

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WITHDRAWN	Noes _____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 in a tax area**

1 **located in the city of Marion.**

2 **(6) A county innkeeper's tax imposed under IC 6-9 in a tax**
 3 **area located in the city of Marion.**

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

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

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

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

22 (B) An airport.

23 (C) A museum.

24 (D) A zoo.

25 (E) A facility used for public attractions of national
 26 significance.

27 (F) A performing arts venue.

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

30 (3) a hotel.

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

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

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

1 (2) more than ninety thousand (90,000) but less than one hundred
2 five thousand (105,000);
3 a tax area must include at least one (1) facility described in subsection
4 (a)(1).

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

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

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

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

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

29 (1) except as provided in subdivision (2) before July 1, 1999; or
30 (2) before January 1, 2013, in the case of:

- 31 (A) a second class city;
- 32 (B) the city of Marion; or
- 33 (C) the city of Westfield;

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

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

- 45 (1) Except for a tax area in a city having a population of:
46 (A) more than one hundred fifty thousand (150,000) but less

- 1 than five hundred thousand (500,000); or
 2 (B) more than ninety thousand (90,000) but less than one
 3 hundred five thousand (105,000);
 4 there is a capital improvement that will be undertaken or has been
 5 undertaken in the tax area for a facility that is used by a
 6 professional sports franchise for practice or competitive sporting
 7 events. A tax area to which this subdivision applies may also
 8 include a capital improvement that will be undertaken or has been
 9 undertaken in the tax area for a facility that is used for any
 10 purpose specified in section 8(a)(2) **or 8(a)(3)** of this chapter.
 11 (2) For a tax area in a city having a population of more than one
 12 hundred fifty thousand (150,000) but less than five hundred
 13 thousand (500,000), there is a capital improvement that will be
 14 undertaken or has been undertaken in the tax area for a facility
 15 that is used for any purpose specified in section 8(a) of this
 16 chapter.
 17 (3) For a tax area in a city having a population of more than
 18 ninety thousand (90,000) but less than one hundred five thousand
 19 (105,000), there is a capital improvement that will be undertaken
 20 or has been undertaken in the tax area for a facility that is used for
 21 any purpose specified in section 8(a)(2) of this chapter.
 22 (4) The capital improvement that will be undertaken or that has
 23 been undertaken in the tax area will benefit the public health and
 24 welfare and will be of public utility and benefit.
 25 (5) The capital improvement that will be undertaken or that has
 26 been undertaken in the tax area will protect or increase state and
 27 local tax bases and tax revenues.
 28 (c) The tax area established under this chapter is a special taxing
 29 district authorized by the general assembly to enable the designating
 30 body to provide special benefits to taxpayers in the tax area by
 31 promoting economic development that is of public use and benefit.
 32 SECTION 34. IC 36-7-31.3-10, AS AMENDED BY
 33 P.L.182-2009(ss), SECTION 511, IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A tax area must
 35 be established by resolution. A resolution establishing a tax area must
 36 provide for the allocation of covered taxes attributable to a taxable
 37 event or covered taxes earned in the tax area to the professional sports
 38 and convention development area fund established for the city or
 39 county. The allocation provision must apply to the entire tax area.
 40 However, for all tax areas located in a county having a population of
 41 more than three hundred thousand (300,000) but less than four hundred
 42 thousand (400,000), the allocation each year must be as follows:
 43 (1) The first two million six hundred thousand dollars
 44 (\$2,600,000) shall be transferred to the county treasurer for
 45 deposit in the supplemental coliseum improvement fund.
 46 (2) The remaining amount shall be transferred to the treasurer of

1 the joint county-city capital improvement board in the county.
 2 The resolution must provide the tax area terminates not later than
 3 December 31, ~~2027~~. **2036**.

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

- 6 (1) paid during a taxable year to a professional athlete for
- 7 professional athletic services;
- 8 (2) taxable in Indiana; and
- 9 (3) earned in the tax area;

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

13 (c) For a tax area that is:

- 14 (1) not located in a county having a population of more than three
- 15 hundred thousand (300,000) but less than four hundred thousand
- 16 (400,000); and
- 17 (2) not located in a city having a population of more than one
- 18 hundred five thousand (105,000) and less than one hundred
- 19 twenty thousand (120,000);

20 the total amount of state revenue captured by the tax area may not
 21 exceed five dollars (\$5) per resident of the city or county per year for
 22 ~~twenty (20)~~ **twenty-five (25)** consecutive years.

23 (d) For a tax area that is located in a city having a population of
 24 more than one hundred five thousand (105,000) and less than one
 25 hundred twenty thousand (120,000), the total amount of state revenue
 26 captured by the tax area may not exceed six dollars and fifty cents
 27 (\$6.50) per resident of the city per year for twenty (20) consecutive
 28 years.

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

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

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

- 38 (1) Except in a tax area in a city having a population of:
- 39 (A) more than one hundred fifty thousand (150,000) but less
- 40 than five hundred thousand (500,000); or
- 41 (B) more than ninety thousand (90,000) but less than one
- 42 hundred five thousand (105,000);

43 a capital improvement that will construct or equip a facility
 44 owned by the city, the county, a school corporation, ~~or~~ a board
 45 under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, **or an**
 46 **organization that is exempt from federal income taxation**

1 **under Section 501 of the Internal Revenue Code**, and used by
 2 a professional sports franchise for practice or competitive sporting
 3 events. In a tax area to which this subdivision applies, funds may
 4 also be used for a capital improvement that will construct or equip
 5 a facility owned by the city, the county, ~~or~~ a board under
 6 IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, **or an**
 7 **organization that is exempt from federal income taxation**
 8 **under Section 501 of the Internal Revenue Code**, and used for
 9 any purpose specified in section 8(a)(2) of this chapter.

10 (2) In a city having a population of more than one hundred fifty
 11 thousand (150,000) but less than five hundred thousand
 12 (500,000), a capital improvement that will construct or equip a
 13 facility owned by the city, the county, a school corporation, or a
 14 board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11
 15 and used for any purpose specified in section 8(a) of this chapter.

16 (3) In a city having a population of more than ninety thousand
 17 (90,000) but less than one hundred five thousand (105,000), a
 18 capital improvement that will construct or equip a facility owned
 19 by the city, the county, or a board under IC 36-9-13, IC 36-10-8,
 20 IC 36-10-10, or IC 36-10-11 and used for any purpose specified
 21 in section 8(a)(1) or 8(a)(2) of this chapter.

22 (4) The financing or refinancing of a capital improvement
 23 described in subdivision (1), (2), or (3) or the payment of lease
 24 payments for a capital improvement described in subdivision (1),
 25 (2), or (3).

26 SECTION 36. IC 36-7-31.3-21 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. This chapter
 28 expires December 31, ~~2027~~. **2036**."

29 Renumber all SECTIONS consecutively.
 (Reference is to ESB 344 as printed February 24, 2012.)

Representative Turner