
SENATE BILL No. 544

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-28-26-15; IC 6-3.5; IC 6-5.5-8; IC 6-6; IC 6-8.1; IC 8-14-1-3; IC 25-1-6-8; IC 36-7.

Synopsis: State and local tax administration. Specifies the dates by which an ordinance to impose, increase, decrease, or rescind a county income tax must be adopted. Provides that before August 2 of each calendar year, the budget agency shall provide to each county auditor an estimate of the amount of county income tax that will be distributed to the county, based on tax rates currently in effect. Requires the budget agency to certify before October 1 the amount of a county's certified distribution of county income tax for the following year. Provides that a county is entitled to a supplemental distribution of county income tax if the budget agency determines that the balance in the county's trust account exceeds 50% (rather than 150%, under current law) of the certified distributions to be made in the following year. Specifies that the auditor of state shall transfer one-half of a county's financial institutions tax revenue to the county auditor in May and November of each year. (Under current law, the distributions are made quarterly.) Provides that the total amount of financial institutions tax supplemental distributions to be made for a year is equal to one-half of the financial institutions taxes that the department of state revenue (department) estimates were paid during the preceding fiscal year, minus the sum of all guaranteed distributions. Provides that the bureau of motor vehicles (rather than the auditor of state) shall make required distributions and transfers of boat excise tax revenue. Requires the auditor of state to recalculate the state welfare and tuition support allocation amount to be recaptured by the state from certain excise tax distributions if a new taxing district is established or if the boundaries of a taxing district change. Requires the bureau of motor vehicles to
(Continued next page)

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Effective: July 1, 2013; January 1, 2014.

Hershman

January 14, 2013, read first time and referred to Committee on Tax and Fiscal Policy.



Digest Continued

verify the accuracy and completeness of certain information on vehicle registration forms. Specifies that if the department makes a refund of cigarette taxes, tobacco products taxes, or alcoholic beverage taxes, the department shall charge each fund into which the taxes have been allocated or distributed with that fund's proportionate share of the amount of taxes refunded. Requires the department to provide information concerning county road mileage to the auditor of state before April 1 of each year, for purposes of determining distributions from the motor vehicle highway account. Provides that if the alcohol and tobacco commission or the bureau of motor vehicles notifies the professional licensing agency that a person has an outstanding balance due, the professional licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the commission or the bureau indicating that the outstanding balance has been satisfied. Requires businesses operating in certain special tax areas and districts to annually report information that the department determines necessary to calculate the incremental taxes that will be captured by the district or area. Requires taxpayers that file consolidated tax returns also to file annually an informational return for each business location of the taxpayer within such a district or area. Provides that the department may release information concerning total incremental tax revenue from such a district or area to the fiscal officer of the political subdivision or other entity that established the district or area, if that fiscal officer enters into an agreement with the department specifying that the information will be used solely for official purposes.

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Introduced

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 544



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 5-28-26-15, AS ADDED BY P.L.203-2005,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 15. **(a)** Before the first business day in October of
 4 each year, the department of state revenue shall calculate the income
 5 tax incremental amount and the gross retail incremental amount for the
 6 preceding state fiscal year for each global commerce center designated
 7 under this chapter.

8 **(b) Taxpayers operating in the global commerce center shall**
 9 **report annually, in the manner and in the form prescribed by the**
 10 **department, information that the department determines necessary**
 11 **to calculate the income tax incremental amount and the gross retail**
 12 **incremental amount.**

13 **(c) A taxpayer operating in the global commerce center that**
 14 **files a consolidated tax return with the department also shall file**
 15 **annually an informational return with the department for each**



1 **business location of the taxpayer within the global commerce**
 2 **center.**

3 SECTION 2. IC 6-3.5-1.1-1.5, AS ADDED BY P.L.113-2010,
 4 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2013]: Sec. 1.5. (a) Notwithstanding any other provision of
 6 this chapter, a power granted by this chapter to adopt an ordinance to:

- 7 (1) impose, increase, decrease, or rescind a tax or tax rate; or
 8 (2) grant, increase, decrease, rescind, or change a homestead
 9 credit or property tax replacement credit authorized under this
 10 chapter;

11 may be exercised at any time in a year before November 1 of that year.

12 (b) Notwithstanding any other provision of this chapter, an
 13 ordinance authorized by this chapter that imposes, ~~or~~ increases,
 14 **decreases, or rescinds** a tax or a tax rate takes effect as follows:

15 (1) An ordinance adopted after December 31 of the immediately
 16 preceding year and before ~~October~~ **September** 1 of the current
 17 year takes effect **on the later of:**

18 (A) October 1 of the current year; or

19 (B) **the date specified in the ordinance, which must be on**
 20 **the first day of a calendar quarter.**

21 (2) An ordinance adopted after ~~September 30~~ and before ~~October~~
 22 **16 August 31 and before November 1** of the current year takes
 23 effect ~~November 1~~ **on the later of:**

24 (A) **January 1** of the current following year; or

25 (B) **the date specified in the ordinance, which must be on**
 26 **the first day of a calendar quarter.**

27 (3) An ordinance adopted after ~~October 15~~ and before November
 28 ~~1~~ of the current year takes effect ~~December 1~~ of the current year.

29 (c) Notwithstanding any other provision of this chapter, an
 30 ordinance authorized by this chapter that decreases or rescinds a tax or
 31 a tax rate takes effect as follows:

32 (1) An ordinance adopted after ~~December 31~~ of the immediately
 33 preceding year and before ~~October 1~~ of the current year takes
 34 effect on the later of ~~October 1~~ of the current year or the first day
 35 of the month in the current year as the month in which the last
 36 increase in the tax or tax rate occurred.

37 (2) An ordinance adopted after ~~September 30~~ and before ~~October~~
 38 ~~16~~ of the current year takes effect on the later of ~~November 1~~ of
 39 the current year or the first day of the month in the current year as
 40 the month in which the last increase in the tax or tax rate
 41 occurred.

42 (3) An ordinance adopted after ~~October 15~~ and before November

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1 † of the current year takes effect December † of the current year.
 2 ~~(d)~~ (c) Notwithstanding any other provision of this chapter, an
 3 ordinance authorized by this chapter that grants, increases, decreases,
 4 rescinds, or changes a homestead credit or property tax replacement
 5 credit authorized under this chapter takes effect for and applies to
 6 property taxes first due and payable in the year immediately following
 7 the year in which the ordinance is adopted.

8 **(d) The county auditor shall:**
 9 **(1) before September 15 of the year in which an ordinance**
 10 **described in subsection (b)(1) is adopted; or**
 11 **(2) before November 15 of the year in which an ordinance**
 12 **described in subsection (b)(2) is adopted;**
 13 **send a certified copy of the ordinance to the commissioner of the**
 14 **department, the director of the budget agency, and the**
 15 **commissioner of the department of local government finance by**
 16 **certified mail or in an electronic format approved by the director**
 17 **of the budget agency.**

18 SECTION 3. IC 6-3.5-1.1-9, AS AMENDED BY P.L.137-2012,
 19 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2013]: Sec. 9. (a) Revenue derived from the imposition of the
 21 county adjusted gross income tax shall, in the manner prescribed by
 22 this section, be distributed to the county that imposed it. The amount
 23 to be distributed to a county during an ensuing calendar year equals the
 24 amount of county adjusted gross income tax revenue that the budget
 25 agency determines has been:

26 (1) received from that county for a taxable year ending before the
 27 calendar year in which the determination is made; and
 28 (2) reported on an annual return or amended return processed by
 29 the department in the state fiscal year ending before July 1 of the
 30 calendar year in which the determination is made;
 31 as adjusted for refunds of county adjusted gross income tax made in the
 32 state fiscal year.

33 (b) Before August 2 of each calendar year, the budget agency **shall**
 34 **provide to the county auditor of each adopting county an estimate**
 35 **of the amount determined under subsection (a) that will be**
 36 **distributed to the county, based on tax rates currently in effect, and**
 37 **an estimate of the interest in the county's account that has accrued**
 38 **and has not been included in a certification made in a preceding**
 39 **year. Not later than fifteen (15) days after receiving the estimate of**
 40 **the certified distribution, the county auditor shall notify each**
 41 **taxing unit of the estimated amount of property tax replacement**
 42 **credits, certified shares, and other revenue that will be distributed**

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1 **to the taxing unit under this chapter during the ensuing calendar**
 2 **year. Before October 1 of each calendar year, the budget agency**
 3 shall certify to the county auditor of each adopting county the amount
 4 determined under subsection (a) plus the amount of interest in the
 5 county's account that has accrued and has not been included in a
 6 certification made in a preceding year. The amount certified is the
 7 county's "certified distribution" for the immediately succeeding
 8 calendar year. The amount certified shall be adjusted under subsections
 9 (c), (d), (e), (f), and (g). **Not later than fifteen (15) days after**
 10 **receiving the notice of the amount of the certified distribution, the**
 11 **county auditor shall notify each taxing unit of the amount of**
 12 **property tax replacement credits, certified shares, and other**
 13 **revenue that will be distributed to the taxing unit under this**
 14 **chapter during the ensuing calendar year.** The budget agency shall
 15 provide the county council with an informative summary of the
 16 calculations used to determine the certified distribution. The summary
 17 of calculations must include:

- 18 (1) the amount reported on individual income tax returns
- 19 processed by the department during the previous fiscal year;
- 20 (2) adjustments for over distributions in prior years;
- 21 (3) adjustments for clerical or mathematical errors in prior years;
- 22 (4) adjustments for tax rate changes; and
- 23 (5) the amount of excess account balances to be distributed under
- 24 IC 6-3.5-1.1-21.1.

25 The budget agency shall also certify information concerning the part of
 26 the certified distribution that is attributable to a tax rate under section
 27 24, 25, or 26 of this chapter. This information must be certified to the
 28 county auditor, the department, and the department of local government
 29 finance **not later than September before October 1** of each calendar
 30 year. The part of the certified distribution that is attributable to a tax
 31 rate under section 24, 25, or 26 of this chapter may be used only as
 32 specified in those provisions.

33 (c) The budget agency shall certify an amount less than the amount
 34 determined under subsection (b) if the budget agency determines that
 35 the reduced distribution is necessary to offset overpayments made in a
 36 calendar year before the calendar year of the distribution. The budget
 37 agency may reduce the amount of the certified distribution over several
 38 calendar years so that any overpayments are offset over several years
 39 rather than in one (1) lump sum.

40 (d) The budget agency shall adjust the certified distribution of a
 41 county to correct for any clerical or mathematical errors made in any
 42 previous certification under this section. The budget agency may

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1 reduce the amount of the certified distribution over several calendar
 2 years so that any adjustment under this subsection is offset over several
 3 years rather than in one (1) lump sum.

4 (e) This subsection applies to a county that initially imposes,
 5 increases, decreases, or rescinds a tax or tax rate under this chapter
 6 before November 1 in the same calendar year in which the budget
 7 agency makes a certification under this section. The budget agency
 8 shall adjust the certified distribution of a county to provide for a
 9 distribution in the immediately following calendar year and in each
 10 calendar year thereafter. The budget agency shall provide for a full
 11 transition to certification of distributions as provided in subsection
 12 (a)(1) through (a)(2) in the manner provided in subsection (c). If the
 13 county imposes, increases, decreases, or rescinds a tax or tax rate under
 14 this chapter after the date for which a certification under subsection (b)
 15 is based, the budget agency shall adjust the certified distribution of the
 16 county after ~~August~~ **September 30** of the calendar year. The
 17 adjustment shall reflect any other adjustment required under
 18 subsections (c), (d), (f), and (g). The adjusted certification shall be
 19 treated as the county's "certified distribution" for the immediately
 20 succeeding calendar year. The budget agency shall certify the adjusted
 21 certified distribution to the county auditor for the county and provide
 22 the county council with an informative summary of the calculations
 23 that revises the informative summary provided in subsection (b) and
 24 reflects the changes made in the adjustment.

25 (f) The budget agency shall adjust the certified distribution of a
 26 county to provide the county with the distribution required under
 27 section 3.3 of this chapter beginning not later than the tenth month after
 28 the month in which additional revenue from the tax authorized under
 29 section 3.3 of this chapter is initially collected.

30 (g) This subsection applies in the year in which a county initially
 31 imposes a tax rate under section 24 of this chapter. Notwithstanding
 32 any other provision, the budget agency shall adjust the part of the
 33 county's certified distribution that is attributable to the tax rate under
 34 section 24 of this chapter to provide for a distribution in the
 35 immediately following calendar year equal to the result of:

- 36 (1) the sum of the amounts determined under STEP ONE through
 37 STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county
 38 initially imposes a tax rate under section 24 of this chapter;
 39 multiplied by
- 40 (2) two (2).

41 (h) The budget agency shall before May 1 of every odd-numbered
 42 year publish an estimate of the statewide total amount of certified

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1 distributions to be made under this chapter during the following two (2)
2 calendar years.

3 (i) The budget agency shall before May 1 of every even-numbered
4 year publish an estimate of the statewide total amount of certified
5 distributions to be made under this chapter during the following
6 calendar year.

7 (j) The estimates under subsections (h) and (i) must specify the
8 amount of the estimated certified distributions that are attributable to
9 the additional rate authorized under section 24 of this chapter, the
10 additional rate authorized under section 25 of this chapter, the
11 additional rate authorized under section 26 of this chapter, and any
12 other additional rates authorized under this chapter.

13 SECTION 4. IC 6-3.5-1.1-21.1, AS AMENDED BY P.L.229-2011,
14 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 21.1. (a) If the budget agency determines that the
16 balance in a county **trust** account exceeds ~~one hundred~~ fifty percent
17 (~~150%~~) **(50%)** of the certified distributions to be made to the county
18 in the ensuing year, the budget agency shall make a supplemental
19 distribution to the county from the county's adjusted gross income tax
20 account.

21 (b) A supplemental distribution described in subsection (a) must be:

- 22 (1) made in January of the ensuing calendar year; and
23 (2) allocated and, subject to subsection (d), used in the same
24 manner as certified distributions. However, the part of a
25 supplemental distribution that is attributable to an additional rate
26 authorized under this chapter:

27 (A) shall be used for the purpose specified in the statute
28 authorizing the additional rate; and

29 (B) is not required to be deposited in the unit's rainy day fund.

30 The amount of the supplemental distribution is equal to the amount by
31 which the balance in the county **trust** account exceeds ~~one hundred~~
32 fifty percent (~~150%~~) **(50%)** of the certified distributions to be made to
33 the county in the ensuing year.

34 (c) A determination under this section must be made before
35 November 2.

36 (d) This subsection applies to that part of a distribution made under
37 this section that is allocated and available for use in the same manner
38 as certified shares. The civil taxing unit receiving the money shall
39 deposit the money in the civil taxing unit's rainy day fund established
40 under IC 36-1-8-5.1.

41 (e) **Any income earned on money held in a trust account**
42 **established for a county under this chapter shall be deposited in**

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1 **that trust account.**

2 SECTION 5. IC 6-3.5-6-1.5, AS AMENDED BY P.L.137-2012,
3 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 1.5. (a) Notwithstanding any other provision of
5 this chapter, a power granted by this chapter to adopt an ordinance to:

- 6 (1) impose, increase, decrease, or rescind a tax or tax rate; or
7 (2) grant, increase, decrease, rescind, or change a homestead
8 credit or property tax replacement credit authorized under this
9 chapter;

10 may be exercised at any time in a year before November 1 of that year.

11 (b) Notwithstanding any other provision of this chapter, an
12 ordinance authorized by this chapter that imposes, ~~or~~ increases,
13 **decreases, or rescinds** a tax or a tax rate takes effect as follows:

14 (1) An ordinance adopted after December 31 of the immediately
15 preceding year and before ~~October~~ **September** 1 of the current
16 year takes effect **on the later of:**

17 (A) October 1 of the current year; or

18 (B) **the date specified in the ordinance, which must be on**
19 **the first day of a calendar quarter.**

20 (2) An ordinance adopted after ~~September 30~~ and before ~~October~~
21 **16 August 31 and before November 1** of the current year takes
22 effect ~~November 1~~ **on the later of:**

23 (A) **January 1** of the current following year; or

24 (B) **the date specified in the ordinance, which must be on**
25 **the first day of a calendar quarter.**

26 (3) An ordinance adopted after ~~October 15~~ and before ~~November~~
27 **1** of the current year takes effect ~~December 1~~ of the current year.

28 (c) Notwithstanding any other provision of this chapter, an
29 ordinance authorized by this chapter that decreases or rescinds a tax or
30 a tax rate takes effect as follows:

31 (1) An ordinance adopted after ~~December 31~~ of the immediately
32 preceding year and before ~~October 1~~ of the current year takes
33 effect on the later of ~~October 1~~ of the current year or the first day
34 of the month in the current year as the month in which the last
35 increase in the tax or tax rate occurred.

36 (2) An ordinance adopted after ~~September 30~~ and before ~~October~~
37 **16** of the current year takes effect on the later of ~~November 1~~ of
38 the current year or the first day of the month in the current year as
39 the month in which the last increase in the tax or tax rate
40 occurred.

41 (3) An ordinance adopted after ~~October 15~~ and before ~~November~~
42 **1** of the current year takes effect ~~December 1~~ of the current year.

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1 ~~(c)~~ **(c)** Except as provided in subsection ~~(c)~~; **(d)**, an ordinance
2 authorized by this chapter that grants, increases, decreases, rescinds, or
3 changes a homestead credit or property tax replacement credit
4 authorized under this chapter takes effect for and initially applies to
5 property taxes first due and payable in the year immediately following
6 the year in which the ordinance is adopted.

7 ~~(d)~~ **(d)** This subsection applies only to Miami County. A county
8 income tax council may adopt an ordinance in 2012 to select a different
9 combination of uses specified in section 32(f) of this chapter for tax
10 revenue distributed to the county from a tax rate imposed under section
11 32 of this chapter (county option income tax rate to provide property
12 tax relief to taxpayers). The county income tax council may provide in
13 the ordinance that the ordinance initially takes effect for and applies to
14 property taxes first due and payable in 2012. This subsection expires
15 January 1, 2013.

16 **(e) The county auditor shall:**
17 **(1) before September 15 of the year in which an ordinance**
18 **described in subsection (b)(1) is adopted; or**
19 **(2) before November 15 of the year in which an ordinance**
20 **described in subsection (b)(2) is adopted;**
21 **send a certified copy of the ordinance to the commissioner of the**
22 **department, the director of the budget agency, and the**
23 **commissioner of the department of local government finance by**
24 **certified mail or in an electronic format approved by the director**
25 **of the budget agency.**

26 SECTION 6. IC 6-3.5-6-17, AS AMENDED BY P.L.137-2012,
27 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2013]: Sec. 17. (a) Revenue derived from the imposition of
29 the county option income tax shall, in the manner prescribed by this
30 section, be distributed to the county that imposed it. The amount that
31 is to be distributed to a county during an ensuing calendar year equals
32 the amount of county option income tax revenue that the budget agency
33 determines has been:

- 34 (1) received from that county for a taxable year ending in a
35 calendar year preceding the calendar year in which the
36 determination is made; and
 - 37 (2) reported on an annual return or amended return processed by
38 the department in the state fiscal year ending before July 1 of the
39 calendar year in which the determination is made;
- 40 as adjusted (as determined after review of the recommendation of the
41 budget agency) for refunds of county option income tax made in the
42 state fiscal year.

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1 (b) Before August 2 of each calendar year, the budget agency shall
 2 provide to the county auditor of each adopting county an estimate
 3 of the amount determined under subsection (a) that will be
 4 distributed to the county, based on tax rates currently in effect, and
 5 an estimate of the interest in the county's account that has accrued
 6 and has not been included in a certification made in a preceding
 7 year. Not later than fifteen (15) days after receiving the estimate of
 8 the certified distribution, the county auditor shall notify each
 9 taxing unit of the estimated amount of distributive shares and
 10 other revenue that will be distributed to the taxing unit under this
 11 chapter during the ensuing calendar year. Before October 1 of each
 12 calendar year, the budget agency shall certify to the county auditor
 13 of each adopting county the amount determined under subsection (a)
 14 plus the amount of interest in the county's account that has accrued and
 15 has not been included in a certification made in a preceding year. The
 16 amount certified is the county's "certified distribution" for the
 17 immediately succeeding calendar year. The amount certified shall be
 18 adjusted, as necessary, under subsections (c), (d), (e), and (f). Not later
 19 than fifteen (15) days after receiving the notice of the amount of the
 20 certified distribution, the county auditor shall notify each taxing
 21 unit of the amount of distributive shares and other revenue that
 22 will be distributed to the taxing unit under this chapter during the
 23 ensuing calendar year. The budget agency shall provide the county
 24 council with an informative summary of the calculations used to
 25 determine the certified distribution. The summary of calculations must
 26 include:

- 27 (1) the amount reported on individual income tax returns
- 28 processed by the department during the previous fiscal year;
- 29 (2) adjustments for over distributions in prior years;
- 30 (3) adjustments for clerical or mathematical errors in prior years;
- 31 (4) adjustments for tax rate changes; and
- 32 (5) the amount of excess account balances to be distributed under
- 33 IC 6-3.5-6-17.3.

34 The budget agency shall also certify information concerning the part of
 35 the certified distribution that is attributable to a tax rate under section
 36 30, 31, or 32 of this chapter. This information must be certified to the
 37 county auditor and to the department of local government finance ~~not~~
 38 later than September before October 1 of each calendar year. The part
 39 of the certified distribution that is attributable to a tax rate under
 40 section 30, 31, or 32 of this chapter may be used only as specified in
 41 those provisions.

42 (c) The budget agency shall certify an amount less than the amount

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1 determined under subsection (b) if the budget agency determines that
2 the reduced distribution is necessary to offset overpayments made in a
3 calendar year before the calendar year of the distribution. The budget
4 agency may reduce the amount of the certified distribution over several
5 calendar years so that any overpayments are offset over several years
6 rather than in one (1) lump sum.

7 (d) The budget agency shall adjust the certified distribution of a
8 county to correct for any clerical or mathematical errors made in any
9 previous certification under this section. The budget agency may
10 reduce the amount of the certified distribution over several calendar
11 years so that any adjustment under this subsection is offset over several
12 years rather than in one (1) lump sum.

13 (e) This subsection applies to a county that imposes, increases,
14 decreases, or rescinds a tax or tax rate under this chapter before
15 November 1 in the same calendar year in which the budget agency
16 makes a certification under this section. The budget agency shall adjust
17 the certified distribution of a county to provide for a distribution in the
18 immediately following calendar year and in each calendar year
19 thereafter. The budget agency shall provide for a full transition to
20 certification of distributions as provided in subsection (a)(1) through
21 (a)(2) in the manner provided in subsection (c). If the county imposes,
22 increases, decreases, or rescinds a tax or tax rate under this chapter
23 after the date for which a certification under subsection (b) is based, the
24 budget agency shall adjust the certified distribution of the county after
25 ~~August~~ + **September 30** of the calendar year. The adjustment shall
26 reflect any other adjustment required under subsections (c), (d), and (f).
27 The adjusted certification shall be treated as the county's "certified
28 distribution" for the immediately succeeding calendar year. The budget
29 agency shall certify the adjusted certified distribution to the county
30 auditor for the county and provide the county council with an
31 informative summary of the calculations that revises the informative
32 summary provided in subsection (b) and reflects the changes made in
33 the adjustment.

34 (f) This subsection applies in the year a county initially imposes a
35 tax rate under section 30 of this chapter. Notwithstanding any other
36 provision, the budget agency shall adjust the part of the county's
37 certified distribution that is attributable to the tax rate under section 30
38 of this chapter to provide for a distribution in the immediately
39 following calendar year equal to the result of:

- 40 (1) the sum of the amounts determined under STEP ONE through
- 41 STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county
- 42 initially imposes a tax rate under section 30 of this chapter;

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- 1 multiplied by
- 2 (2) the following:
- 3 (A) In a county containing a consolidated city, one and
- 4 five-tenths (1.5).
- 5 (B) In a county other than a county containing a consolidated
- 6 city, two (2).
- 7 (g) One-twelfth (1/12) of each adopting county's certified
- 8 distribution for a calendar year shall be distributed from its account
- 9 established under section 16 of this chapter to the appropriate county
- 10 treasurer on the first regular business day of each month of that
- 11 calendar year.
- 12 (h) Upon receipt, each monthly payment of a county's certified
- 13 distribution shall be allocated among, distributed to, and used by the
- 14 civil taxing units of the county as provided in sections 18 and 19 of this
- 15 chapter.
- 16 (i) All distributions from an account established under section 16 of
- 17 this chapter shall be made by warrants issued by the auditor of state to
- 18 the treasurer of state ordering the appropriate payments.
- 19 (j) The budget agency shall before May 1 of every odd-numbered
- 20 year publish an estimate of the statewide total amount of certified
- 21 distributions to be made under this chapter during the following two (2)
- 22 calendar years.
- 23 (k) The budget agency shall before May 1 of every even-numbered
- 24 year publish an estimate of the statewide total amount of certified
- 25 distributions to be made under this chapter during the following
- 26 calendar year.
- 27 (l) The estimates under subsections (j) and (k) must specify the
- 28 amount of the estimated certified distributions that are attributable to
- 29 the additional rate authorized under section 30 of this chapter, the
- 30 additional rate authorized under section 31 of this chapter, the
- 31 additional rate authorized under section 32 of this chapter, and any
- 32 other additional rates authorized under this chapter.
- 33 SECTION 7. IC 6-3.5-6-17.3, AS AMENDED BY P.L.229-2011,
- 34 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2013]: Sec. 17.3. (a) If the budget agency determines that the
- 36 balance in a county **trust** account exceeds ~~one hundred~~ fifty percent
- 37 (~~150%~~) **(50%)** of the certified distributions to be made to the county
- 38 in the ensuing year, the budget agency shall make a supplemental
- 39 distribution to the county from the county's special account.
- 40 (b) A supplemental distribution described in subsection (a) must be:
- 41 (1) made in January of the ensuing calendar year; and
- 42 (2) allocated in the same manner as certified distributions for

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1 deposit in a civil unit's rainy day fund established under
2 IC 36-1-8-5.1. However, the part of a supplemental distribution
3 that is attributable to an additional rate authorized under this
4 chapter:

5 (A) shall be used for the purpose specified in the statute
6 authorizing the additional rate; and

7 (B) is not required to be deposited in the unit's rainy day fund.

8 The amount of the supplemental distribution is equal to the amount by
9 which the balance in the county **trust** account exceeds ~~one hundred~~
10 ~~fifty percent (+50%)~~ **(50%)** of the certified distributions to be made to
11 the county in the ensuing year.

12 (c) A determination under this section must be made before October
13 2.

14 **(d) Any income earned on money held in a trust account**
15 **established for a county under this chapter shall be deposited in**
16 **that trust account.**

17 SECTION 8. IC 6-3.5-7-4.9, AS ADDED BY P.L.113-2010,
18 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2013]: Sec. 4.9. (a) Notwithstanding any other provision of
20 this chapter, a power granted by this chapter to adopt an ordinance to:

21 (1) impose, increase, decrease, or rescind a tax or tax rate; or

22 (2) grant, increase, decrease, rescind, or change a homestead
23 credit or property tax replacement credit authorized under this
24 chapter;

25 may be exercised at any time in a year before November 1 of that year.

26 (b) Notwithstanding any other provision of this chapter, an
27 ordinance authorized by this chapter that imposes, ~~or~~ increases,
28 **decreases, or rescinds** a tax or a tax rate takes effect as follows:

29 (1) An ordinance adopted after December 31 of the immediately
30 preceding year and before ~~October~~ **September** 1 of the current
31 year takes effect **on the later of:**

32 (A) October 1 of the current year; or

33 (B) **the date specified in the ordinance, which must be on**
34 **the first day of a calendar quarter.**

35 (2) An ordinance adopted after ~~September 30~~ and before ~~October~~
36 ~~16 August 31~~ **and before November 1** of the current year takes
37 effect ~~November 1~~ **on the later of:**

38 (A) **January 1** of the ~~current~~ **following** year; or

39 (B) **the date specified in the ordinance, which must be on**
40 **the first day of a calendar quarter.**

41 ~~(3)~~ An ordinance adopted after ~~October 15~~ and before ~~November~~
42 ~~1~~ of the current year takes effect ~~December 1~~ of the current year.

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1 (c) Notwithstanding any other provision of this chapter, an
2 ordinance authorized by this chapter that decreases or rescinds a tax or
3 a tax rate takes effect as follows:

4 (1) An ordinance adopted after December 31 of the immediately
5 preceding year and before October 1 of the current year takes
6 effect on the later of October 1 of the current year or the first day
7 of the month in the current year as the month in which the last
8 increase in the tax or tax rate occurred.

9 (2) An ordinance adopted after September 30 and before October
10 16 of the current year takes effect on the later of November 1 of
11 the current year or the first day of the month in the current year as
12 the month in which the last increase in the tax or tax rate
13 occurred.

14 (3) An ordinance adopted after October 15 and before November
15 1 of the current year takes effect December 1 of the current year.

16 ~~(d)~~ (c) Notwithstanding any other provision of this chapter, an
17 ordinance authorized by this chapter that grants, increases, decreases,
18 rescinds, or changes a homestead credit or property tax replacement
19 credit authorized under this chapter takes effect for and applies to
20 property taxes first due and payable in the year immediately following
21 the year in which the ordinance is adopted.

22 (d) The county auditor shall:

23 (1) before September 15 of the year in which an ordinance
24 described in subsection (b)(1) is adopted; or

25 (2) before November 15 of the year in which an ordinance
26 described in subsection (b)(2) is adopted;

27 send a certified copy of the ordinance to the commissioner of the
28 department, the director of the budget agency, and the
29 commissioner of the department of local government finance by
30 certified mail or in an electronic format approved by the director
31 of the budget agency.

32 SECTION 9. IC 6-3.5-7-11, AS AMENDED BY P.L.137-2012,
33 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2013]: Sec. 11. (a) Revenue derived from the imposition of
35 the county economic development income tax shall, in the manner
36 prescribed by this section, be distributed to the county that imposed it.

37 (b) Before August 2 of each calendar year, the budget agency shall
38 provide to the county auditor of each adopting county an estimate
39 of the amount determined under subsection (a) that will be
40 distributed to the county, based on tax rates currently in effect, and
41 an estimate of the interest in the county's account that has accrued
42 and has not been included in a certification made in a preceding

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1 year. **Not later than fifteen (15) days after receiving the estimate of**
 2 **the certified distribution, the county auditor shall notify each**
 3 **taxing unit entitled to receive a distribution under this chapter of**
 4 **the estimated amount of the distribution and other revenue that**
 5 **will be distributed to the taxing unit under this chapter during the**
 6 **ensuing calendar year. Before October 1 of each calendar year, the**
 7 **budget agency shall certify to the county auditor of each adopting**
 8 county the sum of the amount of county economic development income
 9 tax revenue that the budget agency determines has been:

- 10 (1) received from that county for a taxable year ending before the
- 11 calendar year in which the determination is made; and
- 12 (2) reported on an annual return or amended return processed by
- 13 the department in the state fiscal year ending before July 1 of the
- 14 calendar year in which the determination is made;

15 as adjusted for refunds of county economic development income tax
 16 made in the state fiscal year plus the amount of interest in the county's
 17 account that has been accrued and has not been included in a
 18 certification made in a preceding year. The amount certified is the
 19 county's certified distribution, which shall be distributed on the dates
 20 specified in section 16 of this chapter for the following calendar year.

21 (c) The amount certified under subsection (b) shall be adjusted
 22 under subsections (d), (e), (f), and (g). **Not later than fifteen (15) days**
 23 **after receiving the notice of the amount of the certified**
 24 **distribution, the county auditor shall notify each taxing unit**
 25 **entitled to receive a distribution under this chapter of the amount**
 26 **of distribution and other revenue that will be distributed to the**
 27 **taxing unit under this chapter during the ensuing calendar year.**
 28 The budget agency shall provide the county council with an
 29 informative summary of the calculations used to determine the certified
 30 distribution. The summary of calculations must include:

- 31 (1) the amount reported on individual income tax returns
- 32 processed by the department during the previous fiscal year;
- 33 (2) adjustments for over distributions in prior years;
- 34 (3) adjustments for clerical or mathematical errors in prior years;
- 35 (4) adjustments for tax rate changes; and
- 36 (5) the amount of excess account balances to be distributed under
- 37 IC 6-3.5-7-17.3.

38 (d) The budget agency shall certify an amount less than the amount
 39 determined under subsection (b) if the budget agency determines that
 40 the reduced distribution is necessary to offset overpayments made in a
 41 calendar year before the calendar year of the distribution. The budget
 42 agency may reduce the amount of the certified distribution over several

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1 calendar years so that any overpayments are offset over several years
2 rather than in one (1) lump sum.

3 (e) The budget agency shall adjust the certified distribution of a
4 county to correct for any clerical or mathematical errors made in any
5 previous certification under this section. The budget agency may
6 reduce the amount of the certified distribution over several calendar
7 years so that any adjustment under this subsection is offset over several
8 years rather than in one (1) lump sum.

9 (f) The budget agency shall adjust the certified distribution of a
10 county to provide the county with the amount of any tax increase
11 imposed under section 26 of this chapter to provide additional
12 homestead credits as provided in those provisions.

13 (g) This subsection applies to a county that imposes, increases,
14 decreases, or rescinds a tax or tax rate under this chapter before
15 November 1 in the same calendar year in which the budget agency
16 makes a certification under this section. The budget agency shall adjust
17 the certified distribution of a county to provide for a distribution in the
18 immediately following calendar year and in each calendar year
19 thereafter. The budget agency shall provide for a full transition to
20 certification of distributions as provided in subsection (b)(1) through
21 (b)(2) in the manner provided in subsection (d). If the county imposes,
22 increases, decreases, or rescinds a tax or tax rate under this chapter
23 after the date for which a certification under subsection (b) is based, the
24 budget agency shall adjust the certified distribution of the county after
25 ~~August~~ + **September 30** of the calendar year. The adjustment shall
26 reflect any other adjustment authorized under subsections (c), (d), (e),
27 and (f). The adjusted certification shall be treated as the county's
28 certified distribution for the immediately succeeding calendar year. The
29 budget agency shall certify the adjusted certified distribution to the
30 county auditor for the county and provide the county council with an
31 informative summary of the calculations that revises the informative
32 summary provided in subsection (c) and reflects the changes made in
33 the adjustment.

34 (h) The budget agency shall before May 1 of every odd-numbered
35 year publish an estimate of the statewide total amount of certified
36 distributions to be made under this chapter during the following two (2)
37 calendar years.

38 (i) The budget agency shall before May 1 of every even-numbered
39 year publish an estimate of the statewide total amount of certified
40 distributions to be made under this chapter during the following
41 calendar year.

42 (j) The estimates under subsections (h) and (i) must specify the

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1 amount of the estimated certified distributions that are attributable to
2 any additional rates authorized under this chapter.

3 SECTION 10. IC 6-3.5-7-17.3, AS AMENDED BY P.L.229-2011,
4 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 17.3. (a) If the budget agency determines that the
6 balance in a county **trust** account exceeds ~~one hundred~~ fifty percent
7 (~~+50%~~) **(50%)** of the certified distributions to be made to the county
8 in the ensuing year, the budget agency shall make a supplemental
9 distribution to the county from the county's special account.

10 (b) A supplemental distribution described in subsection (a) must be:

- 11 (1) made in January of the ensuing calendar year; and
- 12 (2) allocated in the same manner as certified distributions for
13 deposit in a civil unit's rainy day fund established under
14 IC 36-1-8-5.1. However, the part of a supplemental distribution
15 that is attributable to an additional rate authorized under this
16 chapter:

17 (A) shall be used for the purpose specified in the statute
18 authorizing the additional rate; and

19 (B) is not required to be deposited in the unit's rainy day fund.

20 The amount of the supplemental distribution is equal to the amount by
21 which the balance in the county **trust** account exceeds ~~one hundred~~
22 fifty percent (~~+50%~~) **(50%)** of the certified distributions to be made to
23 the county in the ensuing year.

24 (c) A determination under this section must be made before October
25 2.

26 **(d) Any income earned on money held in a trust account**
27 **established for a county under this chapter shall be deposited in**
28 **that trust account.**

29 SECTION 11. IC 6-5.5-8-2, AS AMENDED BY P.L.146-2008,
30 SECTION 351, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JANUARY 1, 2014]: Sec. 2. (a) ~~On or before February~~
32 ~~1, In May 1, August 1, and December 1 and November~~
33 the auditor of state shall transfer to each county auditor for distribution
34 to the taxing units (as defined in IC 6-1.1-1-21) in the county, an
35 amount equal to ~~one-fourth (1/4)~~ **one-half (1/2)** of the sum of the
36 guaranteed amounts for all the taxing units of the county. On or before
37 August 1 of each year the auditor of state shall transfer to each county
38 auditor the supplemental distribution for the county for the year.

39 (b) For purposes of determining distributions under subsection (c),
40 the department of local government finance shall determine a state
41 welfare allocation and tuition support allocation for each county
42 calculated as follows:

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1 (1) The state welfare allocation for each county equals the greater
2 of zero (0) or the amount determined under the following formula:
3 STEP ONE: For 1997, 1998, and 1999, determine the result
4 of:
5 (i) the amounts appropriated by the county in the year for the
6 county's county welfare fund and county welfare
7 administration fund; divided by
8 (ii) the amounts appropriated by all the taxing units in the
9 county in the year.
10 STEP TWO: Determine the sum of the results determined in
11 STEP ONE.
12 STEP THREE: Divide the STEP TWO result by three (3).
13 STEP FOUR: Determine the amount that would otherwise be
14 distributed to the county under subsection (c) without regard
15 to this subdivision.
16 STEP FIVE: Determine the result of:
17 (i) the STEP FOUR amount; multiplied by
18 (ii) the STEP THREE result.
19 STEP SIX: For 2006, 2007, and 2008, determine the result of:
20 (i) the tax rate imposed by the county in the year for the
21 county's county medical assistance to wards fund, family and
22 children's fund, children's psychiatric residential treatment
23 services fund, county hospital care for the indigent fund, and
24 children with special health care needs county fund, plus, in
25 the case of Marion County, the tax rate imposed by the
26 health and hospital corporation that was necessary to raise
27 thirty-five million dollars (\$35,000,000) from all taxing
28 districts in the county; divided by
29 (ii) the aggregate tax rate imposed by the county unit in the
30 year plus, in the case of Marion County, the aggregate tax
31 rate imposed by the health and hospital corporation in the
32 year.
33 STEP SEVEN: Determine the sum of the STEP SIX amounts.
34 STEP EIGHT: Divide the STEP SEVEN result by three (3).
35 STEP NINE: Determine the amount that would otherwise be
36 distributed to the county under subsection (c) without regard
37 to this subdivision.
38 STEP TEN: Determine the result of:
39 (i) the STEP EIGHT amount; multiplied by
40 (ii) the STEP NINE result.
41 STEP ELEVEN: Determine the sum of the STEP FIVE
42 amount and the STEP TEN amount.

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1 (2) The tuition support allocation for each school corporation
2 equals the greater of zero (0) or the amount determined under the
3 following formula:

4 STEP ONE: For 2006, 2007, and 2008, determine the result
5 of:

6 (i) the tax rate imposed by the school corporation in the year
7 for the tuition support levy under IC 6-1.1-19-1.5 (repealed)
8 or IC 20-45-3-11 (repealed) for the school corporation's
9 general fund plus the tax rate imposed by the school
10 corporation for the school corporation's special education
11 preschool fund; divided by

12 (ii) the aggregate tax rate imposed by the school corporation
13 in the year.

14 STEP TWO: Determine the sum of the results determined
15 under STEP ONE.

16 STEP THREE: Divide the STEP TWO result by three (3).

17 STEP FOUR: Determine the amount that would otherwise be
18 distributed to the school corporation under subsection (c)
19 without regard to this subdivision.

20 STEP FIVE: Determine the result of:

- 21 (i) the STEP FOUR amount; multiplied by
- 22 (ii) the STEP THREE result.

23 (3) The state welfare allocation and tuition support allocation
24 shall be deducted from the distributions otherwise payable under
25 subsection (c) to the county taxing unit and school corporations
26 in the county and shall be deposited in a fund, as directed by the
27 budget agency.

28 **If a new taxing district is established after the years for which a**
29 **ratio is calculated under this subsection, the auditor of state shall**
30 **establish a ratio for the new taxing district and adjust the ratio for**
31 **other taxing districts in the county.**

32 (c) A taxing unit's guaranteed distribution for a year is the greater
33 of zero (0) or an amount equal to:

34 (1) the amount received by the taxing unit under IC 6-5-10
35 (repealed) and IC 6-5-11 (repealed) in 1989; minus

36 (2) the amount to be received by the taxing unit in the year of the
37 distribution, as determined by the department of local government
38 finance, from property taxes attributable to the personal property
39 of banks, exclusive of the property taxes attributable to personal
40 property leased by banks as the lessor where the possession of the
41 personal property is transferred to the lessee; minus

42 (3) in the case of a taxing unit that is a county, the amount that

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would have been received by the taxing unit in the year of the distribution, as determined by the department of local government finance from property taxes that:

(A) were calculated for the county's county welfare fund and county welfare administration fund for 2000 but were not imposed because of the repeal of IC 12-19-3 and IC 12-19-4; and

(B) would have been attributable to the personal property of banks, exclusive of the property taxes attributable to personal property leased by banks as the lessor where the possession of the personal property is transferred to the lessee.

(d) The amount of the supplemental distribution for a county for a year shall be determined using the following formula:

STEP ONE: Determine the greater of zero (0) or the difference between:

(A) one-half (1/2) of the taxes that the department estimates ~~will be~~ were paid under this article during the **preceding** fiscal year; minus

(B) the sum of all the guaranteed distributions, before the subtraction of all state welfare allocations and tuition support allocations under subsection (b), for all taxing units in all counties plus the bank personal property taxes to be received by all taxing units in all counties, as determined under subsection (c)(2) for the year.

STEP TWO: Determine the quotient of:

(A) the amount received under IC 6-5-10 (repealed) and IC 6-5-11 (repealed) in 1989 by all taxing units in the county; divided by

(B) the sum of the amounts received under IC 6-5-10 (repealed) and IC 6-5-11 (repealed) in 1989 by all taxing units in all counties.

STEP THREE: Determine the product of:

(A) the amount determined in STEP ONE; multiplied by

(B) the amount determined in STEP TWO.

STEP FOUR: Determine the greater of zero (0) or the difference between:

(A) the amount of supplemental distribution determined in STEP THREE for the county; minus

(B) the amount of refunds granted under IC 6-5-10-7 (repealed) that have yet to be reimbursed to the state by the county treasurer under IC 6-5-10-13 (repealed).

For the supplemental distribution made on or before August 1 of each

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1 year, the department shall adjust the amount of each county's
2 supplemental distribution to reflect the actual taxes paid under this
3 article for the preceding year.

4 (e) Except as provided in subsections (g) and (h), the amount of the
5 supplemental distribution for each taxing unit shall be determined
6 using the following formula:

7 STEP ONE: Determine the quotient of:

8 (A) the amount received by the taxing unit under IC 6-5-10
9 (repealed) and IC 6-5-11 (repealed) in 1989; divided by

10 (B) the sum of the amounts used in STEP ONE (A) for all
11 taxing units located in the county.

12 STEP TWO: Determine the product of:

13 (A) the amount determined in STEP ONE; multiplied by

14 (B) the supplemental distribution for the county, as determined
15 in subsection (d), STEP FOUR.

16 (f) The county auditor shall distribute the guaranteed and
17 supplemental distributions received under subsection (a) to the taxing
18 units in the county at the same time that the county auditor makes the
19 semiannual distribution of real property taxes to the taxing units.

20 (g) The amount of a supplemental distribution paid to a taxing unit
21 that is a county shall be reduced by an amount equal to:

22 (1) an amount equal to:

23 (A) the amount the county would receive under subsection (e)
24 without regard to this subsection; multiplied by

25 (B) the result of the following:

26 (i) Determine the amounts appropriated by the county in
27 1997, 1998, and 1999 for the county's county welfare fund
28 and county welfare administration fund, divided by the ~~total~~
29 **total** amounts appropriated by all the taxing units in the
30 county in the year.

31 (ii) Divide the amount determined in item (i) by three (3);
32 plus

33 (2) the amount the county would receive under subsection (e)
34 without regard to this subsection multiplied by the result
35 determined under the following formula:

36 (A) Determine the result of:

37 (i) the tax rate imposed by the county in 2006, 2007, and
38 2008 for the county's county medical assistance to wards
39 fund, family and children's fund, children's psychiatric
40 residential treatment services fund, county hospital care for
41 the indigent fund, children with special health care needs
42 county fund, plus, in the case of Marion County, the tax rate

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1 imposed by the health and hospital corporation that was
 2 necessary to raise thirty-five million dollars (\$35,000,000)
 3 from all taxing districts in the county; divided by
 4 (ii) the aggregate tax rate imposed by the county in the year
 5 plus, in the case of Marion County, the aggregate tax rate
 6 imposed by the health and hospital corporation in the year.
 7 (B) Divide the clause (A) amount by three (3).
 8 (h) The amount of a supplemental distribution paid to a school
 9 corporation shall be reduced by an amount equal to:
 10 (1) the amount the school corporation would receive under
 11 subsection (e) without regard to this subsection; minus
 12 (2) an amount equal to:
 13 (A) the amount described in subdivision (1); multiplied by
 14 (B) the result of the following formula:
 15 (i) Determine the tax rate imposed by the school corporation
 16 in 2006, 2007, and 2008 for the tuition support levy under
 17 IC 6-1.1-19-1.5 (repealed) or IC 20-45-3-11 (repealed) for
 18 the school corporation's general fund plus the tax rate
 19 imposed by the school corporation for the school
 20 corporation's special education preschool fund, divided by
 21 the aggregate tax rate imposed by the school corporation in
 22 the year.
 23 (ii) Divide the item (i) amount by three (3).
 24 (i) The amounts deducted under subsections (g) and (h) shall be
 25 deposited in a state fund, as directed by the budget agency.
 26 SECTION 12. IC 6-5.5-8-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2014]: Sec. 3. (a) Before
 28 ~~January 15, April 15 July 15, and November 15 and October 15~~
 29 of each year, the department shall certify to the auditor of state the amount
 30 of the next ~~quarterly~~ **semiannual** guaranteed distribution for counties.
 31 Before July 15 of each year, the department shall certify to the auditor
 32 of state the amount of the August 1 supplemental distribution for
 33 counties. The certified amounts shall be based on the best information
 34 available to the department.
 35 (b) In order to make the distributions required by this chapter, the
 36 auditor of state shall draw warrants on the financial institutions tax
 37 fund payable to the county, and the treasurer of state shall pay the
 38 warrants.
 39 SECTION 13. IC 6-6-5-8 IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) The bureau shall include on
 41 all registration forms suitable spaces for the applicant's Social Security
 42 number or federal tax identification number, the amount of the

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1 registration fee, the amount of excise tax, the amount of credit, if any,
 2 as provided in section 5 of this chapter, and the total amount of
 3 payment due on account of the applicable registration fees and excise
 4 taxes upon the registration of the vehicle. The forms shall also include
 5 spaces for showing the county, city, or town and township and address
 6 of the place where the owner resides. **Using procedures determined
 7 by the bureau to be appropriate, the bureau shall verify the
 8 accuracy and completeness of the information on the registration
 9 form concerning:**

10 (1) the county and city or town;

11 (2) the township; and

12 (3) the address;

13 **of the owner.**

14 (b) The bureau shall list on all registration forms for vehicles
 15 prepared by it the amount of registration fees and taxes due. In
 16 addition, the bureau shall prepare by December 1 of each year a
 17 schedule showing the excise tax payable on each make and model of
 18 vehicle.

19 SECTION 14. IC 6-6-5-10, AS AMENDED BY P.L.182-2009(ss),
 20 SECTION 237, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JANUARY 1, 2014]: Sec. 10. (a) The bureau shall
 22 establish procedures necessary for the collection of the tax imposed by
 23 this chapter and for the proper accounting for the same. The necessary
 24 forms and records shall be subject to approval by the state board of
 25 accounts.

26 (b) The county treasurer, upon receiving the excise tax collections,
 27 shall receipt such collections into a separate account for settlement
 28 thereof at the same time as property taxes are accounted for and settled
 29 in June and December of each year, with the right and duty of the
 30 treasurer and auditor to make advances prior to the time of final
 31 settlement of such property taxes in the same manner as provided in
 32 IC 5-13-6-3.

33 (c) As used in this subsection, "taxing district" has the meaning set
 34 forth in IC 6-1.1-1-20, "taxing unit" has the meaning set forth in
 35 IC 6-1.1-1-21, and "tuition support levy" refers to a school
 36 corporation's tuition support property tax levy under IC 20-45-3-11
 37 (repealed) for the school corporation's general fund. The county auditor
 38 shall determine the total amount of excise taxes collected for each
 39 taxing district in the county and the amount so collected (and the
 40 distributions received under section 9.5 of this chapter) shall be
 41 apportioned and distributed among the respective funds of the taxing
 42 units in the same manner and at the same time as property taxes are

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1 apporportioned and distributed (subject to adjustment as provided in
 2 IC 36-8-19-7.5). However, for purposes of determining distributions
 3 under this section for 2009 and each year thereafter, a state welfare and
 4 tuition support allocation shall be deducted from the total amount
 5 available for apportionment and distribution to taxing units under this
 6 section before any apportionment and distribution is made. The county
 7 auditor shall remit the state welfare and tuition support allocation to the
 8 treasurer of state for deposit, as directed by the budget agency. The
 9 amount of the state welfare and tuition support allocation for a county
 10 for a particular year is equal to the result determined under STEP
 11 FOUR of the following formula:

12 STEP ONE: Determine the result of the following:

13 (A) Separately for 1997, 1998, and 1999 for each taxing
 14 district in the county, determine the result of:

15 (i) the amount appropriated in the year by the county from
 16 the county's county welfare fund and county welfare
 17 administration fund; divided by

18 (ii) the total amounts appropriated by all taxing units in the
 19 county for the same year.

20 (B) Determine the sum of the clause (A) amounts.

21 (C) Divide the clause (B) amount by three (3).

22 (D) Determine the result of:

23 (i) the amount of excise taxes allocated to the taxing district
 24 that would otherwise be available for distribution to taxing
 25 units in the taxing district; multiplied by

26 (ii) the clause (C) amount.

27 STEP TWO: Determine the result of the following:

28 (A) Separately for 2006, 2007, and 2008 for each taxing
 29 district in the county, determine the result of:

30 (i) the tax rate imposed in the taxing district for the county's
 31 county medical assistance to wards fund, family and
 32 children's fund, children's psychiatric residential treatment
 33 services fund, county hospital care for the indigent fund,
 34 children with special health care needs county fund, plus, in
 35 the case of Marion County, the tax rate imposed by the
 36 health and hospital corporation that was necessary to raise
 37 thirty-five million dollars (\$35,000,000) from all taxing
 38 districts in the county; divided by

39 (ii) the aggregate tax rate imposed in the taxing district for
 40 the same year.

41 (B) Determine the sum of the clause (A) amounts.

42 (C) Divide the clause (B) amount by three (3).

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- 1 (D) Determine the result of:
- 2 (i) the amount of excise taxes allocated to the taxing district
- 3 that would otherwise be available for distribution to taxing
- 4 units in the taxing district after subtracting the STEP ONE
- 5 (D) amount for the same taxing district; multiplied by
- 6 (ii) the clause (C) amount.
- 7 (E) Determine the sum of the clause (D) amounts for all taxing
- 8 districts in the county.
- 9 STEP THREE: Determine the result of the following:
- 10 (A) Separately for 2006, 2007, and 2008 for each taxing
- 11 district in the county, determine the result of:
- 12 (i) the tuition support levy tax rate imposed in the taxing
- 13 district plus the tax rate imposed by the school corporation
- 14 for the school corporation's special education preschool fund
- 15 in the district; divided by
- 16 (ii) the aggregate tax rate imposed in the taxing district for
- 17 the same year.
- 18 (B) Determine the sum of the clause (A) amounts.
- 19 (C) Divide the clause (B) amount by three (3).
- 20 (D) Determine the result of:
- 21 (i) the amount of excise taxes allocated to the taxing district
- 22 that would otherwise be available for distribution to taxing
- 23 units in the taxing district after subtracting the STEP ONE
- 24 (D) amount for the same taxing district; multiplied by
- 25 (ii) the clause (C) amount.
- 26 (E) Determine the sum of the clause (D) amounts for all taxing
- 27 districts in the county.
- 28 STEP FOUR: Determine the sum of the STEP ONE, STEP TWO,
- 29 and STEP THREE amounts for the county.
- 30 If the boundaries of a taxing district change after the years for which a
- 31 ratio is calculated under STEP ONE, STEP TWO, or STEP THREE,
- 32 the ~~budget agency~~ **auditor of state** shall establish a ratio for the new
- 33 taxing district that reflects the tax rates imposed in the predecessor
- 34 taxing districts. **If a new taxing district is established after the years**
- 35 **for which a ratio is calculated under STEP ONE, STEP TWO, or**
- 36 **STEP THREE, the auditor of state shall establish a ratio for the**
- 37 **new taxing district and adjust the ratio for other taxing districts in**
- 38 **the county.**
- 39 (d) Such determination shall be made from copies of vehicle
- 40 registration forms furnished by the bureau of motor vehicles. Prior to
- 41 such determination, the county assessor of each county shall, from
- 42 copies of registration forms, cause information pertaining to legal

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1 residence of persons owning taxable vehicles to be verified from the
2 assessor's records, to the extent such verification can be so made. The
3 assessor shall further identify and verify from the assessor's records the
4 several taxing units within which such persons reside.

5 (e) Such verifications shall be done by not later than thirty (30) days
6 after receipt of vehicle registration forms by the county assessor, and
7 the assessor shall certify such information to the county auditor for the
8 auditor's use as soon as it is checked and completed.

9 SECTION 15. IC 6-6-6.5-21, AS AMENDED BY P.L.182-2009(ss),
10 SECTION 242, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JANUARY 1, 2014]: Sec. 21. (a) The department shall
12 allocate each aircraft excise tax payment collected by it to the county
13 in which the aircraft is usually located when not in operation or to the
14 aircraft owner's county of residence if based out of state. The
15 department shall distribute to each county treasurer on a quarterly basis
16 the aircraft excise taxes which were collected by the department during
17 the preceding three (3) months and which the department has allocated
18 to that county. The distribution shall be made on or before the fifteenth
19 of the month following each quarter and the first distribution each year
20 shall be made in April.

21 (b) Concurrently with making a distribution of aircraft excise taxes,
22 the department shall send an aircraft excise tax report to the county
23 treasurer and the county auditor. The department shall prepare the
24 report on the form prescribed by the state board of accounts. The
25 aircraft excise tax report must include aircraft identification, owner
26 information, and excise tax payment, and must indicate the county
27 where the aircraft is normally kept when not in operation. The
28 department shall, in the manner prescribed by the state board of
29 accounts, maintain records concerning the aircraft excise taxes
30 received and distributed by it.

31 (c) Except as provided in section 21.5 of this chapter, each county
32 treasurer shall deposit money received by the treasurer under this
33 chapter in a separate fund to be known as the "aircraft excise tax fund".
34 The money in the aircraft excise tax fund shall be distributed to the
35 taxing units of the county in the manner prescribed in subsection (d).

36 (d) As used in this subsection, "taxing district" has the meaning set
37 forth in IC 6-1.1-1-20, "taxing unit" has the meaning set forth in
38 IC 6-1.1-1-21, and "tuition support levy" refers to a school
39 corporation's tuition support property tax levy under IC 20-45-3-11
40 (repealed) for the school corporation's general fund. In order to
41 distribute the money in the county aircraft excise tax fund to the taxing
42 units of the county, the county auditor shall first allocate the money in

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1 the fund among the taxing districts of the county. In making these
 2 allocations, the county auditor shall allocate to a taxing district the
 3 excise taxes collected with respect to aircraft usually located in the
 4 taxing district when not in operation. Subject to this subsection, the
 5 money allocated to a taxing district shall be apportioned and distributed
 6 among the taxing units of that taxing district in the same manner and
 7 at the same time that the property taxes are apportioned and distributed
 8 (subject to adjustment as provided in IC 36-8-19-7.5). For purposes of
 9 determining the distribution for a year under this section for a taxing
 10 unit, a state welfare and tuition support allocation shall be deducted
 11 from the total amount available for apportionment and distribution to
 12 taxing units under this section before any apportionment and
 13 distribution is made. The county auditor shall remit the state welfare
 14 and tuition support allocation to the treasurer of state for deposit as
 15 directed by the budget agency. The amount of the state welfare and
 16 tuition support allocation for a county for a particular year is equal to
 17 the result determined under STEP THREE of the following formula:

18 STEP ONE: Determine the result of the following:

19 (A) Separately for 2006, 2007, and 2008 for each taxing
 20 district in the county, determine the result of:

21 (i) the tax rate imposed in the taxing district for the county's
 22 county medical assistance to wards fund, family and
 23 children's fund, children's psychiatric residential treatment
 24 services fund, county hospital care for the indigent fund,
 25 children with special health care needs county fund, plus, in
 26 the case of Marion County, the tax rate imposed by the
 27 health and hospital corporation that was necessary to raise
 28 thirty-five million dollars (\$35,000,000) from all taxing
 29 districts in the county; divided by

30 (ii) the aggregate tax rate imposed in the taxing district for
 31 the same year.

32 (B) Determine the sum of the clause (A) amounts.

33 (C) Divide the clause (B) amount by three (3).

34 (D) Determine the result of:

35 (i) the amount of excise taxes allocated to the taxing district
 36 that would otherwise be available for distribution to taxing
 37 units in the taxing district; multiplied by

38 (ii) the clause (C) amount.

39 (E) Determine the sum of the clause (D) amounts for all taxing
 40 districts in the county.

41 STEP TWO: Determine the result of the following:

42 (A) Separately for 2006, 2007, and 2008 for each taxing

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- 1 district in the county, determine the result of:
- 2 (i) the tuition support levy tax rate imposed in the taxing
- 3 district plus the tax rate imposed by the school corporation
- 4 for the school corporation's special education preschool fund
- 5 in the district; divided by
- 6 (ii) the aggregate tax rate imposed in the taxing district for
- 7 the same year.
- 8 (B) Determine the sum of the clause (A) amounts.
- 9 (C) Divide the clause (B) amount by three (3).
- 10 (D) Determine the result of:
- 11 (i) the amount of excise taxes allocated to the taxing district
- 12 that would otherwise be available for distribution to taxing
- 13 units in the taxing district; multiplied by
- 14 (ii) the clause (C) amount.
- 15 (E) Determine the sum of the clause (D) amounts for all taxing
- 16 districts in the county.
- 17 STEP THREE: Determine the sum of the STEP ONE and STEP
- 18 TWO amounts for the county.

19 If the boundaries of a taxing district change after the years for which a

20 ratio is calculated under STEP ONE or STEP TWO, the ~~budget agency~~

21 **auditor of state** shall establish a ratio for the new taxing district that

22 reflects the tax rates imposed in the predecessor taxing districts. **If a**

23 **new taxing district is established after the years for which a ratio**

24 **is calculated under STEP ONE, STEP TWO, or STEP THREE, the**

25 **auditor of state shall establish a ratio for the new taxing district**

26 **and adjust the ratio for other taxing districts in the county.**

27 (e) Within thirty (30) days following the receipt of excise taxes from

28 the department, the county treasurer shall file a report with the county

29 auditor concerning the aircraft excise taxes collected by the county

30 treasurer. The county treasurer shall file the report on the form

31 prescribed by the state board of accounts. The county treasurer shall,

32 in the manner and at the times prescribed in IC 6-1.1-27, make a

33 settlement with the county auditor for the aircraft excise taxes collected

34 by the county treasurer. The county treasurer shall, in the manner

35 prescribed by the state board of accounts, maintain records concerning

36 the aircraft excise taxes received and distributed by the treasurer.

37 SECTION 16. IC 6-6-11-29 IS AMENDED TO READ AS

38 FOLLOWS [EFFECTIVE JANUARY 1, 2014]: Sec. 29. (a) The

39 **auditor of state bureau of motor vehicles** shall transfer the department

40 of natural resources fee, the lake and river enhancement fee, the

41 delinquent excise taxes, and the delinquent fees collected under this

42 chapter during the preceding month as follows:



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1 (1) On or before the eleventh day of each month, the **auditor of**
2 **state bureau of motor vehicles** shall transfer to the state license
3 branch fund an amount equal to five percent (5%) of each excise
4 tax transaction completed by the bureau. The money is to be used
5 to cover the expenses incurred by the bureau of motor vehicles
6 and the license branches for returns, decals, collecting the fees
7 and excise taxes and to cover any service charges by the
8 commission under IC 9-29-3. An additional charge may not be
9 imposed for the services of the license branches under this
10 chapter.

11 (2) At least quarterly, the **auditor of state bureau of motor**
12 **vehicles** shall set aside for the department of natural resources the
13 fees and the delinquent fees collected under this chapter to use as
14 provided in section 35 of this chapter.

15 (3) On or before the tenth day of each month, the **auditor of state**
16 **bureau of motor vehicles** shall distribute to each county the
17 excise tax collections, including delinquent tax collections, for the
18 county for the preceding month. The **auditor bureau of motor**
19 **vehicles** shall include a report with each distribution showing the
20 information necessary for the county auditor to allocate the
21 revenue among the taxing units of the county.

22 (4) The **auditor of state bureau of motor vehicles** shall deposit
23 the revenue from the lake and river enhancement fee imposed by
24 section 12(b) of this chapter in the lake and river enhancement
25 fund established by section 12.5 of this chapter.

26 (b) Money credited to each county's account in the state general
27 fund is appropriated to make the distributions and the transfers required
28 by subsection (a). The distributions shall be made upon warrants drawn
29 from the state general fund.

30 SECTION 17. IC 6-6-11-31, AS AMENDED BY P.L. 182-2009(ss),
31 SECTION 245, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JANUARY 1, 2014]: Sec. 31. (a) A boat excise tax fund
33 is established in each county. Each county treasurer shall deposit in the
34 fund the taxes received under this chapter.

35 (b) As used in this subsection, "taxing district" has the meaning set
36 forth in IC 6-1.1-1-20, "taxing unit" has the meaning set forth in
37 IC 6-1.1-1-21, and "tuition support levy" refers to a school
38 corporation's tuition support property tax levy under IC 20-45-3-11
39 (repealed) for the school corporation's general fund. The excise tax
40 money in the county boat excise tax fund shall be distributed to the
41 taxing units of the county. The county auditor shall allocate the money
42 in the fund among the taxing districts of the county based on the tax

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1 situs of each boat. Subject to this subsection, the money allocated to the
 2 taxing units shall be apportioned and distributed among the funds of
 3 the taxing units in the same manner and at the same time that property
 4 taxes are apportioned and distributed (subject to adjustment as
 5 provided in IC 36-8-19-7.5). For purposes of determining the
 6 distribution for a year under this section for a taxing unit, a state
 7 welfare and tuition support allocation shall be deducted from the total
 8 amount available for apportionment and distribution to taxing units
 9 under this section before any apportionment and distribution is made.
 10 The county auditor shall remit the state welfare and tuition support
 11 allocation to the treasurer of state for deposit as directed by the budget
 12 agency. The amount of the state welfare and tuition support allocation
 13 for a county for a particular year is equal to the result determined under
 14 STEP THREE of the following formula:

15 STEP ONE: Determine the result of the following:

16 (A) Separately for 2006, 2007, and 2008 for each taxing
 17 district in the county, determine the result of:

18 (i) the tax rate imposed in the taxing district for the county's
 19 county medical assistance to wards fund, family and
 20 children's fund, children's psychiatric residential treatment
 21 services fund, county hospital care for the indigent fund,
 22 children with special health care needs county fund, plus, in
 23 the case of Marion County, the tax rate imposed by the
 24 health and hospital corporation that was necessary to raise
 25 thirty-five million dollars (\$35,000,000) from all taxing
 26 districts in the county; divided by

27 (ii) the aggregate tax rate imposed in the taxing district for
 28 the same year.

29 (B) Determine the sum of the clause (A) amounts.

30 (C) Divide the clause (B) amount by three (3).

31 (D) Determine the result of:

32 (i) the amount of excise taxes allocated to the taxing district
 33 that would otherwise be available for distribution to taxing
 34 units in the taxing district; multiplied by

35 (ii) the clause (C) amount.

36 (E) Determine the sum of the clause (D) amounts for all taxing
 37 districts in the county.

38 STEP TWO: Determine the result of the following:

39 (A) Separately for 2006, 2007, and 2008 for each taxing
 40 district in the county, determine the result of:

41 (i) the tuition support levy tax rate imposed in the taxing
 42 district plus the tax rate imposed by the school corporation

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- 1 for the school corporation's special education preschool fund
- 2 in the district; divided by
- 3 (ii) the aggregate tax rate imposed in the taxing district for
- 4 the same year.
- 5 (B) Determine the sum of the clause (A) amounts.
- 6 (C) Divide the clause (B) amount by three (3).
- 7 (D) Determine the result of:
- 8 (i) the amount of excise taxes allocated to the taxing district
- 9 that would otherwise be available for distribution to taxing
- 10 units in the taxing district; multiplied by
- 11 (ii) the clause (C) amount.
- 12 (E) Determine the sum of the clause (D) amounts for all taxing
- 13 districts in the county.

14 STEP THREE: Determine the sum of the STEP ONE and STEP
 15 TWO amounts for the county.

16 If the boundaries of a taxing district change after the years for which a
 17 ratio is calculated under STEP ONE or STEP TWO, the ~~budget agency~~
 18 **auditor of state** shall establish a ratio for the new taxing district that
 19 reflects the tax rates imposed in the predecessor taxing districts. **If a**
 20 **new taxing district is established after the years for which a ratio**
 21 **is calculated under STEP ONE, STEP TWO, or STEP THREE, the**
 22 **auditor of state shall establish a ratio for the new taxing district**
 23 **and adjust the ratio for other taxing districts in the county.**

24 SECTION 18. IC 6-8.1-7-1, AS AMENDED BY P.L.182-2009(ss),
 25 SECTION 254, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This subsection does not
 27 apply to the disclosure of information concerning a conviction on a tax
 28 evasion charge. Unless in accordance with a judicial order or as
 29 otherwise provided in this chapter, the department, its employees,
 30 former employees, counsel, agents, or any other person may not divulge
 31 the amount of tax paid by any taxpayer, terms of a settlement
 32 agreement executed between a taxpayer and the department,
 33 investigation records, investigation reports, or any other information
 34 disclosed by the reports filed under the provisions of the law relating
 35 to any of the listed taxes, including required information derived from
 36 a federal return, except to:

- 37 (1) members and employees of the department;
- 38 (2) the governor;
- 39 (3) the attorney general or any other legal representative of the
- 40 state in any action in respect to the amount of tax due under the
- 41 provisions of the law relating to any of the listed taxes; or
- 42 (4) any authorized officers of the United States;

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1 when it is agreed that the information is to be confidential and to be
 2 used solely for official purposes.

3 (b) The information described in subsection (a) may be revealed
 4 upon the receipt of a certified request of any designated officer of the
 5 state tax department of any other state, district, territory, or possession
 6 of the United States when:

7 (1) the state, district, territory, or possession permits the exchange
 8 of like information with the taxing officials of the state; and
 9 (2) it is agreed that the information is to be confidential and to be
 10 used solely for tax collection purposes.

11 (c) The information described in subsection (a) relating to a person
 12 on public welfare or a person who has made application for public
 13 welfare may be revealed to the director of the division of family
 14 resources, and to any director of a county office of the division of
 15 family resources located in Indiana, upon receipt of a written request
 16 from either director for the information. The information shall be
 17 treated as confidential by the directors. In addition, the information
 18 described in subsection (a) relating to a person who has been
 19 designated as an absent parent by the state Title IV-D agency shall be
 20 made available to the state Title IV-D agency upon request. The
 21 information shall be subject to the information safeguarding provisions
 22 of the state and federal Title IV-D programs.

23 (d) The name, address, Social Security number, and place of
 24 employment relating to any individual who is delinquent in paying
 25 educational loans owed to a postsecondary educational institution may
 26 be revealed to that institution if it provides proof to the department that
 27 the individual is delinquent in paying for educational loans. This
 28 information shall be provided free of charge to approved postsecondary
 29 educational institutions (as defined by IC 21-7-13-6(a)). The
 30 department shall establish fees that all other institutions must pay to the
 31 department to obtain information under this subsection. However, these
 32 fees may not exceed the department's administrative costs in providing
 33 the information to the institution.

34 (e) The information described in subsection (a) relating to reports
 35 submitted under IC 6-6-1.1-502 concerning the number of gallons of
 36 gasoline sold by a distributor and IC 6-6-2.5 concerning the number of
 37 gallons of special fuel sold by a supplier and the number of gallons of
 38 special fuel exported by a licensed exporter or imported by a licensed
 39 transporter may be released by the commissioner upon receipt of a
 40 written request for the information.

41 (f) The information described in subsection (a) may be revealed
 42 upon the receipt of a written request from the administrative head of a

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- 1 state agency of Indiana when:
- 2 (1) the state agency shows an official need for the information;
- 3 and
- 4 (2) the administrative head of the state agency agrees that any
- 5 information released will be kept confidential and will be used
- 6 solely for official purposes.
- 7 (g) The information described in subsection (a) may be revealed
- 8 upon the receipt of a written request from the chief law enforcement
- 9 officer of a state or local law enforcement agency in Indiana when it is
- 10 agreed that the information is to be confidential and to be used solely
- 11 for official purposes.
- 12 (h) The name and address of retail merchants, including township,
- 13 as specified in IC 6-2.5-8-1(j) may be released solely for tax collection
- 14 purposes to township assessors and county assessors.
- 15 (i) The department shall notify the appropriate innkeepers' tax
- 16 board, bureau, or commission that a taxpayer is delinquent in remitting
- 17 innkeepers' taxes under IC 6-9.
- 18 (j) All information relating to the delinquency or evasion of the
- 19 motor vehicle excise tax may be disclosed to the bureau of motor
- 20 vehicles in Indiana and may be disclosed to another state, if the
- 21 information is disclosed for the purpose of the enforcement and
- 22 collection of the taxes imposed by IC 6-6-5.
- 23 (k) All information relating to the delinquency or evasion of
- 24 commercial vehicle excise taxes payable to the bureau of motor
- 25 vehicles in Indiana may be disclosed to the bureau and may be
- 26 disclosed to another state, if the information is disclosed for the
- 27 purpose of the enforcement and collection of the taxes imposed by
- 28 IC 6-6-5.5.
- 29 (l) All information relating to the delinquency or evasion of
- 30 commercial vehicle excise taxes payable under the International
- 31 Registration Plan may be disclosed to another state, if the information
- 32 is disclosed for the purpose of the enforcement and collection of the
- 33 taxes imposed by IC 6-6-5.5.
- 34 (m) All information relating to the delinquency or evasion of the
- 35 excise taxes imposed on recreational vehicles and truck campers that
- 36 are payable to the bureau of motor vehicles in Indiana may be disclosed
- 37 to the bureau and may be disclosed to another state if the information
- 38 is disclosed for the purpose of the enforcement and collection of the
- 39 taxes imposed by IC 6-6-5.1.
- 40 (n) This section does not apply to:
- 41 (1) the beer excise tax, including brand and packaged type
- 42 (IC 7.1-4-2);

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- 1 (2) the liquor excise tax (IC 7.1-4-3);
 2 (3) the wine excise tax (IC 7.1-4-4);
 3 (4) the hard cider excise tax (IC 7.1-4-4.5);
 4 (5) the malt excise tax (IC 7.1-4-5);
 5 (6) the motor vehicle excise tax (IC 6-6-5);
 6 (7) the commercial vehicle excise tax (IC 6-6-5.5); and
 7 (8) the fees under IC 13-23.
- 8 (o) The name and business address of retail merchants within each
 9 county that sell tobacco products may be released to the division of
 10 mental health and addiction and the alcohol and tobacco commission
 11 solely for the purpose of the list prepared under IC 6-2.5-6-14.2.
- 12 **(p) The department may release information concerning total**
 13 **incremental tax amounts under:**
- 14 **(1) IC 5-28-26;**
 15 **(2) IC 36-7-13;**
 16 **(3) IC 36-7-26;**
 17 **(4) IC 36-7-27;**
 18 **(5) IC 36-7-31;**
 19 **(6) IC 36-7-31.3; or**
 20 **(7) any other statute providing for the calculation of**
 21 **incremental state taxes that will be distributed to or retained**
 22 **by a political subdivision or other entity;**
 23 **to the fiscal officer of the political subdivision or other entity that**
 24 **established the district or area from which the incremental taxes**
 25 **were received if that fiscal officer enters into an agreement with**
 26 **the department specifying that the political subdivision or other**
 27 **entity will use the information solely for official purposes.**
- 28 SECTION 19. IC 6-8.1-9-1.3 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2013]: **Sec. 1.3. If the department makes a**
 31 **refund of taxes paid under IC 6-7-1, IC 6-7-2, or IC 7.1, the**
 32 **department shall charge each fund or account into which the taxes**
 33 **have been allocated or distributed with that account's or that**
 34 **fund's proportionate share of the amount of taxes refunded.**
- 35 SECTION 20. IC 8-14-1-3 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. The money collected
 37 for the motor vehicle highway account fund and remaining after
 38 refunds and the payment of all expenses incurred in the collection
 39 thereof, and after the deduction of the amount appropriated to the
 40 department for traffic safety and after the deduction of one-half (1/2)
 41 of the amount appropriated for the state police department, shall be
 42 allocated to and distributed among the department and subdivisions

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designated as follows:

- (1) Of the net amount in the motor vehicle highway account the auditor of state shall set aside for the cities and towns of the state fifteen percent (15%) thereof. This sum shall be allocated to the cities and towns upon the basis that the population of each city and town bears to the total population of all the cities and towns and shall be used for the construction or reconstruction and maintenance of streets and alleys and shall be annually budgeted as now provided by law. However, no part of such sum shall be used for any other purpose than for the purposes defined in this chapter. If any funds allocated to any city or town shall be used by any officer or officers of such city or town for any purpose or purposes other than for the purposes as defined in this chapter, such officer or officers shall be liable upon their official bonds to such city or town in such amount so used for other purposes than for the purposes as defined in this chapter, together with the costs of said action and reasonable attorney fees, recoverable in an action or suit instituted in the name of the state of Indiana on the relation of any taxpayer or taxpayers resident of such city or town. A monthly distribution thereof of funds accumulated during the preceding month shall be made by the auditor of state.
- (2) Of the net amount in the motor vehicle highway account, the auditor of state shall set aside for the counties of the state thirty-two percent (32%) thereof. However, as to the allocation to cities and towns under subdivision (1), and as to the allocation to counties under this subdivision in the event that the amount in the motor vehicle highway account fund remaining after refunds and the payment of all expenses incurred in the collection thereof and after deduction of any amount appropriated by the general assembly for public safety and policing shall be less than twenty-two million six hundred and fifty thousand dollars (\$22,650,000), in any fiscal year then the amount so set aside in the next calendar year for distributions to counties shall be reduced fifty-four percent (54%) of such deficit and the amount so set aside for distribution in the next calendar year to cities and towns shall be reduced thirteen percent (13%) of such deficit. Such reduced distributions shall begin with the distribution January 1 of each year.
- (3) The amount set aside for the counties of the state under the provisions of subdivision (2) shall be allocated monthly upon the following basis:
 - (A) Five percent (5%) of the amount allocated to the counties

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to be divided equally among the ninety-two (92) counties.

(B) Sixty-five percent (65%) of the amount allocated to the counties to be divided on the basis of the ratio of the actual miles, now traveled and in use, of county roads in each county to the total mileage of county roads in the state, which shall be annually determined, accurately, by the department **and submitted to the auditor of state before April 1 of each year.**

(C) Thirty percent (30%) of the amount allocated to the counties to be divided on the basis of the ratio of the motor vehicle registrations of each county to the total motor vehicle registration of the state.

All money so distributed to the several counties of the state shall constitute a special road fund for each of the respective counties and shall be under the exclusive supervision and direction of the board of county commissioners in the construction, reconstruction, maintenance, or repair of the county highways or bridges on such county highways within such county.

(4) Each month the remainder of the net amount in the motor vehicle highway account shall be credited to the state highway fund for the use of the department.

(5) Money in the fund may not be used for any toll road or toll bridge project.

(6) Notwithstanding any other provisions of this section, money in the motor vehicle highway account fund may be appropriated to the Indiana department of transportation from the forty-seven percent (47%) distributed to the political subdivisions of the state to pay the costs incurred by the department in providing services to those subdivisions.

(7) Notwithstanding any other provisions of this section or of IC 8-14-8, for the purpose of maintaining a sufficient working balance in accounts established primarily to facilitate the matching of federal and local money for highway projects, money may be appropriated to the Indiana department of transportation as follows:

(A) One-half (1/2) from the forty-seven percent (47%) set aside under subdivisions (1) and (2) for counties and for those cities and towns with a population greater than five thousand (5,000).

(B) One-half (1/2) from the distressed road fund under IC 8-14-8.

SECTION 21. IC 25-1-6-8, AS AMENDED BY P.L.172-2011,

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1 SECTION 131, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) The licensing agency and the
3 boards ~~may~~ **shall** allow the department of state revenue, **the alcohol**
4 **and tobacco commission, and the bureau of motor vehicles** access
5 to the name of each person who:

- 6 (1) is licensed under this chapter or IC 25-1-5; or
- 7 (2) has applied for a license under this chapter or IC 25-1-5.

8 (b) If the department of state revenue notifies the licensing agency
9 that a person is on the most recent tax warrant list, the licensing agency
10 shall not issue or renew the person's license until:

- 11 (1) the person provides to the licensing agency a statement from
12 the department of state revenue indicating that the person's tax
13 warrant has been satisfied; or
- 14 (2) the licensing agency receives a notice from the commissioner
15 of the department of state revenue under IC 6-8.1-8-2(k).

16 (c) **If the alcohol and tobacco commission notifies the licensing**
17 **agency that a person has an outstanding balance due to the alcohol**
18 **and tobacco commission, the licensing agency shall not issue or**
19 **renew the person's license until the person provides to the licensing**
20 **agency a statement from the alcohol and tobacco commission**
21 **indicating that the person's outstanding balance has been satisfied.**

22 (d) **If the bureau of motor vehicles notifies the licensing agency**
23 **that a person has an outstanding balance due to the bureau of**
24 **motor vehicles because a check, draft, or order issued or delivered**
25 **by the person to the bureau of motor vehicles was returned or**
26 **dishonored because of insufficient funds, the licensing agency shall**
27 **not issue or renew the person's license until the person provides to**
28 **the licensing agency a statement from the bureau of motor vehicles**
29 **indicating that the person's outstanding balance has been satisfied.**

30 SECTION 22. IC 36-7-13-14, AS AMENDED BY P.L.172-2011,
31 SECTION 145, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) Before the first business day
33 in October of each year, the department shall calculate the income tax
34 incremental amount and the gross retail incremental amount for the
35 preceding state fiscal year for each district designated under this
36 chapter.

37 (b) Businesses operating in the district shall report **annually**, in the
38 manner and in the form prescribed by the department, information that
39 the department determines necessary to calculate incremental gross
40 retail, use, and income taxes. **A taxpayer operating in the district**
41 **that files a consolidated tax return with the department also shall**
42 **file annually an informational return with the department for each**

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- 1 **business location of the taxpayer within the district.**
 2 (c) Not later than sixty (60) days after receiving a certification of a
 3 district's modified boundaries under section 12.5(c) of this chapter, the
 4 department shall recalculate the income tax incremental amount and
 5 the gross retail incremental amount for the preceding state fiscal year
 6 for a district modified under section 12.5 of this chapter.
 7 SECTION 23. IC 36-7-26-23 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 23. (a) Before the first
 9 business day in October of each year, the board shall require the
 10 department to calculate the net increment for the preceding state fiscal
 11 year. The department shall transmit to the board a statement as to the
 12 net increment in sufficient time to permit the board to review the
 13 calculation and permit the transfers required by this section to be made
 14 on a timely basis. **Taxpayers operating in the district shall report**
 15 **annually, in the manner and in the form prescribed by the**
 16 **department, information that the department determines necessary**
 17 **to calculate the net increment. A taxpayer operating in the district**
 18 **that files a consolidated tax return with the department also shall**
 19 **file annually an informational return with the department for each**
 20 **business location of the taxpayer within the district.**
 21 (b) There is established a sales tax increment financing fund to be
 22 administered by the treasurer of state. The fund is comprised of two (2)
 23 accounts called the net increment account and the credit account.
 24 (c) On the first business day in October of each year, that portion of
 25 the net increment calculated under subsection (a) that is needed:
 26 (1) to pay debt service on the bonds issued under section 24 of
 27 this chapter or to pay lease rentals under section 24 of this
 28 chapter; and
 29 (2) to establish and maintain a debt service reserve established by
 30 the commission or by a lessor that provides local public
 31 improvements to the commission;
 32 shall be transferred to and deposited in the fund and credited to the net
 33 increment account. Money credited to the net increment account is
 34 pledged to the purposes described in subdivisions (1) and (2), subject
 35 to the other provisions of this chapter.
 36 (d) On the first business day of October in each year, the remainder
 37 of:
 38 (1) eighty percent (80%) of the gross increment; minus
 39 (2) the amount credited to the net increment account on the same
 40 date;
 41 shall be transferred and credited to the credit account.
 42 (e) The remainder of:

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1 (1) the gross increment; minus
 2 (2) the amounts credited to the net increment account and the
 3 credit account;
 4 shall be deposited by the auditor of state as other gross retail and use
 5 taxes are deposited.

6 (f) A city described in section 1(2), 1(3), or 1(4) of this chapter may
 7 receive not more than fifty percent (50%) of the net increment each
 8 year. During the time a district exists in a city described in section 1(3)
 9 or 1(4) of this chapter, not more than a total of one million dollars
 10 (\$1,000,000) of net increment may be paid to the city described in
 11 section 1(3) or 1(4) of this chapter. During each year that a district
 12 exists in a city described in section 1(2) of this chapter, not more than
 13 one million dollars (\$1,000,000) of net increment may be paid to the
 14 city described in section 1(2) of this chapter.

15 (g) The auditor of state shall disburse all money in the fund that is
 16 credited to the net increment account to the commission in equal
 17 semiannual installments on November 30 and May 31 of each year.

18 SECTION 24. IC 36-7-27-13 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2014]: Sec. 13. (a) The
 20 treasurer of state shall establish an incremental income tax financing
 21 fund for the county. The fund shall be administered by the treasurer of
 22 state. Money in the fund does not revert to the state general fund at the
 23 end of a state fiscal year.

24 (b) Before July 2 of each calendar year, the department, after
 25 reviewing the recommendation of the budget agency, shall estimate and
 26 certify to the county auditor the amount of incremental income tax for
 27 the tax areas in the county that will be collected from that county
 28 during the twelve (12) month period beginning July 1 of that calendar
 29 year and ending June 30 of the following calendar year. The amount
 30 certified shall be deposited into the fund and shall be distributed on the
 31 dates specified in subsection (e) for the following calendar year. The
 32 amount certified may be adjusted under subsection (c) or (d).
 33 **Taxpayers operating in the tax area shall report annually, in the**
 34 **manner and in the form prescribed by the department, information**
 35 **that the department determines necessary to calculate the**
 36 **incremental income tax amount. A taxpayer operating in the tax**
 37 **area that files a consolidated tax return with the department also**
 38 **shall file annually an informational return with the department for**
 39 **each businesses location of the taxpayer within the tax area.**

40 (c) The department may certify to the county an amount that is
 41 greater than the estimated twelve (12) month incremental income tax
 42 collection if the department, after reviewing the recommendation of the

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1 budget agency, determines that there will be a greater amount of
2 incremental income tax available for distribution from the fund.

3 (d) The department may certify an amount less than the estimated
4 twelve (12) month incremental income tax collection if the department,
5 after reviewing the recommendation of the budget agency, determines
6 that a part of those collections need to be distributed during the current
7 calendar year so that the county will receive its full certified amount for
8 the current calendar year.

9 (e) The auditor of state shall disburse the certified amount to the
10 commission in equal semiannual installments on May 31 and
11 November 30 of each year.

12 (f) Money in the fund may be pledged by the commission to the
13 following purposes:

14 (1) To pay debt service on the bonds issued under section 14 of
15 this chapter.

16 (2) To pay lease rentals under section 14 of this chapter.

17 (3) To establish and maintain a debt service reserve established
18 by the commission or by a lessor that provides local public
19 improvements to the commission.

20 (g) When money in the fund is sufficient when combined with other
21 sources of payment to pay all outstanding principal and interest or lease
22 rentals to the date on which the obligations can be redeemed on
23 obligations of the commission for a local public improvement in the
24 county, no additional incremental income tax for that project shall be
25 deposited in the fund and covered income taxes shall be distributed as
26 provided in IC 6-3.5-6 or IC 6-3.5-7, as appropriate.

27 SECTION 25. IC 36-7-31-15 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) When the
29 commission adopts an allocation provision, the commission shall notify
30 the department by certified mail of the adoption of the provision and
31 shall include with the notification a complete list of the following:

32 (1) Employers in the tax area.

33 (2) Street names and the range of street numbers of each street in
34 the tax area.

35 The commission shall update the list before July 1 of each year.

36 (b) **Taxpayers operating in the district shall report annually, in**
37 **the manner and in the form prescribed by the department,**
38 **information that the department determines necessary to calculate**
39 **the salary, wages, bonuses, and other compensation that are:**

40 (1) **paid during a taxable year to a professional athlete for**
41 **professional athletic services;**

42 (2) **taxable in Indiana; and**

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(3) earned in the district.
(c) A taxpayer operating in the district that files a consolidated tax return with the department also shall file annually an informational return with the department for each business location of the taxpayer within the district.

SECTION 26. IC 36-7-31.3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. **(a)** When the designating body adopts an allocation provision, the county auditor shall notify the department by certified mail of the adoption of the provision and shall include with the notification a complete list of the following:

- (1) Employers in the tax area.
- (2) Street names and the range of street numbers of each street in the tax area.

The county auditor shall update the list before July 1 of each year.

(b) Taxpayers operating in the district shall report annually, in the manner and in the form prescribed by the department, information that the department determines necessary to calculate the salary, wages, bonuses, and other compensation that are:

- (1) paid during a taxable year to a professional athlete for professional athletic services;**
- (2) taxable in Indiana; and**
- (3) earned in the district.**

(c) A taxpayer operating in the district that files a consolidated tax return with the department also shall file annually an informational return with the department for each business location of the taxpayer within the district.

SECTION 27. IC 36-7-32-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 21. **(a)** Before the first business day in October of each year, the department of state revenue shall calculate the income tax incremental amount and the gross retail incremental amount for the preceding state fiscal year for each certified technology park designated under this chapter.

(b) Taxpayers operating in the certified technology park shall report annually, in the manner and in the form prescribed by the department, information that the department determines necessary to calculate the net increment.

(c) A taxpayer operating in the certified technology park that files a consolidated tax return with the department also shall file annually an informational return with the department for each business location of the taxpayer within the certified technology park.

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