
HOUSE BILL No. 1111

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3.1-16; IC 14-8-2-107; IC 14-21-1.

Synopsis: Historic preservation tax credit. Provides that the historic rehabilitation income tax credit may be assigned. Specifies that other than the permission to assign tax credits, the amendments to the credit apply to tax credits awarded for taxable years beginning after December 31, 2012. Provides that the credit applies to the preservation or rehabilitation of historic properties that have been vacant for at least one year. Establishes three new methodologies for determining the amount of the tax credit. (Current law provides that the credit equals 20% of the taxpayer's qualified expenses.) Provides that a property's adjusted basis is not reduced by the amount of the credit if a person is entitled to a federal low income housing credit. Provides that a project may not receive more than 20% of the annual statewide cap on the credit. Increases the minimum amount of expenditures to qualify for the credit from \$10,000 to \$25,000. Phases in increases to the annual statewide cap on the credit until the cap is \$10,000,000. Requires the division of historic preservation and archeology of the department of natural resources (division) to reserve 20% of the available credit for projects for which the approved qualified expenditures do not exceed \$250,000. Provides that the division may collect a fee of 2.5% of qualified expenses for projects with more than \$1,000,000 in qualified expenses. Establishes the historic rehabilitation credit fund for the deposit of the fee. Reverts the fund's balance exceeding \$1,000,000 to the state general fund at the end of a state fiscal year. Specifies that the division's power to adopt rules includes emergency rules. Voids a rule providing that the maximum amount of credits for a particular project is \$100,000. Prohibits the division from reallocating available tax credits from year to year.

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Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Ways and Means.



Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1111



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

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

- 1 SECTION 1. IC 6-3.1-16-0.1 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2012]: **Sec. 0.1. (a) Except as provided by**
- 4 **subsection (c), an amendment to this chapter enacted in 2012**
- 5 **applies to tax credits awarded for taxable years beginning after**
- 6 **December 31, 2012.**
- 7 **(b) Except as provided by subsection (c), a tax credit awarded**
- 8 **under this chapter for a taxable year ending before January 1,**
- 9 **2013, is subject to:**
- 10 **(1) this chapter (as in effect on January 1, 2012);**
- 11 **(2) the rules of the natural resources commission (as in effect**
- 12 **on January 1, 2012); and**
- 13 **(3) any terms and conditions imposed upon the tax credit by**
- 14 **the department or the department of natural resources,**
- 15 **including a requirement that the tax credit must be claimed**
- 16 **in a taxable year beginning after December 31, 2012.**
- 17 **(c) A tax credit awarded under this chapter for any taxable**



1 year, including a taxable year ending before January 1, 2012, may
2 be assigned in the manner permitted by section 13.5 of this chapter.

3 SECTION 2. IC 6-3.1-16-1.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. As used in this chapter,**
6 **"difficult development area" has the meaning set forth in Section**
7 **42(d)(5)(B)(iii) of the Internal Revenue Code.**

8 SECTION 3. IC 6-3.1-16-2.8 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2012]: **Sec. 2.8. As used in this chapter,**
11 **"person" means:**

- 12 (1) an individual;
- 13 (2) a corporation;
- 14 (3) an S corporation;
- 15 (4) a partnership;
- 16 (5) a limited liability company;
- 17 (6) a limited liability partnership;
- 18 (7) a nonprofit organization; or
- 19 (8) a joint venture.

20 SECTION 4. IC 6-3.1-16-3.5 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. As used in this chapter,**
23 **"qualified census tract" has the meaning set forth in Section**
24 **42(d)(5)(B)(ii) of the Internal Revenue Code.**

25 SECTION 5. IC 6-3.1-16-6.1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.1. As used in this**
27 **chapter, "taxpayer" means: an individual, a corporation, an S**
28 **corporation, a partnership, a limited liability company, a limited**
29 **liability partnership, a nonprofit organization, or a joint venture.**

- 30 (1) a person that:
 - 31 (A) is the holder of a credit that is awarded or assigned
 - 32 under this chapter; and
 - 33 (B) has a state tax liability against which any part of the
 - 34 credit may be applied; or
- 35 (2) a shareholder, partner, or member of a pass through
- 36 entity that:
 - 37 (A) is the holder of a credit that is awarded or assigned
 - 38 under this chapter; and
 - 39 (B) does not have any state tax liability against which any
 - 40 part of the credit may be applied.

41 SECTION 6. IC 6-3.1-16-6.5 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2012]: **Sec. 6.5. As used in this chapter,**
 2 **"vacant" means, with respect to an historic property, that at least**
 3 **fifty percent (50%) of the useable interior floor space of the**
 4 **historic property is not occupied as a residence or actively used in**
 5 **a trade or business.**

6 SECTION 7. IC 6-3.1-16-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Subject to section
 8 14 of this chapter, a taxpayer is entitled to a credit against the
 9 taxpayer's state tax liability in the taxable year in which the taxpayer
 10 completes the preservation or rehabilitation of historic property and
 11 obtains the certifications required under section 8 of this chapter.

12 (b) **The amount of the credit is equal to twenty percent (20%) of the**
 13 **qualified expenditures that:**

- 14 (1) **the taxpayer makes for the preservation or rehabilitation of**
 15 **historic property; and**
 16 (2) **are approved by the division.**

17 (b) **The credit applies to qualified expenditures that:**

- 18 (1) **the taxpayer makes for the preservation or rehabilitation**
 19 **of historic property; and**
 20 (2) **are approved by the division.**

21 (c) **The amount of the credit must be determined under one (1)**
 22 **of the following methods:**

23 (1) **If the total amount of the taxpayer's qualified expenditures**
 24 **is less than two million dollars (\$2,000,000), the amount of the**
 25 **credit is equal to forty percent (40%) of either of the following**
 26 **amounts:**

27 (A) **The total amount of the qualified expenditures made**
 28 **by the taxpayer.**

29 (B) **The product of:**

30 (i) **the total amount of the qualified expenditures made**
 31 **by the taxpayer; multiplied by**

32 (ii) **one and three-tenths (1.3);**

33 **in the case of a person who applies for a credit for the**
 34 **preservation or rehabilitation of historic property located**
 35 **in a difficult development area or a qualified census tract.**

36 (2) **If the property preserved or rehabilitated is a school, a**
 37 **hospital, or subject to a grant received under the Indiana**
 38 **main street program established under IC 4-4-16-1, the**
 39 **amount of the credit is equal to forty percent (40%) of either**
 40 **of the following amounts:**

41 (A) **The total amount of the qualified expenditures made**
 42 **by the taxpayer.**

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- 1 **(B) The product of:**
 2 **(i) the total amount of the qualified expenditures made**
 3 **by the taxpayer; multiplied by**
 4 **(ii) one and three-tenths (1.3);**
 5 **in the case of a person who applies for a credit for the**
 6 **preservation or rehabilitation of historic property located**
 7 **in a difficult development area or a qualified census tract.**
 8 **(3) If the property preserved or rehabilitated is not described**
 9 **by either subdivision (1) or (2), the amount of the credit is**
 10 **equal to twenty percent (20%) of either of the following**
 11 **amounts:**
 12 **(A) The total amount of the qualified expenditures made**
 13 **by the taxpayer.**
 14 **(B) The product of:**
 15 **(i) the total amount of the qualified expenditures made**
 16 **by the taxpayer; multiplied by**
 17 **(ii) one and three-tenths (1.3);**
 18 **in the case of a person who applies for a credit for the**
 19 **preservation or rehabilitation of historic property located**
 20 **in a difficult development area or a qualified census tract.**
 21 ~~(c)~~ **(d) In the case of a husband and wife who:**
 22 **(1) own and rehabilitate a historic property jointly; and**
 23 **(2) file separate tax returns;**
 24 the husband and wife may take the credit in equal shares or one (1)
 25 spouse may take the whole credit.
 26 SECTION 8. IC 6-3.1-16-8 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. A taxpayer qualifies
 28 for a credit under section 7 of this chapter if all of the following
 29 conditions are met:
 30 (1) The historic property: is:
 31 (A) is located in Indiana;
 32 (B) is at least fifty (50) years old; and
 33 **(C) has been vacant for at least one (1) year as of the date**
 34 **the taxpayer submitted a proposed preservation or**
 35 **rehabilitation plan to the division; and**
 36 ~~(C)~~ **(D) except as provided in section 7~~(c)~~ 7(d) of this chapter,**
 37 **is owned by the taxpayer.**
 38 (2) The division certifies that the historic property is listed in the
 39 register of Indiana historic sites and historic structures.
 40 (3) The division certifies that the taxpayer submitted a proposed
 41 preservation or rehabilitation plan to the division that complies
 42 with the standards of the division.

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1 (4) The division certifies that the preservation or rehabilitation
 2 work that is the subject of the credit substantially complies with
 3 the proposed plan referred to in subdivision (3).

4 (5) The preservation or rehabilitation work is completed in not
 5 more than:

6 (A) two (2) years; or

7 (B) five (5) years if the preservation or rehabilitation plan
 8 indicates that the preservation or rehabilitation is initially
 9 planned for completion in phases.

10 The time in which work must be completed begins when the
 11 physical work of construction or destruction in preparation for
 12 construction begins.

13 (6) The historic property is:

14 (A) actively used in a trade or business;

15 (B) held for the production of income; or

16 (C) held for the rental or other use in the ordinary course of the
 17 taxpayer's trade or business.

18 (7) The qualified expenditures for preservation or rehabilitation
 19 of the historic property exceed ~~ten~~ **twenty-five** thousand dollars
 20 (~~\$10,000~~): **(\$25,000)**.

21 **(8) The division certifies that a fee required under**
 22 **IC 14-21-1-37 has been paid.**

23 SECTION 9. IC 6-3.1-16-11 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. **(a) This section**
 25 **does not apply to a person if the person is entitled to a credit under**
 26 **Section 42 of the Internal Revenue Code for the historic property.**

27 **(b)** For purposes of IC 6-3, the adjusted basis of:

28 (1) the structure, if the historic property is a structure; or

29 (2) the entire property, if the historic property is not a structure;

30 shall be reduced by the amount of a credit granted under this chapter.

31 SECTION 10. IC 6-3.1-16-12 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) **Except as**
 33 **provided in subsection (b) or (c),** a credit claimed under this chapter
 34 shall be recaptured from the taxpayer **who obtained the certifications**
 35 **required under section 8 of this chapter** if:

36 (1) the property is transferred less than five (5) years after
 37 completion of the certified preservation or rehabilitation work; or

38 (2) less than five (5) years after completion of the certified
 39 preservation or rehabilitation, additional modifications to the
 40 property are undertaken that do not meet the standards of the
 41 division.

42 **(b) Except as provided in subsection (a) or (c), a credit claimed**

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1 under this chapter shall be recaptured from the taxpayer to whom
2 the tax credit was assigned under section 13.5 of this chapter if:

3 (1) the taxpayer transfers the property less than five (5) years
4 after completion of the certified preservation or rehabilitation
5 work; or

6 (2) less than five (5) years after completion of the certified
7 preservation or rehabilitation, additional modifications to the
8 property are undertaken that do not meet the standards of the
9 division.

10 (c) A historic property subject to a tax credit awarded or
11 assigned under this chapter may be transferred without subjecting
12 the tax credit to recapture under subsection (a) or (b) if the historic
13 property is transferred:

14 (1) to an assignee who will own and use the property as
15 required by section 8(6) of this chapter; or

16 (2) as a condominium (as defined by IC 32-25-2-7).

17 ~~(b)~~ (d) If the recapture of a credit is required under this section, an
18 amount equal to the credit recaptured shall be added to the tax liability
19 of the taxpayer for the taxable year during which the credit is
20 recaptured.

21 SECTION 11. IC 6-3.1-16-13.5 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2012]: **Sec. 13.5. (a) The holder of a credit**
24 **may assign any part of the credit to which the holder is entitled**
25 **under this chapter to another person if the holder complies with**
26 **this section.**

27 (b) The assignor must provide the assignee with a copy of the
28 certifications by the division required under sections 8 and 9 of this
29 chapter.

30 (c) The assignor must provide written notification of the
31 assignment to the:

32 (1) division; and

33 (2) department;

34 not later than thirty (30) days after the assignment.

35 (d) The notification provided under subsection (c) must contain:

36 (1) the name of the assignor;

37 (2) the name of the assignee;

38 (3) the date of assignment;

39 (4) the terms of the assignment; and

40 (5) any information requested by the division or the
41 department.

42 (e) The assignor may assign a credit under this chapter to an

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1 assignee other than a holder of a credit under Section 47 of the
2 Internal Revenue Code for the same property.

3 (f) If any part of a credit is assigned under this section, the
4 assignor and the assignee shall report the assignment on the
5 assignor's and assignee's state tax returns for the year in which the
6 assignment is made, in the manner prescribed by the department.

7 SECTION 12. IC 6-3.1-16-13.7 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2012]: Sec. 13.7. The holder of a credit that
10 is assigned in conformity with this chapter is:

11 (1) entitled to a credit against the holder's state tax liability to
12 the same extent as if the holder were the person to which the
13 credit was initially awarded; and

14 (2) subject to the same conditions and requirements imposed
15 upon the person to which the credit was initially awarded.

16 SECTION 13. IC 6-3.1-16-14 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) The amount of
18 tax credits allowed under this chapter may not exceed the following
19 amounts:

20 (1) seven hundred fifty thousand dollars (\$750,000) in the state
21 fiscal year beginning July 1, 1997, and the state fiscal year
22 beginning July 1, 1998; and

23 (2) (1) Four hundred fifty thousand dollars (\$450,000) in a state
24 fiscal year that begins July 1, after June 30, 1999, or thereafter;
25 and ends before July 1, 2013.

26 (2) Two million dollars (\$2,000,000) in the state fiscal year
27 beginning July 1, 2013.

28 (3) Four million dollars (\$4,000,000) in the state fiscal year
29 beginning July 1, 2014.

30 (4) Six million dollars (\$6,000,000) in the state fiscal year
31 beginning July 1, 2015.

32 (5) Eight million dollars (\$8,000,000) in the state fiscal year
33 beginning July 1, 2016.

34 (6) Ten million dollars (\$10,000,000) in a state fiscal year
35 beginning after June 30, 2017.

36 (b) The amount of the tax credit allowed under this chapter for
37 the preservation or rehabilitation of a particular property in a
38 particular state fiscal year may not exceed the product of:

39 (1) the total amount of credits that may be allowed to all
40 taxpayers in that state fiscal year; multiplied by

41 (2) twenty percent (20%).

42 (c) The division shall reserve twenty percent (20%) of the total

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1 amount of available tax credits in each state fiscal year for projects
 2 for which the qualified expenditures approved by the division do
 3 not exceed two hundred fifty thousand dollars (\$250,000). If the
 4 amount reserved under this subsection exceeds the amount of tax
 5 credits actually allowed to taxpayers that are eligible to receive tax
 6 credits from the reserved amount, the division may allow the
 7 excess amount to be claimed by any taxpayer otherwise entitled to
 8 a tax credit under this chapter.

9 (d) The division may not do the following:

10 (1) Increase the amount of tax credits allowed under
 11 subsection (a) in a particular state fiscal year by reducing the
 12 amount specified by subsection (a) for any other state fiscal
 13 year.

14 (2) Decrease the amount of tax credits allowed under
 15 subsection (a) in a particular state fiscal year by reallocating
 16 any part of the amount specified for that particular state
 17 fiscal year to any other state fiscal year.

18 SECTION 14. IC 6-3.1-16-15 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. The following may
 20 adopt rules under IC 4-22-2, **including emergency rules under**
 21 **IC 4-22-2-37.1**, to carry out this chapter:

22 (1) The department of state revenue.

23 (2) The division.

24 SECTION 15. IC 6-3.1-16-16 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2012]: **Sec. 16. (a) 312 IAC 23-3-4(b) is void.**

27 **(b) The publisher of the Indiana Administrative Code and**
 28 **Indiana Register shall remove 312 IAC 23-3-4(b) from the Indiana**
 29 **Administrative Code.**

30 SECTION 16. IC 14-8-2-107, AS AMENDED BY P.L.167-2011,
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2012]: Sec. 107. "Fund" has the following meaning:

33 (1) For purposes of IC 14-9-5, the meaning set forth in
 34 IC 14-9-5-1.

35 (2) For purposes of IC 14-9-8-21, the meaning set forth in
 36 IC 14-9-8-21.

37 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in
 38 IC 14-9-8-21.5.

39 (4) For purposes of IC 14-9-9, the meaning set forth in
 40 IC 14-9-9-3.

41 (5) For purposes of IC 14-12-1, the meaning set forth in
 42 IC 14-12-1-1.

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- 1 (6) For purposes of IC 14-12-2, the meaning set forth in
 2 IC 14-12-2-2.
 3 (7) For purposes of IC 14-12-3, the meaning set forth in
 4 IC 14-12-3-2.
 5 (8) For purposes of IC 14-13-1, the meaning set forth in
 6 IC 14-13-1-2.
 7 (9) For purposes of IC 14-13-2, the meaning set forth in
 8 IC 14-13-2-3.
 9 (10) For purposes of IC 14-16-1, the meaning set forth in
 10 IC 14-16-1-30.
 11 (11) For purposes of IC 14-19-8, the meaning set forth in
 12 IC 14-19-8-1.
 13 (12) For purposes of IC 14-20-11, the meaning set forth in
 14 IC 14-20-11-2.
 15 (13) For purposes of IC 14-21-4, the meaning set forth in
 16 IC 14-21-4-10.
 17 **(14) For purposes of IC 14-21-1-37, the meaning set forth in**
 18 **IC 14-21-1-37(a).**
 19 ~~(14)~~ **(15)** For purposes of IC 14-22-3, the meaning set forth in
 20 IC 14-22-3-1.
 21 ~~(15)~~ **(16)** For purposes of IC 14-22-4, the meaning set forth in
 22 IC 14-22-4-1.
 23 ~~(16)~~ **(17)** For purposes of IC 14-22-5, the meaning set forth in
 24 IC 14-22-5-1.
 25 ~~(17)~~ **(18)** For purposes of IC 14-22-8, the meaning set forth in
 26 IC 14-22-8-1.
 27 ~~(18)~~ **(19)** For purposes of IC 14-22-34, the meaning set forth in
 28 IC 14-22-34-2.
 29 ~~(19)~~ **(20)** For purposes of IC 14-23-3, the meaning set forth in
 30 IC 14-23-3-1.
 31 ~~(20)~~ **(21)** For purposes of IC 14-24-4.5, the meaning set forth in
 32 IC 14-24-4.5-2(5).
 33 ~~(21)~~ **(22)** For purposes of IC 14-25-2-4, the meaning set forth in
 34 IC 14-25-2-4.
 35 ~~(22)~~ **(23)** For purposes of IC 14-25-10, the meaning set forth in
 36 IC 14-25-10-1.
 37 ~~(23)~~ **(24)** For purposes of IC 14-25-11-19, the meaning set forth
 38 in IC 14-25-11-19.
 39 ~~(24)~~ **(25)** For purposes of IC 14-25.5, the meaning set forth in
 40 IC 14-25.5-1-3.
 41 ~~(25)~~ **(26)** For purposes of IC 14-28-5, the meaning set forth in
 42 IC 14-28-5-2.

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- 1 ~~(26)~~ **(27)** For purposes of IC 14-31-2, the meaning set forth in
 2 IC 14-31-2-5.
 3 ~~(27)~~ **(28)** For purposes of IC 14-25-12, the meaning set forth in
 4 IC 14-25-12-1.
 5 ~~(28)~~ **(29)** For purposes of IC 14-32-8, the meaning set forth in
 6 IC 14-32-8-1.
 7 ~~(29)~~ **(30)** For purposes of IC 14-33-14, the meaning set forth in
 8 IC 14-33-14-3.
 9 ~~(30)~~ **(31)** For purposes of IC 14-33-21, the meaning set forth in
 10 IC 14-33-21-1.
 11 ~~(31)~~ **(32)** For purposes of IC 14-34-6-15, the meaning set forth in
 12 IC 14-34-6-15.
 13 ~~(32)~~ **(33)** For purposes of IC 14-34-14, the meaning set forth in
 14 IC 14-34-14-1.
 15 ~~(33)~~ **(34)** For purposes of IC 14-34-19-1.3, the meaning set forth
 16 in IC 14-34-19-1.3(a).
 17 ~~(34)~~ **(35)** For purposes of IC 14-34-19-1.5, the meaning set forth
 18 in IC 14-34-19-1.5(a).
 19 ~~(35)~~ **(36)** For purposes of IC 14-37-10, the meaning set forth in
 20 IC 14-37-10-1.

21 SECTION 17. IC 14-21-1-31 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) The commission
 23 shall adopt rules under IC 4-22-2, **including emergency rules under**
 24 **IC 4-22-2-37.1**, to implement this chapter.

25 (b) When adopting rules under this chapter the commission shall
 26 consider the following:

- 27 (1) The rights and interests of landowners.
 28 (2) The sensitivity of human beings for treating human remains
 29 with respect and dignity.
 30 (3) The value of history and archeology as a guide to human
 31 activity.
 32 (4) The importance of amateur archeologists in making historical,
 33 cultural, and archeological discoveries.
 34 (5) Applicable laws, standards, and guidelines for the conduct of
 35 archeology and codes of ethics for participation in archeology.

36 SECTION 18. IC 14-21-1-37 IS ADDED TO THE INDIANA
 37 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2012]: **Sec. 37. (a) As used in this section,**
 39 **"fund" refers to the historic rehabilitation credit fund established**
 40 **by subsection (d).**

41 **(b) As used in this section, "person" has the meaning set forth**
 42 **in IC 6-3.1-16-2.8.**



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- 1 (c) As used in this section, "qualified expenditures" has the
- 2 meaning set forth in IC 6-3.1-16-4.
- 3 (d) The historic rehabilitation credit fund is established to fund
- 4 administrative costs associated with making certifications under
- 5 IC 6-3.1-16-8.
- 6 (e) The fund consists of the following:
- 7 (1) Fees collected under this section.
- 8 (2) Appropriations by the general assembly.
- 9 (3) Money transferred to the fund from other funds.
- 10 (4) Money from any other source deposited in the fund.
- 11 (f) The director shall manage the fund. The fund shall be used
- 12 for administrative costs:
- 13 (1) of the fund; and
- 14 (2) associated with making certifications under IC 6-3.1-16-8.
- 15 (g) Money in the fund at the end of a state fiscal year does not
- 16 revert to the state general fund or any other fund. However, if the
- 17 amount of money in the fund at the end of a particular fiscal year
- 18 exceeds one million dollars (\$1,000,000), the treasurer of state shall
- 19 transfer the excess from the fund into the state general fund.
- 20 (h) The treasurer of state shall invest the money in the fund not
- 21 currently needed to meet the obligations of the fund in the same
- 22 manner as other public trust funds are invested. Interest that
- 23 accrues from these investments shall be deposited in the fund.
- 24 (i) After December 31, 2012, the division shall charge a person
- 25 a fee to provide certifications under IC 6-3.1-16-8 if the qualified
- 26 expenditures to preserve or rehabilitate a historic property exceed
- 27 one million dollars (\$1,000,000). The amount of the fee is two and
- 28 five-tenths percent (2.5%) of the amount of qualified expenditures.
- 29 (j) A calculation made under IC 6-3.1-16-7(c)(1)(B),
- 30 IC 6-3.1-16-7(c)(2)(B), or IC 6-3.1-16-7(c)(3)(B) does not apply to
- 31 the calculation of a fee under this section.

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