by certified mail** a certified copy of the
 16 ordinance to the commissioner of the department of state revenue.

17 SECTION 83. IC 6-9-29-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. An individual who:

19 (1) is an individual taxpayer or an employee, an officer, or a
 20 member of a corporate or partnership taxpayer; and

21 (2) has a duty to remit innkeeper's taxes **or food and beverage**
 22 **taxes** to the department of state revenue or a political subdivision;
 23 holds those ~~innkeeper's~~ taxes in trust for the state or political
 24 subdivision and is personally liable for the payment of the ~~innkeeper's~~
 25 taxes, plus any penalties and interest attributable to the ~~innkeeper's~~
 26 taxes, to the state or political subdivision. An individual who
 27 knowingly fails to collect or remit the ~~innkeeper's~~ taxes to the state or
 28 political subdivision commits a Class D felony.

29 SECTION 84. IC 6-9-29-4 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. Upon a request by
 31 a county auditor or treasurer, the department of state revenue shall
 32 provide summary data regarding innkeeper's tax **and food and**
 33 **beverage taxes** collections for the county. This data may not include
 34 any confidential information. The department shall provide the
 35 summary data within ten (10) business days after the request is made.

36 SECTION 85. IC 6-9-31-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) After January 1
 38 but before ~~June~~ **April 1 of a year**, the city-county council may adopt
 39 an ordinance to impose a supplemental tax, known as the capital
 40 improvement board revenue replacement supplemental tax, only for the
 41 purpose of replacing revenue lost as a result of the withdrawal by the
 42 consolidated city or the capital improvement board from a contract



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1 providing another entity with the right to name a facility owned by the
2 capital improvement board under IC 36-10-9, the county convention
3 and recreational facilities authority under IC 36-10-9.1, or the
4 consolidated city, in response to the entity displacing at least:

- 5 (1) four hundred (400) jobs in the consolidated city; or
- 6 (2) one thousand (1,000) jobs within the state;

7 to another country, if the city-county council determines the revenue
8 must be replaced.

9 (b) The city-county council may adopt an ordinance to impose a
10 supplemental tax on any one (1) or all of the following:

- 11 (1) the innkeeper's tax under IC 6-9-8;
- 12 (2) the admissions tax under IC 6-9-13; and
- 13 (3) the supplemental auto rental excise tax under IC 6-6-9.7.

14 **An ordinance adopted under this chapter takes effect July 1 of the**
15 **year in which it is adopted. The city-county council shall send a**
16 **certified copy of each ordinance adopted under this chapter to the**
17 **commissioner of the department of state revenue not more than ten**
18 **(10) days after the adoption of the ordinance.**

19 (c) The revenue replacement supplemental tax is in addition to the
20 state gross retail tax and use tax imposed by IC 6-2.5. The county fiscal
21 body may adopt an ordinance to require that the tax be reported on
22 forms approved by the county treasurer and that the tax shall be paid
23 monthly to the county treasurer. If such an ordinance is adopted, the tax
24 shall be paid to the county treasurer not more than twenty (20) days
25 after the end of the month the tax is collected. If such an ordinance is
26 not adopted, the tax shall be imposed, paid, and collected in exactly the
27 same manner as the state gross retail tax is imposed, paid, and collected
28 under IC 6-2.5.

29 (d) All of the provisions of IC 6-2.5 relating to rights, duties,
30 liabilities, procedures, penalties, definitions, and administration shall
31 be applicable to the imposition and administration of the tax imposed
32 by this section except to the extent these provisions are in conflict or
33 inconsistent with the specific provisions of this chapter or the
34 requirements of the county treasurer. Specifically, and not in limitation
35 of the preceding sentence, "person" and "gross income" have the same
36 meaning in this section as the terms have in IC 6-2.5.

37 (e) If the tax is paid to the department of state revenue, the returns
38 to be filed for the payment of the tax under this section may be either
39 by separate return or combined with the return filed for the payment of
40 the state gross retail tax as the department of state revenue may
41 determine by rule. **If the department determines after December 31,**
42 **1999, that a person's:**

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1 **(1) estimated monthly tax liability for the current year; or**
 2 **(2) average monthly tax liability for the preceding year;**
 3 **exceeds five thousand dollars (\$5,000), the person must pay the**
 4 **monthly tax due under this chapter by electronic funds transfer (as**
 5 **defined in IC 4-8.1-2-7) or by delivering in person or by overnight**
 6 **courier a payment by cashier's check, certified check, or money**
 7 **order to the department. The transfer or payment must be made**
 8 **on or before the date the tax is due.**

9 (f) If the tax is paid to the department of state revenue, the amounts
 10 received from this tax shall be paid monthly by the treasurer of state to
 11 the treasurer of the capital improvement board of managers of the
 12 county upon warrants issued by the auditor of state.

13 SECTION 86. IC 7.1-4-6-3.5 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3.5. **Filing of**
 15 **Returns:** **(a) Except as provided in subsections (b) and (c),** a person
 16 who is liable for the payment of an excise tax levied by this title shall
 17 file a monthly return with the department on or before the twentieth day
 18 of the month following the month in which the liability for the tax
 19 accrues by reason of the manufacture, sale, gift, or the withdrawal for
 20 sale or gift, of alcoholic beverages within this state. Payment of the
 21 excise tax due shall accompany the return.

22 **(b) If the department determines that a person's:**

23 **(1) estimated monthly excise tax liability for the current year;**
 24 **or**
 25 **(2) average monthly excise tax liability for the preceding year;**
 26 **exceeds five thousand dollars (\$5,000), the person shall pay the**
 27 **monthly excise tax due by electronic funds transfer (as defined in**
 28 **IC 4-8.1-2-7) or by delivering in person or by overnight courier a**
 29 **payment by cashier's check, certified check, or money order to the**
 30 **department. The transfer or payment shall be made on or before**
 31 **the date the tax is due.**

32 **(c) If a person's excise tax payment is made by electronic funds**
 33 **transfer, the taxpayer is not required to file a monthly excise tax**
 34 **return. However, the person shall file a quarterly excise tax return**
 35 **before the twentieth day following the end of each calendar**
 36 **quarter.**

37 SECTION 87. IC 8-2.1-24-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. This chapter
 39 applies to the certification of a motor carrier providing intrastate
 40 transportation by motor vehicle of property **or passengers** for
 41 compensation.

42 SECTION 88. IC 8-2.1-24-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. Section 18 of
 2 this chapter applies to the regulation of the following persons:

- 3 (1) A motor carrier described in section 1 of this chapter.
 4 (2) A private carrier of property **or passengers**.

5 SECTION 89. IC 8-2.1-24-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. Except as
 7 provided in section 18 of this chapter, this chapter does not apply to the
 8 following:

9 (1) Motor vehicles used exclusively for carrying United States
 10 mail.

11 (2) Motor vehicles while being used or operated under the
 12 control, direction, and supervision of:

13 (A) the United States government, the state, or a political
 14 subdivision; or
 15 (B) the board of trustees of a state institution.

16 (3) Motor vehicles while transporting supplies, livestock feed
 17 ingredients, fertilizer, or fertilizing materials that are in transit to
 18 or from farms.

19 (4) Motor vehicles:

20 (A) controlled and operated by a farmer when used in the
 21 transportation of the farmer's agricultural commodities and
 22 products of those commodities or in the transportation of
 23 supplies to the farm;

24 (B) controlled and operated by a nonprofit agricultural
 25 cooperative association (or by a federation of agricultural
 26 cooperative associations if the federation does not possess
 27 greater powers or purposes than the cooperative associations);

28 (C) used in carrying property consisting of livestock or
 29 agricultural commodities (not including manufactured
 30 products) if the motor vehicles are not used in carrying:

- 31 (i) other property;
 32 (ii) agricultural commodities; or
 33 (iii) passengers;

34 for compensation; or

35 (D) used in carrying livestock feed or feed ingredients, if those
 36 products are transported to a site of agricultural productions or
 37 to a business enterprise engaged in the sale of agricultural
 38 goods to a person engaged in agricultural production.

39 This chapter shall not be construed to apply to motor vehicles
 40 owned, leased, controlled, or operated by a nonprofit cooperative
 41 association, either incorporated or unincorporated, that was in
 42 existence on July 6, 1961.

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1 (5) The casual, occasional, or reciprocal transportation of
2 household effects or furniture for compensation, not including the
3 transportation for hire of new household effects or furniture to or
4 from a factory, warehouse, or store, by a person who does not
5 otherwise engage in the type of transportation for compensation
6 or who is not required by this chapter to hold a certificate or
7 permit to engage in the transportation or operation for hire who
8 does not profess to engage in the business of transporting
9 household effects or furniture for hire.

10 (6) Motor vehicles, commonly known as armored cars, used
11 exclusively to transport, under written bilateral contract, coin,
12 currency, bullion, securities, precious metals, jewelry, precious
13 stones, money, legal tender, stocks and bonds, negotiable and
14 nonnegotiable instruments and securities, postage and revenue
15 stamps, and other valuable documents and rare objects.

16 (7) Trucks with a declared gross weight of not more than
17 forty-eight thousand (48,000) pounds, transporting nonliquid bulk
18 or bag fertilizers.

19 (8) Motor vehicles while being used to transport chemicals that
20 are used to melt ice and packed snow on roads and streets if the
21 chemicals are owned by and being delivered to the state or a
22 political subdivision for use on roads and streets.

23 (9) Trucks with a declared gross weight of not more than forty-six
24 thousand (46,000) pounds transporting aggregate materials
25 (mineral or rock fragments) in bulk when the person providing the
26 transportation owns or leases not more than one (1) truck for
27 those purposes.

28 ~~(10) Motor vehicles used for the transportation of household~~
29 ~~goods.~~

30 SECTION 90. IC 8-2.1-24-4 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. The department
32 may:

- 33 (1) certify a motor carrier providing transportation of property **or**
- 34 **passengers** for compensation; ~~and~~
- 35 (2) regulate and supervise safety, insurance, methods, and hours
- 36 of operation of a motor carrier providing transportation of
- 37 property **or passengers**; ~~and~~
- 38 (3) **impose a uniform fee on all carriers for establishing and**
- 39 **administering the certification process created under this**
- 40 **chapter.**

41 SECTION 91. IC 8-2.1-24-15 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. A motor

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1 carrier may not operate a motor vehicle in the transportation of
 2 property **or passengers** upon a public highway in intrastate commerce
 3 until the motor carrier has:

- 4 (1) submitted forms approved by the department to be a properly
 5 certified motor carrier; and
 6 (2) been issued an acknowledgment by the department.

7 An acknowledgment issued under subdivision (2) remains in effect
 8 until December 31 of the year in which the acknowledgment is issued.

9 SECTION 92. IC 8-2.1-24-17 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17. (a) A person
 11 may not operate a motor vehicle for the transportation of property **or**
 12 **passengers** upon a public highway, and a motor carrier may not be
 13 certified, unless the motor carrier complies with the rules adopted by
 14 the department governing the filing and approval of surety bonds,
 15 policies of insurance, qualifications of a self-insurer, or other securities
 16 or agreements.

17 (b) A surety bond, policy of insurance, self-insurance, or security or
 18 other agreement approved under this section must be of a reasonable
 19 amount and conditioned to pay, within the amount of the surety bond,
 20 policy of insurance, self-insurance, or security or other agreement, a
 21 final judgment recovered against the motor carrier for bodily injuries
 22 to or the death of any person resulting from the negligent operation,
 23 maintenance, or use of the motor carrier's registered motor vehicle, or
 24 for loss or damage to property of others.

25 SECTION 93. IC 8-2.1-24-18 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18. (a) 49 CFR
 27 Parts 382, 385 through 387, 390 through 393, and 395 through 398 ~~is~~
 28 **are** incorporated into Indiana law by reference, and, except as provided
 29 in subsections (d), (e), (f), and (g), must be complied with by an
 30 interstate and intrastate motor carrier of persons or property throughout
 31 Indiana. Intrastate motor carriers subject to compliance reviews under
 32 49 CFR 385 shall be selected according to criteria determined by the
 33 superintendent which must include but is not limited to factors such as
 34 previous history of violations found in roadside compliance checks and
 35 other recorded violations. However, the provisions of 49 CFR 395 that
 36 regulate the hours of service of drivers, including requirements for the
 37 maintenance of logs, do not apply to a driver of a truck that is
 38 registered by the bureau of motor vehicles and used as a farm truck
 39 under IC 9-18, or a vehicle operated in intrastate construction or
 40 construction related service, or the restoration of public utility services
 41 interrupted by an emergency. Intrastate motor carriers not operating
 42 under authority issued by the United States Department of



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1 Transportation shall comply with the requirements of 49 CFR
 2 390.21(b)(3) by registering with the department of state revenue as an
 3 intrastate motor carrier and displaying the certification number issued
 4 by the department of state revenue preceded by the letters "IN". All
 5 other requirements of 49 CFR 390.21 apply equally to interstate and
 6 intrastate motor carriers.

7 (b) 49 CFR 107 subpart F and subpart (G), 171 through 173, 177
 8 through 178, and 180, is incorporated into Indiana law by reference,
 9 and every:

- 10 (1) private carrier;
- 11 (2) common carrier;
- 12 (3) contract carrier;
- 13 (4) motor carrier of property **or passengers**, intrastate;
- 14 (5) hazardous material shipper; and
- 15 (6) carrier otherwise exempt under section 3 of this chapter;

16 must comply with the federal regulations incorporated under this
 17 subsection, whether engaged in interstate or intrastate commerce.

18 (c) Notwithstanding subsection (b), nonspecification bulk and
 19 nonbulk packaging, including cargo tank motor vehicles, may be used
 20 only if all the following conditions exist:

- 21 (1) The maximum capacity of the vehicle is less than three
 22 thousand five hundred (3,500) gallons.
- 23 (2) The shipment of goods is limited to intrastate commerce.
- 24 (3) The vehicle is used only for the purpose of transporting fuel
 25 oil, kerosene, diesel fuel, gasoline, gasohol, or any combination
 26 of these substances.

27 All additional federal standards for the safe transportation of hazardous
 28 materials apply until July 1, 2000. After June 30, 2000, the
 29 maintenance, inspection, and marking requirements of 49 CFR 173.8
 30 and Part 180 are applicable. In accordance with federal hazardous
 31 materials regulations, new or additional nonspecification cargo tank
 32 motor vehicles may not be placed in service under this subsection after
 33 June 30, 1998.

34 (d) For the purpose of enforcing this section, only:

- 35 (1) a state police officer or state police motor carrier inspector
 36 who:
 - 37 (A) has successfully completed a course of instruction
 38 approved by the Federal Highway Administration; and
 - 39 (B) maintains an acceptable competency level as established
 40 by the state police department; or
- 41 (2) an employee of a law enforcement agency who:
 - 42 (A) before January 1, 1991, has successfully completed a



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- 1 course of instruction approved by the Federal Highway
 2 Administration; and
- 3 (B) maintains an acceptable competency level as established
 4 by the state police department;
- 5 on the enforcement of 49 CFR, may, upon demand, inspect the books,
 6 accounts, papers, records, memoranda, equipment, and premises of any
 7 carrier, including a carrier exempt under section 3 of this chapter.
- 8 (e) A person hired before September 1, 1985, who operates a motor
 9 vehicle intrastate incidentally to the person's normal employment duties
 10 and who is not employed as a chauffeur (as defined in IC 9-13-2-21(a))
 11 is exempt from 49 CFR 391 as incorporated by this section.
- 12 (f) Notwithstanding any provision of 49 CFR 391 to the contrary, a
 13 person at least eighteen (18) years of age and less than twenty-one (21)
 14 years of age may be employed as a driver to operate a commercial
 15 motor vehicle intrastate. However, a person employed under this
 16 subsection is not exempt from any other provision of 49 CFR 391.
- 17 (g) Notwithstanding subsection (b), the following provisions of 49
 18 CFR do not apply to private carriers of property **or passengers**
 19 operated only in intrastate commerce or any carriers of property **or**
 20 **passengers** operated only in intrastate commerce while employed in
 21 construction or construction related service:
- 22 (1) Subpart 391.41 as it applies to physical qualifications of
 23 drivers hired before September 1, 1985.
- 24 (2) Subpart 391.41(b)(3) as it applies to physical qualifications of
 25 a driver who has held a commercial driver's license (as defined in
 26 IC 9-13-2-29) before April 1, 1992, diagnosed as an insulin
 27 dependent diabetic, if the driver has filed an annual statement
 28 with the bureau of motor vehicles completed, and signed by a
 29 certified endocrinologist attesting that the driver:
- 30 (A) is otherwise physically qualified under Subpart 391.41 to
 31 operate a motor vehicle and is not likely to suffer any
 32 diminution in driving ability due to the driver's diabetic
 33 condition;
- 34 (B) is free of severe hypoglycemia or hypoglycemia
 35 unawareness, and has had less than one (1) documented,
 36 symptomatic hypoglycemic reaction per month;
- 37 (C) has demonstrated the ability and willingness to properly
 38 monitor and manage the driver's diabetic condition;
- 39 (D) has agreed to and, to the endocrinologist's knowledge, has
 40 carried a source of rapidly absorbable glucose at all times
 41 while driving a motor vehicle, has self monitored blood
 42 glucose levels one (1) hour before driving and at least once

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every four (4) hours while driving or on duty before driving using a portable glucose monitoring device equipped with a computerized memory; and (E) has submitted the blood glucose logs from the monitoring device to the endocrinologist at the time of the annual medical examination.

A copy of the blood glucose logs shall be filed along with the annual statement from the endocrinologist with the bureau of motor vehicles for review by the driver licensing advisory committee established under IC 9-14-4. A copy of the annual statement shall also be provided to the driver's employer for retention in the driver's qualification file and a copy shall be retained and held by the driver while driving for presentation to an authorized federal, state, or local law enforcement official.

(3) Subpart 396.9 as it applies to inspection of vehicles carrying or loaded with a perishable product. However, this exemption does not prohibit a law enforcement officer from stopping these vehicles for an obvious violation that poses an imminent threat of an accident or incident. The exemption is not intended to include refrigerated vehicles loaded with perishables when the refrigeration unit is working.

(4) Subpart 396.11 as it applies to driver vehicle inspection reports.

(5) Subpart 396.13 as it applies to driver inspection.

(h) For purposes of 49 CFR 395.1(l), "planting and harvesting season" refers to the period between January 1 and December 31 of each year. The intrastate commerce exception set forth in 49 CFR 395.1(l), as it applies to the transportation of agricultural commodities and farm supplies, is restricted to single vehicles and cargo tank motor vehicles with a capacity of not more than five thousand four hundred (5,400) gallons.

(i) The superintendent of state police may adopt rules under IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by reference under this section.

SECTION 94. IC 8-2.1-24-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 20. Before a motor carrier engaged in the transportation of property for compensation may operate a motor vehicle upon a public highway providing intrastate transportation, the motor carrier must be properly registered as required under the single state registration system in accordance with rules adopted by the department under IC 4-22-2. This section does not apply to a person exclusively engaged in the private

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1 transportation of property **or passengers**.

2 SECTION 95. IC 8-2.1-24-25 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 25. (a) The

4 department or the state police department may impound a motor

5 vehicle operated for hire if:

6 (1) the motor carrier of property **or passengers** has not obtained

7 the required certification from the department; and

8 (2) the vehicle is being operated on an Indiana highway.

9 (b) To obtain possession of a motor vehicle impounded under

10 subsection (a), the motor carrier that operates the motor vehicle must

11 either:

12 (1) obtain the required certification from the department; or

13 (2) remove from the vehicle all cargo for which the required

14 certification has not been obtained.

15 (c) If the motor carrier that operates a motor vehicle impounded

16 under subsection (a) is not the owner of the vehicle, the department or

17 the state police department shall release the motor vehicle to the owner

18 unless the owner was aware that the motor vehicle was being operated

19 without the required certification.

20 (d) Cargo held in a motor vehicle impounded under subsection (a)

21 must be released if the cargo is loaded into a motor vehicle operated in

22 compliance with this chapter.

23 SECTION 96. IC 9-18-26-10 IS AMENDED TO READ AS

24 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. (a) The

25 bureau may issue an interim license plate to a dealer or manufacturer

26 who is licensed and has been issued a license plate under section 1 of

27 this chapter.

28 (b) The bureau shall prescribe the form of an interim license plate

29 issued under this section. However, a plate must bear the assigned

30 registration number and provide sufficient space for the expiration date

31 as provided in subsection (c).

32 (c) Whenever a dealer or manufacturer sells a motor vehicle, the

33 dealer or manufacturer may provide the buyer with an interim license

34 plate. The dealer shall, in the manner provided by the bureau, affix on

35 the plate in numerals and letters at least three (3) inches high the date

36 on which the interim license plate expires.

37 (d) An interim license plate authorizes a motor vehicle owner to

38 operate the vehicle for a maximum period of thirty-one (31) days after

39 the date of delivery of the vehicle to the vehicle's owner or until a

40 regular license plate is issued, whichever occurs first.

41 (e) A motor vehicle that is required by law to display license plates

42 on the front and rear of the vehicle is only required to display a single

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1 interim plate.

2 (f) **A dealer, manufacturer, or employee of a dealer or**
 3 **manufacturer may not sell or loan an interim license plate to**
 4 **another dealer, manufacturer, or employee of a dealer or**
 5 **manufacturer.**

6 SECTION 97. IC 34-55-10-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This section does
 8 not apply to judgments obtained before October 1, 1977.

9 (b) The following property of a judgment debtor domiciled in
 10 Indiana is not subject to levy or sale on execution or any other final
 11 process from a court, for a judgment founded upon an express or
 12 implied contract or a tort claim:

13 (1) Real estate or personal property constituting the personal or
 14 family residence of the judgment debtor or a dependent of the
 15 judgment debtor, or estates or rights in that real estate or personal
 16 property, of not more than seven thousand five hundred dollars
 17 (\$7,500). The exemption under this subsection is individually
 18 available to joint judgment debtors concerning property held by
 19 them as tenants by the entireties.

20 (2) Other real estate or tangible personal property of four
 21 thousand dollars (\$4,000).

22 (3) Intangible personal property, including choses in action (but
 23 excluding debts owing and income owing), of one hundred dollars
 24 (\$100).

25 (4) Professionally prescribed health aids for the judgment debtor
 26 or a dependent of the judgment debtor.

27 (5) Any interest that the judgment debtor has in real estate held as
 28 a tenant by the entireties on the date of the filing of the petition
 29 for relief under the bankruptcy code, unless a joint petition for
 30 relief is filed by the judgment debtor and spouse, or individual
 31 petitions of the judgment debtor and spouse are subsequently
 32 consolidated.

33 (6) An interest, whether vested or not, that the judgment debtor
 34 has in a retirement plan to the extent of:

35 (A) contributions, or portions of contributions, that were made
 36 to the retirement plan:

37 (i) by or on behalf of the debtor; and

38 (ii) which were not subject to federal income taxation to the
 39 debtor at the time of the contribution;

40 (B) earnings on contributions made under clause (A) that are
 41 not subject to federal income taxation at the time of the
 42 judgment; and

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- 1 (C) roll-overs of contributions made under clause (A) that are
 2 not subject to federal income taxation at the time of the
 3 judgment.
- 4 (7) Money that is in a medical care savings account established
 5 under IC 6-8-11.
- 6 **(8) An interest, including:**
 7 **(A) contributions;**
 8 **(B) portions of contributions; and**
 9 **(C) earnings on contributions;**
 10 **whether vested or not, that the judgment debtor has in a**
 11 **retirement plan if contributions to the retirement plan are**
 12 **subject to federal income tax to the debtor, but earnings on**
 13 **contributions to the plan are not subject to federal income tax**
 14 **to the debtor.**
- 15 (c) The total value of the property exempted under subsection (b)(1)
 16 through (b)(3) may not exceed ten thousand dollars (\$10,000).
- 17 (d) Real estate or personal property upon which a debtor has
 18 voluntarily granted a lien is not, to the extent of the balance due on the
 19 debt secured by the lien:
- 20 (1) subject to this chapter; or
 21 (2) exempt from levy or sale on execution or any other final
 22 process from a court.
- 23 SECTION 98. IC 36-7-31.3-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. As used in this
 25 chapter, "covered taxes" means the following:
- 26 (1) The state gross retail tax imposed under IC 6-2.5-2-1 or use
 27 tax imposed under IC 6-2.5-3-2.
 28 (2) An adjusted gross income tax imposed under IC 6-3-2-1 on an
 29 individual.
 30 (3) A county option income tax imposed under IC 6-3.5.
 31 (4) **Except in a county having a population of more than three**
 32 **hundred thousand (300,000) but less than four hundred**
 33 **thousand (400,000),** a food and beverage tax imposed under
 34 IC 6-9.
- 35 SECTION 99. IC 36-7-31.3-8 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) A city or county
 37 legislative body may establish as part of a professional sports and
 38 convention development area any facility that is:
- 39 (1) owned by the city, the county, a school corporation, or a board
 40 under IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used by a
 41 professional sports franchise; ~~or~~
 42 (2) owned by the city, the county, or a board under IC 36-10-8,

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1 IC 36-10-10, or IC 36-10-11 and used **principally** for convention
 2 or tourism related events **servicing national or regional markets**;
 3 **or**

4 **(3) located in a city having a population of more than one**
 5 **hundred fifty thousand (150,000) but less than five hundred**
 6 **thousand (500,000) and is connected to and shares at least one**
 7 **(1) common area with unobstructed ingress and egress to a**
 8 **facility described in subdivision (2).**

9 **A tax area that is not located in a city having a population of more**
 10 **than one hundred fifty thousand (150,000) but less than five**
 11 **hundred thousand (500,000) must include at least one (1) facility**
 12 **described in subdivision (1).** The tax area may include only facilities
 13 described in this section and any parcel of land on which the facility is
 14 located. An area may contain noncontiguous tracts of land within the
 15 city or county.

16 **(b) The tax area may contain facilities not owned by the**
 17 **designating body, if:**

18 **(1) the facility is owned by the city, the county, or a board**
 19 **established under IC 36-10-8, IC 36-10-10, or IC 36-10-11;**
 20 **and**

21 **(2) an agreement exists specifying the distribution and uses of**
 22 **the covered taxes to be allocated under this chapter.**

23 SECTION 100. IC 36-7-31.3-17 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. The department
 25 shall notify the county auditor of the amount of taxes to be distributed
 26 to the county treasurer. **For tax areas covered by section 8(b) of this**
 27 **chapter, the department shall notify the county auditor of the**
 28 **amount of taxes to be distributed to each participant in the**
 29 **agreement specifying the distribution and uses of covered taxes to**
 30 **be allocated under this chapter.**

31 SECTION 101. THE FOLLOWING ARE REPEALED
 32 [EFFECTIVE JANUARY 1, 2000]: IC 6-8.1-10-11; IC 8-2.1-22.

33 SECTION 102. [EFFECTIVE JANUARY 1, 1999
 34 (RETROACTIVE)] **IC 6-3-2.5-4 and IC 6-8-11-2, both as amended**
 35 **by this act, and IC 6-8.1-9.5-14, as added by this act, apply to**
 36 **taxable years beginning after December 31, 1998.**

37 SECTION 103. [EFFECTIVE JANUARY 1, 1999
 38 (RETROACTIVE)] **IC 6-3-1-11, as amended by this act, applies to**
 39 **taxable years beginning after December 31, 1998.**

40 SECTION 104. [EFFECTIVE JANUARY 1, 2000] **(a) Except as**
 41 **otherwise provided by this act, act applies to tax payments due**
 42 **after December 31, 1999.**



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1 **(b) This SECTION expires January 1, 2002.**
2 **SECTION 105. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1868, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 31 and 32, begin a new paragraph and insert the following:

"SECTION 2. IC 6-2.1-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A taxpayer shall pay the gross income taxes imposed on the sale or transfer of an interest in real estate by paying the tax to the treasurer of the county in which the real estate is located. The treasurer shall stamp the instrument of transfer with a rubber stamp, supplied by the department, which marks the instrument of transfer "gross income tax paid" and provides spaces for inscribing the name of the seller or grantor, the amount and date of payment, and any other information which the department may require.

(b) The county treasurer shall remit the proceeds to the department on the ~~fifteenth~~ **twentieth** day of January, April, July, and October for the preceding quarterly period.

(c) If the department determines that the average monthly amount due for the preceding year exceeds ten thousand dollars (\$10,000), the county treasurer shall pay the taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

(d) As compensation for collecting the gross income tax, the county treasurer may retain one percent (1%) of any payment due to the department under this section. Any amount the county treasurer retains shall be deposited in that county's general fund.

SECTION 3. IC 6-2.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) An excise tax, known as the use tax, is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.

(b) The use tax is also imposed on the storage, use, or consumption of a vehicle, an aircraft, or a watercraft if the vehicle, aircraft, or watercraft:

- (1) is acquired in a transaction that is an isolated or occasional sale; and

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(2) is required to be titled, licensed, or registered by this state for use in Indiana.

(c) The use tax is imposed on the addition of tangible personal property to a structure or facility if, after its addition, the property becomes part of the real estate on which the structure or facility is located. However, the use tax does not apply to additions of tangible personal property described in this subsection if:

- (1) the state gross retail or use tax has been previously imposed on the sale or use of that property or
- (2) the ultimate purchaser or recipient of that property would have been exempt from the state gross retail and use taxes if that purchaser or recipient had directly purchased the property from the supplier for addition to the structure or facility.

(d) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over tangible personal property if:

- (1) the property is delivered ~~into~~ **from within or outside** Indiana by or for the purchaser of the property;
- (2) the property is delivered ~~in~~ **from within or outside** Indiana for the sole purpose of being processed, printed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property; and
- (3) the property is subsequently transported out of state for use solely outside Indiana."

Page 2, delete lines 34 through 42.

Delete page 3.

Page 4, delete lines 1 through 16 and insert the following:

"liable for collecting the state gross retail or use tax shall ~~file a return for each calendar month and~~ pay the state gross retail and use taxes that the person collects during ~~that each calendar month~~. **The payment shall be made not later than twenty (20) days after the end of the following month.** A person shall file the person's return for a particular month with the department and make the person's tax payment for that month to the department not more than thirty (30) days after the end of that month; if that person's average monthly liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year did not exceed one thousand dollars (\$1,000); If a person's average monthly liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year exceeded one thousand dollars (\$1,000); that person shall file the person's return for a particular month and make the person's tax payment for that



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month to the department not more than ~~twenty (20)~~ days after the end of that month: **for each calendar quarter. The return shall be filed not later than thirty (30) days after the end of each quarter.**

(b) If a person files a combined sales and withholding tax report and either this section or IC 6-3-4-8.1 requires sales or withholding tax reports to be filed and remittances to be made within twenty (20) days after the end of each month, then the person shall file the combined report and remit the sales and withholding taxes due within twenty (20) days after the end of each month.

~~(b) Instead of twelve (12) monthly reporting periods required under subsection (a), the department may permit a person to divide a year into a different number of reporting periods. Each return and payment for those reporting periods is due not more than thirty (30) days after the end of the respective period.~~

(c) Instead of the reporting periods required under subsection (a), the department may permit a retail merchant to report and pay the merchant's state gross retail and use taxes for a period covering:

- (1) a calendar year, if the retail merchant's average monthly state gross retail and use tax liability in the previous calendar year does not exceed ten dollars (\$10); **or**
- (2) a calendar half year, if the retail merchant's average monthly state gross retail and use tax liability in the previous calendar year does not exceed twenty-five dollars (\$25). **or**
- ~~(3) a calendar quarter, if the retail merchant's average monthly state gross retail and use tax liability in the previous calendar year does not exceed seventy-five dollars (\$75).~~

A retail merchant using a reporting period allowed under this subsection must file the merchant's return and pay the merchant's tax for a reporting period no later than ~~the last day of the month immediately~~ **twenty (20) days** following the close of that reporting period.

(d) If a retail merchant reports the merchant's gross income tax, or the tax the merchant pays in place of the gross income tax, over a fiscal year or fiscal quarter not corresponding to the calendar year or calendar quarter, the merchant may, without prior departmental approval, report and pay the merchant's state gross retail and use taxes over the merchant's fiscal period that corresponds to the calendar period the merchant is permitted to use under subsection (c). However, the department may, at any time, require the retail merchant to stop using the fiscal reporting period.

(e) If a retail merchant files a combined sales and withholding tax report, the reporting period for the combined report is the shortest



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period required under:

- (1) this section;
 - (2) IC 6-3-4-8; or
 - (3) IC 6-3-4-8.1.
- (f) If the department determines that a person's:
- (1) estimated monthly gross retail and use tax liability for the current year; or
 - (2) average monthly gross retail and use tax liability for the preceding year;

exceeds, **before January 1, 2000**, ten thousand dollars (\$10,000) **or, after December 31, 1999**, five thousand dollars (**\$5,000**), the person shall pay the monthly gross retail and use taxes due by electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due."

Page 4, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 3. IC 6-3-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
Sec. 11. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, ~~1998~~: **1999**.

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, ~~1998~~: **1999**, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, ~~1998~~: **1999**, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, ~~1998~~: **1999**, that is effective for any taxable year that began before January 1, ~~1998~~: **1999**, and that affects:

- (1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);
- (2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);
- (3) trust and estate taxable income (as defined in Section 641(b)



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- of the Internal Revenue Code);
- (4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);
- (5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or
- (6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under IC 6-3-1-3.5 and net income under IC 6-3-8-2(b).

SECTION 4. IC 6-3-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. As used in this chapter, "Indiana total income" means the sum of the following for an individual taxpayer, and if the individual taxpayer files a joint return, the individual taxpayer's spouse, for a taxable year:

- (1) Adjusted gross income (as defined in Section 62 of the Internal Revenue Code).
- (2) Taxes deducted on a federal income tax return, as described in IC 6-3-1-3.5(a)(2).
- (3) Any net operating loss carried forward from a prior year and reported on the taxpayer's federal income tax return for the taxable year.
- (4) The total ordinary income portion of a lump sum distribution described in ~~IC 6-3-1-3.5(a)(6)~~. **IC 6-3-1-3.5(a)(7)**.
- (5) Any other taxable income not described in subdivision (1).

SECTION 5. IC 6-3-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 4. As used in this chapter, "qualifying child" means an individual who:

- (1) is the child, stepchild, or foster child of the individual taxpayer;
- (2) resides in Indiana with the individual taxpayer, including the individual taxpayer's spouse in the case of a joint return, for more than one-half (1/2) of the taxable year;
- (3) is dependent on the individual taxpayer, including the individual taxpayer's spouse in the case of a joint return, for more than one-half (1/2) of the individual's support;
- (4) is less than nineteen (19) years of age on the last day of the taxable year; and
- (5) is not married on the last day of the taxable year.

for whom the taxpayer is entitled to an exemption under Section 151(c)(1)(B) of the Internal Revenue Code."



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Page 21, between lines 39 and 40, begin a new paragraph and insert:
 "SECTION 28. IC 6-8-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
 Sec. 2. As used in this chapter, "dependent" means any of the following:

- (1) The spouse of an employee.
- (2) An employee's child ~~who is one (1) of the following:~~
 - (A) ~~Less than nineteen (19) years of age:~~
 - (B) ~~Less than twenty-three (23) years of age and enrolled as a full-time student at an accredited college or university:~~
 - (C) ~~Legally entitled to the provision by the employee of proper or necessary subsistence, education, medical care, or other care necessary for the child's health, guidance, or well-being, and not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States:~~
 - (D) ~~Mentally or physically incapacitated to the extent that the child is not self-sufficient: for whom the taxpayer is entitled to an exemption under Section 151(c)(1)(B) of the Internal Revenue Code.~~

SECTION 29. IC 6-8.1-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 19. The department shall print and include a voter registration form designed by the Indiana election commission under IC 3-7-23 in **each any** state adjusted gross income tax booklet that is **not** mailed to a taxpayer. ~~using a preprinted mailing label with an Indiana address:~~

SECTION 30. IC 6-8.1-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. ~~(a)~~ The department shall request from each taxpayer

- ~~(1) vehicle identification information for vehicles owned by the taxpayer; and~~
- ~~(2) the amount of the taxpayer's gross income (as defined in Section 61 of the Internal Revenue Code) derived from sources within or outside Indiana using the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. The taxpayer shall itemize the amount of gross income derived from each source.~~

~~(b) The department shall send a list to the bureau of motor vehicles showing by taxpayer the vehicle identification information obtained by the department. However, the name, tax identification number, and the corresponding information sent to the bureau may not include income tax information.~~

SECTION 31. IC 6-8.1-7-2 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The department may compile statistical studies from information derived from state tax returns and may disclose the results of those studies. In addition, the department may disclose statistical information from the state tax returns to the governor, the general assembly, or another state agency, for the purpose of allowing those governmental entities to conduct their own statistical studies. **The department shall compile data on business income, including income reported on an individual tax return. The data shall be organized in a manner that allows the data to be selected by type of business activity, federal tax status, and category of income regardless of the return used to report the income. The department shall make the data available to the legislative services agency and the budget agency in electronic database format for their use in doing studies of business income taxation.**

(b) Notwithstanding subsection (a), the department may not disclose the results of any study and may not disclose any statistical information if, as a result of that disclosure:

- (1) the identity of a taxpayer who filed a return would be disclosed;
- (2) the identity of a taxpayer could reasonably be associated with any of the information which was derived from his return for use in a statistical study; or
- (3) the ability of the department to obtain information from federal tax returns would, in the department's judgment, be jeopardized in any manner.

(c) Subject to the rules and regulations of the department, a person may request information as to whether an individual filed an income tax return pursuant to the Indiana income tax laws for a particular taxable year. However, the department may not disclose that information with respect to any taxable year until the close of the calendar year following the year in which the return should have been filed. As soon as practicable after the close of that calendar year, the department shall inform the person making the request whether the return was filed.

SECTION 32. IC 6-8.1-9.5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 14. (a) The department may enter into an agreement with the Secretary of the Treasury of the United States under Section 6402 of the Internal Revenue Code to recover past due, legally enforceable state income tax obligations owed to Indiana.**



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(b) The department may enter into an agreement with the Secretary of the Treasury of the United States to set off refunds to recover past due, legally enforceable federal income tax obligations owed by Indiana residents. Only section 12 of this chapter applies to an agreement under this subsection.

SECTION 33. IC 6-8.1-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on his return by the due date for the return or the payment, or incurs a deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

(b) The interest for a failure described in subsection (a) is the adjusted rate established by the commissioner under subsection (c), from the due date for payment. The interest applies to:

- (1) the full amount of the unpaid tax due if the person failed to file the return;
- (2) the amount of the tax that is not paid, if the person filed the return but failed to pay the full amount of tax shown on the return;
- or
- (3) the amount of the deficiency.

(c) The commissioner shall establish an adjusted rate of interest for a failure described in subsection (a) and for an excess tax payment on or before November 1 of each year. For purposes of subsection (b), the adjusted rate of interest shall be the percentage rounded to the nearest whole number that equals two (2) percentage points above the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report. For purposes of IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment is the percentage rounded to the nearest whole number that equals the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report. The adjusted rates of interest established under this subsection shall take effect on January 1 of the immediately succeeding year.

(d) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(e) ~~Except as provided by IC 6-8.1-5-2(c)(2),~~ The department may not waive the interest imposed under this section.

(f) Subsections (a) through (c) do not apply to a motor carrier fuel tax return."

Page 56, between lines 32 and 33, begin a new paragraph and insert:

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"SECTION 76. IC 8-2.1-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. This chapter applies to the certification of a motor carrier providing intrastate transportation by motor vehicle of property **or passengers** for compensation.

SECTION 77. IC 8-2.1-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. Section 18 of this chapter applies to the regulation of the following persons:

- (1) A motor carrier described in section 1 of this chapter.
- (2) A private carrier of property **or passengers**.

SECTION 78. IC 8-2.1-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. Except as provided in section 18 of this chapter, this chapter does not apply to the following:

- (1) Motor vehicles used exclusively for carrying United States mail.
- (2) Motor vehicles while being used or operated under the control, direction, and supervision of:
 - (A) the United States government, the state, or a political subdivision; or
 - (B) the board of trustees of a state institution.
- (3) Motor vehicles while transporting supplies, livestock feed ingredients, fertilizer, or fertilizing materials that are in transit to or from farms.
- (4) Motor vehicles:
 - (A) controlled and operated by a farmer when used in the transportation of the farmer's agricultural commodities and products of those commodities or in the transportation of supplies to the farm;
 - (B) controlled and operated by a nonprofit agricultural cooperative association (or by a federation of agricultural cooperative associations if the federation does not possess greater powers or purposes than the cooperative associations);
 - (C) used in carrying property consisting of livestock or agricultural commodities (not including manufactured products) if the motor vehicles are not used in carrying:
 - (i) other property;
 - (ii) agricultural commodities; or
 - (iii) passengers;
 for compensation; or
 - (D) used in carrying livestock feed or feed ingredients, if those products are transported to a site of agricultural productions or

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to a business enterprise engaged in the sale of agricultural goods to a person engaged in agricultural production.

This chapter shall not be construed to apply to motor vehicles owned, leased, controlled, or operated by a nonprofit cooperative association, either incorporated or unincorporated, that was in existence on July 6, 1961.

(5) The casual, occasional, or reciprocal transportation of household effects or furniture for compensation, not including the transportation for hire of new household effects or furniture to or from a factory, warehouse, or store, by a person who does not otherwise engage in the type of transportation for compensation or who is not required by this chapter to hold a certificate or permit to engage in the transportation or operation for hire who does not profess to engage in the business of transporting household effects or furniture for hire.

(6) Motor vehicles, commonly known as armored cars, used exclusively to transport, under written bilateral contract, coin, currency, bullion, securities, precious metals, jewelry, precious stones, money, legal tender, stocks and bonds, negotiable and nonnegotiable instruments and securities, postage and revenue stamps, and other valuable documents and rare objects.

(7) Trucks with a declared gross weight of not more than forty-eight thousand (48,000) pounds, transporting nonliquid bulk or bag fertilizers.

(8) Motor vehicles while being used to transport chemicals that are used to melt ice and packed snow on roads and streets if the chemicals are owned by and being delivered to the state or a political subdivision for use on roads and streets.

(9) Trucks with a declared gross weight of not more than forty-six thousand (46,000) pounds transporting aggregate materials (mineral or rock fragments) in bulk when the person providing the transportation owns or leases not more than one (1) truck for those purposes.

~~(10) Motor vehicles used for the transportation of household goods.~~

SECTION 79. IC 8-2.1-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. The department may:

(1) certify a motor carrier providing transportation of property **or passengers** for compensation; **and**

(2) regulate and supervise safety, insurance, methods, and hours of operation of a motor carrier providing transportation of

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property or passengers; and
(3) impose a uniform fee on all carriers for establishing and administering the certification process created under this chapter.

SECTION 80. IC 8-2.1-24-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. A motor carrier may not operate a motor vehicle in the transportation of property or passengers upon a public highway in intrastate commerce until the motor carrier has:

- (1) submitted forms approved by the department to be a properly certified motor carrier; and
- (2) been issued an acknowledgment by the department.

An acknowledgment issued under subdivision (2) remains in effect until December 31 of the year in which the acknowledgment is issued.

SECTION 81. IC 8-2.1-24-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17. (a) A person may not operate a motor vehicle for the transportation of property or passengers upon a public highway, and a motor carrier may not be certified, unless the motor carrier complies with the rules adopted by the department governing the filing and approval of surety bonds, policies of insurance, qualifications of a self-insurer, or other securities or agreements.

(b) A surety bond, policy of insurance, self-insurance, or security or other agreement approved under this section must be of a reasonable amount and conditioned to pay, within the amount of the surety bond, policy of insurance, self-insurance, or security or other agreement, a final judgment recovered against the motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of the motor carrier's registered motor vehicle, or for loss or damage to property of others.

SECTION 82. IC 8-2.1-24-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18. (a) 49 CFR Parts 382, 385 through 387, 390 through 393, and 395 through 398 **is** **are** incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), and (g), must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under 49 CFR 385 shall be selected according to criteria determined by the superintendent which must include but is not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. However, the provisions of 49 CFR 395 that regulate the hours of service of drivers, including requirements for the



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maintenance of logs, do not apply to a driver of a truck that is registered by the bureau of motor vehicles and used as a farm truck under IC 9-18, or a vehicle operated in intrastate construction or construction related service, or the restoration of public utility services interrupted by an emergency. Intrastate motor carriers not operating under authority issued by the United States Department of Transportation shall comply with the requirements of 49 CFR 390.21(b)(3) by registering with the department of state revenue as an intrastate motor carrier and displaying the certification number issued by the department of state revenue preceded by the letters "IN". All other requirements of 49 CFR 390.21 apply equally to interstate and intrastate motor carriers.

(b) 49 CFR 107 subpart F and subpart (G), 171 through 173, 177 through 178, and 180, is incorporated into Indiana law by reference, and every:

- (1) private carrier;
- (2) common carrier;
- (3) contract carrier;
- (4) motor carrier of property **or passengers**, intrastate;
- (5) hazardous material shipper; and
- (6) carrier otherwise exempt under section 3 of this chapter;

must comply with the federal regulations incorporated under this subsection, whether engaged in interstate or intrastate commerce.

(c) Notwithstanding subsection (b), nonspecification bulk and nonbulk packaging, including cargo tank motor vehicles, may be used only if all the following conditions exist:

- (1) The maximum capacity of the vehicle is less than three thousand five hundred (3,500) gallons.
- (2) The shipment of goods is limited to intrastate commerce.
- (3) The vehicle is used only for the purpose of transporting fuel oil, kerosene, diesel fuel, gasoline, gasohol, or any combination of these substances.

All additional federal standards for the safe transportation of hazardous materials apply until July 1, 2000. After June 30, 2000, the maintenance, inspection, and marking requirements of 49 CFR 173.8 and Part 180 are applicable. In accordance with federal hazardous materials regulations, new or additional nonspecification cargo tank motor vehicles may not be placed in service under this subsection after June 30, 1998.

(d) For the purpose of enforcing this section, only:

- (1) a state police officer or state police motor carrier inspector who:



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- (A) has successfully completed a course of instruction approved by the Federal Highway Administration; and
- (B) maintains an acceptable competency level as established by the state police department; or
- (2) an employee of a law enforcement agency who:
 - (A) before January 1, 1991, has successfully completed a course of instruction approved by the Federal Highway Administration; and
 - (B) maintains an acceptable competency level as established by the state police department;

on the enforcement of 49 CFR, may, upon demand, inspect the books, accounts, papers, records, memoranda, equipment, and premises of any carrier, including a carrier exempt under section 3 of this chapter.

(e) A person hired before September 1, 1985, who operates a motor vehicle intrastate incidentally to the person's normal employment duties and who is not employed as a chauffeur (as defined in IC 9-13-2-21(a)) is exempt from 49 CFR 391 as incorporated by this section.

(f) Notwithstanding any provision of 49 CFR 391 to the contrary, a person at least eighteen (18) years of age and less than twenty-one (21) years of age may be employed as a driver to operate a commercial motor vehicle intrastate. However, a person employed under this subsection is not exempt from any other provision of 49 CFR 391.

(g) Notwithstanding subsection (b), the following provisions of 49 CFR do not apply to private carriers of property **or passengers** operated only in intrastate commerce or any carriers of property **or passengers** operated only in intrastate commerce while employed in construction or construction related service:

- (1) Subpart 391.41 as it applies to physical qualifications of drivers hired before September 1, 1985.
- (2) Subpart 391.41(b)(3) as it applies to physical qualifications of a driver who has held a commercial driver's license (as defined in IC 9-13-2-29) before April 1, 1992, diagnosed as an insulin dependent diabetic, if the driver has filed an annual statement with the bureau of motor vehicles completed, and signed by a certified endocrinologist attesting that the driver:
 - (A) is otherwise physically qualified under Subpart 391.41 to operate a motor vehicle and is not likely to suffer any diminution in driving ability due to the driver's diabetic condition;
 - (B) is free of severe hypoglycemia or hypoglycemia unawareness, and has had less than one (1) documented, symptomatic hypoglycemic reaction per month;



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(C) has demonstrated the ability and willingness to properly monitor and manage the driver's diabetic condition;

(D) has agreed to and, to the endocrinologist's knowledge, has carried a source of rapidly absorbable glucose at all times while driving a motor vehicle, has self monitored blood glucose levels one (1) hour before driving and at least once every four (4) hours while driving or on duty before driving using a portable glucose monitoring device equipped with a computerized memory; and

(E) has submitted the blood glucose logs from the monitoring device to the endocrinologist at the time of the annual medical examination.

A copy of the blood glucose logs shall be filed along with the annual statement from the endocrinologist with the bureau of motor vehicles for review by the driver licensing advisory committee established under IC 9-14-4. A copy of the annual statement shall also be provided to the driver's employer for retention in the driver's qualification file and a copy shall be retained and held by the driver while driving for presentation to an authorized federal, state, or local law enforcement official.

(3) Subpart 396.9 as it applies to inspection of vehicles carrying or loaded with a perishable product. However, this exemption does not prohibit a law enforcement officer from stopping these vehicles for an obvious violation that poses an imminent threat of an accident or incident. The exemption is not intended to include refrigerated vehicles loaded with perishables when the refrigeration unit is working.

(4) Subpart 396.11 as it applies to driver vehicle inspection reports.

(5) Subpart 396.13 as it applies to driver inspection.

(h) For purposes of 49 CFR 395.1(l), "planting and harvesting season" refers to the period between January 1 and December 31 of each year. The intrastate commerce exception set forth in 49 CFR 395.1(l), as it applies to the transportation of agricultural commodities and farm supplies, is restricted to single vehicles and cargo tank motor vehicles with a capacity of not more than five thousand four hundred (5,400) gallons.

(i) The superintendent of state police may adopt rules under IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by reference under this section.

SECTION 83. IC 8-2.1-24-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 20. Before a

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motor carrier engaged in the transportation of property for compensation may operate a motor vehicle upon a public highway providing intrastate transportation, the motor carrier must be properly registered as required under the single state registration system in accordance with rules adopted by the department under IC 4-22-2. This section does not apply to a person exclusively engaged in the private transportation of property **or passengers**.

SECTION 84. IC 8-2.1-24-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 25. (a) The department or the state police department may impound a motor vehicle operated for hire if:

- (1) the motor carrier of property **or passengers** has not obtained the required certification from the department; and
- (2) the vehicle is being operated on an Indiana highway.

(b) To obtain possession of a motor vehicle impounded under subsection (a), the motor carrier that operates the motor vehicle must either:

- (1) obtain the required certification from the department; or
- (2) remove from the vehicle all cargo for which the required certification has not been obtained.

(c) If the motor carrier that operates a motor vehicle impounded under subsection (a) is not the owner of the vehicle, the department or the state police department shall release the motor vehicle to the owner unless the owner was aware that the motor vehicle was being operated without the required certification.

(d) Cargo held in a motor vehicle impounded under subsection (a) must be released if the cargo is loaded into a motor vehicle operated in compliance with this chapter.

SECTION 85. IC 9-18-26-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. (a) The bureau may issue an interim license plate to a dealer or manufacturer who is licensed and has been issued a license plate under section 1 of this chapter.

(b) The bureau shall prescribe the form of an interim license plate issued under this section. However, a plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) Whenever a dealer or manufacturer sells a motor vehicle, the dealer or manufacturer may provide the buyer with an interim license plate. The dealer shall, in the manner provided by the bureau, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.



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(d) An interim license plate authorizes a motor vehicle owner to operate the vehicle for a maximum period of thirty-one (31) days after the date of delivery of the vehicle to the vehicle's owner or until a regular license plate is issued, whichever occurs first.

(e) A motor vehicle that is required by law to display license plates on the front and rear of the vehicle is only required to display a single interim plate.

(f) A dealer, manufacturer, or employee of a dealer or manufacturer may not sell or loan an interim license plate to another dealer, manufacturer, or employee of a dealer or manufacturer.

SECTION 86. IC 34-55-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This section does not apply to judgments obtained before October 1, 1977.

(b) The following property of a judgment debtor domiciled in Indiana is not subject to levy or sale on execution or any other final process from a court, for a judgment founded upon an express or implied contract or a tort claim:

(1) Real estate or personal property constituting the personal or family residence of the judgment debtor or a dependent of the judgment debtor, or estates or rights in that real estate or personal property, of not more than seven thousand five hundred dollars (\$7,500). The exemption under this subsection is individually available to joint judgment debtors concerning property held by them as tenants by the entireties.

(2) Other real estate or tangible personal property of four thousand dollars (\$4,000).

(3) Intangible personal property, including choses in action (but excluding debts owing and income owing), of one hundred dollars (\$100).

(4) Professionally prescribed health aids for the judgment debtor or a dependent of the judgment debtor.

(5) Any interest that the judgment debtor has in real estate held as a tenant by the entireties on the date of the filing of the petition for relief under the bankruptcy code, unless a joint petition for relief is filed by the judgment debtor and spouse, or individual petitions of the judgment debtor and spouse are subsequently consolidated.

(6) An interest, whether vested or not, that the judgment debtor has in a retirement plan to the extent of:

(A) contributions, or portions of contributions, that were made to the retirement plan:

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- (i) by or on behalf of the debtor; and
 - (ii) which were not subject to federal income taxation to the debtor at the time of the contribution;
 - (B) earnings on contributions made under clause (A) that are not subject to federal income taxation at the time of the judgment; and
 - (C) roll-overs of contributions made under clause (A) that are not subject to federal income taxation at the time of the judgment.
- (7) Money that is in a medical care savings account established under IC 6-8-11.

(8) An interest, including:

- (A) contributions;**
 - (B) portions of contributions; and**
 - (C) earnings on contributions;**
- whether vested or not, that the judgment debtor has in a retirement plan if contributions to the retirement plan are subject to federal income tax to the debtor, but earnings on contributions to the plan are not subject to federal income tax to the debtor.**

(c) The total value of the property exempted under subsection (b)(1) through (b)(3) may not exceed ten thousand dollars (\$10,000).

(d) Real estate or personal property upon which a debtor has voluntarily granted a lien is not, to the extent of the balance due on the debt secured by the lien:

- (1) subject to this chapter; or
- (2) exempt from levy or sale on execution or any other final process from a court.

SECTION 87. IC 36-7-31.3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) A city or county legislative body may establish as part of a professional sports and convention development area any facility that is:

- (1) owned by the city, the county, a school corporation, or a board under IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used by a professional sports franchise; or
- (2) owned by the city, the county, or a board under IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used **principally** for convention or tourism related events **servicing national or regional markets.**

The tax area must include at least one (1) facility described in subdivision (1). The tax area may include only facilities described in this section and any parcel of land on which the facility is located. An area may contain noncontiguous tracts of land within the city or county.



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(b) The tax area may contain facilities not owned by the designating body, if:

- (1) the facility is owned by the city, the county, or a board established under IC 36-10-8, IC 36-10-10, or IC 36-10-11; and
- (2) an agreement exists specifying the distribution and uses of the covered taxes to be allocated under this chapter.

SECTION 88. IC 36-7-31.3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. The department shall notify the county auditor of the amount of taxes to be distributed to the county treasurer. **For tax areas covered by section 8(c) of this chapter, the department shall notify the county auditor of the amount of taxes to be distributed to each participant in the agreement specifying the distribution and uses of covered taxes to be allocated under this chapter.**

SECTION 89. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2000]: IC 6-8.1-10-11; IC 8-2.1-22.

SECTION 90. [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)] **IC 6-3-2.5-4 and IC 6-8-11-2, both as amended by this act, and IC 6-8.1-9.5-14, as added by this act, apply to taxable years beginning after December 31, 1998.**

SECTION 91. [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)] **IC 6-3-1-11, as amended by this act, applies to taxable years beginning after December 31, 1998."**

Page 56, line 33, delete "This" and insert "**Except as otherwise provided by this act,**".

Page 56, after line 35, begin a new paragraph and insert: "**SECTION 93. An emergency is declared for this act.**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1868 as introduced.)

BAUER, Chair

Committee Vote: yeas 26, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred House Bill No. 1868, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 71, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 98. IC 36-7-31.3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. As used in this chapter, "covered taxes" means the following:

- (1) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.
- (2) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.
- (3) A county option income tax imposed under IC 6-3.5.
- (4) **Except in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000),** a food and beverage tax imposed under IC 6-9."

Page 71, line 29, strike "or".

Page 71, line 32, after "markets" delete "." and insert "; or".

Page 71, between lines 32 and 33, begin a new line block indented and insert:

"(3) located in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000) and is connected to and shares at least one (1) common area with unobstructed ingress and egress to a facility described in subdivision (2)."

Page 71, line 33, delete "The" and insert "A".

Page 71, line 33, after "area" insert **"that is not located in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000)".**

Page 72, line 5, delete "8(c)" and insert **"8(b)"**.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1868 as printed February 11, 1999.)

BORST, Chairperson

Committee Vote: Yeas 13, Nays 0.

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