



February 25, 2005

HOUSE BILL No. 1846

DIGEST OF HB 1846 (Updated February 24, 2005 7:39 am - DI 92)

Citations Affected: IC 4-33; IC 6-6; IC 6-8.1; IC 6-9; IC 9-13; IC 9-18; IC 36-7; noncode.

Synopsis: Football stadium funding. Increases the tax rate on wagering revenue in excess of \$150,000,000 from 35% to 36% and allocates \$8,000,000 annually to a new football stadium in Marion County. Permits Marion County for the purposes of financing a new football stadium to: (1) increase the rate of the county supplemental auto rental excise tax from 2% to 4%; (2) increase the rate of the innkeeper's tax to 9%; (3) impose an additional \$10 county admissions tax on admissions to a new football stadium; (4) impose a 2% professional sports team excise tax on professional teams that use a new football stadium; and (5) impose a luxury suite tax on the rental of luxury suites in a football stadium. Requires the bureau of motor vehicles to issue one or more capital improvement board team license plates to fund a new football stadium in Marion County. Increases the annual amount of state revenue that may be captured by a professional sports development area in Marion County from \$5,000,000 per year to \$12,000,000 per year. Makes other changes.

Effective: July 1, 2005.

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January 25, 2005, read first time and referred to Committee on Rules and Legislative Procedures.

February 3, 2005, referred to Committee on Ways and Means pursuant to Rule 127.

February 24, 2005, amended, reported — Do Pass.

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February 25, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1846

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 4-33-13-1.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) This section
3 applies only to a riverboat that has implemented flexible scheduling
4 under IC 4-33-6-21 or IC 4-33-6.5.
5 (b) A graduated tax is imposed on the adjusted gross receipts
6 received from gambling games authorized under this article as follows:
7 (1) Fifteen percent (15%) of the first twenty-five million dollars
8 (\$25,000,000) of adjusted gross receipts received during the
9 period beginning July 1 of each year and ending June 30 of the
10 following year.
11 (2) Twenty percent (20%) of the adjusted gross receipts in excess
12 of twenty-five million dollars (\$25,000,000) but not exceeding
13 fifty million dollars (\$50,000,000) received during the period
14 beginning July 1 of each year and ending June 30 of the following
15 year.
16 (3) Twenty-five percent (25%) of the adjusted gross receipts in
17 excess of fifty million dollars (\$50,000,000) but not exceeding

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1 seventy-five million dollars (\$75,000,000) received during the
2 period beginning July 1 of each year and ending June 30 of the
3 following year.

4 (4) Thirty percent (30%) of the adjusted gross receipts in excess
5 of seventy-five million dollars (\$75,000,000) but not exceeding
6 one hundred fifty million dollars (\$150,000,000) received during
7 the period beginning July 1 of each year and ending June 30 of
8 the following year.

9 (5) **Before July 1, 2008**, thirty-five percent (35%) **and, after**
10 **June 30, 2008, thirty-six percent (36%)** of all adjusted gross
11 receipts in excess of one hundred fifty million dollars
12 (\$150,000,000) **received during the period beginning July 1 of**
13 **each year and ending June 30 of the following year.**

14 (c) The licensed owner or operating agent shall remit the tax
15 imposed by this chapter to the department before the close of the
16 business day following the day the wagers are made.

17 (d) The department may require payment under this section to be
18 made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

19 (e) If the department requires taxes to be remitted under this chapter
20 through electronic funds transfer, the department may allow the
21 licensed owner or operating agent to file a monthly report to reconcile
22 the amounts remitted to the department.

23 (f) The department may allow taxes remitted under this section to
24 be reported on the same form used for taxes paid under IC 4-33-12.

25 (g) If a riverboat implements flexible scheduling during any part of
26 a period beginning July 1 of each year and ending June 30 of the
27 following year, the tax rate imposed on the adjusted gross receipts
28 received while the riverboat implements flexible scheduling shall be
29 computed as if the riverboat had engaged in flexible scheduling during
30 the entire period beginning July 1 of each year and ending June 30 of
31 the following year.

32 (h) If a riverboat:
33 (1) implements flexible scheduling during any part of a period
34 beginning July 1 of each year and ending June 30 of the following
35 year; and
36 (2) before the end of that period ceases to operate the riverboat
37 with flexible scheduling;

38 the riverboat shall continue to pay a wagering tax at the tax rates
39 imposed under subsection (b) until the end of that period as if the
40 riverboat had not ceased to conduct flexible scheduling.

41 SECTION 2. IC 4-33-13-5 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) This subsection

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1 does not apply to tax revenue remitted by an operating agent operating
2 a riverboat in a historic hotel district. After funds are appropriated
3 under section 4 of this chapter, each month the treasurer of state shall
4 distribute the tax revenue deposited in the state gaming fund under this
5 chapter to the following:

6 (1) The first:

7 (A) thirty-three million dollars (\$33,000,000) of tax revenues
8 collected under this chapter shall be set aside for revenue
9 sharing under subsection (e); and

10 (B) **ten million dollars (\$10,000,000) from tax revenues**
11 **collected on adjusted gross receipts subject to section**
12 **1.5(b)(5) of this chapter after June 30, 2008, and before**
13 **July 1, 2041, shall be set aside for distribution under**
14 **subsection (i).**

15 (2) Subject to subsection (c), twenty-five percent (25%) of the
16 remaining tax revenue remitted by each licensed owner shall be
17 paid:

18 (A) to the city that is designated as the home dock of the
19 riverboat from which the tax revenue was collected, in the case
20 of:

21 (i) a city described in IC 4-33-12-6(b)(1)(A); or

22 (ii) a city located in a county having a population of more
23 than four hundred thousand (400,000) but less than seven
24 hundred thousand (700,000); or

25 (B) to the county that is designated as the home dock of the
26 riverboat from which the tax revenue was collected, in the case
27 of a riverboat whose home dock is not in a city described in
28 clause (A).

29 (3) Subject to subsection (d), the remainder of the tax revenue
30 remitted by each licensed owner shall be paid to the property tax
31 replacement fund. In each state fiscal year beginning after June
32 30, 2003, the treasurer of state shall make the transfer required by
33 this subdivision not later than the last business day of the month
34 in which the tax revenue is remitted to the state for deposit in the
35 state gaming fund. However, if tax revenue is received by the
36 state on the last business day in a month, the treasurer of state
37 may transfer the tax revenue to the property tax replacement fund
38 in the immediately following month.

39 (b) This subsection applies only to tax revenue remitted by an
40 operating agent operating a riverboat in a historic hotel district. After
41 funds are appropriated under section 4 of this chapter, each month the
42 treasurer of state shall distribute the tax revenue deposited in the state

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gaming fund under this chapter as follows:

(1) Thirty-seven and one half percent (37.5%) shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(2) Thirty-seven and one-half percent (37.5%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(3) Five percent (5%) shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Ten percent (10%) shall be paid in equal amounts to each town that:

- (A) is located in the county in which the riverboat docks; and
- (B) contains a historic hotel.

The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission.

(5) Ten percent (10%) shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in

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the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(c) For each city and county receiving money under subsection (a)(2)(A) or (a)(2)(C), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year beginning after June 30, 2002, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the property tax replacement fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the property tax replacement fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32-10-6.

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1 (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.
 2 The treasurer of state shall make transfers on a monthly basis as needed
 3 to meet the obligations of the build Indiana fund. If in any state fiscal
 4 year insufficient money is transferred to the property tax replacement
 5 fund under subsection (a)(3) to comply with this subsection, the
 6 treasurer of state shall reduce the amount transferred to the build
 7 Indiana fund to the amount available in the property tax replacement
 8 fund from the transfers under subsection (a)(3) for the state fiscal year.

9 (e) Before August 15 of 2003 and each year thereafter, the treasurer
 10 of state shall distribute the wagering taxes set aside for revenue sharing
 11 under subsection (a)(1) to the county treasurer of each county that does
 12 not have a riverboat according to the ratio that the county's population
 13 bears to the total population of the counties that do not have a
 14 riverboat. Except as provided in subsection (h), the county auditor shall
 15 distribute the money received by the county under this subsection as
 16 follows:

- 17 (1) To each city located in the county according to the ratio the
 18 city's population bears to the total population of the county.
- 19 (2) To each town located in the county according to the ratio the
 20 town's population bears to the total population of the county.
- 21 (3) After the distributions required in subdivisions (1) and (2) are
 22 made, the remainder shall be retained by the county.

23 (f) Money received by a city, town, or county under subsection (e)
 24 or (h) may be used for any of the following purposes:

- 25 (1) To reduce the property tax levy of the city, town, or county for
 26 a particular year (a property tax reduction under this subdivision
 27 does not reduce the maximum levy of the city, town, or county
 28 under IC 6-1.1-18.5);
- 29 (2) For deposit in a special fund or allocation fund created under
 30 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
 31 IC 36-7-30 to provide funding for additional credits for property
 32 tax replacement in property tax increment allocation areas or debt
 33 repayment.
- 34 (3) To fund sewer and water projects, including storm water
 35 management projects.
- 36 (4) For police and fire pensions.
- 37 (5) To carry out any governmental purpose for which the money
 38 is appropriated by the fiscal body of the city, town, or county.
 39 Money used under this subdivision does not reduce the property
 40 tax levy of the city, town, or county for a particular year or reduce
 41 the maximum levy of the city, town, or county under
 42 IC 6-1.1-18.5.

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1 (g) This subsection does not apply to an entity receiving money
 2 under IC 4-33-12-6(c). Before September 15 of 2003 and each year
 3 thereafter, the treasurer of state shall determine the total amount of
 4 money distributed to an entity under IC 4-33-12-6 during the preceding
 5 state fiscal year. If the treasurer of state determines that the total
 6 amount of money distributed to an entity under IC 4-33-12-6 during the
 7 preceding state fiscal year was less than the entity's base year revenue
 8 (as determined under IC 4-33-12-6), the treasurer of state shall make
 9 a supplemental distribution to the entity from taxes collected under this
 10 chapter and deposited into the property tax replacement fund. The
 11 amount of the supplemental distribution is equal to the difference
 12 between the entity's base year revenue (as determined under
 13 IC 4-33-12-6) and the total amount of money distributed to the entity
 14 during the preceding state fiscal year under IC 4-33-12-6.

15 (h) This subsection applies only to a county containing a
 16 consolidated city. The county auditor shall distribute the money
 17 received by the county under subsection (d) as follows:

18 (1) To each city, other than a consolidated city, located in the
 19 county according to the ratio that the city's population bears to the
 20 total population of the county.

21 (2) To each town located in the county according to the ratio that
 22 the town's population bears to the total population of the county.

23 (3) After the distributions required in subdivisions (1) and (2) are
 24 made, the remainder shall be paid in equal amounts to the
 25 consolidated city and the county.

26 **(i) The treasurer of state shall transfer the first eight million**
 27 **dollars (\$8,000,000) set aside under subsection (a)(1)(B) to the**
 28 **auditor of state for deposit in a special account for a county that**
 29 **constructs a football stadium (as defined in IC 6-9-30-5). The**
 30 **auditor of state shall transfer money in the special account to the**
 31 **capital improvement board of managers established under**
 32 **IC 36-10-9-3 on a monthly basis as the money is received. The**
 33 **remainder of the money set aside under subsection (a)(1)(B) shall**
 34 **be deposited in the property tax replacement fund.**

35 SECTION 3. IC 6-6-9.7-7 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The city-county
 37 council of a county that contains a consolidated city may adopt an
 38 ordinance to impose an excise tax, known as the county supplemental
 39 auto rental excise tax, upon the rental of passenger motor vehicles and
 40 trucks in the county for periods of less than thirty (30) days. ~~The~~ **In any**
 41 **year following the year in which an ordinance initially imposing a**
 42 **tax under this chapter is adopted, the city-county council may**

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1 **adopt an ordinance increasing the tax imposed under this chapter**
2 **up to the amount in subsection (b). An ordinance adopted under this**
3 **section must specify that the tax expires on or before** December 31,
4 ~~2027~~: **2040.**

5 (b) The county supplemental auto rental excise tax that may be
6 imposed upon the rental of a passenger motor vehicle or truck equals
7 ~~two~~ **the percentage established in the ordinance adopted under**
8 **subsection (a), which may not exceed four** percent ~~(2%)~~ **(4%)** of the
9 gross retail income received by the retail merchant for the rental.

10 (c) If a city-county council adopts an ordinance under subsection
11 (a), the city-county council shall immediately send a certified copy of
12 the ordinance to the commissioner of the department of state revenue.

13 (d) ~~If a city-county council adopts~~ An ordinance **adopted** under
14 subsection (a) prior to June 1 ~~the county supplemental auto rental~~
15 ~~excise tax~~ applies to auto rentals after June 30 of the year in which the
16 ordinance is adopted. ~~If the city-county council adopts~~ An ordinance
17 **adopted** under subsection (a) on or after June 1 ~~the county~~
18 ~~supplemental auto rental excise tax~~ applies to auto rentals after the last
19 day of the month in which the ordinance is adopted.

20 SECTION 4. IC 6-6-9.7-11 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) All revenues
22 collected from the county supplemental auto rental excise tax shall be
23 deposited in a special account of the state general fund called the
24 county supplemental auto rental excise tax account.

25 (b) On or before the twentieth day of each month, all amounts held
26 in the county supplemental auto rental excise tax account shall be
27 distributed to the capital improvement board of managers operating in
28 a consolidated city. **The board shall deposit revenues received under**
29 **this chapter that are attributable to the part of a tax rate exceeding**
30 **two percent (2%) in a special fund. The money in the special fund**
31 **may be used only to construct and equip a football stadium (as**
32 **defined in IC 6-9-30-5), including the payment of principal and**
33 **interest on obligations (as defined in IC 5-1-3-1) issued to finance**
34 **or refinance the football stadium or the payment of lease payments**
35 **(as described in IC 36-10-9) for the football stadium.**

36 (c) The amount to be distributed to the capital improvement board
37 of managers operating in a consolidated city equals the total county
38 supplemental auto rental excise taxes that were initially imposed and
39 collected from within the county in which the consolidated city is
40 located. The department shall notify the county auditor of the amount
41 of taxes to be distributed to the board.

42 (d) All distributions from the county supplemental auto rental excise

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1 tax account shall be made by warrants issued by the auditor of state to
 2 the treasurer of state ordering those payments to the capital
 3 improvement board of managers operating in a consolidated city.

4 SECTION 5. IC 6-6-9.7-12 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. This chapter
 6 expires January 1, ~~2028~~ **2041**.

7 SECTION 6. IC 6-8.1-1-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. "Listed taxes" or
 9 "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through
 10 IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat
 11 wagering tax (IC 4-33-13); the gross income tax (IC 6-2.1) (repealed);
 12 the utility receipts tax (IC 6-2.3); the state gross retail and use taxes
 13 (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net
 14 income tax (IC 6-3-8) (repealed); the county adjusted gross income tax
 15 (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county
 16 economic development income tax (IC 6-3.5-7); the municipal option
 17 income tax (IC 6-3.5-8); the auto rental excise tax (IC 6-6-9); the
 18 financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the
 19 alternative fuel permit fee (IC 6-6-2.1); the special fuel tax
 20 (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax
 21 collected under a reciprocal agreement under IC 6-8.1-3; the motor
 22 vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax
 23 (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the
 24 cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor
 25 excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider
 26 excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the
 27 petroleum severance tax (IC 6-8-1); the various innkeeper's taxes
 28 (IC 6-9); the various county food and beverage taxes (IC 6-9); the
 29 county admissions tax (IC 6-9-13 and IC 6-9-28); **the luxury suite tax**
 30 **(IC 6-9-30); the professional sports team excise tax (IC 6-9-35);** the
 31 oil inspection fee (IC 16-44-2); the emergency and hazardous chemical
 32 inventory form fee (IC 6-6-10); the penalties assessed for oversize
 33 vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for
 34 overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage
 35 tank fee (IC 13-23); the solid waste management fee (IC 13-20-22);
 36 and any other tax or fee that the department is required to collect or
 37 administer.

38 SECTION 7. IC 6-9-8-3 IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as provided in
 40 subsection (b) **and section 3.5 of this chapter**, the tax imposed by
 41 section 2 of this chapter shall be at the rate of:

42 (1) before January 1, 2028, five percent (5%) on the gross income

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1 derived from lodging income only, if the fiscal body does not
2 adopt an ordinance under subsection (b), and six percent (6%) if
3 the fiscal body adopts an ordinance under subsection (b); and
4 (2) after December 31, 2027, five percent (5%).

5 (b) In any year subsequent to the initial year in which a tax is
6 imposed under section 2 of this chapter, the fiscal body may, by
7 ordinance adopted by at least two-thirds (2/3) of the members elected
8 to the fiscal body, increase the tax imposed by section 2 of this chapter
9 from five percent (5%) to six percent (6%). The ordinance must specify
10 that the increase in the tax authorized under this subsection expires
11 January 1, 2028.

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

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

21 SECTION 8. IC 6-9-8-3.5 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2005]: **Sec. 3.5. (a) In any year following the initial year in which
24 the tax imposed under this chapter is increased under section 3(b)
25 of this chapter, the fiscal body may, by ordinance, increase the rate
26 of the tax imposed by section 2 of this chapter to an amount not to
27 exceed nine percent (9%) of the gross income derived from lodging
28 income only. The ordinance must specify that:**

- 29 (1) the increase in the rate of the tax authorized under this
30 subsection expires December 31, 2040; and
- 31 (2) the rate of the tax after December 31, 2040, is five percent
32 (5%) of the gross income derived from lodging income only.

33 (b) The amount collected from an increase adopted under this
34 section shall be transferred to the capital improvement board of
35 managers established under IC 36-10-9-3. The board shall deposit
36 revenues received under this section in a special fund. The money
37 in the special fund may be used only to construct and equip a
38 football stadium (as defined in IC 6-9-30-5), including the payment
39 of principal and interest on obligations (as defined in IC 5-1-3-1)
40 issued to finance or refinance the football stadium or the payment
41 of lease payments (as described in IC 36-10-9) for the football
42 stadium.

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1 (c) If the fiscal body adopts an ordinance under subsection (a)
2 before June 1, the increased rate of the tax imposed by section 2 of
3 this chapter applies after June 30 of the year in which the
4 ordinance is adopted. If the fiscal body adopts an ordinance under
5 subsection (a) on or after June 1, the increased rate of the tax
6 imposed by section 2 of this chapter applies after the last day of the
7 month in which the ordinance is adopted.

8 SECTION 9. IC 6-9-13-1 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in
10 subsection (b), the city-county council of a county that contains a
11 consolidated first class city may adopt an ordinance to impose an
12 excise tax, known as the county admissions tax, for the privilege of
13 attending, before January 1, ~~2028~~, **2041**, any event and, after December
14 31, ~~2027~~, **2040**, any professional sporting event:

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

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

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

20 (B) an authorized agent of the facility.

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

23 (1) An event sponsored by an educational institution or an
24 association representing an educational institution.

25 (2) An event sponsored by a religious organization.

26 (3) An event sponsored by an organization that is considered a
27 charitable organization by the Internal Revenue Service for
28 federal tax purposes.

29 (4) An event sponsored by a political organization.

30 (c) If a city-county council adopts an ordinance under subsection
31 (a), it shall immediately send a certified copy of the ordinance to the
32 commissioner of the department of state revenue.

33 (d) If a city-county council adopts an ordinance under subsection (a)
34 prior to June 1, the county admissions tax applies to admission charges
35 collected after June 30 of the year in which the ordinance is adopted.
36 If the city-county council adopts an ordinance under subsection (a) on
37 or after June 1, the county admissions tax applies to admission charges
38 collected after the last day of the month in which the ordinance is
39 adopted.

40 SECTION 10. IC 6-9-13-2 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a) Except as**
42 **provided by subsection (b)**, the county admissions tax equals five

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1 percent (5%) of the price for admission to any event described in
2 section 1 of this chapter.

3 **(b) In any year following the initial year in which the county**
4 **admissions tax is imposed under section 1 of this chapter, a**
5 **city-county council may adopt an ordinance imposing an additional**
6 **admissions tax, not exceeding ten dollars (\$10), for admission to**
7 **any combination of events that are described in:**

- 8 (1) section 1(a) of this chapter;
- 9 (2) section 1(b)(1) of this chapter; or
- 10 (3) section 1(b)(3) of this chapter;

11 **and held at a football stadium (as defined in IC 6-9-30-5).**

12 **(c) If a city-county council adopts an ordinance under**
13 **subsection (b) before June 1, the increased rate of the county**
14 **admissions tax applies to admission charges collected after June 30**
15 **of the year in which the ordinance is adopted. If a city-county**
16 **council adopts an ordinance under subsection (b) on or after June**
17 **1, the increased admissions tax applies to admission charges**
18 **collected after the last day of the month in which the ordinance is**
19 **adopted.**

20 SECTION 11. IC 6-9-13-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The amounts
22 received from the county admissions tax shall be paid monthly by the
23 treasurer of the state to the treasurer of the capital improvement board
24 of managers of the county upon warrants issued by the auditor of state.
25 **The board shall deposit revenues received under section 2(b) of this**
26 **chapter in a special fund. The money in the special fund may be**
27 **used only to construct and equip a football stadium (as defined in**
28 **IC 6-9-30-5), including the payment of principal and interest on**
29 **obligations (as defined in IC 5-1-3-1) issued to finance or refinance**
30 **the football stadium or the payment of lease payments (as**
31 **described in IC 36-10-9) for the football stadium.**

32 SECTION 12. IC 6-9-30 IS ADDED TO THE INDIANA CODE AS
33 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2005]:

35 **Chapter 30. Marion County Luxury Suite Tax**

36 **Sec. 1. As used in this chapter, "event" means an event**
37 **described in IC 6-9-13-1 held at a football stadium.**

38 **Sec. 2. As used in this chapter, "fiscal body" has the meaning set**
39 **forth in IC 36-1-2-6.**

40 **Sec. 3. As used in this chapter "gross retail income" refers to**
41 **gross retail income as determined under IC 6-2.5-1.**

42 **Sec. 4. As used in this chapter, "luxury suite" means an enclosed**

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or partially enclosed room and any contiguous balcony seats in a football stadium:

- (1) that are designed to be used to observe or entertain at, or both, one (1) or more events; and
- (2) for which a rental fee is charged that is separate from the price of admission to the event.

Sec. 5. As used in this chapter, "football stadium" refers to a building that:

- (1) is constructed in a consolidated city after December 31, 2004;
- (2) when added to the cost of site acquisition and improvements, costs or will cost at least four hundred million dollars (\$400,000,000); and
- (3) is designed to be used to regularly play substantially all of the home games of a National Football League team; and

any related parking facilities or other facilities needed to accommodate the attendance of the public. The term does not include a convention center. However, a building does not cease to be a football stadium if the building is incidentally used for convention activities that do not interfere with its use for a National Football League team.

Sec. 6. As used in this chapter, "person" has the meaning set forth in IC 6-2.5-1-3.

Sec. 7. As used in this chapter, "rental" includes lease and purchase of ownership rights.

Sec. 8. The fiscal body of a county with a consolidated city may adopt, amend, or repeal an ordinance to levy a tax on every person engaged in the business of renting or furnishing luxury suites located in the county. Whenever an ordinance is adopted, amended, or repealed under this section, the county auditor shall immediately send a certified copy of the ordinance to the department.

Sec. 9. The tax may not exceed a rate that when applied to all luxury suite rentals is reasonably likely to raise not more than one million dollars (\$1,000,000) in a year.

Sec. 10. (a) An ordinance adopted under this chapter may require that the tax be reported on forms approved by the county treasurer and that the tax be paid monthly to the capital improvement board of managers operating in a consolidated city. If an ordinance including the provisions of this subsection is adopted, the tax shall be paid to the capital improvement board of managers operating in a consolidated city not more than twenty

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(20) days after the end of the month the tax is collected.

(b) If an ordinance does not include the provisions described in subsection (a), the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

Sec. 11. (a) All the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this chapter except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. However, IC 6-2.5-4-4(d) does not apply to this chapter. The county treasurer may require the capital improvement board of managers operating in a consolidated city to make the reports concerning collections that the county treasurer determines necessary.

(b) If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

Sec. 12. (a) This section applies if the tax is paid to the department of state revenue.

(b) All revenues collected from the county luxury suite tax shall be deposited in a special account of the state general fund called the county luxury suite tax account.

(c) On or before the twentieth day of each month, all amounts held in the county luxury suite tax account shall be distributed to the capital improvement board of managers operating in a consolidated city. All money distributed under this chapter shall be paid by the treasurer of state upon warrants issued by the auditor of state.

(d) The amount to be distributed to the capital improvement board of managers operating in a consolidated city equals the total county luxury suite taxes that are imposed and collected within the county in which the consolidated city is located. The department shall notify the county auditor of the amount of taxes to be distributed to the board.

Sec. 13. The capital improvement board operating in the consolidated city shall deposit revenues received under this chapter in a special fund. The money in the special fund may be used only to construct and equip a football stadium, including the payment

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1 of principal and interest on obligations (as defined in IC 5-1-3-1)
2 issued to finance or refinance the football stadium or the payment
3 of lease payments (as described in IC 36-10-9) for the football
4 stadium.

5 **Sec. 14. This chapter expires January 1, 2041.**

6 SECTION 13. IC 6-9-35 IS ADDED TO THE INDIANA CODE AS
7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2005]:

9 **Chapter 35. Professional Sports Team Excise Tax**

10 **Sec. 1. This chapter applies only to a county having a**
11 **consolidated city.**

12 **Sec. 2. As used in this chapter, "department" refers to the**
13 **department of state revenue.**

14 **Sec. 3. As used in this chapter, "fiscal body" has the meaning set**
15 **forth in IC 36-1-2-6.**

16 **Sec. 4. As used in this chapter, "football stadium" has the**
17 **meaning set forth in IC 6-9-30-5.**

18 **Sec. 5. As used in this chapter, "football stadium days" means**
19 **the number of total duty days spent by a team member within**
20 **Indiana rendering a service for the team in any manner during the**
21 **taxable year in or at a football stadium, except those days spent in**
22 **or at a football stadium for which a team member is on the**
23 **disabled list.**

24 **Sec. 6. As used in this chapter, "team" has the meaning set forth**
25 **in IC 6-3-2-2.7.**

26 **Sec. 7. As used in this chapter, "team member" has the meaning**
27 **set forth in IC 6-3-2-2.7.**

28 **Sec. 8. As used in this chapter, "total duty days" has the**
29 **meaning set forth in IC 6-3-2-2.7.**

30 **Sec. 9. As used in this chapter, "total income" has the meaning**
31 **set forth in IC 6-3-2-2.7.**

32 **Sec. 10. The county fiscal body may adopt, amend, or repeal an**
33 **ordinance to levy a professional sports team excise tax on each**
34 **team member that uses a football stadium to render services for a**
35 **team. Whenever an ordinance is adopted, amended, or repealed**
36 **under this section, the county auditor shall immediately send a**
37 **certified copy of the ordinance to the department.**

38 **Sec. 11. An excise tax is imposed under this chapter on a team**
39 **member measured by the proportionate share of the team**
40 **member's total income for a taxable year that is attributable to**
41 **each day that the team member uses a football stadium to render**
42 **service for a team. The tax imposed under this chapter is in**

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addition to any other state or local tax imposed on total income.

Sec. 12. The amount of the tax for a taxable year is equal to the team member's total income multiplied by the lesser of the tax rate set in the ordinance adopted or amended under section 10 of this chapter or two percent (2%) and further multiplied by the following fraction:

(1) The numerator of the fraction is the team member's football stadium days for the taxable year.

(2) The denominator of the fraction is the team member's total duty days for the taxable year.

Sec. 13. It is presumed that this chapter results in a fair and equitable apportionment of the team member's total income to football stadium days. However, if the department demonstrates that the method provided under this chapter does not fairly and equitably apportion a team member's total income, the department may require the team member to apportion the team member's total income under another method that the department prescribes. The prescribed method must result in a fair and equitable apportionment. A team member may submit a proposal for an alternative method to apportion the team member's compensation if the team member demonstrates that the method provided under this chapter does not fairly and equitably apportion the team member's total income. If approved by the department, the proposed method must be fully explained in the team member's professional sports team excise tax return.

Sec. 14. The department may adopt rules under IC 4-22-2 to establish either of the following methods of simplifying return filing for team members of a team, if the team is not based in Indiana:

(1) A withholding system requiring a team to withhold total income for each team member and to remit the withheld taxes to Indiana on an annual basis. The department may require each team to submit information for each team member regarding total income, total income subject to tax under this chapter, and the amount of tax withheld. Remittance of the withholding and submission of the required information satisfies the team member's tax liability and return filing responsibilities. A team that is required to withhold and remit shall provide all participating team members with a statement evidencing the amount of tax withheld and remitted to Indiana. Even though a team is required to withhold and remit, a team member may file an individual professional

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sports team excise tax return to claim a refund if the amount remitted exceeds the amount otherwise owed using the methodology under this chapter. However, if the team member files an individual professional sports team excise tax return to claim a refund, the team member is required to notify the team member's state of residence of the filing.

(2) A composite return method that permits the filing of a composite tax return by the team on behalf of each team member. Other department rules concerning composite returns apply to the extent these rules are not inconsistent with this subdivision. The team must obtain approval from the department before filing a composite return. The team must obtain written authorization each taxable year from each team member who elects to participate in the composite return. The participating team members must acknowledge through their elections that the composite return constitutes an irrevocable filing and that they may not file a professional sports team excise tax return in Indiana. The team must maintain a power of attorney from each participating team member that authorizes the team to represent them in a protest or other appeal. The team and participating team members must agree that the team is responsible for any deficiencies, including penalties. The team shall withhold tax from each participating team member's total income and remit it to the state. The return must contain information for each participating team member regarding total income, total income subject to tax in Indiana using the methodology under this chapter, and the amount of tax due. Filing of the return and remittance of the tax satisfy the participating team member's tax liability and return filing responsibilities.

If the method under subdivision (1) or (2) is required, a team member's total income may not be reduced by using a deduction, an exemption, or an exclusion. For a team member to participate in either method, a team member's total income from the team must be the only source of income attributable to Indiana. If a team member leaves the team during a taxable year, the team remains responsible for remitting the appropriate tax and may either collect the tax paid from the team member or absorb the cost itself.

Sec. 15. Subject to this chapter, the tax imposed under this chapter shall be imposed, paid, and collected in exactly the same manner as the state adjusted gross income tax is imposed, paid,

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

4 Sec. 16. (a) The department shall establish a professional sports
5 team excise tax special account for the county imposing a tax under
6 this chapter. The department shall deposit into the account the
7 amount of professional sports team excise tax collected under this
8 chapter. Refunds of overpayments of the tax imposed by this
9 chapter shall be paid from the special account created for the
10 county. If the amount of refunds exceeds the amount in the special
11 account, the budget agency shall advance sufficient money to the
12 special account to pay the refund. Repayment from the special
13 account of an advance shall be made on the schedule established by
14 the budget agency.

15 (b) On or before the twentieth day of each month, all amounts
16 held in the county professional sports team excise tax special
17 account shall be distributed to the capital improvement board of
18 managers operating in a consolidated city.

19 (c) The amount to be distributed to the capital improvement
20 board of managers operating in a consolidated city equals the total
21 professional sports team excise tax imposed and collected from
22 within the county in which the consolidated city is located. The
23 department shall notify the county auditor of the amount of taxes
24 to be distributed to the board.

25 (d) All distributions from the professional sports team excise tax
26 special account shall be made by warrants issued by the auditor of
27 state to the treasurer of state ordering those payments to the
28 capital improvement board of managers operating in a
29 consolidated city.

30 Sec. 17. The capital improvement board operating in the
31 consolidated city shall deposit revenues received under this chapter
32 in a special fund. The money in the special fund may be used only
33 to construct and equip a football stadium, including the payment
34 of principal and interest on obligations (as defined in IC 5-1-3-1)
35 issued to finance or refinance the football stadium or the payment
36 of lease payments (as described in IC 36-10-9) for the football
37 stadium.

38 Sec. 18. This chapter expires January 1, 2041.

39 SECTION 14. IC 9-13-2-170 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 170. "Special group"
41 means:

42 (1) a class or group of persons that the bureau finds:

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- 1 ~~(1) that have~~ **(A) has** made significant contributions to the
- 2 United States, Indiana, or the group's community or ~~(B)~~ are
- 3 descendants of native or pioneer residents of Indiana;
- 4 ~~(2) are~~ **(B) is** organized as a nonprofit organization (as defined
- 5 under Section 501(c) of the Internal Revenue Code);
- 6 ~~(3) are~~ **(C) is** organized for nonrecreational purposes; and
- 7 ~~(4) are~~ **(D) is** organized as a separate, unique organization or
- 8 as a coalition of separate, unique organizations; **or**
- 9 **(2) a capital improvement board of managers created by**
- 10 **IC 36-10-9-3.**

11 SECTION 15. IC 9-18-15-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who is
 13 the registered owner or lessee of a:

- 14 (1) passenger motor vehicle;
- 15 (2) motorcycle;
- 16 (3) recreational vehicle; or
- 17 (4) vehicle registered as a truck with a declared gross weight of
- 18 not more than:

- 19 (A) eleven thousand (11,000) pounds;
- 20 (B) nine thousand (9,000) pounds; or
- 21 (C) seven thousand (7,000) pounds;

22 registered with the bureau or who makes an application for an original
 23 registration or renewal registration of a vehicle may apply to the bureau
 24 for a personalized license plate to be affixed to the vehicle for which
 25 registration is sought instead of the regular license plate.

- 26 (b) A person who:
- 27 (1) is the registered owner or lessee of a vehicle described in
- 28 subsection (a); and
- 29 (2) is eligible to receive a license plate for the vehicle under:
- 30 (A) IC 9-18-17 (prisoner of war license plates);
- 31 (B) IC 9-18-18 (disabled veteran license plates);
- 32 (C) IC 9-18-19 (purple heart license plates);
- 33 (D) IC 9-18-20 (Indiana national guard license plates);
- 34 (E) IC 9-18-21 (Indiana guard reserve license plates);
- 35 (F) IC 9-18-22 (license plates for persons with disabilities);
- 36 (G) IC 9-18-23 (amateur radio operator license plates);
- 37 (H) IC 9-18-24 (civic event license plates);
- 38 (I) IC 9-18-25 (special group recognition license plates);
- 39 (J) IC 9-18-29 (environmental license plates);
- 40 (K) IC 9-18-30 (kids first trust license plates);
- 41 (L) IC 9-18-31 (education license plates);
- 42 (M) IC 9-18-32.2 (drug free Indiana trust license plates);

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- 1 (N) IC 9-18-33 (Indiana FFA trust license plates);
- 2 (O) IC 9-18-34 (Indiana firefighter license plates);
- 3 (P) IC 9-18-35 (Indiana food bank trust license plates);
- 4 (Q) IC 9-18-36 (Indiana girl scouts trust license plates);
- 5 (R) IC 9-18-37 (Indiana boy scouts trust license plates);
- 6 (S) IC 9-18-38 (Indiana retired armed forces member license
- 7 plates);
- 8 (T) IC 9-18-39 (Indiana antique car museum trust license
- 9 plates);
- 10 (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
- 11 (V) IC 9-18-41 (Indiana arts trust license plates);
- 12 (W) IC 9-18-42 (Indiana health trust license plates);
- 13 (X) IC 9-18-43 (Indiana mental health trust license plates);
- 14 (Y) IC 9-18-44 (Indiana Native American Trust license
- 15 plates);
- 16 (Z) IC 9-18-45.8 (Pearl Harbor survivor license plates);
- 17 (AA) IC 9-18-46.2 (Indiana state educational institution trust
- 18 license plates);
- 19 (BB) IC 9-18-47 (Lewis and Clark bicentennial license plates);
- 20 or
- 21 (CC) IC 9-18-48 (Riley Children's Foundation license plates);
- 22 or
- 23 **(DD) IC 9-18-49 (capital improvement board team license**
- 24 **plates).**

25 may apply to the bureau for a personalized license plate to be affixed
 26 to the vehicle for which registration is sought instead of the regular
 27 special recognition license plate.

28 SECTION 16. IC 9-18-25-1.8 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2005]: **Sec. 1.8. Sections 15, 17, and 17.5 of**
 31 **this chapter do not apply to a capital improvement board special**
 32 **group recognition license plate issued under IC 9-18-49-2.**

33 SECTION 17. IC 9-18-49 IS ADDED TO THE INDIANA CODE
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2005]:

36 **Chapter 49. Capital Improvement Board Team License Plates**
 37 **Sec. 1. As used in this chapter, "capital improvement board"**
 38 **refers to a capital improvement board of managers created by**
 39 **IC 36-10-9-3.**

40 **Sec. 2. The bureau shall design and issue one (1) or more capital**
 41 **improvement board team license plates upon the request of a**
 42 **capital improvement board. The capital improvement board team**

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1 license plates shall be designed and issued as special group
2 recognition license plates under IC 9-18-25.

3 Sec. 3. A capital improvement board team license plate designed
4 under IC 9-18-25 must include the following:

5 (1) A basic design for the plate, with consecutive numbers or
6 letters, or both, to properly identify the vehicle.

7 (2) A background design, an emblem, or colors that designate
8 the license plate as a capital improvement board team plate,
9 with separate design, emblem, or colors for each capital
10 improvement board team plate reflecting a different
11 professional sports team as requested by the capital
12 improvement board.

13 Sec. 4. A person who is eligible to register a vehicle under this
14 title is eligible to receive a capital improvement board team license
15 plate upon doing the following:

16 (1) Completing an application for a capital improvement
17 board team license plate.

18 (2) Designating the particular capital improvement board
19 team special group license plate desired.

20 (3) Paying the fees required by section 5 of this chapter.

21 Sec. 5. (a) The fees for a capital improvement board team
22 license plate are as follows:

23 (1) The appropriate fee under IC 9-29-5-38.

24 (2) An annual fee of twenty-five dollars (\$25) to be collected
25 by the bureau.

26 (b) The annual fee described in subsection (a)(2) shall be
27 deposited in the fund established by section 6 of this chapter.

28 Sec. 6. (a) The capital improvement board professional sports
29 trust fund is established.

30 (b) The treasurer of state shall invest the money in the capital
31 improvement board professional sports trust fund not currently
32 needed to meet the obligations of the fund in the same manner as
33 other public trust funds are invested. Interest that accrues from
34 these investments shall be deposited in the fund.

35 (c) The commissioner shall administer the capital improvement
36 board professional sports trust fund. Expenses of administering the
37 fund shall be paid from money in the fund.

38 (d) The auditor of state shall distribute the money from the
39 capital improvement board professional sports trust fund to the
40 capital improvement board each month. The capital improvement
41 board shall deposit money received under this subsection in a
42 special fund. The money in the special fund may be used only to

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1 **construct and equip a football stadium (as defined in IC 6-9-30-5),**
2 **including the payment of principal and interest on obligations (as**
3 **defined in IC 5-1-3-1) issued to finance or refinance the football**
4 **stadium or the payment of lease payments (as described in**
5 **IC 36-10-9) for the football stadium.**

6 **(e) Money in the capital improvement board professional sports**
7 **trust fund at the end of a state fiscal year does not revert to the**
8 **state general fund.**

9 SECTION 18. IC 36-7-31-14 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) A tax area must
11 be established by resolution. A resolution establishing a tax area must
12 provide for the allocation of covered taxes attributable to a taxable
13 event or covered taxes earned in the tax area to the professional sports
14 development area fund established for the county. The allocation
15 provision must apply to the entire tax area. The resolution must provide
16 that the tax area terminates not later than December 31, ~~2027~~. **2040.**

17 (b) All of the salary, wages, bonuses, and other compensation that
18 are:

- 19 (1) paid during a taxable year to a professional athlete for
- 20 professional athletic services;
- 21 (2) taxable in Indiana; and
- 22 (3) earned in the tax area;

23 shall be allocated to the tax area if the professional athlete is a member
24 of a team that plays the majority of the professional athletic events that
25 the team plays in Indiana in the tax area.

26 (c) The total amount of state revenue captured by the tax area may
27 not exceed five million dollars (\$5,000,000) per year ~~for twenty (20)~~
28 ~~consecutive years: before January 1, 2008, and twelve million~~
29 ~~dollars (\$12,000,000) after December 31, 2007.~~

30 (d) The resolution establishing the tax area, **or any amendment to**
31 **the resolution**, must designate the facility and the facility site for
32 which the tax area is established and covered taxes will be used.

33 (e) The department may adopt rules under IC 4-22-2 and guidelines
34 to govern the allocation of covered taxes to a tax area.

35 SECTION 19. IC 36-7-31-23 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. This chapter
37 expires December 31, ~~2027~~. **2040.**

38 SECTION 20. [EFFECTIVE JULY 1, 2005] **The general assembly**
39 **finds that:**

- 40 **(1) the retention of a professional football team in a**
- 41 **consolidated city is critical to successful economic**
- 42 **development in a consolidated city and is a public purpose;**

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- 1 **(2) the retention of a professional football team in a**
- 2 **consolidated city poses unique challenges due to the need for**
- 3 **development of a suitable football stadium and related**
- 4 **infrastructure that would not be needed apart from the needs**
- 5 **related to retention of a professional football team in the**
- 6 **consolidated city;**
- 7 **(3) encouragement of economic development in the**
- 8 **consolidated city will:**
- 9 **(A) generate significant economic activity, a substantial**
- 10 **portion of which results from persons residing outside**
- 11 **Indiana, which may attract new businesses and encourage**
- 12 **existing businesses to remain or expand in the consolidated**
- 13 **city;**
- 14 **(B) promote the consolidated city to residents outside**
- 15 **Indiana, which may attract residents outside Indiana and**
- 16 **new businesses to relocate to the consolidated city;**
- 17 **(C) protect and increase state and local tax revenues; and**
- 18 **(D) encourage overall economic growth in the consolidated**
- 19 **city and in Indiana;**
- 20 **(4) the consolidated city faces unique challenges in the**
- 21 **development of infrastructure and other facilities necessary**
- 22 **to promote economic development as a result of its need to**
- 23 **rely on sources of revenue other than property taxes, due to**
- 24 **the large number of tax exempt properties located in the**
- 25 **consolidated city because the consolidated city is the seat of**
- 26 **government, the home to multiple institutions of higher**
- 27 **education, and the site of numerous state and regional**
- 28 **nonprofit corporations;**
- 29 **(5) economic development benefits the health and welfare of**
- 30 **the people of Indiana, is a public use and purpose for which**
- 31 **public money may be spent, and is of public utility and**
- 32 **benefit; and**
- 33 **(6) the purpose of this act is to provide additional means for**
- 34 **the consolidated city to develop and finance a football stadium**
- 35 **and related infrastructure in order to encourage economic**
- 36 **development in the consolidated city.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1846, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1846 as introduced.)

ESPICH, Chair

Committee Vote: yeas 17, nays 5.

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