

Adopted	Rejected
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COMMITTEE REPORT

YES: 14
NO: 9

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred Senate Bill 98, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-3.5-4-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 1. As used in this
- 5 chapter:
- 6 **"Adopting entity" means either the county council or the**
- 7 **county income tax council established by IC 6-3.5-6-2 for the**
- 8 **county.**
- 9 "Branch office" means a branch office of the bureau of motor
- 10 vehicles.
- 11 "County council" includes the city-county council of a county that
- 12 contains a consolidated city of the first class.
- 13 "Motor vehicle" means a vehicle which is subject to the annual
- 14 license excise tax imposed under IC 6-6-5.
- 15 "Net annual license excise tax" means the tax due under IC 6-6-5
- 16 after the application of the adjustments and credits provided by

1 that chapter.

2 "Surtax" means the annual license excise surtax imposed by a
3 ~~county council~~ **an adopting entity** under this chapter.

4 SECTION 2. IC 6-3.5-4-1.1 IS ADDED TO THE INDIANA CODE
5 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE MAY
6 1, 2012]: **Sec. 1.1. (a) For purposes of acting as the adopting entity**
7 **under this chapter, a county income tax council is comprised of the**
8 **same members as the county income tax council that is established**
9 **by IC 6-3.5-6-2 for the county (regardless of the income tax that**
10 **may be in effect in the county).**

11 **(b) The county income tax council shall use the same procedures**
12 **that apply under IC 6-3.5-6 when acting as an adopting entity**
13 **under this chapter.**

14 **(c) An ordinance adopted by the county income tax council may**
15 **not be repealed, rescinded, or amended by the county council. Nor**
16 **may the county income tax council repeal, rescind, or amend an**
17 **ordinance adopted by the county council.**

18 **(d) The taxes imposed under this chapter through any**
19 **combination of ordinances adopted by the county council and the**
20 **county income tax council may not exceed the amounts permitted**
21 **by section 2 of this chapter.**

22 SECTION 3. IC 6-3.5-4-2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE MAY 1, 2012]: ~~Sec. 2. (a) The county~~
24 ~~council~~ **An adopting entity** of any county may, subject to the
25 limitation imposed by subsection (c), adopt an ordinance to impose an
26 annual license excise surtax at the same rate or amount on each motor
27 vehicle listed in subsection (b) that is registered in the county. The
28 ~~county council~~ **adopting entity** may impose the surtax either:

29 (1) at a rate of not less than two percent (2%) nor more than ten
30 percent (10%); or

31 (2) at a specific amount of at least seven dollars and fifty cents
32 (\$7.50) and not more than twenty-five dollars (\$25).

33 However, the surtax on a vehicle may not be less than seven dollars and
34 fifty cents (\$7.50). The ~~county council~~ **adopting entity** shall state the
35 surtax rate or amount in the ordinance which imposes the tax.

36 (b) The license excise surtax applies to the following vehicles:

37 (1) Passenger vehicles.

38 (2) Motorcycles.

1 (3) Trucks with a declared gross weight that does not exceed
2 eleven thousand (11,000) pounds.

3 (c) The ~~county council~~ **adopting entity** may not adopt an ordinance
4 to impose the surtax unless it concurrently adopts an ordinance under
5 IC 6-3.5-5 to impose the wheel tax.

6 (d) Notwithstanding any other provision of this chapter or
7 IC 6-3.5-5, ordinances adopted by a county council before ~~June 1,~~
8 ~~1983,~~ **May 1, 2012**, to impose or change the annual license excise
9 surtax and the annual wheel tax in the county remain in effect until the
10 ordinances are amended or repealed under this chapter or IC 6-3.5-5.

11 SECTION 4. IC 6-3.5-4-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 3. If a ~~county council~~
13 **an adopting entity** adopts an ordinance imposing the surtax after
14 December 31 but before July 1 of the following year, a motor vehicle
15 is subject to the tax if it is registered in the county after December 31
16 of the year in which the ordinance is adopted. If a ~~county council~~ **an**
17 **adopting entity** adopts an ordinance imposing the surtax after June 30
18 but before the following January 1, a motor vehicle is subject to the tax
19 if it is registered in the county after December 31 of the year following
20 the year in which the ordinance is adopted. However, in the first year
21 the surtax is effective, the surtax does not apply to the registration of
22 a motor vehicle for the registration year that commenced in the
23 calendar year preceding the year the surtax is first effective.

24 SECTION 5. IC 6-3.5-4-4 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 4. (a) After January 1
26 but before July 1 of any year, the ~~county council~~ **adopting entity** may,
27 subject to the limitations imposed by subsection (b), adopt an
28 ordinance to rescind the surtax. If the ~~county council~~ **adopting entity**
29 adopts such an ordinance, the surtax does not apply to a motor vehicle
30 registered after December 31 of the year the ordinance is adopted.

31 (b) The ~~county council~~ **adopting entity** may not adopt an ordinance
32 to rescind the surtax unless it concurrently adopts an ordinance under
33 IC 6-3.5-5 to rescind the wheel tax. In addition, the ~~county council~~
34 **adopting entity** may not adopt an ordinance to rescind the surtax if:

35 (1) any portion of a loan obtained by the county under IC 8-14-8
36 is unpaid; or if

37 (2) any bonds issued by the county under:

38 (A) IC 8-14-9; or

1 **(B) IC 8-18-22;**

2 are outstanding.

3 SECTION 6. IC 6-3.5-4-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 5. (a) The ~~county~~
5 **council adopting entity** may, subject to the limitations imposed by
6 subsection (b), adopt an ordinance to increase or decrease the surtax
7 rate or amount. The new surtax rate or amount must be within the range
8 of rates or amounts prescribed by section 2 of this chapter. A new rate
9 or amount that is established by an ordinance that is adopted after
10 December 31 but before July 1 of the following year applies to motor
11 vehicles registered after December 31 of the year in which the
12 ordinance to change the rate or amount is adopted. A new rate or
13 amount that is established by an ordinance that is adopted after June 30
14 but before January 1 of the following year applies to motor vehicles
15 registered after December 31 of the year following the year in which
16 the ordinance is adopted.

17 (b) The ~~county council~~ **adopting entity** may not adopt an ordinance
18 to decrease the surtax rate or amount under this section if:

19 (1) any portion of a loan obtained by the county under IC 8-14-8
20 is unpaid; or if

21 (2) any bonds issued by the county under:

22 (A) IC 8-14-9; or

23 (B) **IC 8-18-22;**

24 are outstanding.

25 SECTION 7. IC 6-3.5-4-6 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 6. If a ~~county council~~
27 **an adopting entity** adopts an ordinance to impose, rescind, or change
28 the rate or amount of the surtax, the ~~county council~~ **adopting entity**
29 shall send a copy of the ordinance to the commissioner of the bureau
30 of motor vehicles.

31 SECTION 8. IC 6-3.5-5-1, AS AMENDED BY P.L.211-2007,
32 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 MAY 1, 2012]: Sec. 1. As used in this chapter:

34 **"Adopting entity" means either the county council or the county**
35 **income tax council established by IC 6-3.5-6-2 for the county.**

36 "Branch office" means a branch office of the bureau of motor
37 vehicles.

38 "Bus" has the meaning set forth in IC 9-13-2-17(a).

1 "Commercial motor vehicle" has the meaning set forth in
2 IC 6-6-5.5-1(c).

3 "County council" includes the city-county council of a county that
4 contains a consolidated city of the first class.

5 "In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).

6 "Political subdivision" has the meaning set forth in IC 34-6-2-110.

7 "Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

8 "Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

9 "State agency" has the meaning set forth in IC 34-6-2-141.

10 "Tractor" has the meaning set forth in IC 9-13-2-180.

11 "Trailer" has the meaning set forth in IC 9-13-2-184(a).

12 "Truck" has the meaning set forth in IC 9-13-2-188(a).

13 "Wheel tax" means the tax imposed under this chapter.

14 SECTION 9. IC 6-3.5-5-1.1 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY
16 1, 2012]: **Sec. 1.1. (a) For purposes of acting as the adopting entity
17 under this chapter, a county income tax council is comprised of the
18 same members as the county income tax council that is established
19 by IC 6-3.5-6-2 for the county (regardless of the income tax that
20 may be in effect in the county).**

21 **(b) The county income tax council shall use the same procedures
22 that apply under IC 6-3.5-6 when acting as an adopting entity
23 under this chapter.**

24 **(c) An ordinance adopted by the county income tax council may
25 not be repealed, rescinded, or amended by the county council. Nor
26 may the county income tax council repeal, rescind, or amend an
27 ordinance adopted by the county council.**

28 **(d) The taxes imposed under this chapter through any
29 combination of ordinances adopted by the county council and the
30 county income tax council may not exceed the amounts permitted
31 by section 2 of this chapter.**

32 SECTION 10. IC 6-3.5-5-2 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE MAY 1, 2012]: **Sec. 2. (a) The county
34 council adopting entity of any county may, subject to the limitation
35 imposed by subsection (b), adopt an ordinance to impose an annual
36 wheel tax on each vehicle which:**

37 (1) is included in one (1) of the classes of vehicles listed in
38 section 3 of this chapter;

1 (2) is not exempt from the wheel tax under section 4 of this
 2 chapter; and

3 (3) is registered in the county.

4 (b) The ~~county council~~ **adopting entity** of a county may not adopt
 5 an ordinance to impose the wheel tax unless it concurrently adopts an
 6 ordinance under IC 6-3.5-4 to impose the annual license excise surtax.

7 (c) The ~~county council~~ **adopting entity** may impose the wheel tax
 8 at a different rate for each of the classes of vehicles listed in section 3
 9 of this chapter. In addition, the ~~county council~~ **adopting entity** may
 10 establish different rates within the classes of buses, semitrailers,
 11 trailers, tractors, and trucks based on weight classifications of those
 12 vehicles that are established by the bureau of motor vehicles for use
 13 throughout Indiana. However, the wheel tax rate for a particular class
 14 or weight classification of vehicles may not be less than five dollars
 15 (\$5) and may not exceed forty dollars (\$40). The ~~county council~~
 16 **adopting entity** shall state the initial wheel tax rates in the ordinance
 17 that imposes the tax.

18 SECTION 11. IC 6-3.5-5-5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 5. If a ~~county council~~
 20 **an adopting entity** adopts an ordinance imposing the wheel tax after
 21 December 31 but before July 1 of the following year, a vehicle
 22 described in section 2(a) of this chapter is subject to the tax if it is
 23 registered in the county after December 31 of the year in which the
 24 ordinance is adopted. If a ~~county council~~ **an adopting entity** adopts an
 25 ordinance imposing the wheel tax after June 30 but before the
 26 following January 1, a vehicle described in section 2(a) of this chapter
 27 is subject to the tax if it is registered in the county after December 31
 28 of the year following the year in which the ordinance is adopted.
 29 However, in the first year the tax is effective, the tax does not apply to
 30 the registration of a motor vehicle for the registration year that
 31 commenced in the calendar year preceding the year the tax is first
 32 effective.

33 SECTION 12. IC 6-3.5-5-6 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 6. (a) After January 1
 35 but before July 1 of any year, the ~~county council~~ **adopting entity** may,
 36 subject to the limitations imposed by subsection (b), adopt an
 37 ordinance to rescind the wheel tax. If the ~~county council~~ **adopting**
 38 **entity** adopts such an ordinance, the wheel tax does not apply to a

1 vehicle registered after December 31 of the year the ordinance is
2 adopted.

3 (b) The ~~county council~~ **adopting entity** may not adopt an ordinance
4 to rescind the wheel tax unless it concurrently adopts an ordinance
5 under IC 6-3.5-4 to rescind the annual license excise surtax. In
6 addition, the ~~county council~~ **adopting entity** may not adopt an
7 ordinance to rescind the wheel tax if:

8 (1) any portion of a loan obtained by the county under IC 8-14-8
9 is unpaid; or if

10 (2) any bonds issued by the county under:

11 (A) IC 8-14-9; or

12 (B) **IC 8-18-22;**

13 are outstanding.

14 SECTION 13. IC 6-3.5-5-7 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 7. (a) The ~~county~~
16 ~~council~~ **adopting entity** may, subject to the limitations imposed by
17 subsection (b), adopt an ordinance to increase or decrease the wheel tax
18 rates. The new wheel tax rates must be within the range of rates
19 prescribed by section 2 of this chapter. New rates that are established
20 by an ordinance that is adopted after December 31 but before July 1 of
21 the following year apply to vehicles registered after December 31 of the
22 year in which the ordinance to change the rates is adopted. New rates
23 that are established by an ordinance that is adopted after June 30 but
24 before July 1 of the following year apply to motor vehicles registered
25 after December 31 of the year following the year in which the
26 ordinance is adopted.

27 (b) The ~~county council~~ **adopting entity** may not adopt an ordinance
28 to decrease the wheel tax rate under this section if:

29 (1) any portion of a loan obtained by the county under IC 8-14-8
30 is unpaid; or if

31 (2) any bonds issued by the county under:

32 (A) IC 8-14-9; or

33 (B) **IC 8-18-22;**

34 are outstanding.

35 SECTION 14. IC 6-3.5-5-8 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE MAY 1, 2012]: Sec. 8. If a ~~county council~~
37 **an adopting entity** adopts an ordinance to impose, rescind, or change
38 the rates of the wheel tax, the ~~county council~~ **adopting entity** shall

1 send a copy of the ordinance to the commissioner of the bureau of
2 motor vehicles."

3 Page 2, delete lines 17 through 28, begin a new paragraph and
4 insert:

5 **"(c) A city department, officer, or employee may obligate the**
6 **city beyond the amount of money appropriated for that**
7 **department, officer, or employee if:**

8 **(1) the obligation is made under a multi-year interlocal**
9 **cooperation agreement entered into by the city and one (1) or**
10 **more political subdivisions or governmental entities under**
11 **IC 36-1-7; and**

12 **(2) the agreement described in subdivision (1) is approved by**
13 **the fiscal body of the city.**

14 **(d) An obligation described in subsection (c) may be terminated:**

15 **(1) if the city provides notice of the termination of the**
16 **obligation at least one (1) year before the termination of the**
17 **obligation; or**

18 **(2) the city and the political subdivisions or governmental**
19 **entities that have entered into the interlocal cooperation**
20 **agreement otherwise agree to the termination.**

21 **SECTION 16. An emergency is declared for this act."**

22 Renumber all SECTIONS consecutively.

(Reference is to SB 98 as printed January 20, 2012.)

and when so amended that said bill do pass.

Representative Espich