

HOUSE BILL No. 1479

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3.5.

Synopsis: Administration of county income taxes. Provides that county income tax revenue deposited in a county's account within the state general fund is held by the state in trust for the county. Requires the department of state revenue to record and track the amount of county income tax that is received from county taxpayers (either through withholding or directly from a county taxpayer) of each county for a particular taxable year. Provides that in January of each year, the budget agency shall make a supplemental distribution of county income tax revenue to a county. Specifies that the amount of the supplemental distribution is equal to the amount of county income tax revenue that is received from county taxpayers for a taxable year but that was not included in a certified distribution previously made to the county for that taxable year.

Effective: July 1, 2013.

Culver, Kubacki, Klinker

January 22, 2013, read first time and referred to Committee on Ways and Means.

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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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HOUSE BILL No. 1479



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

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

1 SECTION 1. IC 6-3.5-1.1-8 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) A special account
 3 within the state general fund shall be established for each county
 4 adopting the county adjusted gross income tax. Any revenue derived
 5 from the imposition of the county adjusted gross income tax by a
 6 county shall be deposited in that county's account in the state general
 7 fund.
 8 (b) Any income earned on money held in an account under
 9 subsection (a) **or earned on any revenue derived from the**
 10 **imposition of the county adjusted gross income tax by the county**
 11 becomes a part of that account.
 12 (c) Any revenue remaining in an account established under
 13 subsection (a) at the end of a fiscal year does not revert to the state
 14 general fund.
 15 **(d) The money in the special account shall be held by the state**
 16 **in trust for the county.**
 17 SECTION 2. IC 6-3.5-1.1-8.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. The department shall record**
 3 **and track the amount of county adjusted gross income tax revenue**
 4 **that is received from county taxpayers (either through withholding**
 5 **or directly from a county taxpayer) of each county for a particular**
 6 **taxable year.**

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

15 (1) received from **county taxpayers of that county (either**
 16 **through withholding or directly from a county taxpayer)** for
 17 a taxable year ending before the calendar year in which the
 18 determination is made; and

19 (2) reported on an annual return or amended return processed by
 20 the department in the state fiscal year ending before July 1 of the
 21 calendar year in which the determination is made;

22 as adjusted for refunds of county adjusted gross income tax made in the
 23 state fiscal year.

24 (b) Before August 2 of each calendar year, the budget agency shall
 25 certify to the county auditor of each adopting county the amount
 26 determined under subsection (a) plus the amount of interest in the
 27 county's account that has accrued and has not been included in a
 28 certification made in a preceding year. The amount certified is the
 29 county's "certified distribution" for the immediately succeeding
 30 calendar year. The amount certified shall be adjusted under subsections
 31 (c), (d), (e), (f), and (g). The budget agency shall provide the county
 32 council with an informative summary of the calculations used to
 33 determine the certified distribution. The summary of calculations must
 34 include:

35 **(1) the amount of tax received from county taxpayers of the**
 36 **county for the taxable year ending before the calendar year in**
 37 **which the determination is made;**

38 ~~(1)~~ **(2) the amount reported on individual income tax returns**
 39 **processed by the department during the previous fiscal year;**

40 ~~(2)~~ **(3) adjustments for over distributions in prior years;**

41 ~~(3)~~ **(4) adjustments for clerical or mathematical errors in prior**
 42 **years;**

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1 ~~(4)~~ **(5)** adjustments for tax rate changes; and
 2 ~~(5)~~ **(6)** the amount of excess account balances to be distributed
 3 under IC 6-3.5-1.1-21.1.

4 The budget agency shall also certify information concerning the part of
 5 the certified distribution that is attributable to a tax rate under section
 6 24, 25, or 26 of this chapter. This information must be certified to the
 7 county auditor, the department, and the department of local government
 8 finance not later than September 1 of each calendar year. The part of
 9 the certified distribution that is attributable to a tax rate under section
 10 24, 25, or 26 of this chapter may be used only as specified in those
 11 provisions.

12 (c) The budget agency shall certify an amount less than the amount
 13 determined under subsection (b) if the budget agency determines that
 14 the reduced distribution is necessary to offset overpayments made in a
 15 calendar year before the calendar year of the distribution. The budget
 16 agency may reduce the amount of the certified distribution over several
 17 calendar years so that any overpayments are offset over several years
 18 rather than in one (1) lump sum.

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

25 (e) This subsection applies to a county that initially imposes,
 26 increases, decreases, or rescinds a tax or tax rate under this chapter
 27 before November 1 in the same calendar year in which the budget
 28 agency makes a certification under this section. The budget agency
 29 shall adjust the certified distribution of a county to provide for a
 30 distribution in the immediately following calendar year and in each
 31 calendar year thereafter. The budget agency shall provide for a full
 32 transition to certification of distributions as provided in subsection
 33 (a)(1) through (a)(2) in the manner provided in subsection (c). If the
 34 county imposes, increases, decreases, or rescinds a tax or tax rate under
 35 this chapter after the date for which a certification under subsection (b)
 36 is based, the budget agency shall adjust the certified distribution of the
 37 county after August 1 of the calendar year. The adjustment shall reflect
 38 any other adjustment required under subsections (c), (d), (f), and (g).
 39 The adjusted certification shall be treated as the county's "certified
 40 distribution" for the immediately succeeding calendar year. The budget
 41 agency shall certify the adjusted certified distribution to the county
 42 auditor for the county and provide the county council with an

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1 informative summary of the calculations that revises the informative
 2 summary provided in subsection (b) and reflects the changes made in
 3 the adjustment.

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

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

15 (1) the sum of the amounts determined under STEP ONE through
 16 STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county
 17 initially imposes a tax rate under section 24 of this chapter;
 18 multiplied by

19 (2) two (2).

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

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

28 (j) The estimates under subsections (h) and (i) must specify the
 29 amount of the estimated certified distributions that are attributable to
 30 the additional rate authorized under section 24 of this chapter, the
 31 additional rate authorized under section 25 of this chapter, the
 32 additional rate authorized under section 26 of this chapter, and any
 33 other additional rates authorized under this chapter.

34 SECTION 4. IC 6-3.5-1.1-21.1, AS AMENDED BY P.L.229-2011,
 35 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 21.1. (a) ~~If the budget agency determines that the~~
 37 ~~balance in a county account exceeds one hundred fifty percent (150%)~~
 38 ~~of the certified distributions to be made to the county in the ensuing~~
 39 ~~year; In January of each year, the budget agency shall make a~~
 40 ~~supplemental distribution to the a county. from the county's adjusted~~
 41 ~~gross income tax account. The amount of the supplemental~~
 42 ~~distribution is equal to the amount of county adjusted gross income~~

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1 **tax revenue that is received from county taxpayers (either through**
 2 **withholding or directly from a county taxpayer) of the county for**
 3 **a taxable year but that was not included in a certified distribution**
 4 **previously made to the county for that taxable year.**

5 (b) A supplemental distribution described in subsection (a) must be
 6 (1) made in January of the ensuing calendar year; and
 7 (2) allocated and ~~subject to subsection (d)~~; used in the same
 8 manner as certified distributions. However, the part of a
 9 supplemental distribution that is attributable to an additional rate
 10 authorized under this chapter

11 (A) shall be used for the purpose specified in the statute
 12 authorizing the additional rate. ~~and~~

13 (B) is not required to be deposited in the unit's rainy day fund.
 14 The amount of the supplemental distribution is equal to the amount by
 15 which the balance in the county account exceeds one hundred fifty
 16 percent (150%) of the certified distributions to be made to the county
 17 in the ensuing year.

18 (c) A determination under this section must be made before
 19 November 2.

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

25 SECTION 5. IC 6-3.5-6-16 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A special
 27 account within the state general fund shall be established for each
 28 county that adopts the county option income tax. Any revenue derived
 29 from the imposition of the county option income tax by a county shall
 30 be deposited in that county's account in the state general fund.

31 (b) Any income earned on money held in an account under
 32 subsection (a) **or earned on any revenue derived from the**
 33 **imposition of the county option income tax by the county** becomes
 34 a part of that account.

35 (c) Any revenue remaining in an account established under
 36 subsection (a) at the end of a fiscal year does not revert to the state
 37 general fund.

38 (d) **The money in the special account shall be held by the state**
 39 **in trust for the county.**

40 SECTION 6. IC 6-3.5-6-16.5 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2013]: **Sec. 16.5. The department shall record**



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1 **and track the amount of county option income tax revenue that is**
 2 **received from county taxpayers (either through withholding or**
 3 **directly from a county taxpayer) of each county for a particular**
 4 **taxable year.**

5 SECTION 7. IC 6-3.5-6-17, AS AMENDED BY P.L.137-2012,
 6 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2013]: Sec. 17. (a) Revenue derived from the imposition of
 8 the county option income tax shall, in the manner prescribed by this
 9 section, be distributed to the county that imposed it. The amount that
 10 is to be distributed to a county during an ensuing calendar year equals
 11 the amount of county option income tax revenue that the budget agency
 12 determines has been:

13 (1) received from **county taxpayers of that county (either**
 14 **through withholding or directly from a county taxpayer)** for
 15 a taxable year ending in a calendar year preceding the calendar
 16 year in which the determination is made; and

17 (2) reported on an annual return or amended return processed by
 18 the department in the state fiscal year ending before July 1 of the
 19 calendar year in which the determination is made;

20 as adjusted (as determined after review of the recommendation of the
 21 budget agency) for refunds of county option income tax made in the
 22 state fiscal year.

23 (b) Before August 2 of each calendar year, the budget agency shall
 24 certify to the county auditor of each adopting county the amount
 25 determined under subsection (a) plus the amount of interest in the
 26 county's account that has accrued and has not been included in a
 27 certification made in a preceding year. The amount certified is the
 28 county's "certified distribution" for the immediately succeeding
 29 calendar year. The amount certified shall be adjusted, as necessary,
 30 under subsections (c), (d), (e), and (f). The budget agency shall provide
 31 the county council with an informative summary of the calculations
 32 used to determine the certified distribution. The summary of
 33 calculations must include:

34 **(1) the amount of tax received from county taxpayers of the**
 35 **county for the taxable year ending before the calendar year in**
 36 **which the determination is made;**

37 ~~(+)~~ **(2)** the amount reported on individual income tax returns
 38 processed by the department during the previous fiscal year;

39 ~~(-)~~ **(3)** adjustments for over distributions in prior years;

40 ~~(-)~~ **(4)** adjustments for clerical or mathematical errors in prior
 41 years;

42 ~~(+)~~ **(5)** adjustments for tax rate changes; and

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1 ~~(5)~~ (6) the amount of excess account balances to be distributed
2 under IC 6-3.5-6-17.3.

3 The budget agency shall also certify information concerning the part of
4 the certified distribution that is attributable to a tax rate under section
5 30, 31, or 32 of this chapter. This information must be certified to the
6 county auditor and to the department of local government finance not
7 later than September 1 of each calendar year. The part of the certified
8 distribution that is attributable to a tax rate under section 30, 31, or 32
9 of this chapter may be used only as specified in those provisions.

10 (c) The budget agency shall certify an amount less than the amount
11 determined under subsection (b) if the budget agency determines that
12 the reduced distribution is necessary to offset overpayments made in a
13 calendar year before the calendar year of the distribution. The budget
14 agency may reduce the amount of the certified distribution over several
15 calendar years so that any overpayments are offset over several years
16 rather than in one (1) lump sum.

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

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



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

7 (1) the sum of the amounts determined under STEP ONE through
 8 STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county
 9 initially imposes a tax rate under section 30 of this chapter;
 10 multiplied by

11 (2) the following:

12 (A) In a county containing a consolidated city, one and
 13 five-tenths (1.5).

14 (B) In a county other than a county containing a consolidated
 15 city, two (2).

16 (g) One-twelfth (1/12) of each adopting county's certified
 17 distribution for a calendar year shall be distributed from its account
 18 established under section 16 of this chapter to the appropriate county
 19 treasurer on the first regular business day of each month of that
 20 calendar year.

21 (h) Upon receipt, each monthly payment of a county's certified
 22 distribution shall be allocated among, distributed to, and used by the
 23 civil taxing units of the county as provided in sections 18 and 19 of this
 24 chapter.

25 (i) All distributions from an account established under section 16 of
 26 this chapter shall be made by warrants issued by the auditor of state to
 27 the treasurer of state ordering the appropriate payments.

28 (j) The budget agency shall before May 1 of every odd-numbered
 29 year publish an estimate of the statewide total amount of certified
 30 distributions to be made under this chapter during the following two (2)
 31 calendar years.

32 (k) The budget agency shall before May 1 of every even-numbered
 33 year publish an estimate of the statewide total amount of certified
 34 distributions to be made under this chapter during the following
 35 calendar year.

36 (l) The estimates under subsections (j) and (k) must specify the
 37 amount of the estimated certified distributions that are attributable to
 38 the additional rate authorized under section 30 of this chapter, the
 39 additional rate authorized under section 31 of this chapter, the
 40 additional rate authorized under section 32 of this chapter, and any
 41 other additional rates authorized under this chapter.

42 SECTION 8. IC 6-3.5-6-17.3, AS AMENDED BY P.L.229-2011,



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1 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2013]: Sec. 17.3. (a) ~~If the budget agency determines that the~~
 3 ~~balance in a county account exceeds one hundred fifty percent (150%)~~
 4 ~~of the certified distributions to be made to the county in the ensuing~~
 5 ~~year; In January of each year, the budget agency shall make a~~
 6 ~~supplemental distribution to the a county. from the county's special~~
 7 ~~account. The amount of the supplemental distribution is equal to~~
 8 ~~the amount of county option income tax revenue that is received~~
 9 ~~from county taxpayers (either through withholding or directly~~
 10 ~~from a county taxpayer) of the county for a taxable year but that~~
 11 ~~was not included in a certified distribution previously made to the~~
 12 ~~county for that taxable year.~~

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

20 ~~(A) shall be used for the purpose specified in the statute~~
 21 ~~authorizing the additional rate. and~~

22 ~~(B) is not required to be deposited in the unit's rainy day fund.~~
 23 ~~The amount of the supplemental distribution is equal to the amount by~~
 24 ~~which the balance in the county account exceeds one hundred fifty~~
 25 ~~percent (150%) of the certified distributions to be made to the county~~
 26 ~~in the ensuing year.~~

27 ~~(c) A determination under this section must be made before October~~
 28 ~~2.~~

29 SECTION 9. IC 6-3.5-7-10 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) A special
 31 account within the state general fund shall be established for each
 32 county adopting the county economic development income tax. Any
 33 revenue derived from the imposition of the county economic
 34 development income tax by a county shall be credited to that county's
 35 account in the state general fund.

36 (b) Any income earned on money credited to an account under
 37 subsection (a) ~~or earned on any revenue derived from the~~
 38 ~~imposition of the county economic development income tax by the~~
 39 ~~county becomes a part of that account.~~

40 (c) Any revenue credited to an account established under subsection
 41 (a) at the end of a fiscal year may not be credited to any other account
 42 in the state general fund.

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1 (d) **The money in the special account shall be held by the state**
2 **in trust for the county.**

3 SECTION 10. IC 6-3.5-7-10.4 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: **Sec. 10.4. The department shall record**
6 **and track the amount of county economic development income tax**
7 **revenue that is received from county taxpayers (either through**
8 **withholding or directly from a county taxpayer) of each county for**
9 **a particular taxable year.**

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

15 (b) Before August 2 of each calendar year, the budget agency, shall
16 certify to the county auditor of each adopting county the sum of the
17 amount of county economic development income tax revenue that the
18 budget agency determines has been:

19 (1) received from **county taxpayers of that county (either**
20 **through withholding or directly from a county taxpayer)** for
21 a taxable year ending before the calendar year in which the
22 determination is made; and

23 (2) reported on an annual return or amended return processed by
24 the department in the state fiscal year ending before July 1 of the
25 calendar year in which the determination is made;

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

32 (c) The amount certified under subsection (b) shall be adjusted
33 under subsections (d), (e), (f), and (g). The budget agency shall provide
34 the county council with an informative summary of the calculations
35 used to determine the certified distribution. The summary of
36 calculations must include:

37 **(1) the amount of tax received from county taxpayers of the**
38 **county for the taxable year ending before the calendar year in**
39 **which the determination is made;**

40 ~~(+)~~ **(2) the amount reported on individual income tax returns**
41 **processed by the department during the previous fiscal year;**

42 ~~(2)~~ **(3) adjustments for over distributions in prior years;**

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- 1 ~~(3)~~ **(4)** adjustments for clerical or mathematical errors in prior
- 2 years;
- 3 ~~(4)~~ **(5)** adjustments for tax rate changes; and
- 4 ~~(5)~~ **(6)** the amount of excess account balances to be distributed
- 5 under IC 6-3.5-7-17.3.

6 (d) The budget agency shall certify an amount less than the amount
 7 determined under subsection (b) if the budget agency determines that
 8 the reduced distribution is necessary to offset overpayments made in a
 9 calendar year before the calendar year of the distribution. The budget
 10 agency may reduce the amount of the certified distribution over several
 11 calendar years so that any overpayments are offset over several years
 12 rather than in one (1) lump sum.

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

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

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

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

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

10 (j) The estimates under subsections (h) and (i) must specify the
11 amount of the estimated certified distributions that are attributable to
12 any additional rates authorized under this chapter.

13 SECTION 12. IC 6-3.5-7-17.3, AS AMENDED BY P.L.229-2011,
14 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 17.3. (a) ~~If the budget agency determines that the~~
16 ~~balance in a county account exceeds one hundred fifty percent (150%)~~
17 ~~of the certified distributions to be made to the county in the ensuing~~
18 ~~year; In January of each year, the budget agency shall make a~~
19 ~~supplemental distribution to the a county. from the county's special~~
20 ~~account. The amount of the supplemental distribution is equal to~~
21 ~~the amount of county economic development income tax revenue~~
22 ~~that is received from county taxpayers (either through withholding~~
23 ~~or directly from a county taxpayer) of the county for a taxable year~~
24 ~~but that was not included in a certified distribution previously~~
25 ~~made to the county for that taxable year.~~

26 (b) A supplemental distribution described in subsection (a) must be
27 ~~(1) made in January of the ensuing calendar year; and~~
28 ~~(2) allocated in the same manner as certified distributions. for~~
29 ~~deposit in a civil unit's rainy day fund established under~~
30 ~~IC 36-1-8-5.1. However, the part of a supplemental distribution~~
31 ~~that is attributable to an additional rate authorized under this~~
32 ~~chapter~~

33 ~~(A) shall be used for the purpose specified in the statute~~
34 ~~authorizing the additional rate. and~~

35 ~~(B) is not required to be deposited in the unit's rainy day fund.~~
36 ~~The amount of the supplemental distribution is equal to the amount by~~
37 ~~which the balance in the county account exceeds one hundred fifty~~
38 ~~percent (150%) of the certified distributions to be made to the county~~
39 ~~in the ensuing year.~~

40 (c) A determination under this section must be made before October
41 2.

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