

SENATE BILL No. 37

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-30-18; IC 6-9.

Synopsis: Food and beverage taxes. Requires each local unit that imposes a food and beverage tax to annually report information concerning distributions and expenditures of amounts received from the food and beverage tax. Provides that food and beverage taxes currently authorized under IC 6-9 and that do not otherwise contain an expiration date (other than the stadium and convention building authority food and beverage tax and the historic hotels food and beverage tax) shall expire on the later of: (1) January 1, 2043; or (2) the date on which all bonds or lease agreements outstanding on May 7, 2023, are completely paid. Requires each local unit that imposes a food and beverage tax that is subject to the expiration provision to provide to the department of local government finance (department) a list of each bond or lease agreement outstanding on May 7, 2023, and the date on which each will be completely paid. Requires the department to publish the information on the gateway website. Declares the intention of the general assembly to only authorize local units to impose new food and beverage taxes based on specified criteria.

Effective: Upon passage.

Gaskill

January 9, 2023, read first time and referred to Committee on Tax and Fiscal Policy.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 37

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 6-1.1-30-18 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 18. (a) Before March 1, 2024, and before**
4 **March 1 of every year thereafter, each local unit that imposes a**
5 **food and beverage tax under IC 6-9 shall provide a report to the**
6 **department of local government finance that includes:**
7 (1) every expenditure of funds by the local unit;
8 (2) each local governmental entity, or instrumentality of a
9 local governmental entity, that received a distribution; and
10 (3) every expenditure of funds by each local governmental
11 entity described in subdivision (2);
12 from amounts received from the food and beverage tax imposed by
13 the local unit during the previous calendar year.
14 (b) The report required under subsection (a) must include for
15 each expenditure, distribution, or payment:
16 (1) the date and amount of the check, expenditure,
17 distribution, or payment;



1 (2) the payee or recipient;

2 (3) the specific purpose, including whether the check,
3 expenditure, distribution, or payment was for an employee
4 salary or a capital project; and

5 (4) if applicable, a description of the project for which the
6 check, expenditure, distribution, or payment was made.

7 (c) The report required under subsection (a) must be in a format
8 and on a form prescribed by the department of local government
9 finance.

10 (d) The department of local government finance shall post a
11 report received under subsection (a) on the department's computer
12 gateway.

13 SECTION 2. IC 6-9-20-12 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 12. (a) The tax authorized under this
16 chapter expires on the later of:

17 (1) January 1, 2043; or

18 (2) the date on which all bonds or lease agreements
19 outstanding on May 7, 2023, for which a pledge of tax revenue
20 is made under this chapter are completely paid.

21 (b) Not later than December 31, 2023, the fiscal officer of the
22 county shall provide to the department of local government
23 finance:

24 (1) a list of each bond or lease agreement outstanding on May
25 7, 2023, for which a pledge of tax revenue is made under this
26 chapter; and

27 (2) the date on which each bond or lease agreement identified
28 in subdivision (1) will be completely paid.

29 The department of local government finance shall publish the
30 information received under this subsection on the department's
31 interactive and searchable website containing local government
32 information (the Indiana gateway for governmental units).

33 SECTION 3. IC 6-9-21-10 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 10. (a) The tax authorized under this
36 chapter expires on the later of:

37 (1) January 1, 2043; or

38 (2) the date on which all bonds or lease agreements
39 outstanding on May 7, 2023, for which a pledge of tax revenue
40 is made under this chapter are completely paid.

41 (b) Not later than December 31, 2023, the fiscal officer of the
42 county shall provide to the department of local government



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

finance:
(1) a list of each bond or lease agreement outstanding on May 7, 2023, for which a pledge of tax revenue is made under this chapter; and
(2) the date on which each bond or lease agreement identified in subdivision (1) will be completely paid.

The department of local government finance shall publish the information received under this subsection on the department's interactive and searchable website containing local government information (the Indiana gateway for governmental units).

SECTION 4. IC 6-9-24-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The tax authorized under this chapter expires on the later of:

- (1) January 1, 2043; or**
- (2) the date on which all bonds or lease agreements outstanding on May 7, 2023, for which a pledge of tax revenue is made under this chapter are completely paid.**

(b) Not later than December 31, 2023, the fiscal officer of the municipality shall provide to the department of local government finance:

- (1) a list of each bond or lease agreement outstanding on May 7, 2023, for which a pledge of tax revenue is made under this chapter; and**
- (2) the date on which each bond or lease agreement identified in subdivision (1) will be completely paid.**

The department of local government finance shall publish the information received under this subsection on the department's interactive and searchable website containing local government information (the Indiana gateway for governmental units).

SECTION 5. IC 6-9-25-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to section 3(d) of this chapter, the tax authorized under this chapter expires on the later of:

- (1) January 1, 2043; or**
- (2) the date on which all bonds or lease agreements outstanding on May 7, 2023, for which a pledge of tax revenue is made under this chapter are completely paid.**

(b) Not later than December 31, 2023, the fiscal officer of the county shall provide to the department of local government finance:



1 (1) a list of each bond or lease agreement outstanding on May
2 7, 2023, for which a pledge of tax revenue is made under this
3 chapter; and

4 (2) the date on which each bond or lease agreement identified
5 in subdivision (1) will be completely paid.

6 The department of local government finance shall publish the
7 information received under this subsection on the department's
8 interactive and searchable website containing local government
9 information (the Indiana gateway for governmental units).

10 SECTION 6. IC 6-9-26-17 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 17. (a) The tax authorized under this
13 chapter expires on the later of:

14 (1) January 1, 2043; or

15 (2) the date on which all bonds or lease agreements
16 outstanding on May 7, 2023, for which a pledge of tax revenue
17 is made under this chapter are completely paid.

18 (b) Not later than December 31, 2023, the fiscal officer of the
19 county shall provide to the department of local government
20 finance:

21 (1) a list of each bond or lease agreement outstanding on May
22 7, 2023, for which a pledge of tax revenue is made under this
23 chapter; and

24 (2) the date on which each bond or lease agreement identified
25 in subdivision (1) will be completely paid.

26 The department of local government finance shall publish the
27 information received under this subsection on the department's
28 interactive and searchable website containing local government
29 information (the Indiana gateway for governmental units).

30 SECTION 7. IC 6-9-27-11 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 11. (a) A tax authorized under this chapter
33 expires on the later of:

34 (1) January 1, 2043; or

35 (2) the date on which all bonds or lease agreements
36 outstanding on May 7, 2023, for which a pledge of tax revenue
37 is made under this chapter are completely paid.

38 (b) Not later than December 31, 2023, the fiscal officer of the
39 municipality shall provide to the department of local government
40 finance:

41 (1) a list of each bond or lease agreement outstanding on May
42 7, 2023, for which a pledge of tax revenue is made under this



1 chapter; and

2 (2) the date on which each bond or lease agreement identified
3 in subdivision (1) will be completely paid.

4 The department of local government finance shall publish the
5 information received under this subsection on the department's
6 interactive and searchable website containing local government
7 information (the Indiana gateway for governmental units).

8 SECTION 8. IC 6-9-29.5-0.5 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) As used in this section,**
11 **"local unit" means a county, city, or town.**

12 (b) It is the declared intention of the general assembly to only
13 authorize a local unit to impose a new food and beverage tax under
14 this article based on the following criteria:

15 (1) Food and beverage tax revenue should only be used for
16 tourism or quality of life purposes, including but not limited
17 to:

- 18 (A) mixed use development projects;
- 19 (B) quality public spaces;
- 20 (C) broadband;
- 21 (D) multiple transportation options;
- 22 (E) multiple housing options;
- 23 (F) revitalization of historic, blighted, or vacant properties;
- 24 (G) arts, culture, and creativity; and
- 25 (H) recreation and green spaces.

26 (2) The fiscal body of a local unit wishing to impose a new
27 food and beverage tax after June 30, 2023, must first adopt a
28 resolution requesting the general assembly to enact legislation
29 to authorize the food and beverage tax.

30 (3) The general assembly should give preference to requests
31 from local units in which the fiscal body of the local unit has
32 held a series of public hearings on the imposition of a new
33 food and beverage tax in the community before adopting the
34 resolution to request the general assembly to enact legislation
35 authorizing the tax under subdivision (2).

36 (4) Any new food and beverage tax authorized under this
37 article must expire on January 1 of the year following the
38 twentieth calendar year in which the food and beverage tax is
39 imposed during any part of the year.

40 (5) A local unit that imposes a new food and beverage tax
41 shall be subject to the reporting requirements set forth in
42 IC 6-1.1-30-18.



1 SECTION 9. IC 6-9-36-9 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: **Sec. 9. (a) A tax authorized under this chapter**
 4 **expires on the later of:**

5 (1) **January 1, 2043; or**

6 (2) **the date on which all bonds or lease agreements**
 7 **outstanding on May 7, 2023, for which a pledge of tax revenue**
 8 **is made under this chapter are completely paid.**

9 (b) **Not later than December 31, 2023, each fiscal officer of a**
 10 **county that imposes a food and beverage tax under this chapter**
 11 **shall provide to the department of local government finance:**

12 (1) **a list of each bond or lease agreement outstanding on May**
 13 **7, 2023, for which a pledge of tax revenue is made under this**
 14 **chapter; and**

15 (2) **the date on which each bond or lease agreement identified**
 16 **in subdivision (1) will be completely paid.**

17 **The department of local government finance shall publish the**
 18 **information received under this subsection on the department's**
 19 **interactive and searchable website containing local government**
 20 **information (the Indiana gateway for governmental units).**

21 SECTION 10. IC 6-9-38-27 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: **Sec. 27. (a) Subject to section 26 of this chapter,**
 24 **a tax authorized under this chapter expires on the later of:**

25 (1) **January 1, 2043; or**

26 (2) **the date on which all bonds or lease agreements**
 27 **outstanding on May 7, 2023, for which a pledge of tax revenue**
 28 **is made under this chapter are completely paid.**

29 (b) **Not later than December 31, 2023, the fiscal officer of the**
 30 **county and the fiscal officer of each unit that imposes a food and**
 31 **beverage tax under this chapter shall provide to the department of**
 32 **local government finance:**

33 (1) **a list of each bond or lease agreement outstanding on May**
 34 **7, 2023, for which a pledge of tax revenue is made under this**
 35 **chapter; and**

36 (2) **the date on which each bond or lease agreement identified**
 37 **in subdivision (1) will be completely paid.**

38 **The department of local government finance shall publish the**
 39 **information received under this subsection on the department's**
 40 **interactive and searchable website containing local government**
 41 **information (the Indiana gateway for governmental units).**

42 SECTION 11. IC 6-9-40-12 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: **Sec. 12. (a) The tax authorized under this
3 chapter expires on the later of:**

4 (1) **January 1, 2043; or**

5 (2) **the date on which all bonds or lease agreements
6 outstanding on May 7, 2023, for which a pledge of tax revenue
7 is made under this chapter are completely paid.**

8 (b) **Not later than December 31, 2023, the fiscal officer of the
9 county and the fiscal officer of the city of Angola shall provide to
10 the department of local government finance:**

11 (1) **a list of each bond or lease agreement outstanding on May
12 7, 2023, for which a pledge of tax revenue is made under this
13 chapter; and**

14 (2) **the date on which each bond or lease agreement identified
15 in subdivision (1) will be completely paid.**

16 **The department of local government finance shall publish the
17 information received under this subsection on the department's
18 interactive and searchable website containing local government
19 information (the Indiana gateway for governmental units).**

20 SECTION 12. IC 6-9-41-17 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: **Sec. 17. (a) The tax authorized under this
23 chapter expires on the later of:**

24 (1) **January 1, 2043; or**

25 (2) **the date on which all bonds or lease agreements
26 outstanding on May 7, 2023, for which a pledge of tax revenue
27 is made under this chapter are completely paid.**

28 (b) **Not later than December 31, 2023, the fiscal officer of the
29 county and the fiscal officer of the city shall provide to the
30 department of local government finance:**

31 (1) **a list of each bond or lease agreement outstanding on May
32 7, 2023, for which a pledge of tax revenue is made under this
33 chapter; and**

34 (2) **the date on which each bond or lease agreement identified
35 in subdivision (1) will be completely paid.**

36 **The department of local government finance shall publish the
37 information received under this subsection on the department's
38 interactive and searchable website containing local government
39 information (the Indiana gateway for governmental units).**

40 SECTION 13. IC 6-9-43-10 IS ADDED TO THE INDIANA CODE
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: **Sec. 10. (a) The tax authorized under this**



1 **chapter expires on the later of:**

2 (1) January 1, 2043; or

3 (2) the date on which all bonds or lease agreements
4 outstanding on May 7, 2023, for which a pledge of tax revenue
5 is made under this chapter are completely paid.

6 (b) Not later than December 31, 2023, the fiscal officer of the
7 town shall provide to the department of local government finance:

8 (1) a list of each bond or lease agreement outstanding on May
9 7, 2023, for which a pledge of tax revenue is made under this
10 chapter; and

11 (2) the date on which each bond or lease agreement identified
12 in subdivision (1) will be completely paid.

13 The department of local government finance shall publish the
14 information received under this subsection on the department's
15 interactive and searchable website containing local government
16 information (the Indiana gateway for governmental units).

17 SECTION 14. IC 6-9-44-11 IS ADDED TO THE INDIANA CODE
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: **Sec. 11. (a) The tax authorized under this
20 chapter expires on the later of:**

21 (1) January 1, 2043; or

22 (2) the date on which all bonds or lease agreements
23 outstanding on May 7, 2023, for which a pledge of tax revenue
24 is made under this chapter are completely paid.

25 (b) Not later than December 31, 2023, the fiscal officer of the
26 town shall provide to the department of local government finance:

27 (1) a list of each bond or lease agreement outstanding on May
28 7, 2023, for which a pledge of tax revenue is made under this
29 chapter; and

30 (2) the date on which each bond or lease agreement identified
31 in subdivision (1) will be completely paid.

32 The department of local government finance shall publish the
33 information received under this subsection on the department's
34 interactive and searchable website containing local government
35 information (the Indiana gateway for governmental units).

36 SECTION 15. IC 6-9-45-11 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: **Sec. 11. (a) The tax authorized under this
39 chapter expires on the later of:**

40 (1) January 1, 2043; or

41 (2) the date on which all bonds or lease agreements
42 outstanding on May 7, 2023, for which a pledge of tax revenue



1 is made under this chapter are completely paid.
 2 (b) Not later than December 31, 2023, the fiscal officer of the
 3 town shall provide to the department of local government finance:
 4 (1) a list of each bond or lease agreement outstanding on May
 5 7, 2023, for which a pledge of tax revenue is made under this
 6 chapter; and
 7 (2) the date on which each bond or lease agreement identified
 8 in subdivision (1) will be completely paid.
 9 The department of local government finance shall publish the
 10 information received under this subsection on the department's
 11 interactive and searchable website containing local government
 12 information (the Indiana gateway for governmental units).
 13 SECTION 16. IC 6-9-47.5-11 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The tax authorized
 15 under this chapter expires on the later of:
 16 (1) January 1, 2043; or
 17 (2) the date on which all bonds or lease agreements
 18 outstanding on May 7, 2023 for which a pledge of tax revenue
 19 is made under this chapter are completely paid.
 20 (b) Not later than December 31, 2023, the fiscal officer of the
 21 county shall provide to the department of local government
 22 finance:
 23 (1) a list of each bond or lease agreement outstanding on May
 24 7, 2023, for which a pledge of tax revenue is made under this
 25 chapter; and
 26 (2) the date on which each bond or lease agreement identified
 27 in subdivision (1) will be completely paid.
 28 The department of local government finance shall publish the
 29 information received under this subsection on the department's
 30 interactive and searchable website containing local government
 31 information (the Indiana gateway for governmental units).
 32 SECTION 17. IC 6-9-49-11 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 11. (a) The tax authorized under this
 35 chapter expires on the later of:
 36 (1) January 1, 2043; or
 37 (2) the date on which all bonds or lease agreements
 38 outstanding on May 7, 2023, for which a pledge of tax revenue
 39 is made under this chapter are completely paid.
 40 (b) Not later than December 31, 2023, the fiscal officer of the
 41 city shall provide to the department of local government finance:
 42



- 1 (1) a list of each bond or lease agreement outstanding on May
- 2 7, 2023, for which a pledge of tax revenue is made under this
- 3 chapter; and
- 4 (2) the date on which each bond or lease agreement identified
- 5 in subdivision (1) will be completely paid.

6 **The department of local government finance shall publish the**
 7 **information received under this subsection on the department's**
 8 **interactive and searchable website containing local government**
 9 **information (the Indiana gateway for governmental units).**

10 SECTION 18. IC 6-9-50-11 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: **Sec. 11. (a) The tax authorized under this**
 13 **chapter expires on the later of:**

- 14 (1) January 1, 2043; or
- 15 (2) the date on which all bonds or lease agreements
- 16 outstanding on May 7, 2023, for which a pledge of tax revenue
- 17 is made under this chapter are completely paid.

18 **(b) Not later than December 31, 2023, the fiscal officer of the**
 19 **town shall provide to the department of local government finance:**

- 20 (1) a list of each bond or lease agreement outstanding on May
- 21 7, 2023, for which a pledge of tax revenue is made under this
- 22 chapter; and
- 23 (2) the date on which each bond or lease agreement identified
- 24 in subdivision (1) will be completely paid.

25 **The department of local government finance shall publish the**
 26 **information received under this subsection on the department's**
 27 **interactive and searchable website containing local government**
 28 **information (the Indiana gateway for governmental units).**

29 SECTION 19. IC 6-9-51-11 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: **Sec. 11. (a) The tax authorized under this**
 32 **chapter expires on the later of:**

- 33 (1) January 1, 2043; or
- 34 (2) the date on which all bonds or lease agreements
- 35 outstanding on May 7, 2023, for which a pledge of tax revenue
- 36 is made under this chapter are completely paid.

37 **(b) Not later than December 31, 2023, the fiscal officer of the**
 38 **city shall provide to the department of local government finance:**

- 39 (1) a list of each bond or lease agreement outstanding on May
- 40 7, 2023, for which a pledge of tax revenue is made under this
- 41 chapter; and
- 42 (2) the date on which each bond or lease agreement identified



1 **in subdivision (1) will be completely paid.**
2 **The department of local government finance shall publish the**
3 **information received under this subsection on the department's**
4 **interactive and searchable website containing local government**
5 **information (the Indiana gateway for governmental units).**
6 SECTION 20. IC 6-9-52-11 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: **Sec. 11. (a) The tax authorized under this**
9 **chapter expires on:**
10 **(1) January 1, 2043; or**
11 **(2) the date on which all bonds or lease agreements**
12 **outstanding on May 7, 2023, for which a pledge of tax revenue**
13 **is made under this chapter are completely paid.**
14 **(b) Not later than December 31, 2023, the fiscal officer of the**
15 **town shall provide to the department of local government finance:**
16 **(1) a list of each bond or lease agreement outstanding on May**
17 **7, 2023, for which a pledge of tax revenue is made under this**
18 **chapter; and**
19 **(2) the date on which each bond or lease agreement identified**
20 **in subdivision (1) will be completely paid.**
21 **The department of local government finance shall publish the**
22 **information received under this subsection on the department's**
23 **interactive and searchable website containing local government**
24 **information (the Indiana gateway for governmental units).**
25 SECTION 21. An emergency is declared for this act.

