

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 344 be amended to read as follows:

- 1 Page 64, between lines 6 and 7, begin a new paragraph and insert:  
2 "SECTION 30. IC 36-7-31.3-1 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Except as provided  
4 in section 8(b) of this chapter, this chapter applies only to a city or a  
5 county without a consolidated city that has a professional sports  
6 franchise playing the majority of its home games in a facility owned by  
7 the city, the county, a school corporation, or a board under IC 36-9-13,  
8 IC 36-10-8, IC 36-10-10, ~~or~~ IC 36-10-11, **or an organization that is**  
9 **exempt from federal income taxation under Section 501 of the**  
10 **Internal Revenue Code.**  
11 SECTION 31. IC 36-7-31.3-4 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this  
13 chapter, "covered taxes" means the part of the following taxes  
14 attributable to the operation of a facility designated as part of a tax area  
15 under section 8 of this chapter:  
16 (1) The state gross retail tax imposed under IC 6-2.5-2-1 or use  
17 tax imposed under IC 6-2.5-3-2.  
18 (2) An adjusted gross income tax imposed under IC 6-3-2-1 on an  
19 individual.  
20 (3) A county option income tax imposed under IC 6-3.5.  
21 (4) Except in a county having a population of more than three  
22 hundred thousand (300,000) but less than four hundred thousand  
23 (400,000), a food and beverage tax imposed under IC 6-9.  
24 (5) **An admissions tax imposed under IC 6-9.**

1           **(6) A county innkeeper's tax imposed under IC 6-9.**

2           SECTION 32. IC 36-7-31.3-8, AS AMENDED BY  
3 P.L.182-2009(ss), SECTION 510, IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A designating  
5 body may designate as part of a professional sports and convention  
6 development area any facility that is:

7           (1) owned by the city, the county, a school corporation, or a board  
8           under IC 36-9-13, IC 36-10-8, IC 36-10-10, ~~or~~ IC 36-10-11, **or an**  
9           **organization that is exempt from federal income taxation**  
10           **under Section 501 of the Internal Revenue Code**, and used by  
11           a professional sports franchise for practice or competitive sporting  
12           events;

13           (2) owned by the city, the county, or a board under IC 36-9-13,  
14           IC 36-10-8, IC 36-10-10, ~~or~~ IC 36-10-11, **or an organization that**  
15           **is exempt from federal income taxation under Section 501 of**  
16           **the Internal Revenue Code**, and used as one (1) of the  
17           following:

18           (A) A facility used principally for convention or tourism  
19           related events serving national or regional markets.

20           (B) An airport.

21           (C) A museum.

22           (D) A zoo.

23           (E) A facility used for public attractions of national  
24           significance.

25           (F) A performing arts venue.

26           (G) A county courthouse registered on the National Register  
27           of Historic Places; or

28           (3) a hotel.

29           Notwithstanding section 9 of this chapter or any other law, a  
30           designating body may by resolution approve the expansion of a  
31           professional sports and convention development area after June 30,  
32           2009, to include a hotel designated by the designating body. A  
33           resolution for such an expansion must be reviewed by the budget  
34           committee and approved by the budget agency in the same manner as  
35           a resolution establishing a professional sports and convention  
36           development area is reviewed and approved. A facility may not include  
37           a private golf course or related improvements. The tax area may  
38           include only facilities described in this section and any parcel of land  
39           on which a facility is located. An area may contain noncontiguous  
40           tracts of land within the city, county, or school corporation.

41           (b) Except for a tax area that is located in a city having a population  
42           of:

43           (1) more than one hundred fifty thousand (150,000) but less than  
44           five hundred thousand (500,000); or

45           (2) more than ninety thousand (90,000) but less than one hundred  
46           five thousand (105,000);

1 a tax area must include at least one (1) facility described in subsection  
2 (a)(1).

3 (c) A tax area may contain other facilities not owned by the  
4 designating body if:

5 (1) the facility is owned by a city, the county, a school  
6 corporation, or a board established under IC 36-9-13, IC 36-10-8,  
7 IC 36-10-10, ~~or~~ IC 36-10-11, **or an organization that is exempt**  
8 **from federal income taxation under Section 501 of the**  
9 **Internal Revenue Code;** and

10 (2) an agreement exists between the designating body and the  
11 owner of the facility specifying the distribution and uses of the  
12 covered taxes to be allocated under this chapter.

13 (d) This subsection applies to all tax areas located in a county  
14 having a population of more than three hundred thousand (300,000) but  
15 less than four hundred thousand (400,000). The facilities located at an  
16 Indiana University-Purdue University regional campus are added to the  
17 tax area designated by the county. The maximum amount of covered  
18 taxes that may be captured in all tax areas located in the county is three  
19 million dollars (\$3,000,000) per year, regardless of the designating  
20 body that established the tax area. The county option income taxes  
21 imposed under IC 6-3.5 that are captured must be counted first toward  
22 this maximum.

23 SECTION 33. IC 36-7-31.3-9, AS AMENDED BY P.L.172-2011,  
24 SECTION 157, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) A tax area must be initially  
26 established by resolution:

27 (1) except as provided in subdivision (2) before July 1, 1999; or

28 (2) before January 1, 2013, in the case of:

29 (A) a second class city;

30 (B) the city of Marion; or

31 (C) the city of Westfield;

32 according to the procedures set forth for the establishment of an  
33 economic development area under IC 36-7-14. Before May 15, 2005,  
34 a tax area established before January 1, 2005, may be changed or the  
35 terms governing the tax area revised in the same manner as the  
36 establishment of the initial tax area. After May 14, 2005, a tax area  
37 established before January 1, 2005, may not be changed and the terms  
38 governing a tax area may not be revised. Only one (1) tax area may be  
39 created in each county.

40 (b) In establishing the tax area, the designating body must make the  
41 following findings instead of the findings required for the  
42 establishment of economic development areas:

43 (1) Except for a tax area in a city having a population of:

44 (A) more than one hundred fifty thousand (150,000) but less  
45 than five hundred thousand (500,000); or

46 (B) more than ninety thousand (90,000) but less than one

- 1           hundred five thousand (105,000);  
 2           there is a capital improvement that will be undertaken or has been  
 3           undertaken in the tax area for a facility that is used by a  
 4           professional sports franchise for practice or competitive sporting  
 5           events. A tax area to which this subdivision applies may also  
 6           include a capital improvement that will be undertaken or has been  
 7           undertaken in the tax area for a facility that is used for any  
 8           purpose specified in section 8(a)(2) **or 8(a)(3)** of this chapter.  
 9           (2) For a tax area in a city having a population of more than one  
 10          hundred fifty thousand (150,000) but less than five hundred  
 11          thousand (500,000), there is a capital improvement that will be  
 12          undertaken or has been undertaken in the tax area for a facility  
 13          that is used for any purpose specified in section 8(a) of this  
 14          chapter.  
 15          (3) For a tax area in a city having a population of more than  
 16          ninety thousand (90,000) but less than one hundred five thousand  
 17          (105,000), there is a capital improvement that will be undertaken  
 18          or has been undertaken in the tax area for a facility that is used for  
 19          any purpose specified in section 8(a)(2) of this chapter.  
 20          (4) The capital improvement that will be undertaken or that has  
 21          been undertaken in the tax area will benefit the public health and  
 22          welfare and will be of public utility and benefit.  
 23          (5) The capital improvement that will be undertaken or that has  
 24          been undertaken in the tax area will protect or increase state and  
 25          local tax bases and tax revenues.  
 26          (c) The tax area established under this chapter is a special taxing  
 27          district authorized by the general assembly to enable the designating  
 28          body to provide special benefits to taxpayers in the tax area by  
 29          promoting economic development that is of public use and benefit.  
 30          SECTION 34. IC 36-7-31.3-10, AS AMENDED BY  
 31          P.L.182-2009(ss), SECTION 511, IS AMENDED TO READ AS  
 32          FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A tax area must  
 33          be established by resolution. A resolution establishing a tax area must  
 34          provide for the allocation of covered taxes attributable to a taxable  
 35          event or covered taxes earned in the tax area to the professional sports  
 36          and convention development area fund established for the city or  
 37          county. The allocation provision must apply to the entire tax area.  
 38          However, for all tax areas located in a county having a population of  
 39          more than three hundred thousand (300,000) but less than four hundred  
 40          thousand (400,000), the allocation each year must be as follows:  
 41                  (1) The first two million six hundred thousand dollars  
 42                  (\$2,600,000) shall be transferred to the county treasurer for  
 43                  deposit in the supplemental coliseum improvement fund.  
 44                  (2) The remaining amount shall be transferred to the treasurer of  
 45                  the joint county-city capital improvement board in the county.  
 46          The resolution must provide the tax area terminates not later than

1 December 31, ~~2027~~ **2036**.

2 (b) In addition to subsection (a), all of the salary, wages, bonuses,  
3 and other compensation that are:

4 (1) paid during a taxable year to a professional athlete for  
5 professional athletic services;

6 (2) taxable in Indiana; and

7 (3) earned in the tax area;

8 shall be allocated to the tax area if the professional athlete is a member  
9 of a team that plays the majority of the professional athletic events that  
10 the team plays in Indiana in the tax area.

11 (c) For a tax area that is:

12 (1) not located in a county having a population of more than three  
13 hundred thousand (300,000) but less than four hundred thousand  
14 (400,000); and

15 (2) not located in a city having a population of more than one  
16 hundred five thousand (105,000) and less than one hundred  
17 twenty thousand (120,000);

18 the total amount of state revenue captured by the tax area may not  
19 exceed five dollars (\$5) per resident of the ~~city or~~ county per year for  
20 twenty (20) consecutive years.

21 (d) For a tax area that is located in a city having a population of  
22 more than one hundred five thousand (105,000) and less than one  
23 hundred twenty thousand (120,000), the total amount of state revenue  
24 captured by the tax area may not exceed six dollars and fifty cents  
25 (\$6.50) per resident of the city per year for ~~twenty (20)~~ **twenty-five**  
26 **(25)** consecutive years.

27 (e) The resolution establishing the tax area must designate the  
28 facility or proposed facility and the facility site for which the tax area  
29 is established.

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

32 SECTION 35. IC 36-7-31.3-19 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. The resolution  
34 establishing the tax area must designate the use of the funds. The funds  
35 are to be used only for the following:

36 (1) Except in a tax area in a city having a population of:

37 (A) more than one hundred fifty thousand (150,000) but less  
38 than five hundred thousand (500,000); or

39 (B) more than ninety thousand (90,000) but less than one  
40 hundred five thousand (105,000);

41 a capital improvement that will construct or equip a facility  
42 owned by the city, the county, a school corporation, ~~or~~ a board  
43 under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, **or an**  
44 **organization that is exempt from federal income taxation**  
45 **under Section 501 of the Internal Revenue Code**, and used by  
46 a professional sports franchise for practice or competitive sporting

- 1 events. In a tax area to which this subdivision applies, funds may  
 2 also be used for a capital improvement that will construct or equip  
 3 a facility owned by the city, the county, ~~or~~ a board under  
 4 IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, **or an**  
 5 **organization that is exempt from federal income taxation**  
 6 **under Section 501 of the Internal Revenue Code**, and used for  
 7 any purpose specified in section 8(a)(2) of this chapter.
- 8 (2) In a city having a population of more than one hundred fifty  
 9 thousand (150,000) but less than five hundred thousand  
 10 (500,000), a capital improvement that will construct or equip a  
 11 facility owned by the city, the county, a school corporation, or a  
 12 board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11  
 13 and used for any purpose specified in section 8(a) of this chapter.
- 14 (3) In a city having a population of more than ninety thousand  
 15 (90,000) but less than one hundred five thousand (105,000), a  
 16 capital improvement that will construct or equip a facility owned  
 17 by the city, the county, or a board under IC 36-9-13, IC 36-10-8,  
 18 IC 36-10-10, or IC 36-10-11 and used for any purpose specified  
 19 in section 8(a)(1) or 8(a)(2) of this chapter.
- 20 (4) The financing or refinancing of a capital improvement  
 21 described in subdivision (1), (2), or (3) or the payment of lease  
 22 payments for a capital improvement described in subdivision (1),  
 23 (2), or (3).
- 24 SECTION 36. IC 36-7-31.3-21 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. This chapter  
 26 expires December 31, ~~2027~~. **2036**."  
 27 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 344 as printed February 24, 2012.)

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Representative Turner