



April 8, 2019

**ENGROSSED
SENATE BILL No. 7**

DIGEST OF SB 7 (Updated April 8, 2019 1:02 pm - DI 58)

Citations Affected: IC 5-1; IC 5-13; IC 6-6; IC 6-9; IC 14-20; IC 36-7; IC 36-10.

Synopsis: Marion County capital improvement board. Provides for the expansion of the professional sports development area (tax area) in Marion County. Provides for the capture of covered taxes in the expanded tax area. Authorizes the city-county council to adopt a resolution that continues imposition of the increase to the county supplemental auto rental excise tax through December 31, 2040. Authorizes the city-county council to adopt a resolution that continues imposition of the increase to the county admissions tax through December 31, 2040. Authorizes the city-county council to adopt a resolution that continues the capture of local income taxes attributable to the tax area through December 31, 2040. Provides that revenues available for deposit in the sports and convention facilities operating fund may be pledged to secure and provide for the payment of bond or lease obligations of the board. Provides that Marion County capital improvement board may not use revenue derived from local or state
(Continued next page)

Effective: Upon passage; July 1, 2019.

**Mishler, Holdman, Sandlin, Breaux,
Ford Jon**

(HOUSE SPONSORS — HUSTON, MOED)

January 15, 2019, read first time and referred to Committee on Appropriations.
February 21, 2019, amended, reported favorably — Do Pass.
February 25, 2019, read second time, amended, ordered engrossed.
February 26, 2019, engrossed. Read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

March 4, 2019, read first time and referred to Committee on Ways and Means.
April 8, 2019, amended, reported — Do Pass.

ES 7—LS 7489/DI 125



Digest Continued

taxes to finance, construct, or in any way subsidize the construction of meeting or ballroom space related to a privately owned hotel. Permits the Indianapolis metropolitan development commission or capital improvement board to adjust the equal opportunity percentages to reflect the results of a disparity study conducted by the City of Indianapolis. Provides that if restricted deposits are insufficient to fully repay the board's obligations, revenues collected by the board from certain taxes must be used. Establishes an additional professional sports development area in Marion County to capture state and local revenue for capital improvements. Provides for the issuance of indebtedness to finance a multipurpose soccer stadium subject to budget committee review. Provides that the Indiana stadium and convention building authority, the Marion County capital improvement board, and the Marion County convention and recreational facilities authority may not require a contractor or a subcontractor to enter into a contract limitation and may not grant a public benefit relating to any project that is financed in whole or in part from funds derived from the establishment of a new tax area under the bill. Provides that any such provisions are void. Strikes a provision requiring the Indiana stadium and convention building authority to enter into project labor agreement on all projects. Establishes the legacy project, which must be located at an Indianapolis parks and recreation department location located within a four mile radius of the Soldiers' and Sailors' Monument in Indianapolis.

ES 7—LS 7489/DI 125



April 8, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 7

A BILL FOR AN ACT concerning economic development and to make an appropriation.

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

- 1 SECTION 1. IC 5-1-17-18, AS AMENDED BY P.L.252-2015,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 18. (a) Subject to subsection (h), the authority
4 may issue bonds for the purpose of obtaining money to pay the cost of:
5 (1) acquiring real or personal property, including existing capital
6 improvements;
7 (2) constructing, improving, reconstructing, or renovating one (1)
8 or more capital improvements; or
9 (3) funding or refunding bonds issued under IC 36-10-8 or
10 IC 36-10-9 or prior law.
11 (b) The bonds are payable from the lease rentals from the lease of
12 the capital improvements for which the bonds were issued, insurance
13 proceeds, and any other funds pledged or available.
14 (c) The bonds shall be authorized by a resolution of the board.
15 (d) The terms and form of the bonds shall either be set out in the
16 resolution or in a form of trust indenture approved by the resolution.
17 (e) The bonds shall mature within forty (40) years.

ES 7—LS 7489/DI 125



1 (f) The board shall sell the bonds at public or private sale upon the
2 terms determined by the board.

3 (g) All money received from any bonds issued under this chapter
4 shall be applied to the payment of the cost of the acquisition or
5 construction, or both, of capital improvements, or the cost of refunding
6 or refinancing outstanding bonds, for which the bonds are issued. The
7 cost may include:

8 (1) planning and development of the facility and all buildings,
9 facilities, structures, and improvements related to it;

10 (2) acquisition of a site and clearing and preparing the site for
11 construction;

12 (3) equipment, facilities, structures, and improvements that are
13 necessary or desirable to make the capital improvement suitable
14 for use and operations;

15 (4) architectural, engineering, consultant, and attorney's fees;

16 (5) incidental expenses in connection with the issuance and sale
17 of bonds;

18 (6) reserves for principal and interest;

19 (7) interest during construction;

20 (8) financial advisory fees;

21 (9) insurance during construction;

22 (10) municipal bond insurance, debt service reserve insurance,
23 letters of credit, or other credit enhancement; and

24 (11) in the case of refunding or refinancing, payment of the
25 principal of, redemption premiums (if any) for, and interest on,
26 the bonds being refunded or refinanced.

27 (h) The authority may not issue bonds under this chapter unless the
28 authority first finds that the following conditions are met:

29 ~~(1) Each contract or subcontract for the construction of a facility
30 and all buildings, facilities, structures, and improvements related
31 to that facility to be financed in whole or in part through the
32 issuance of the bonds requires the contractor or subcontractor to
33 enter into a project labor agreement as a condition of being
34 awarded and performing work on the contract.~~

35 ~~(2) (1)~~ The capital improvement board and the authority have
36 entered into a written agreement concerning the terms of the
37 financing of the facility. This agreement must include the
38 following provisions:

39 (A) Notwithstanding any other law, if the capital improvement
40 board selected a construction manager and an architect for a
41 facility before May 15, 2005, the authority will contract with
42 that construction manager and architect and use plans as



1 developed by that construction manager and architect. In
2 addition, any other agreements entered into by the capital
3 improvement board or a political subdivision served by the
4 capital improvement board with respect to the design and
5 construction of the facility will be reviewed by a selection
6 committee consisting of:

7 (i) two (2) of the members appointed to the board of
8 directors of the authority under section 7(a)(1) of this
9 chapter, as designated by the governor;

10 (ii) the two (2) members appointed to the board of directors
11 of the authority under section 7(a)(2) of this chapter; and

12 (iii) the executive director of the authority.

13 The selection committee is not bound by any prior
14 commitments of the capital improvement board or the political
15 subdivision, other than the general project design, and will
16 approve all contracts necessary for the design and construction
17 of the facility.

18 (B) If before May 15, 2005, the capital improvement board
19 acquired any land, plans, or other information necessary for
20 the facility and the board had budgeted for these items, the
21 capital improvement board will transfer the land, plans, or
22 other information useful to the authority for a price not to
23 exceed the lesser of:

24 (i) the actual cost to the capital improvement board; or

25 (ii) three million five hundred thousand dollars
26 (\$3,500,000).

27 (C) The capital improvement board agrees to take any legal
28 action that the authority considers necessary to facilitate the
29 financing of the facility, including entering into agreements
30 during the design and construction of the facility or a sublease
31 of a capital improvement to any state agency that is then leased
32 by the authority to any state agency under section 26 of this
33 chapter.

34 (D) The capital improvement board is prohibited from taking
35 any other action with respect to the financing of the facility
36 without the prior approval of the authority. The authority is not
37 bound by the terms of any agreement entered into by the
38 capital improvement board with respect to the financing of the
39 facility without the prior approval of the authority.

40 (E) As the project financier, the Indiana finance authority (or
41 its successor agency) and the public finance director will be
42 responsible for selecting all investment bankers, bond counsel,



1 trustees, and financial advisors.

2 (F) The capital improvement board agrees to deliver to the
3 authority the one hundred million dollars (\$100,000,000) that
4 is owed to the capital improvement board, the consolidated
5 city, or the county having a consolidated city pursuant to an
6 agreement between the National Football League franchised
7 professional football team and the capital improvement board,
8 the consolidated city, or the county. This amount shall be
9 applied to the cost of construction for the stadium part of the
10 facility. This amount does not have to be delivered until a
11 lease is entered into for the stadium between the authority and
12 the capital improvement board.

13 (G) The authority agrees to consult with the staff of the capital
14 improvement board on an as needed basis during the design
15 and construction of the facility, and the capital improvement
16 board agrees to make its staff available for this purpose.

17 (H) The authority, the county, the consolidated city, the capital
18 improvement board and the National Football League
19 franchised professional football team must commit to using
20 their best efforts to assist and cooperate with one another to
21 design and construct the facility on time and on budget.

22 (⇔) **(2)** The capital improvement board and the National Football
23 League franchised professional football team have entered into a
24 lease for the stadium part of the facility that has been approved by
25 the authority and has a term of at least thirty (30) years.

26 SECTION 2. IC 5-1-17-18.3 IS ADDED TO THE INDIANA CODE
27 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
28 **UPON PASSAGE]: Sec. 18.3. (a) The following definitions apply**
29 **throughout this section:**

30 **(1) "Contract" includes a lease or other agreement.**

31 **(2) "Contract limitation" refers to a bid specification, project**
32 **agreement, lease provision, or other contract document that**
33 **does any of the following:**

34 **(A) Requires a bidder, offeror, or contractor in any**
35 **contractor tier to enter into or adhere to an agreement**
36 **with a labor organization relating to a project.**

37 **(B) Prohibits a bidder, offeror, or contractor in any**
38 **contractor tier from entering into or adhering to an**
39 **agreement with a labor organization relating to a project.**

40 **(C) Discriminates against a bidder, offeror, or contractor**
41 **in any contractor tier for any of the following:**

42 **(i) Becoming or remaining a signatory to an agreement**



1 with a labor organization relating to a project.

2 (ii) Refusing to become or remain a signatory to an
3 agreement with a labor organization relating to a
4 project.

5 (iii) Adhering or refusing to adhere to an agreement with
6 a labor organization relating to a project.

7 (3) "Project" refers to a project of the authority for the
8 construction of a facility and all buildings, facilities,
9 structures, and improvements related to that facility to be
10 financed in whole or in part from funds derived from the
11 establishment of a tax area under IC 36-7-31.5.

12 (4) "Public benefit" refers to a grant, a tax abatement, a tax
13 credit, or establishment or use of tax area revenues related to
14 a project.

15 (b) A contract relating to a project may not require a contractor
16 or subcontractor to enter into a contract limitation as a condition
17 of being awarded and performing work on the contract. Any such
18 provision is void.

19 (c) A public entity may not award a public benefit that is
20 conditioned upon a requirement that the person awarded the
21 public benefit include a contract limitation in a contract document
22 related to a project. Any such provision is void.

23 SECTION 3. IC 5-13-10.5-19 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) This section applies
26 after July 1, 2025, if:

27 (1) the:

28 (A) capital improvement board of managers; and

29 (B) a professional sports franchise that is part of the
30 National Basketball Association;

31 enter into a new agreement of at least twenty-five (25) years
32 before April 20, 2019;

33 (2) the increase in the tax rate imposed under IC 6-6-9.7-7(e)
34 by the city-county council continues in effect through
35 December 31, 2040;

36 (3) the increase in the tax rate imposed under IC 6-9-13-2(c)
37 by the city-county council continues in effect through
38 December 31, 2040; and

39 (4) the tax rate in effect under IC 6-9-8-3 is ten percent (10%).

40 (b) As used in this section, "capital improvement board" refers
41 to a capital improvement board of managers established under
42 IC 36-10-9.



1 (c) As used in this section, "restricted deposits" refers to any
 2 amount deposited into an excess revenues account established
 3 under an agreement described in IC 5-1-17-28.

4 (d) For each state fiscal year beginning after June 30, 2025, and
 5 ending before July 1, 2037, the state budget director shall, before
 6 August 1, certify the amount of restricted deposits for the state
 7 fiscal year to the treasurer of state.

8 (e) To qualify for an investment under this section, the capital
 9 improvement board must submit a request to the treasurer of state
 10 in the form and manner required by the treasurer of state. As part
 11 of the request, the capital improvement board shall include the
 12 agreement described in subsection (a)(1) and commit to repay the
 13 capital improvement board's obligation to the treasurer of state
 14 from:

15 (1) all restricted deposits as restricted deposits are available
 16 to the capital improvement board; and

17 (2) if, after the payment of all obligations owed by the capital
 18 improvement board to the office of management and budget
 19 under all subleases of capital improvements under
 20 IC 5-1-17-26, the restricted deposits are insufficient to fully
 21 repay the capital improvement board's obligation to the
 22 treasurer of state, each of the following, which shall be
 23 transferred to the treasurer of state until, in each case, the
 24 capital improvement board's obligation to the treasurer of
 25 state is fully paid:

26 (A) All county supplemental auto rental excise tax
 27 revenues collected under IC 6-6-9.7-7(b) and
 28 IC 6-6-9.7-7(c).

29 (B) All county innkeeper's tax revenues collected under
 30 IC 6-9-8-3(b) and IC 6-9-8-3(c).

31 (C) All county food and beverage tax revenues collected
 32 under IC 6-9-12-5(a) and IC 6-9-12-5(b).

33 If the capital improvement board fails to pay all of its obligations
 34 to the treasurer of state when due, the remaining amount owed
 35 shall be withheld by the auditor of state from any money available
 36 to the capital improvement board. The amount withheld shall be
 37 transferred to the treasurer of state to the credit of the capital
 38 improvement board.

39 (f) If the capital improvement board makes a request under
 40 subsection (e), after review by the state budget committee, the
 41 treasurer of state shall approve the request and enter into an
 42 agreement with the capital improvement board under this section.



1 (g) After the capital improvement board and the treasurer of
2 state enter into an agreement under subsection (f), and after
3 determining that restricted deposits have been deposited as
4 described in subsection (e), the treasurer of state shall invest or
5 reinvest funds from the state general fund in obligations issued by
6 the capital improvement board. The terms of each investment and
7 the capital improvement board's obligation must include the
8 following items:

9 (1) The duration of the agreement may begin not earlier than
10 July 1, 2025, and terminate no later than July 1, 2037.

11 (2) Before September 1 of each state fiscal year of the
12 agreement, the treasurer of state shall invest or reinvest funds
13 from the state general fund in obligations issued by the capital
14 improvement board in amounts requested by the capital
15 improvement board but not to exceed the amount of restricted
16 deposits certified by the budget director for the state fiscal
17 year to the capital improvement board and the amount shall
18 be included in the capital improvement board's obligation
19 under this section.

20 (3) In no event may the amount invested or reinvested under
21 subdivision (2) exceed the excess of the amount then on
22 deposit in the excess revenues account described in subsection
23 (c) over the aggregate of any prior investments by the
24 treasurer of state, including any accrued and unpaid interest
25 on the prior investments by the treasurer of state, but not
26 including the principal amount on any prior investments that
27 have been repaid by the capital improvement board.

28 (4) The rate of interest shall be set by the treasurer of state, at
29 a rate then currently applicable to a United States Treasury
30 note that has payment terms that are substantially the same
31 as the obligation being issued by the capital improvement
32 board.

33 (5) The capital improvement board shall pay its total
34 obligation, with interest, to the treasurer of state no later than
35 June 30, 2040.

36 (h) The capital improvement board may issue obligations under
37 this section by adoption of a resolution and, as set forth in
38 IC 5-1-14, may use any source of revenue to satisfy the obligation
39 to the treasurer of state under this section. This section constitutes
40 complete authority for the capital improvement board to issue
41 obligations to the treasurer of state.

42 (i) The capital improvement board's obligations to the treasurer



1 of state entered into under this section shall not be considered debt
2 for purposes of IC 36-1-15.

3 (j) This section expires on the later of:

4 (1) July 1, 2041; or

5 (2) the date on which all obligations owed by the capital
6 improvement board to the treasurer of state under this section
7 are paid in full.

8 SECTION 4. IC 6-6-9.7-7, AS AMENDED BY P.L.205-2013,
9 SECTION 127, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The city-county council
11 of a county that contains a consolidated city may adopt an ordinance to
12 impose an excise tax, known as the county supplemental auto rental
13 excise tax, upon the rental of passenger motor vehicles and trucks in
14 the county for periods of less than thirty (30) days. The ordinance must
15 specify that the tax expires December 31, 2027.

16 (b) Except as provided in subsection (c), the county supplemental
17 auto rental excise tax that may be imposed upon the rental of a
18 passenger motor vehicle or truck equals two percent (2%) of the gross
19 retail income received by the retail merchant for the rental.

20 (c) On or before June 30, 2005, the city-county council may, by
21 ordinance adopted by a majority of the members elected to the
22 city-county council, increase the tax imposed under subsection (a) from
23 two percent (2%) to four percent (4%). The ordinance must specify
24 that:

25 (1) if on December 31, 2027, there are obligations owed by the
26 capital improvement board of managers to the Indiana stadium
27 and convention building authority or any state agency under
28 IC 5-1-17-26, the original two percent (2%) rate imposed under
29 subsection (a) continues to be levied after its original expiration
30 date set forth in subsection (a) and through December 31, 2040;
31 and

32 (2) the additional rate authorized under this subsection expires on:

33 (A) January 1, 2041;

34 (B) January 1, 2010, if on that date there are no obligations
35 owed by the capital improvement board of managers to the
36 Indiana stadium and convention building authority or to any
37 state agency under IC 5-1-17-26; or

38 (C) October 1, 2005, if on that date there are no obligations
39 owed by the capital improvement board of managers to the
40 Indiana stadium and convention building authority or to any
41 state agency under a lease or a sublease of an existing capital
42 improvement entered into under IC 5-1-17, unless waived by



1 the budget director.

2 (d) The amount collected from that portion of county supplemental

3 auto rental excise tax imposed under:

4 (1) subsection (b) and collected after December 31, 2027; and

5 (2) under subsection (c);

6 shall, in the manner provided by section 11 of this chapter, be

7 distributed to the capital improvement board of managers operating in

8 a consolidated city or its designee. So long as there are any current or

9 future obligations owed by the capital improvement board of managers

10 to the Indiana stadium and convention building authority created by

11 IC 5-1-17 or any state agency pursuant to a lease or other agreement

12 entered into between the capital improvement board of managers and

13 the Indiana stadium and convention building authority or any state

14 agency under IC 5-1-17-26, the capital improvement board of managers

15 or its designee shall deposit the revenues received under this

16 subsection in a special fund, which may be used only for the payment

17 of the obligations described in this subsection.

18 (e) After January 1, 2013, and before March 1, 2013, the city-county

19 council may, by ordinance adopted by a majority of the members

20 elected to the city-county council, increase the tax rate imposed under

21 subsection (a) by not more than two percent (2%). The amount

22 collected from an increase adopted under this subsection shall be

23 deposited in the sports and convention facilities operating fund

24 established by IC 36-7-31-16. An increase in the tax rate under this

25 subsection continues in effect unless the increase is rescinded.

26 However, any increase in the tax rate under this subsection may not

27 continue in effect after ~~February 28, 2023.~~ **December 31, 2040.**

28 (f) If a city-county council adopts an ordinance under subsection (a),

29 (c), or (e), the city-county council shall immediately send a certified

30 copy of the ordinance to the commissioner of the department of state

31 revenue.

32 (g) If a city-county council adopts an ordinance under subsection

33 (a), (c), or (e), on or before the fifteenth day of a month, the county

34 supplemental auto rental excise tax applies to auto rentals after the last

35 day of the month in which the ordinance is adopted. If the city-county

36 council adopts an ordinance under subsection (a), (c), or (e), after the

37 fifteenth day of a month, the county supplemental auto rental excise tax

38 applies to auto rentals after the last day of the month following the

39 month in which the ordinance is adopted.

40 SECTION 5. IC 6-9-8-3, AS AMENDED BY P.L.182-2009(ss),

41 SECTION 260, IS AMENDED TO READ AS FOLLOWS

42 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The tax imposed by



- 1 section 2 of this chapter shall be at the rate of:
- 2 (1) before January 1, 2028, five percent (5%) on the gross income
- 3 derived from lodging income only, plus an additional one percent
- 4 (1%) if the fiscal body adopts an ordinance under subsection (b),
- 5 plus an additional three percent (3%) if the fiscal body adopts an
- 6 ordinance under subsection (d);
- 7 (2) after December 31, 2027, and before January 1, 2041, five
- 8 percent (5%), plus an additional one percent (1%) if the fiscal
- 9 body adopts an ordinance under subsection (b), plus an additional
- 10 three percent (3%) if the fiscal body adopts an ordinance under
- 11 subsection (d); and
- 12 (3) after December 31, 2040, five percent (5%).
- 13 (b) In any year subsequent to the initial year in which a tax is
- 14 imposed under section 2 of this chapter, the fiscal body may, by
- 15 ordinance adopted by at least two-thirds (2/3) of the members elected
- 16 to the fiscal body, increase the tax imposed by section 2 of this chapter
- 17 from five percent (5%) to six percent (6%). The ordinance must specify
- 18 that the increase in the tax authorized under this subsection expires
- 19 ~~January 1, 2028:~~ **December 31, 2040.**
- 20 (c) The amount collected from an increase adopted under subsection
- 21 (b) shall be transferred to the capital improvement board of managers
- 22 established by IC 36-10-9-3. The board shall deposit the revenues
- 23 received under this subsection in a special fund. Money in the special
- 24 fund may be used only for the payment of obligations incurred to
- 25 expand a convention center, including:
- 26 (1) principal and interest on bonds issued to finance or refinance
- 27 the expansion of a convention center; and
- 28 (2) lease agreements entered into to expand a convention center.
- 29 (d) On or before June 30, 2005, the fiscal body may, by ordinance
- 30 adopted by a majority of the members elected to the fiscal body,
- 31 increase the tax imposed by section 2 of this chapter by an additional
- 32 three percent (3%) to a total rate of eight percent (8%) (or nine percent
- 33 (9%) if the fiscal body has adopted an ordinance under subsection (b)
- 34 and that rate remains in effect). The ordinance must specify that the
- 35 increase in the tax authorized under this subsection expires on:
- 36 (1) January 1, 2041;
- 37 (2) January 1, 2010, if on that date there are no obligations owed
- 38 by the capital improvement board of managers to the authority
- 39 created by IC 5-1-17 or to any state agency under IC 5-1-17-26;
- 40 or
- 41 (3) October 1, 2005, if on that date there are no obligations owed
- 42 by the capital improvement board of managers to the Indiana



1 stadium and convention building authority or to any state agency
2 under a lease or a sublease of an existing capital improvement
3 entered into under IC 5-1-17, unless waived by the budget
4 director.

5 If the fiscal body adopts an ordinance under this subsection, it shall
6 immediately send a certified copy of the ordinance to the commissioner
7 of the department of state revenue, and the increase in the tax imposed
8 under this chapter applies to transactions that occur after June 30,
9 2005.

10 (e) Before September 1, 2009, the fiscal body may, by ordinance
11 adopted by a majority of the members elected to the fiscal body,
12 increase the tax rate under this chapter by not more than one percent
13 (1%). If the fiscal body adopts an ordinance under this subsection:

14 (1) it shall immediately send a certified copy of the ordinance to
15 the commissioner of the department of state revenue; and

16 (2) the tax applies to transactions after the last day of the month
17 in which the ordinance is adopted, if the city-county council
18 adopts the ordinance on or before the fifteenth day of a month. If
19 the city-county council adopts the ordinance after the fifteenth
20 day of a month, the tax applies to transactions after the last day of
21 the month following the month in which the ordinance is adopted.

22 The increase in the tax imposed under this subsection continues in
23 effect unless the increase is rescinded.

24 (f) The amount collected from an increase adopted under:

25 (1) subsection (b) and collected after December 31, 2027; and

26 (2) subsection (d);

27 shall be transferred to the capital improvement board of managers
28 established by IC 36-10-9-3 or its designee. So long as there are any
29 current or future obligations owed by the capital improvement board of
30 managers to the Indiana stadium and convention building authority
31 created by IC 5-1-17 or any state agency pursuant to a lease or other
32 agreement entered into between the capital improvement board of
33 managers and the Indiana stadium and convention building authority
34 or any state agency pursuant to IC 5-1-17-26, the capital improvement
35 board of managers or its designee shall deposit the revenues received
36 under this subsection in a special fund, which may be used only for the
37 payment of the obligations described in this subsection.

38 (g) The amount collected from an increase adopted under subsection
39 (e) shall be deposited in the sports and convention facilities operating
40 fund established by IC 36-7-31-16.

41 SECTION 6. IC 6-9-13-1, AS AMENDED BY P.L.214-2005,
42 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b),
 2 the city-county council of a county that contains a consolidated first
 3 class city may adopt an ordinance to impose an excise tax, known as
 4 the county admissions tax, for the privilege of attending, before January
 5 1, 2041, any event and, after December 31, 2040, any professional
 6 sporting event:

7 (1) held in a facility financed in whole or in part by:

8 (A) bonds or notes issued under IC 18-4-17 (before its repeal
 9 on September 1, 1981), IC 36-10-9, or IC 36-10-9.1; or

10 (B) a lease or other agreement under IC 5-1-17 **or**
 11 **IC 36-7-31.5**; and

12 (2) to which tickets are offered for sale to the public by:

13 (A) the box office of the facility; or

14 (B) an authorized agent of the facility.

15 (b) The excise tax imposed under subsection (a) does not apply to
 16 the following:

17 (1) An event sponsored by an educational institution or an
 18 association representing an educational institution.

19 (2) An event sponsored by a religious organization.

20 (3) An event sponsored by an organization that is considered a
 21 charitable organization by the Internal Revenue Service for
 22 federal tax purposes.

23 (4) An event sponsored by a political organization.

24 (c) If a city-county council adopts an ordinance under subsection
 25 (a), it shall immediately send a certified copy of the ordinance to the
 26 commissioner of the department of state revenue.

27 (d) If a city-county council adopts an ordinance under subsection (a)
 28 or section 2 of this chapter prior to June 1, the county admissions tax
 29 applies to admission charges collected after June 30 of the year in
 30 which the ordinance is adopted. If the city-county council adopts an
 31 ordinance under subsection (a) or section 2 of this chapter on or after
 32 June 1, the county admissions tax applies to admission charges
 33 collected after the last day of the month in which the ordinance is
 34 adopted.

35 SECTION 7. IC 6-9-13-2, AS AMENDED BY P.L.205-2013,
 36 SECTION 132, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in
 38 subsection (b), the county admissions tax equals five percent (5%) of
 39 the price for admission to any event described in section 1 of this
 40 chapter.

41 (b) On or before June 30, 2005, the city-county council may, by
 42 ordinance adopted by a majority of the members elected to the



1 city-county council, increase the county admissions tax from five
 2 percent (5%) to six percent (6%) of the price for admission to any event
 3 described in section 1 of this chapter.
 4 (c) After January 1, 2013, and before March 1, 2013, the city-county
 5 council may, by ordinance adopted by a majority of the members
 6 elected to the city-county council, increase the county admissions tax
 7 rate by not more than four percent (4%) of the price for admission to
 8 any event described in section 1 of this chapter. If the city-county
 9 council adopts an ordinance under this subsection:
 10 (1) the city-county council shall immediately send a certified copy
 11 of the ordinance to the commissioner of the department of state
 12 revenue; and
 13 (2) the tax applies to transactions after the last day of the month
 14 in which the ordinance is adopted, if the city-county council
 15 adopts the ordinance on or before the fifteenth day of a month. If
 16 the city-county council adopts the ordinance after the fifteenth
 17 day of a month, the tax applies to transactions after the last day of
 18 the month following the month in which the ordinance is adopted.
 19 The increase in the tax imposed under this subsection continues in
 20 effect unless the increase is rescinded. However, any increase in the tax
 21 rate under this subsection may not continue in effect after ~~February 28,~~
 22 ~~2023.~~ **December 31, 2040.**
 23 (d) The amount collected from that portion of the county admissions
 24 tax imposed under:
 25 (1) subsection (a) and collected after December 31, 2027; and
 26 (2) subsection (b);
 27 shall be distributed to the capital improvement board of managers or its
 28 designee. So long as there are any current or future obligations owed
 29 by the capital improvement board of managers to the Indiana stadium
 30 and convention building authority created by IC 5-1-17 or any state
 31 agency pursuant to a lease or other agreement entered into between the
 32 capital improvement board of managers and the Indiana stadium and
 33 convention building authority or any state agency under IC 5-1-17-26,
 34 the capital improvement board of managers or its designee shall deposit
 35 the revenues received from that portion of the county admissions tax
 36 imposed under subsection (b) in a special fund, which may be used
 37 only for the payment of the obligations described in this subsection.
 38 (e) The amount collected from an increase adopted under subsection
 39 (c) shall be deposited in the sports and convention facilities operating
 40 fund established by IC 36-7-31-16.
 41 SECTION 8. IC 14-20-17 IS ADDED TO THE INDIANA CODE
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019];

2 **Chapter 17. Legacy Project**

3 **Sec. 1. (a) The legacy project is established.**

4 **(b) The legacy project must be located at an Indianapolis parks**
 5 **and recreation department location located within a four (4) mile**
 6 **radius of the Soldiers' and Sailors' Monument in Indianapolis.**

7 SECTION 9. IC 36-7-31-10, AS AMENDED BY P.L. 182-2009(ss),
 8 SECTION 409, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A commission may
 10 establish as part of a professional sports development area any facility
 11 or complex of facilities **described in this section. The tax area may**
 12 **include a facility or complex of facilities described in this section**
 13 **and any parcel of land on which the facility or complex of facilities**
 14 **is located. An area may contain noncontiguous tracts of land within**
 15 **the county.**

16 **(b) Before July 1, 2019, the tax area may include any facility or**
 17 **complex of facilities:**

18 (1) that is used in the training of a team engaged in professional
 19 sporting events;

20 (2) that is:

21 (A) financed in whole or in part by:

22 (i) notes or bonds issued by a political subdivision or issued
 23 under IC 36-10-9 or IC 36-10-9.1; or

24 (ii) a lease or other agreement under IC 5-1-17; and

25 (B) used to hold a professional sporting event; or

26 (3) that consists of a hotel, motel, or a multibrand complex of
 27 hotels and motels, with significant meeting space:

28 (A) located in an area in Indianapolis, Indiana, bounded on the
 29 east by Illinois Street, on the south by Maryland Street, and on
 30 the west and north by Washington Street, as those streets were
 31 located on June 1, 2009;

32 (B) that provides:

33 (i) convenient accommodations for consideration to the
 34 general public for periods of less than thirty (30) days,
 35 especially for individuals attending professional sporting
 36 events, conventions, or similar events in the capital
 37 improvements that are owned, leased, or operated by the
 38 capital improvement board; and

39 (ii) significant meeting and convention space that directly
 40 enhances events held in the capital improvements that are
 41 owned, leased, or operated by the capital improvement
 42 board; and



- 1 (C) that enhances the convention opportunities for the capital
- 2 improvement board to hold events that:
- 3 (i) would not otherwise be possible; and
- 4 (ii) directly affect the success of both the facilities and
- 5 capital improvements that are owned, leased, or operated by
- 6 the capital improvement board.
- 7 The tax area may include a facility or complex of facilities described
- 8 in this section and any parcel of land on which the facility or complex
- 9 of facilities is located. An area may contain noncontiguous tracts of
- 10 land within the county.
- 11 (c) After June 30, 2019, and in addition to the tax area described
- 12 in subsection (b), the tax area may also include any facility or
- 13 complex of facilities:
- 14 (1) that consists of a hotel, motel, or a multibrand complex of
- 15 hotels located in an area in Indianapolis, Indiana:
- 16 (A) in the southeast quadrant of an area bounded on the
- 17 east by Pennsylvania Street, on the south by Georgia
- 18 Street, on the west by Meridian Street, and on the north by
- 19 Maryland Street, as those streets were located on July 1,
- 20 2019;
- 21 (B) bounded on the west by Capitol Avenue, on the south
- 22 by South Street, on the east by Meridian Street, and on the
- 23 north by Louisiana Street, as those streets were located on
- 24 July 1, 2019;
- 25 (C) bounded on the west by Illinois Street, on the south by
- 26 Jackson Place, on the east by McCrea Street, and on the
- 27 north by Georgia Street, as those streets were located on
- 28 July 1, 2019;
- 29 (D) bounded on the west by Capitol Avenue, on the south
- 30 by Washington Street, on the east by Illinois Street, and on
- 31 the north by Court Street, as those streets were located on
- 32 July 1, 2019;
- 33 (E) bounded on the west by Illinois Street, on the south by
- 34 Washington Street, on the east by Meridian Street, and on
- 35 the north by Market Street, as those streets were located
- 36 on July 1, 2019;
- 37 (F) bounded on the west by Capitol Avenue, on the south
- 38 by Market Street, on the east by Illinois Street, and on the
- 39 north by Wabash Street, as those streets were located on
- 40 July 1, 2019;
- 41 (G) bounded on the west by Pierson Street, on the south by
- 42 Wabash Street, on the east by Meridian Street, and on the



- 1 north by Ohio Street, as those streets were located on July
 2 1, 2019;
 3 **(H) in the south half of an area bounded on the west by**
 4 **Delaware Street, on the south by South Street, on the east**
 5 **by Alabama Street, and on the north by Maryland Street,**
 6 **as those streets were located on July 1, 2019; or**
 7 **(I) bounded on the west by Illinois Street, on the south by**
 8 **Georgia Street, on the east by Meridian Street, and on the**
 9 **north by Maryland Street, as those streets were located on**
 10 **July 1, 2019; and**
 11 **(2) that provides convenient accommodations for**
 12 **consideration to the general public for periods of less than**
 13 **thirty (30) days, especially for individuals attending**
 14 **professional sporting events, conventions, or similar events in**
 15 **the capital improvements that are owned, leased, or operated**
 16 **by the capital improvement board.**
- 17 ~~(b)~~ **(d)** With respect to the site or future site of a facility or complex
 18 of facilities described in subsection ~~(a)(3)~~; **subsections (b)(3) and (c)**,
 19 the general assembly finds the following:
- 20 (1) That the facility or complex of facilities in the tax area
 21 provides both convenient accommodations for professional
 22 sporting events, conventions, or similar events and significant
 23 meeting and convention space that directly enhance events held
 24 in the capital improvements that are owned, leased, or operated by
 25 the capital improvement board.
- 26 (2) That the facility or complex of facilities in the tax area and the
 27 capital improvements that are owned, leased, or operated by the
 28 capital improvement board are integrally related to enhancing the
 29 convention opportunities that directly affect the success of both
 30 the facilities and capital improvements.
- 31 (3) That the facility or complex of facilities in the tax area
 32 provides the opportunity for the capital improvement board to
 33 hold events that would not otherwise be possible.
- 34 (4) That the facility or complex of facilities in the tax area
 35 protects or increases state and local tax bases and tax revenues.
- 36 SECTION 10. IC 36-7-31-11, AS AMENDED BY
 37 P.L.182-2009(ss), SECTION 410, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A tax area
 39 must be initially established before July 1, 1999, according to the
 40 procedures set forth for the establishment of an economic development
 41 area under IC 36-7-15.1. A tax area may be changed (including to the
 42 exclusion or inclusion of a facility described in this chapter) or the



1 terms governing the tax area may be revised in the same manner as the
 2 establishment of the initial tax area. However, a tax area may be
 3 changed as follows:

4 (1) After May 14, 2005, a tax area may be changed to include the
 5 site or future site of a facility that is or will be the subject of a
 6 lease or other agreement entered into between the capital
 7 improvement board and the Indiana stadium and convention
 8 building authority or any state agency under IC 5-1-17-26.

9 (2) ~~After June 30, 2009,~~ A tax area may be changed to include the
 10 site or future site of a facility or complex of facilities described in
 11 ~~section 10(a)(3)~~ **section 10(b)(3) and 10(c)** of this chapter.

12 (3) The terms governing a tax area may be revised only with
 13 respect to a facility or complex of facilities described in
 14 subdivision (1) or (2).

15 (b) In establishing or changing the tax area or revising the terms
 16 governing the tax area, the commission must do the following:

17 (1) With respect to a tax area change described in subsection
 18 (a)(1), the commission must make the following findings instead
 19 of the findings required for the establishment of economic
 20 development areas:

21 (A) That a project to be undertaken or that has been
 22 undertaken in the tax area is for a facility at which a
 23 professional sporting event or a convention or similar event
 24 will be held.

25 (B) That the project to be undertaken or that has been
 26 undertaken in the tax area will benefit the public health and
 27 welfare and will be of public utility and benefit.

28 (C) That the project to be undertaken or that has been
 29 undertaken in the tax area will protect or increase state and
 30 local tax bases and tax revenues.

31 (2) With respect to a tax area change described in subsection
 32 (a)(2), the commission must make the following findings instead
 33 of the findings required for the establishment of an economic
 34 development area:

35 (A) That the facility or complex of facilities in the tax area
 36 provides both convenient accommodations for professional
 37 sporting events, conventions, or similar events and significant
 38 meeting and convention space that directly enhance events
 39 held in the capital improvements that are owned, leased, or
 40 operated by the capital improvement board.

41 (B) That the facility or complex of facilities in the tax area and
 42 the capital improvements that are owned, leased, or operated



1 by the capital improvement board are integrally related to
 2 enhancing the convention opportunities that directly affect the
 3 success of both the facilities and capital improvements.
 4 (C) That the facility or complex of facilities in the tax area
 5 provides the opportunity for the capital improvement board to
 6 hold events that would not otherwise be possible.
 7 (D) That the facility or complex of facilities in the tax area
 8 protects or increases state and local tax bases and tax
 9 revenues.
 10 (c) The tax area established by the commission under this chapter
 11 is a special taxing district authorized by the general assembly to enable
 12 the county to provide special benefits to taxpayers in the tax area by
 13 promoting economic development that is of public use and benefit.
 14 SECTION 11. IC 36-7-31-13, AS AMENDED BY
 15 P.L.182-2009(ss), SECTION 411, IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The budget
 17 agency must approve the resolution before covered taxes may be
 18 allocated under section 14 or 14.2 of this chapter.
 19 (b) When considering a resolution with respect to a tax area change
 20 described in section 11(a)(1) of this chapter, the budget committee and
 21 the budget agency must make the following findings:
 22 (1) The cost of the facility and facility site specified under the
 23 resolution exceeds one hundred thousand dollars (\$100,000).
 24 (2) The project specified in the resolution is economically sound
 25 and will benefit the people of Indiana by protecting or increasing
 26 state and local tax bases and tax revenues for at least the duration
 27 of the tax area established under this chapter.
 28 (3) The political subdivisions affected by the project specified in
 29 the resolution have committed significant resources towards
 30 completion of the improvement.
 31 (c) When considering a resolution with respect to a tax area change
 32 described in section 11(a)(2) of this chapter, the budget committee and
 33 the budget agency must make the following findings:
 34 (1) That the facility or complex of facilities described in ~~section~~
 35 ~~10(a)(3)~~ **section 10(b)(3) and 10(c)** of this chapter will provide
 36 accommodations and significant meeting and convention space
 37 that directly enhance events and that are located in convenient
 38 proximity to capital improvements that are owned, leased, or
 39 operated by the capital improvement board.
 40 (2) That the facility or complex of facilities in the tax area and the
 41 capital improvements that are owned, leased, or operated by the
 42 capital improvement board are integrally related to enhancing the



1 convention opportunities that directly affect the success of both
 2 the facilities and capital improvements.
 3 (3) That the facility or complex of facilities specified in the
 4 resolution will benefit the people of Indiana by providing the
 5 opportunity for the capital improvement board to hold events that
 6 would not otherwise be possible.
 7 (4) That the facility or complex of facilities specified in the
 8 resolution will protect or increase state and local tax bases and tax
 9 revenues.
 10 **(5) That covered taxes, an innkeeper's tax under IC 6-9-8, or**
 11 **an admissions tax under IC 6-9-13 will not be used to finance**
 12 **or construct or in any way subsidize the construction of**
 13 **meeting or ballroom space that is:**
 14 **(A) located within the footprint of a privately owned hotel;**
 15 **or**
 16 **(B) that will be operated, maintained, or otherwise**
 17 **controlled by a privately owned hotel.**
 18 (d) Revenues from the tax area may not be allocated until the budget
 19 agency approves the resolution.
 20 SECTION 12. IC 36-7-31-14, AS AMENDED BY
 21 P.L.182-2009(ss), SECTION 412, IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section
 23 does not apply to that part of the tax area in which a facility or complex
 24 of facilities described in ~~section 10(a)(3)~~ **section 10(b)(3) and 10(c)** of
 25 this chapter is located. A reference to "tax area" in this section does not
 26 include the part of the tax area in which a facility or complex of
 27 facilities described in ~~section 10(a)(3)~~ **section 10(b)(3) and 10(c)** of
 28 this chapter is located.
 29 (b) A tax area must be established by resolution. A resolution
 30 establishing a tax area must provide for the allocation of covered taxes
 31 attributable to a taxable event or covered taxes earned in the tax area
 32 **as follows:**
 33 **(1) Before January 1, 2028,** to the professional sports
 34 development area fund established for the county.
 35 **(2) After December 31, 2027, to the sports and convention**
 36 **facilities operating fund.**
 37 The allocation provision must apply to the part of the tax area covered
 38 by this section. The resolution must provide that the tax area terminates
 39 not later than December 31, ~~2027.~~ **2040.**
 40 (c) All of the salary, wages, bonuses, and other compensation that
 41 are:
 42 (1) paid during a taxable year to a professional athlete for



1 professional athletic services;

2 (2) taxable in Indiana; and

3 (3) earned in the tax area;

4 shall be allocated to the tax area if the professional athlete is a member
5 of a team that plays the majority of the professional athletic events that
6 the team plays in Indiana in the tax area.

7 (d) Except as provided by section 14.1 of this chapter, the total
8 amount of state revenue captured by the tax area may not exceed five
9 million dollars (\$5,000,000) per year. ~~for twenty (20) consecutive~~
10 ~~years.~~

11 (e) The resolution establishing the tax area must designate the
12 facility and the facility site for which the tax area is established and
13 covered taxes will be used.

14 (f) The department may adopt rules under IC 4-22-2 and guidelines
15 to govern the allocation of covered taxes to a tax area.

16 SECTION 13. IC 36-7-31-14.1, AS AMENDED BY
17 P.L.182-2009(ss), SECTION 413, IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.1. (a) The
19 budget director appointed under IC 4-12-1-3 may determine that,
20 commencing July 1, 2007, **and terminating January 1, 2041**, there
21 may be captured in the tax area up to eleven million dollars
22 (\$11,000,000) per year in addition to the up to five million dollars
23 (\$5,000,000) of state revenue to be captured by the tax area under
24 section 14 of this chapter for the professional sports development area
25 fund and in addition to the state revenue to be captured by the part of
26 the tax area covered by section 14.2 of this chapter for the sports and
27 convention facilities operating fund. ~~for up to thirty-four (34)~~
28 ~~consecutive years.~~

29 (b) The budget director's determination must specify that the
30 termination date of the tax area for purposes of the collection of the
31 additional ~~eleven million dollars (\$11,000,000) per year revenue~~ for
32 the professional sports development area fund is extended to not later
33 than

34 (1) January 1, 2041. ~~or~~

35 (2) ~~January 1, 2010; if on that date there are no obligations owed~~
36 ~~by the capital improvement board of managers to the Indiana~~
37 ~~stadium and convention building authority or to any state agency~~
38 ~~under IC 5-1-17-26.~~

39 (c) Following the budget director's determination, and commencing
40 July 1, 2007, the maximum total amount of revenue captured by the tax
41 area for **state fiscal** years ending before ~~January 1, 2041~~, **July 1, 2041**,
42 is sixteen million dollars (\$16,000,000) per year for the professional



1 sports development area fund.

2 ~~(b)~~ **(d)** The additional revenue captured pursuant to a determination
3 under subsection (a) shall be distributed to the capital improvement
4 board or its designee. So long as there are any current or future
5 obligations owed by the capital improvement board to the Indiana
6 stadium and convention building authority created by IC 5-1-17 or any
7 state agency under a lease or another agreement entered into between
8 the capital improvement board and the Indiana stadium and convention
9 building authority or any state agency under IC 5-1-17-26, the capital
10 improvement board or its designee shall deposit the additional revenue
11 received under this subsection in a special fund, which may be used
12 only for the payment of the obligations described in this subsection.

13 ~~(c) Notwithstanding the budget director's determination under~~
14 ~~subsection (a); after January 1, 2010; the capture of the additional~~
15 ~~eleven million dollars (\$11,000,000) per year described in subsection~~
16 ~~(a) terminates on January 1 of the year following the first year in which~~
17 ~~no obligations of the capital improvement board described in~~
18 ~~subsection (b) remain outstanding.~~

19 SECTION 14. IC 36-7-31-14.2, AS ADDED BY P.L.182-2009(ss),
20 SECTION 414, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE UPON PASSAGE]: Sec. 14.2. (a) This section applies
22 to the part of the tax area in which a facility or complex of facilities
23 described in ~~section 10(a)(3)~~ **section 10(b)(3) and 10(c)** of this chapter
24 is located. A reference to "tax area addition" in this section includes
25 only the part of the tax area in which a facility or complex of facilities
26 described in ~~section 10(a)(3)~~ **section 10(b)(3) and 10(c)** of this chapter
27 is located.

28 (b) A tax area change described in section 11(a)(2) of this chapter
29 must be established by resolution. A resolution changing the tax area
30 must provide for a request for the allocation of:

31 (1) covered taxes attributable to a taxable event in the tax area
32 addition; or

33 (2) covered taxes from income earned in the tax area addition;
34 to the sports and convention facilities operating fund established by
35 section 16(b) of this chapter. However, to the extent a covered tax has
36 been pledged before January 1, 2009, and allocated under
37 IC 36-10-9-11 to the capital improvement bond fund, that amount shall
38 not be allocated to the sports and convention facilities operating fund.

39 (c) The allocation provision must apply only to the tax area addition.

40 (d) The resolution changing the tax area must designate each facility
41 and each facility site for which the money to be distributed from the
42 sports and convention facilities operating fund will be used.



1 (e) The budget director shall make an annual determination of
2 whether at least one (1) of the following conditions is satisfied:

3 (1) The maximum additional tax rate for the innkeeper's tax under
4 IC 6-9-8 was adopted after June 30, 2009, and before September
5 1, 2009, and was in effect on January 1 of the determination year.

6 (2) As of January 1 of the determination year:

7 (A) at least four million dollars (\$4,000,000) per year is being
8 raised from the innkeeper's tax rate increase that was adopted
9 under IC 6-9-8 after June 30, 2009, and before September 1,
10 2009; and

11 (B) the treasurer of state has invested in obligations issued by
12 the capital improvement board under IC 5-13-10.5-18.

13 If the budget director determines that either of the conditions under
14 subdivision (1) or (2) is satisfied, covered taxes attributable to the part
15 of the tax area in which a facility or complex of facilities described in
16 section ~~10(a)(3)~~ **10(b)(3)** of this chapter is located shall then be
17 deposited in the sports and convention facilities operating fund
18 established by section 16(b) of this chapter. ~~For 2009, the budget~~
19 ~~director may use September 1, 2009, instead of January 1, 2009, to~~
20 ~~make a determination of whether to make deposits in the sports and~~
21 ~~convention facilities operating fund in 2009.~~ However, the maximum
22 total amount of covered taxes **attributable to the part of the tax area**
23 **in which a facility or complex of facilities described in section**
24 **10(b)(3) or 10(c) of this chapter is located** that may be deposited in
25 the sports and convention facilities operating fund **during each state**
26 **fiscal year is set forth in subsection (f).**

27 (f) The maximum amount referred to in subsection (e) is as
28 follows:

29 (1) Eight million dollars (\$8,000,000) ~~during each year for state~~
30 **fiscal years ending June 30, 2019, through June 30, 2021.**

31 (2) Seventeen million dollars (\$17,000,000) for the state fiscal
32 year ending June 30, 2022.

33 (3) Twenty million dollars (\$20,000,000) for the state fiscal
34 year ending June 30, 2023.

35 (4) Twenty-four million dollars (\$24,000,000) for state fiscal
36 years ending June 30, 2024, through June 30, 2033.

37 (5) Twenty-six million dollars (\$26,000,000) for state fiscal
38 years ending June 30, 2034, through June 30, 2041.

39 **After the state fiscal year ending June 30, 2041, no deposit shall be**
40 **made.** To the extent a covered tax has been pledged before January 1,
41 2009, and allocated under IC 36-10-9-11 to the capital improvement
42 bond fund, that amount shall not be allocated to or deposited in the



1 sports and convention facilities operating fund.

2 (f) (g) The department may adopt rules under IC 4-22-2 and
3 guidelines to govern the allocation of covered taxes from the tax area
4 addition.

5 SECTION 15. IC 36-7-31-21, AS AMENDED BY
6 P.L.182-2009(ss), SECTION 419, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) Except as
8 provided in section 14.1 of this chapter, the capital improvement board
9 may use money distributed from the professional sports development
10 area fund established by section 16(a) of this chapter only to construct
11 and equip a capital improvement that is used for a professional sporting
12 event, including the financing or refinancing of a capital improvement
13 or the payment of lease payments for a capital improvement.

14 (b) The capital improvement board or its designee shall deposit the
15 revenue received from the sports and convention facilities operating
16 fund established by section 16(b) of this chapter in a special fund,
17 which may be used only for paying usual and customary operating
18 expenses with respect to the capital improvements that are owned,
19 leased, or operated by the capital improvement board. The special fund
20 may not be used for the payment of any current or future obligations
21 owed by the capital improvement board

22 (†) to the Indiana stadium and convention building authority
23 created by IC 5-1-17 or any state agency under a lease or another
24 agreement entered into between the capital improvement board
25 and the Indiana stadium and convention building authority or any
26 state agency under IC 5-1-17-26. or

27 (2) for

28 (c) **Revenues available for deposit in the sports and convention**
29 **facilities operating fund may be pledged to secure and provide for**
30 **the payment of bond or lease obligations of the capital**
31 **improvement board related to** the construction or equipping of a
32 capital improvement that is used for a professional sporting event or
33 convention, including **by a deposit or transfer of revenues into the**
34 **the financing or refinancing of a capital improvement or the payment**
35 **of lease payments for a capital improvement bond fund under**
36 **IC 36-10-9-11.**

37 SECTION 16. IC 36-7-31.5 IS ADDED TO THE INDIANA CODE
38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]:

40 **Chapter 31.5. Additional Professional Sports Development Area**
41 **in a County Containing a Consolidated City**

42 **Sec. 1. (a) This chapter applies only to a county having a**



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- consolidated city.
- (b) The authority for the creation of a professional sports development area under this chapter is in addition to the authority for the creation of a professional sports development area under IC 36-7-31.
- Sec. 2. The following definitions apply throughout this chapter:**
- (1) "Bonds" means bonds, notes, or other evidence of indebtedness.
 - (2) "Budget agency" means the budget agency created by IC 4-12-1.
 - (3) "Budget committee" means the budget committee established by IC 4-12-1-3.
 - (4) "Capital improvement" means any facility or complex of facilities established as part of an additional professional sports development area under section 4 of this chapter.
 - (5) "Capital improvement board" refers to the capital improvement board of managers created by IC 36-10-9-3.
 - (6) "City" refers to the city of Indianapolis, Indiana.
 - (7) "Commission" refers to the metropolitan development commission acting as the redevelopment commission of a consolidated city.
 - (8) "Covered taxes" means the following:
 - (A) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.
 - (B) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.
 - (C) The local income tax imposed under IC 6-3.6, other than local income taxes that are paid by local taxpayers described in IC 6-3.6-2-13(3).
 - (D) A food and beverage tax imposed under IC 6-9.
 - (9) "Department" refers to the department of state revenue.
 - (10) "Facility" means all or any part of one (1) or more buildings, structures, or improvements constituting a capital improvement. The term refers to and includes a capital improvement.
 - (11) "Facilities authority" refers to the county convention and recreational facilities authority created by IC 36-10-9.1.
 - (12) "Professional soccer team" means a professional soccer team that holds its home professional sporting events in a facility constituting a capital improvement.
 - (13) "Tax area" means a geographic area established by a commission as an additional professional sports development



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area under section 8 of this chapter.
(14) "Taxpayer" means a person that is liable for a covered tax.

Sec. 3. (a) The general assembly finds the following:

(1) Marion County and municipalities located in Marion County face unique and distinct challenges and opportunities related to economic development issues associated with the construction of facilities that would host professional soccer and other sporting and entertainment events in the city.

(2) A unique approach is required to ensure that the facilities can be maintained to allow Marion County and those municipalities to meet these challenges and opportunities.

(3) The powers and responsibilities provided to Marion County, the city, the facilities authority, and the capital improvement board by this chapter are appropriate and necessary to carry out the public purposes of encouraging and fostering economic development in central Indiana and constructing facilities that would host professional soccer and other sporting and entertainment events in the city.

(4) Encouragement of economic development in central Indiana will:

(A) generate significant economic activity, which may attract new businesses and encourage existing businesses to remain or expand in central Indiana;

(B) promote central Indiana to residents outside Indiana, which may attract residents outside Indiana and new businesses to relocate to central Indiana;

(C) protect and increase state and local tax revenues; and

(D) encourage overall economic growth in central Indiana and in Indiana.

(b) Marion County faces unique challenges in the development of infrastructure and other facilities necessary to promote economic development:

(1) as a result of its need to rely on sources of revenue other than property taxes;

(2) due to the large number of tax exempt properties located in Marion County;

(3) because the city is the seat of state government and Marion County government; and

(4) because Marion County is home to multiple institutions of higher education and the site of numerous state and regional nonprofit corporations.



1 (c) Economic development benefits the health and welfare of the
2 people of Indiana, is a public use and purpose for which public
3 money may be spent, and is of public utility and benefit.

4 Sec. 4. (a) A commission may establish as part of an additional
5 professional sports development area any facility or complex of
6 facilities that is:

7 (1) used to hold a professional sporting event, and which in
8 addition, may be used to hold other entertainment events,
9 including any publicly owned parking garage, plaza, or
10 infrastructure that is constructed or renovated in connection
11 with the construction of the facility used to hold a professional
12 sporting event;

13 (2) used in the training of a team engaged in professional
14 sporting events;

15 (3) used in whole or in part to manage and operate the
16 professional team that would participate in the facility used to
17 hold a professional sporting event; or

18 (4) a mixed use development, consisting, in part, of retail
19 space, office space, apartment dwelling units, and one (1) or
20 more hotels.

21 The tax area may include a facility described in this subsection and
22 any parcel of land on which the facility is located. An area may
23 contain noncontiguous tracts of land within the county. However,
24 the straight line distance between any point in the tax area and the
25 facility described in subdivision (1) may not exceed one (1) mile.
26 The area must be separate from other professional sports
27 development areas established under IC 36-7-31.

28 (b) Only the facilities described in subsection (a)(1) that are
29 included within the additional professional sports development
30 area may be financed with debt issued by the capital improvement
31 board, the facilities authority, or a political subdivision.

32 (c) If a facility described in subsection (a)(1) shares a common
33 wall or other improvements, equipment, or facilities with a facility
34 described in subsection (a)(2) through (a)(4), the capital
35 improvement board, the facilities board, or a political subdivision,
36 as applicable, shall determine if any increase in the cost to
37 construct or acquire the capital improvement results from the
38 shared use and, consistent with subsection (b), whether the
39 increased costs should or should not be financed.

40 Sec. 5. (a) A tax area must be initially established not later than
41 July 1, 2022, according to the procedures set forth for the
42 establishment of an economic development area under



1 **IC 36-7-15.1. A tax area may be changed or the terms governing**
 2 **the tax area revised in the same manner as the establishment of the**
 3 **initial tax area.**

4 **(b) In establishing or changing the terms of the tax area or**
 5 **revising the terms governing the tax area, the commission must**
 6 **make the following findings instead of the findings required for the**
 7 **establishment of economic development areas:**

8 **(1) That a project to be undertaken or that has been**
 9 **undertaken in the tax area is for a facility.**

10 **(2) That the project to be undertaken or that has been**
 11 **undertaken in the tax area will benefit the public health and**
 12 **welfare and will be of public utility and benefit.**

13 **(3) That the project to be undertaken or that has been**
 14 **undertaken in the tax area will protect or increase state and**
 15 **local tax bases and tax revenues.**

16 **(c) The tax area established by the commission under this**
 17 **chapter is a special taxing district authorized by the general**
 18 **assembly to enable the county to provide special benefits to**
 19 **taxpayers in the tax area by promoting economic development that**
 20 **is of public use and benefit.**

21 **Sec. 6. (a) Upon adoption of a resolution establishing a tax area**
 22 **under section 8 of this chapter, the commission shall submit the**
 23 **resolution to the budget committee for review.**

24 **(b) Upon adoption of a resolution changing the boundaries of a**
 25 **tax area under section 8 of this chapter, the commission shall:**

26 **(1) publish notice of the adoption and substance of the**
 27 **resolution in accordance with IC 5-3-1; and**

28 **(2) file the following information with each taxing unit in the**
 29 **county in which the tax area is located:**

30 **(A) A copy of the notice required by subdivision (1).**

31 **(B) A statement disclosing the impact of the tax area,**
 32 **including the following:**

33 **(i) The estimated economic benefits and costs incurred**
 34 **by the tax, as measured by increased employment and**
 35 **anticipated growth of property assessed values.**

36 **(ii) The anticipated impact on tax revenues of each**
 37 **taxing unit.**

38 **The notice must state the general boundaries of the tax area.**

39 **(c) Upon completion of the actions required by subsection (b),**
 40 **the commission shall submit the resolution to the budget committee**
 41 **for review.**

42 **Sec. 7. (a) The budget agency must approve the resolution**



1 before the covered taxes may be allocated under section 8 of this
2 chapter.

3 (b) When considering a resolution, the budget committee and
4 the budget agency must make the following findings:

5 (1) The project specified in the resolution is economically
6 sound and will benefit the people of Indiana by protecting or
7 increasing state and local tax bases and tax revenues for at
8 least the duration of the tax area established under this
9 chapter.

10 (2) The political subdivisions affected by the project specified
11 in the resolution have committed significant resources toward
12 completion of the improvement.

13 (c) Revenues from the tax area may not be allocated until the
14 budget agency approves the resolution.

15 (d) In addition to the requirements under subsections (a) and
16 (c), covered taxes may not be allocated unless:

17 (1) the commission has established a tax area under section 8
18 of this chapter;

19 (2) the budget committee has reviewed the resolution;

20 (3) the city-county council has adopted an ordinance to
21 impose an admissions tax under IC 6-9-13;

22 (4) the capital improvement board has adopted a resolution to
23 apply revenue collected in the tax area and transferred to the
24 capital improvement board from imposition of:

25 (A) an innkeeper's tax under IC 6-9-8; and

26 (B) an admissions tax under IC 6-9-13;

27 (5) the owner or owners of the professional soccer team have
28 provided at least twenty percent (20%) of the cost of the
29 project to construct the facility that will be used to host
30 professional sporting events; and

31 (6) the Indiana finance authority has reviewed a feasibility
32 study conducted by the capital improvement board, the
33 commission, or the City of Indianapolis that demonstrates
34 that the proposed project related to the proposed tax area will
35 protect or increase the state tax base and revenues.

36 (e) Revenue described in subsection (d)(4) may be used in the
37 manner described in section 15 of this chapter.

38 (f) For purposes of subsection (d)(5), the term "twenty percent
39 (20%) of the cost" means either:

40 (1) an initial contribution made before construction begins
41 equal to twenty percent (20%) of the total capital construction
42 cost of the facility; or



1 (2) a commitment to pay twenty percent (20%) of the annual
2 debt service or lease rental payments payable for the facility
3 until the financing obligation for the facility is paid in full.

4 (g) An entity that:

5 (1) collects innkeeper's tax under IC 6-9-8 or food and
6 beverage tax under IC 6-9-12 at one (1) or more properties in
7 the tax area; and

8 (2) also has one (1) or more properties in the county that are
9 outside the tax area;

10 must file separate returns for the properties in the tax area at
11 which the entity collects innkeeper's tax under IC 6-9-8 or food and
12 beverage tax under IC 6-9-12.

13 Sec. 8. (a) A tax area must be established by resolution. A
14 resolution establishing a tax area may provide for the allocation of
15 covered taxes attributable to a taxable event or covered taxes
16 earned in the tax area to the additional professional sports
17 development area fund established for the county. The allocation
18 provision must apply to the part of the tax area covered by this
19 section. The resolution must provide that the tax area terminates
20 not later than thirty-two (32) years after the first allocation of
21 covered taxes from the tax area. Covered taxes may not be
22 collected in the tax area until after the earlier of June 30, 2021, or
23 the date on which all the conditions set forth in this chapter are
24 met.

25 (b) All of the salary, wages, bonuses, and other compensation
26 that are:

27 (1) paid during a taxable year to a professional athlete for
28 professional athletic services;

29 (2) taxable in Indiana; and

30 (3) earned in the tax area;

31 shall be allocated to the tax area if the professional athlete is a
32 member of a team that plays home games at a capital improvement
33 in the tax area.

34 (c) The total amount of state revenue captured by the tax area
35 may not exceed nine million five hundred thousand dollars
36 (\$9,500,000) per state fiscal year for not more than thirty-two (32)
37 years after the first allocation of covered taxes from the tax area.

38 (d) The resolution establishing the tax area must designate the
39 facilities and the sites of the facilities, for which the tax area is
40 established and covered taxes will be used.

41 (e) The department may adopt rules and guidelines to govern
42 the allocation of covered taxes to a tax area and to adopt



1 withholding requirements in the manner authorized under
2 IC 6-3-4-8.

3 Sec. 9. (a) When the commission adopts an allocation provision,
4 the commission shall, in cooperation with the department and the
5 Indiana office of technology, develop geographic information
6 system (GIS) codes for the properties in the tax area, in accordance
7 with guidelines issued by the department. The commission shall
8 provide the department with any information necessary for the
9 department to use GIS codes and data to collect covered taxes in
10 the tax area. The commission shall update the information
11 provided to the department and the Indiana office of technology
12 before July 1 of each year.

13 (b) Taxpayers operating in the tax area shall report monthly, in
14 the manner and in the form prescribed by the department,
15 information that the department determines necessary to calculate
16 the salary, wages, bonuses, and other compensation:

17 (1) that are:

18 (A) paid during a taxable year to a professional athlete for
19 professional athletic services;

20 (B) taxable in Indiana; and

21 (C) earned in the tax area; or

22 (2) that are:

23 (A) paid during a taxable year to a taxpayer other than a
24 professional athlete for professional athletic services; and

25 (B) earned in the tax area.

26 (c) A taxpayer operating in the tax area that files a consolidated
27 tax return with the department shall also file monthly an
28 informational return with the department for each business
29 location of the taxpayer within the tax area.

30 (d) Taxpayers operating in the tax area shall report monthly, in
31 the manner and in the form prescribed by the department,
32 information that the department determines necessary to calculate
33 withholdings required by IC 6-3-4-8.

34 (e) Taxpayers operating in the tax area shall report monthly, in
35 the manner and in the form prescribed by the department,
36 information that the department determines necessary to calculate
37 state gross retail taxes imposed under IC 6-2.5-2-1.

38 (f) If a taxpayer fails to report the information required by this
39 section or file an informational return required by this section, the
40 department shall use the best information available in calculating
41 the amount of covered taxes attributable to a taxable event in a tax
42 area or covered taxes from income earned in a tax area or by



- 1 individuals living in the tax area.
- 2 **Sec. 10.** An additional professional sports development area
3 fund for the county is established. The fund shall be administered
4 by the department. Money in the fund does not revert to the state
5 general fund at the end of a state fiscal year.
- 6 **Sec. 11.** Covered taxes attributable to a tax area approved under
7 section 8 of this chapter shall be deposited in the additional
8 professional sports development area fund for the county.
- 9 **Sec. 12.** On or before the twentieth day of each month, all
10 amounts on deposit in the additional professional sports
11 development area fund for the county are appropriated for and
12 shall be distributed to the capital improvement board.
- 13 **Sec. 13.** The auditor of state, in cooperation with the
14 department, shall notify the county auditor of the amount of taxes
15 to be distributed to the capital improvement board.
- 16 **Sec. 14.** All distributions from the additional professional sports
17 development area fund for the county shall be made by warrants
18 issued by the auditor of state to the treasurer of state ordering
19 those payments to the capital improvement board.
- 20 **Sec. 15.** The capital improvement board may use money
21 distributed from the additional professional sports development
22 area fund to pay any costs related to a capital improvement
23 described in section 4(a)(1) of this chapter, including the following:
- 24 (1) Any costs related to the operation, maintenance, or
25 replacement of a capital improvement described in section
26 4(a)(1) of this chapter.
- 27 (2) Any costs related to constructing, renovating, and
28 equipping a capital improvement described in section 4(a)(1)
29 of this chapter.
- 30 (3) Any costs related to the financing or refinancing of a
31 capital improvement described in section 4(a)(1) of this
32 chapter.
- 33 (4) Any costs or expenses of the capital improvement board or
34 the facilities authority incurred in connection with
35 administering the capital improvement or related bonds,
36 leases, agreements, or related undertakings.
- 37 **Sec. 16.** All capital improvements financed under this chapter
38 are subject to the provisions of 25 IAC 5 concerning equal
39 opportunities for minority business enterprises, women's business
40 enterprises, and veteran or disabled business enterprises to
41 participate in procurement and contracting processes. The goals
42 for participation are the following:



- 1 (1) By minority business enterprises, fifteen percent (15%).
 2 (2) By women's business enterprises, eight percent (8%).
 3 (3) By veteran or disabled business enterprises, three percent
 4 (3%).

5 **The commission or the capital improvement board may adjust**
 6 **these participation percentages for each goal to reflect the results**
 7 **of a disparity study conducted by the City of Indianapolis. These**
 8 **goals must be consistent with the goals of delivering the project on**
 9 **time and within the budgeted amount and, insofar as possible,**
 10 **using Indiana businesses for employees, goods, and services. In**
 11 **fulfilling the goals, historical precedents in the same market must**
 12 **be taken into account.**

13 **Sec. 17. The capital improvement board shall repay to the**
 14 **additional professional sports development area fund any amount**
 15 **that is distributed to the capital improvement board and used for**
 16 **a purpose that is not described in section 15 of this chapter.**

17 SECTION 17. IC 36-10-9-4, AS AMENDED BY P.L. 182-2009(ss),
 18 SECTION 454, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board is composed
 20 of nine (9) members. ~~Six (6)~~ **Five (5)** members shall be appointed by
 21 the executive of the consolidated city, ~~one (1) member shall be~~
 22 ~~appointed by the board of commissioners of the county;~~ **two (2)**
 23 **members shall be appointed by the governor,** one (1) member shall
 24 be appointed by the legislative body of the consolidated city from
 25 among the members of the legislative body, and one (1) member shall
 26 be appointed jointly by majority vote of a body consisting of one (1)
 27 member of the board of county commissioners of each county in which
 28 a food and beverage tax is in effect under IC 6-9-35 on January 1 of the
 29 year of the appointment. The board of county commissioners that has
 30 the greatest population of all counties in which a food and beverage tax
 31 is in effect under IC 6-9-35 on January 1 of the year of the appointment
 32 shall convene the meeting to make the joint appointment. Each county
 33 in which a food and beverage tax is in effect under IC 6-9-35 on
 34 January 1 of the year of the appointment is entitled to be represented
 35 at the meeting by one (1) member of the county's board of county
 36 commissioner, who shall be selected by that county's board of county
 37 commissioners. One (1) of the members appointed by the executive
 38 must be engaged in the hotel or motel business in the county. Not more
 39 than four (4) of the members appointed by the executive may be
 40 affiliated with the same political party.

41 (b) The terms of members are for two (2) years beginning on
 42 January 15 and until a successor is appointed and qualified. A member



1 may be reappointed after the member's term has expired.

2 (c) If a vacancy occurs on the board, the appointing authority shall
3 appoint a new member. That member serves for the remainder of the
4 vacated term.

5 (d) A board member may be removed for cause by the appointing
6 authority who appointed the member.

7 (e) Each member, before entering upon the duties of office, shall
8 take and subscribe an oath of office in the usual form. The oath shall
9 be endorsed upon the member's certificate of appointment, which shall
10 be promptly filed with the records of the board.

11 (f) A member does not receive a salary, but is entitled to
12 reimbursement for any expenses necessarily incurred in the
13 performance of the member's duties.

14 SECTION 18. IC 36-10-9-6, AS AMENDED BY P.L.214-2005,
15 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 6. The board may, acting under the title
17 "capital improvement board of managers of _____ County", do
18 the following:

19 (1) Acquire by grant, purchase, gift, devise, lease, condemnation,
20 or otherwise, and hold, use, sell, lease, or dispose of, real and
21 personal property and all property rights and interests necessary
22 or convenient for the exercise of its powers under this chapter.

23 (2) Construct, reconstruct, repair, remodel, enlarge, extend, or add
24 to any capital improvement built or acquired by the board under
25 this chapter.

26 (3) Control and operate a capital improvement, including letting
27 concessions and leasing all or part of the capital improvement.

28 (4) Fix charges and establish rules governing the use of a capital
29 improvement.

30 (5) Accept gifts or contributions from individuals, corporations,
31 limited liability companies, partnerships, associations, trusts, or
32 political subdivisions, foundations, and funds, loans, or advances
33 on the terms that the board considers necessary or desirable from
34 the United States, the state, and any political subdivision or
35 department of either, including entering into and carrying out
36 contracts and agreements in connection with this subdivision.

37 (6) Exercise within and in the name of the county the power of
38 eminent domain under general statutes governing the exercise of
39 the power for a public purpose.

40 (7) Receive and collect money due for the use or leasing of a
41 capital improvement and from concessions and other contracts,
42 and expend the money for proper purposes.



- 1 (8) Receive excise taxes, income taxes, and ad valorem property
 2 taxes and expend the money for operating expenses, payments of
 3 principal or interest of bonds or notes issued under this chapter,
 4 and for all or part of the cost of a capital improvement.
- 5 (9) Retain the services of architects, engineers, accountants,
 6 attorneys, and consultants and hire employees upon terms and
 7 conditions established by the board, so long as any employees or
 8 members of the board authorized to receive, collect, and expend
 9 money are covered by a fidelity bond, the amount of which shall
 10 be fixed by the board. Funds may not be disbursed by an
 11 employee or member of the board without prior specific approval
 12 by the board.
- 13 (10) Provide coverage for its employees under IC 22-3 and
 14 IC 22-4.
- 15 (11) Purchase public liability and other insurance considered
 16 desirable.
- 17 (12) **Subject to section 6.5 of this chapter**, make and enter into
 18 all contracts and agreements necessary or incidental to the
 19 performance of its duties and the execution of its powers under
 20 this chapter, including the enforcement of them.
- 21 (13) Sue and be sued in the name and style of "capital
 22 improvement board of managers of _____ County"
 23 (including the name of the county), service of process being had
 24 by leaving a copy at the board's office.
- 25 (14) Prepare and publish descriptive material and literature
 26 relating to the facilities and advantages of a capital improvement
 27 and do all other acts that the board considers necessary to
 28 promote and publicize the capital improvement, including the
 29 convention and visitor industry, and serve the commercial,
 30 industrial, and cultural interests of Indiana and its citizens. The
 31 board may assist, cooperate, and fund governmental, public, and
 32 private agencies and groups for these purposes.
- 33 (15) Enter into leases of capital improvements and sell or lease
 34 property under IC 5-1-17 or IC 36-10-9.1.
- 35 SECTION 19. IC 36-10-9-6.5 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) The following**
 38 **definitions apply throughout this section:**
- 39 (1) **"Contract" includes a lease or other agreement.**
 40 (2) **"Contract limitation" refers to a bid specification, project**
 41 **agreement, lease provision, or other contract document that**
 42 **does any of the following:**



- 1 (A) Requires a bidder, offeror, or contractor in any
- 2 contractor tier to enter into or adhere to an agreement
- 3 with a labor organization relating to a project.
- 4 (B) Prohibits a bidder, offeror, or contractor in any
- 5 contractor tier from entering into or adhering to an
- 6 agreement with a labor organization relating to a project.
- 7 (C) Discriminates against a bidder, offeror, or contractor
- 8 in any contractor tier for any of the following:
- 9 (i) Becoming or remaining a signatory to an agreement
- 10 with a labor organization relating to a project.
- 11 (ii) Refusing to become or remain a signatory to an
- 12 agreement with a labor organization relating to a
- 13 project.
- 14 (iii) Adhering or refusing to adhere to an agreement with
- 15 a labor organization relating to a project.
- 16 (3) "Project" refers to a project of the board for the
- 17 construction or lease of a facility and all buildings, facilities,
- 18 structures, and improvements related to that facility to be
- 19 financed in whole or in part from funds derived from the
- 20 establishment of a tax area under IC 36-7-31.5.
- 21 (4) "Public benefit" refers to a grant, a tax abatement, a tax
- 22 credit, or establishment or use of tax area revenues related to
- 23 a project.
- 24 (b) A contract under this chapter or another law relating to a
- 25 project may not require a contractor or subcontractor to enter into
- 26 a contract limitation as a condition of being awarded and
- 27 performing work on the contract. Any such provision is void.
- 28 (c) A public entity may not award a public benefit that is
- 29 conditioned upon a requirement that the person awarded the
- 30 public benefit include a contract limitation in a contract document
- 31 related to a project. Any such provision is void.
- 32 SECTION 20. IC 36-10-9.1-11 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The authority
- 34 may also **do any of the following:**
- 35 (1) Finance, improve, construct, reconstruct, renovate, purchase,
- 36 lease, acquire, and equip capital improvements.
- 37 (2) Lease those capital improvements to the capital improvement
- 38 board.
- 39 (3) Sue, be sued, plead, and be impleaded, but all actions against
- 40 the authority must be brought in the circuit or superior court of
- 41 the county in which the authority is located.
- 42 (4) Condemn, appropriate, lease, rent, purchase, and hold any real



- 1 or personal property needed or considered useful in connection
- 2 with capital improvements.
- 3 (5) Acquire real or personal property by gift, devise, or bequest
- 4 and hold, use, or dispose of that property for the purposes
- 5 authorized by this chapter.
- 6 (6) Enter upon any lots or lands for the purpose of surveying or
- 7 examining them to determine the location of a capital
- 8 improvement.
- 9 (7) Design, order, contract for, and construct, reconstruct, and
- 10 renovate any capital improvements or improvements ~~thereto~~; **to**
- 11 **a capital improvement.**
- 12 (8) Employ managers, superintendents, architects, engineers,
- 13 attorneys, auditors, clerks, construction managers, and other
- 14 employees necessary for construction of capital improvements or
- 15 improvements ~~thereto~~; **to a capital improvement.**
- 16 (9) **Subject to section 11.5 of this chapter**, make and enter into
- 17 all contracts and agreements necessary or incidental to the
- 18 performance of its duties and the execution of its powers under
- 19 this chapter. ~~and~~
- 20 (10) Take any other action necessary to implement its purposes as
- 21 set forth in section 10 of this chapter.
- 22 SECTION 21. IC 36-10-9.1-11.5 IS ADDED TO THE INDIANA
- 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 24 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) The following**
- 25 **definitions apply throughout this section:**
- 26 (1) "Contract" includes a lease or other agreement.
- 27 (2) "Contract limitation" refers to a bid specification, project
- 28 agreement, lease provision, or other contract document that
- 29 does any of the following:
- 30 (A) Requires a bidder, offeror, or contractor in any
- 31 contractor tier to enter into or adhere to an agreement
- 32 with a labor organization relating to a project.
- 33 (B) Prohibits a bidder, offeror, or contractor in any
- 34 contractor tier from entering into or adhering to an
- 35 agreement with a labor organization relating to a project.
- 36 (C) Discriminates against a bidder, offeror, or contractor
- 37 in any contractor tier for any of the following:
- 38 (i) Becoming or remaining a signatory to an agreement
- 39 with a labor organization relating to a project.
- 40 (ii) Refusing to become or remain a signatory to an
- 41 agreement with a labor organization relating to a
- 42 project.



- 1 (iii) Adhering or refusing to adhere to an agreement with
- 2 a labor organization relating to a project.
- 3 (3) "Project" refers to a project of the authority for the
- 4 construction, reconstruction, or renovation of or
- 5 improvement to any capital improvement under this chapter
- 6 to be financed in whole or in part from funds derived from the
- 7 establishment of a tax area under IC 36-7-31.5.
- 8 (4) "Public benefit" refers to a grant, a tax abatement, a tax
- 9 credit, or establishment or use of tax area revenues related to
- 10 a project.
- 11 (b) A contract relating to a project may not require a contractor
- 12 or subcontractor to enter into a contract limitation as a condition
- 13 of being awarded and performing work on the contract. Any such
- 14 provision is void.
- 15 (c) A public entity may not award a public benefit that is
- 16 conditioned upon a requirement that the person awarded the
- 17 public benefit include a contract limitation in a contract document
- 18 related to a project. Any such provision is void.
- 19 SECTION 22. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning economic development and to make an appropriation.

Replace the effective dates in SECTIONS 1 through 10 with "[EFFECTIVE UPON PASSAGE]".

Page 2, delete lines 4 through 9.

Page 2, line 10, delete "(d)" and insert "(c)".

Page 2, line 11, delete "restricted" and insert "revenues".

Page 2, between lines 12 and 13, begin a new paragraph and insert:

"(d) For each state fiscal year beginning after June 30, 2027, and ending before July 1, 2037, the state budget director shall, before August 1, certify the amount of restricted deposits for the state fiscal year to the treasurer of state."

Page 2, line 16, after "shall" insert "include the agreement described in subsection (a)(1) and".

Page 2, line 18, delete "using all restricted deposits as restricted deposits are" and insert "from:

(1) all restricted deposits as restricted deposits are available to the capital improvement board; and

(2) if, after the payment of all obligations owed by the capital improvement board to the office of management and budget under all subleases of capital improvements under IC 5-1-17-26, the restricted deposits are insufficient to fully repay the capital improvement board's obligation to the treasurer of state, each of the following, which shall be transferred to the treasurer of state until, in each case, the capital improvement board's obligation to the treasurer of state is fully paid:

(A) All county supplemental auto rental excise tax revenues collected under IC 6-6-9.7-7(b) and IC 6-6-9.7-7(c).

(B) All county innkeeper's tax revenues collected under IC 6-9-8-3(b) and IC 6-9-8-3(c).

(C) All county food and beverage tax revenues collected under IC 6-9-12-5(a) and IC 6-9-12-5(b).

If the capital improvement board fails to pay all of its obligations to the treasurer of state when due, the remaining amount owed



shall be withheld by the auditor of state from any money available to the capital improvement board. The amount withheld shall be transferred to the treasurer of state to the credit of the capital improvement board."

Page 2, delete line 19.

Page 2, line 22, delete "may" and insert "shall".

Page 2, line 33, delete "2027," and insert "2025,".

Page 2, line 33, delete "2038." and insert "2040.".

Page 2, line 35, delete "may distribute an amount" and insert "**shall invest or reinvest funds from the state general fund in obligations issued by the capital improvement board in amounts requested by the capital improvement board but not to exceed the amount of restricted deposits**".

Page 2, line 36, delete "up to the amount of estimated excess revenue".

Page 2, between lines 39 and 40, begin a new line block indented and insert:

"(3) In no event may the amount invested or reinvested under subdivision (2) exceed the excess of the amount then on deposit in the excess revenues account described in subsection (c) over the aggregate of any prior investments by the treasurer of state, including any accrued and unpaid interest on the prior investments by the treasurer of state, but not including the principal amount on any prior investments that have been repaid by the capital improvement board."

Page 2, line 40, delete "(3)" and insert "(4)".

Page 2, line 40, after "state," insert "**at a rate then currently applicable to a United States Treasury note that has payment terms that are substantially the same as the obligation being issued by the capital improvement board.**".

Page 2, delete lines 41 through 42.

Page 3, line 1, delete "(4)" and insert "(5)".

Page 3, line 3, delete "2038." and insert "2040.".

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"(h) The capital improvement board may issue obligations under this section by adoption of a resolution and, as set forth in IC 5-1-14, may use any source of revenue to satisfy the obligation to the treasurer of state under this section. This section constitutes complete authority for the capital improvement board to issue obligations to the treasurer of state.

(i) The capital improvement board's obligations to the treasurer of state entered into under this section shall not be considered debt



for purposes of IC 36-1-15."

Page 3, line 4, delete "(h)" and insert "(j)".

Page 3, line 4, delete "July 1, 2039." and insert "**on the later of:**

(1) July 1, 2041; or

(2) the date on which all obligations owed by the capital improvement board to the treasurer of state under this section are paid in full."

Page 7, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 4. IC 6-9-13-1, AS AMENDED BY P.L.214-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), the city-county council of a county that contains a consolidated first class city may adopt an ordinance to impose an excise tax, known as the county admissions tax, for the privilege of attending, before January 1, 2041, any event and, after December 31, 2040, any professional sporting event:

(1) held in a facility financed in whole or in part by:

(A) bonds or notes issued under IC 18-4-17 (before its repeal on September 1, 1981), IC 36-10-9, or IC 36-10-9.1; or

(B) a lease or other agreement under IC 5-1-17 **or IC 36-7-31.5; and**

(2) to which tickets are offered for sale to the public by:

(A) the box office of the facility; or

(B) an authorized agent of the facility.

(b) The excise tax imposed under subsection (a) does not apply to the following:

(1) An event sponsored by an educational institution or an association representing an educational institution.

(2) An event sponsored by a religious organization.

(3) An event sponsored by an organization that is considered a charitable organization by the Internal Revenue Service for federal tax purposes.

(4) An event sponsored by a political organization.

(c) If a city-county council adopts an ordinance under subsection (a), it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(d) If a city-county council adopts an ordinance under subsection (a) or section 2 of this chapter prior to June 1, the county admissions tax applies to admission charges collected after June 30 of the year in which the ordinance is adopted. If the city-county council adopts an ordinance under subsection (a) or section 2 of this chapter on or after June 1, the county admissions tax applies to admission charges



collected after the last day of the month in which the ordinance is adopted."

Page 8, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 5. IC 36-7-31-6, AS AMENDED BY P.L.239-2017, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this chapter, "covered taxes" means the following:

(1) With respect to the professional sports development area as it existed on December 31, 2008:

(A) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.

(B) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

(C) The local income tax imposed under IC 6-3.6, other than local income taxes that are paid by local taxpayers described in IC 6-3.6-2-13(3).

(D) A food and beverage tax imposed under IC 6-9.

(2) **Except as provided in subdivision (3)**, with respect to an addition to the professional sports development area after December 31, 2008:

(A) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.

(B) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

(C) The local income tax imposed under IC 6-3.6, other than local income taxes that are paid by local taxpayers described in IC 6-3.6-2-13(3).

(3) **With respect to an addition to the professional sports development area described in section 10(d) of this chapter:**

(A) **The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.**

(B) **An adjusted gross income tax imposed under IC 6-3-2-1 on an individual."**

Page 9, line 30, delete "July 1," and insert "**March 1**,"

Page 10, delete lines 11 through 16, begin a new line block indented and insert:

"(3) that enhances the convention opportunities for the capital improvement board to hold events that:

(A) would not otherwise be possible; and

(B) directly affect the success of both the facilities and capital improvements that are owned, leased, or operated by the capital improvement board;



considering and determining the facilities and related opportunities and effects on an aggregate basis.

(d) After June 30, 2019, and in addition to the tax areas described in subsections (b) and (c), the tax area may also include any facility or complex of facilities that is located within a two (2) mile radius of Monument Circle (as defined in IC 10-18-1-19), is not included in a tax area described in subsections (b) and (c), and:

(1) consists of a hotel, motel, or a multibrand complex of hotels or motels located in an area in Indianapolis, Indiana:

(A) bounded on the west by Illinois Street, on the south by Washington Street, on the east by Meridian Street, and on the north by Market Street, as those streets were located on July 1, 2019;

(B) bounded on the west by Capitol Avenue, on the south by South Street, on the east by Meridian Street, and on the north by Louisiana Street, as those streets were located on July 1, 2019;

(C) bounded on the west by Capitol Avenue, on the south by Washington Street, on the east by Illinois Street, and on the north by Court Street, as those streets were located on July 1, 2019; or

(D) bounded on the west by Illinois Street, on the south by Jackson Place, on the east by McCrea Street, and on the north by Georgia Street, as those streets were located on July 1, 2019; and

(2) consists of a hotel, motel, or a multibrand complex of hotels or motels located in an area in Indianapolis, Indiana, that opens to the public after July 1, 2019;

(3) that provides:

(A) convenient accommodations for consideration to the general public for periods of less than thirty (30) days, especially for individuals attending professional sporting events, conventions, or similar events in the capital improvements that are owned, leased, or operated by the capital improvement board; and

(B) significant meeting and convention space that directly enhances events held in the capital improvements that are owned, leased, or operated by the capital improvement board; and

(4) that enhances the convention opportunities for the capital improvement board to hold events that:

(A) would not otherwise be possible; and



(B) directly affect the success of both the facilities and capital improvements that are owned, leased, or operated by the capital improvement board; considering and determining the facilities and related opportunities and effects on an aggregate basis."

Page 10, line 17, delete "(d)" and insert "(e)".

Page 10, line 18, delete "(b)(3) and (c)" and insert "**(b)(3), (c), and (d)**".

Page 11, line 10, delete "10(b)(3) and 10(c)" and insert "**10(b)(3), 10(c), and 10(d)**".

Page 12, line 34, delete "10(b)(3) and 10(c)" and insert "**10(b)(3), 10(c), and 10(d)**".

Page 13, line 15, delete "10(b)(3) or 10(c)" and insert "**10(b)(3), 10(c), and 10(d)**".

Page 13, line 18, delete "10(b)(3) or 10(c)" and insert "**10(b)(3), 10(c), and 10(d)**".

Page 14, line 6, delete "April," and insert "**April 1,**".

Page 14, line 15, after "2007," insert "**and terminating July 1, 2041,**".

Page 14, line 27, delete "the sum of:".

Page 14, line 28, delete "(A)".

Page 14, line 28, after "\$16,000,000)" delete "; plus".

Page 14, delete lines 29 through 30.

Page 14, run in lines 27 through 31.

Page 14, line 32, after "14.2" insert "**and 14.5**".

Page 14, line 33, delete "fund;" and insert "**fund.**".

Page 14, line 34, strike "for up to thirty-four (34) consecutive years."

Page 14, line 40, strike "January" and insert "**July**".

Page 15, line 10, delete "the sum of:".

Page 15, line 11, delete "(A)".

Page 15, line 11, after "\$16,000,000)" delete "; plus".

Page 15, delete lines 12 through 13.

Page 15, run in lines 10 through 14.

Page 15, line 25, delete "sixteen million".

Page 15, line 26, delete "dollars (\$16,000,000) per year of".

Page 15, line 27, after "fund," insert "**in an amount not to exceed sixteen million dollars (\$16,000,000) per year,**".

Page 15, line 28, delete "For state".

Page 15, delete lines 29 through 35.

Page 16, delete lines 1 through 4.

Page 17, line 7, delete "for state fiscal".

Page 17, line 8, delete "years ending before July 1, 2021,".



Page 17, delete lines 19 through 27.

Page 17, line 28, delete "(h)" and insert "(g)".

Page 17, line 28, delete "the sum of:".

Page 17, line 29, delete "(1)".

Page 17, line 29, after "\$7,000,000)" delete "; plus".

Page 17, delete lines 30 through 31.

Page 17, run in lines 28 through 32.

Page 17, delete lines 36 through 40, begin a new paragraph and insert:

"SECTION 13. IC 36-7-31-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.5. (a) This section applies to the part of the tax area in which a facility or complex of facilities described in section 10(d) of this chapter is located. A reference to "tax area addition" in this section includes only the part of the tax area in which a facility or complex of facilities described in section 10(d) of this chapter is located.**

(b) A tax area change described in section 11(a)(2) of this chapter must be established by resolution. Subject to subsection (e), a resolution changing the tax area must provide for a request for the allocation of:

(1) covered taxes attributable to a taxable event in the tax area addition; or

(2) covered taxes from income earned in the tax area addition; to the sports and convention facilities operating fund established by section 16(b) of this chapter.

(c) The allocation provision must apply only to the tax area addition.

(d) The resolution changing the tax area must designate each facility and each facility site for which the money to be distributed from the sports and convention facilities operating fund will be used.

(e) Until January 1, 2041, the allocation of covered taxes attributable to the part of the tax area described in section 10(d) of this chapter for each state fiscal year shall be as follows:

(1) The first six million dollars (\$6,000,000) of covered taxes attributable to a taxable event in the tax area addition during a state fiscal year may not be captured by the tax area for deposit in the sports and convention facilities operating fund established by section 16(b) of this chapter.

(2) If the amount of covered taxes attributable to a taxable event in the tax area addition during the state fiscal year



exceeds six million dollars (\$6,000,000), the covered taxes that exceed six million dollars (\$6,000,000) shall be deposited in the sports and convention facilities operating fund established by section 16(b) of this chapter, until the total amount of covered taxes attributable to a taxable event in the tax area addition during the state fiscal year reaches fourteen million dollars (\$14,000,000).

(3) If the total amount of covered taxes described in subdivisions (1) and (2) equals a sum of fourteen million dollars (\$14,000,000), any amount that exceeds fourteen million dollars (\$14,000,000) may not be captured by the tax area for deposit in the sports and convention facilities operating fund established by section 16(b) of this chapter.

SECTION 14. IC 36-7-31-21, AS AMENDED BY P.L.182-2009(ss), SECTION 419, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) Except as provided in section 14.1 of this chapter, the capital improvement board may use money distributed from the professional sports development area fund established by section 16(a) of this chapter only to construct and equip a capital improvement that is used for a professional sporting event, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.

(b) The capital improvement board or its designee shall deposit the revenue received from the sports and convention facilities operating fund established by section 16(b) of this chapter in a special fund, which may be used only for paying usual and customary operating expenses with respect to the capital improvements that are owned, leased, or operated by the capital improvement board. The special fund may not be used for the payment of any current or future obligations owed by the capital improvement board

(†) to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26. ~~or~~

(2) for

(c) Revenues available for deposit in the sports and convention facilities operating fund may be pledged to secure and provide for the payment of bond or lease obligations of the capital improvement board related to the construction or equipping of a capital improvement that is used for a professional sporting event or convention, including by a deposit or transfer of revenues into the



the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement **bond fund under IC 36-10-9-11.**

SECTION 15. IC 36-7-31.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 31.5. Additional Professional Sports Development Area in a County Containing a Consolidated City

Sec. 1. (a) This chapter applies only to a county having a consolidated city.

(b) The authority for the creation of a professional sports development area under this chapter is in addition to the authority for the creation of a professional sports development area under IC 36-7-31.

Sec. 2. As used in this chapter, "bonds" means bonds, notes, or other evidence of indebtedness.

Sec. 3. As used in this chapter, "budget agency" means the budget agency created by IC 4-12-1.

Sec. 4. As used in this chapter, "budget committee" means the budget committee established by IC 4-12-1-3.

Sec. 5. As used in this chapter, "capital improvement" means any facility or complex of facilities established as part of an additional professional sports development area under section 16 of this chapter.

Sec. 6. As used in this chapter, "capital improvement board" refers to the capital improvement board of managers created by IC 36-10-9-3.

Sec. 7. As used in this chapter, "city" refers to the city of Indianapolis, Indiana.

Sec. 8. As used in this chapter, "commission" refers to the metropolitan development commission acting as the redevelopment commission of a consolidated city.

Sec. 9. As used in this chapter, "covered taxes" means the following:

(1) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2, including any of these taxes paid by any contractor for materials used in the construction of any facility located in the tax area, regardless of where the materials are purchased.

(2) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual living in the tax area, an individual working in the tax area, and a contractor that constructs any facility



located in the tax area to the extent that any adjusted gross income is derived from the construction of any facility located in the tax area.

(3) A tax imposed under IC 6-3.6 on an individual living in the tax area, an individual working in the tax area, and a contractor that constructs any facility located in the tax area to the extent that any adjusted gross income is derived from the construction of any facility located in the tax area.

Sec. 10. As used in this chapter, "department" refers to the department of state revenue.

Sec. 11. As used in this chapter, "facility" means all or any part of one (1) or more buildings, structures, or improvements constituting a capital improvement. The term refers to and includes a capital improvement.

Sec. 12. As used in this chapter, "facilities authority" refers to the county convention and recreational facilities authority created by IC 36-10-9.1.

Sec. 13. As used in this chapter, "tax area" means a geographic area established by a commission as an additional professional sports development area under section 20 of this chapter.

Sec. 14. As used in this chapter, "taxpayer" means a person that is liable for a covered tax.

Sec. 15. (a) The general assembly finds the following:

(1) Marion County and municipalities located in Marion County face unique and distinct challenges and opportunities related to economic development issues associated with the construction of facilities that would host professional soccer and other sporting and entertainment events in the city.

(2) A unique approach is required to ensure that the facilities can be maintained to allow Marion County and those municipalities to meet these challenges and opportunities.

(3) The powers and responsibilities provided to Marion County, the city, the facilities authority, and the capital improvement board by this chapter are appropriate and necessary to carry out the public purposes of encouraging and fostering economic development in central Indiana and constructing facilities that would host professional soccer and other sporting and entertainment events in the city.

(4) Encouragement of economic development in central Indiana will:

(A) generate significant economic activity, which may attract new businesses and encourage existing businesses



- to remain or expand in central Indiana;
- (B) promote central Indiana to residents outside Indiana, which may attract residents outside Indiana and new businesses to relocate to central Indiana;
- (C) protect and increase state and local tax revenues; and
- (D) encourage overall economic growth in central Indiana and in Indiana.

(b) Marion County faces unique challenges in the development of infrastructure and other facilities necessary to promote economic development:

- (1) as a result of its need to rely on sources of revenue other than property taxes;
- (2) due to the large number of tax exempt properties located in Marion County;
- (3) because the city is the seat of state government and Marion County government; and
- (4) because Marion County is home to multiple institutions of higher education and the site of numerous state and regional nonprofit corporations.

(c) Economic development benefits the health and welfare of the people of Indiana, is a public use and purpose for which public money may be spent, and is of public utility and benefit.

Sec. 16. (a) A commission may establish as part of an additional professional sports development area any facility or complex of facilities that is:

- (1) used to hold a professional sporting event, and which in addition, may be used to hold other entertainment events, including any publicly owned parking garage, plaza, or infrastructure that is constructed or renovated in connection with the construction of the facility used to hold a professional sporting event;
- (2) used in the training of a team engaged in professional sporting events;
- (3) used in whole or in part to manage and operate the professional team that would participate in the facility used to hold a professional sporting event; or
- (4) a mixed use development, consisting, in part, of retail space, office space, apartment dwelling units, and one (1) or more hotels.

The tax area may include a facility described in this subsection and any parcel of land on which the facility is located. An area may contain noncontiguous tracts of land within the county. The area



must be separate from other professional sports development areas established under IC 36-7-31.

(b) Only the facilities described in subsection (a)(1) that are included within the additional professional sports development area may be financed with debt issued by or assumed by the capital improvement board, the facilities authority, or a political subdivision.

Sec. 17. (a) A tax area must be initially established before July 1, 2021, according to the procedures set forth for the establishment of an economic development area under IC 36-7-15.1. A tax area may be changed or the terms governing the tax area revised in the same manner as the establishment of the initial tax area.

(b) In establishing or changing the terms of the tax area or revising the terms governing the tax area, the commission must make the following findings instead of the findings required for the establishment of economic development areas:

- (1) That a project to be undertaken or that has been undertaken in the tax area is for a facility.
- (2) That the project to be undertaken or that has been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.
- (3) That the project to be undertaken or that has been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

(c) The tax area established by the commission under this chapter is a special taxing district authorized by the general assembly to enable the county to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.

Sec. 18. (a) Upon adoption of a resolution establishing a tax area under section 20 of this chapter, the commission shall submit the resolution to the budget committee for review.

(b) Upon adoption of a resolution changing the boundaries of a tax area under section 20 of this chapter, the commission shall:

- (1) publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1; and
- (2) file the following information with each taxing unit in the county in which the tax area is located:
 - (A) A copy of the notice required by subdivision (1).
 - (B) A statement disclosing the impact of the tax area, including the following:
 - (i) The estimated economic benefits and costs incurred



by the tax, as measured by increased employment and anticipated growth of property assessed values.

(ii) The anticipated impact on tax revenues of each taxing unit.

The notice must state the general boundaries of the tax area.

(c) Upon completion of the actions required by subsection (b), the commission shall submit the resolution to the budget committee for review.

Sec. 19. (a) The budget agency must approve the resolution before the covered taxes may be allocated under section 20 of this chapter.

(b) When considering a resolution, the budget committee and the budget agency must make the following findings:

(1) The project specified in the resolution is economically sound and will benefit the people of Indiana by protecting or increasing state and local tax bases and tax revenues for at least the duration of the tax area established under this chapter.

(2) The political subdivisions affected by the project specified in the resolution have committed significant resources toward completion of the improvement.

(c) Revenues from the tax area may not be allocated until the budget agency approves the resolution.

(d) In addition to the requirements under subsections (a) and (c), covered taxes may not be allocated unless:

(1) the commission has established a tax area under section 20 of this chapter;

(2) the budget committee has reviewed the resolution;

(3) the:

(A) capital improvement board; and

(B) a professional soccer team that is part of Major League Soccer;

have entered into an agreement of at least twenty-five (25) years;

(4) the city-county council has adopted an ordinance to impose an admissions tax under IC 6-9-13;

(5) the capital improvement board has adopted a resolution to apply revenue collected in the tax area and transferred to the capital improvement board from imposition of:

(A) an innkeeper's tax under IC 6-9-8; and

(B) a food and beverage tax under IC 6-9-12;

to the bond financing or lease financing of a project described



in section 16(a)(1) of this chapter;

(6) the owner or owners of the professional soccer team described in subdivision (3)(B) have provided at least twenty percent (20%) of the cost of the project to construct the facility that will be used to host professional sporting events;

(7) the capital improvement board has adopted a resolution accepting responsibility for the construction, operation, and management of the facility that will be used to host professional sporting events; and

(8) the Indiana finance authority conducts a feasibility study that demonstrates that the proposed project related to the proposed tax area will protect or increase the state tax base and revenues.

Sec. 20. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area or by individuals living in the tax area to the additional professional sports development area fund established for the county. The allocation provision must apply to the part of the tax area covered by this section. The resolution must provide that the tax area terminates not later than twenty-five (25) years after the first allocation of covered taxes from the tax area.

(b) All of 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 tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(c) The total amount of state revenue captured by the tax area may not exceed eight million dollars (\$8,000,000) per year for not more than twenty-five (25) years after the first allocation of covered taxes from the tax area.

(d) The resolution establishing the tax area must designate the facilities and the sites of the facilities, for which the tax area is established and covered taxes will be used.

(e) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

Sec. 21. (a) When the commission adopts an allocation provision, the commission 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 commission shall update the list before July 1 of each year.

(b) Taxpayers operating in the tax area 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:

- (1) that are:
 - (A) paid during a taxable year to a professional athlete for professional athletic services;
 - (B) taxable in Indiana; and
 - (C) earned in the tax area; or
- (2) that are:
 - (A) paid during a taxable year to a taxpayer other than a professional athlete for professional athletic services; and
 - (B) earned in the tax area.

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

(d) If a taxpayer fails to report the information required by this section or file an informational return required by this section, the department shall use the best information available in calculating the amount of covered taxes attributable to a taxable event in a tax area or covered taxes from income earned in a tax area or by individuals living in the tax area.

Sec. 22. An additional professional sports development area fund for the county is established. The fund shall be administered by the department. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

Sec. 23. Covered taxes attributable to a tax area approved under section 20 of this chapter shall be deposited in the additional professional sports development area fund for the county. If the written agreement to be entered into under section 38 of this chapter is not entered into before July 1, 2021, all covered taxes in the additional professional sports development area fund for the county attributable to covered taxes described in:

- (1) section 9(1) and 9(2) of this chapter shall revert to the state general fund on July 1, 2021; and



(2) section 9(3) of this chapter shall be distributed proportionately to the funds and the political subdivisions that would have received such covered taxes if the covered taxes had not been allocated to the tax area under this chapter.

Sec. 24. On or before the twentieth day of each month following the month in which the written agreement is entered into under section 38 of this chapter, all amounts on deposit in the additional professional sports development area fund for the county are appropriated for and shall be distributed to the capital improvement board.

Sec. 25. The department shall notify the county auditor of the amount of taxes to be distributed to the capital improvement board.

Sec. 26. All distributions from the additional professional sports development area fund for the county shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the capital improvement board.

Sec. 27. The capital improvement board may use money distributed from the additional professional sports development area fund to pay the cost of operation and maintenance of, or to construct, renovate, and equip, a capital improvement, other than the capital improvements set forth in section 16(a)(2) through 16(a)(4) of this chapter, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement, other than the capital improvements set forth in section 16(a)(2) through 16(a)(4) of this chapter.

Sec. 28. All capital improvements financed under this chapter are subject to the provisions of 25 IAC 5 concerning equal opportunities for minority business enterprises, women's business enterprises, and veteran or disabled business enterprises to participate in procurement and contracting processes. The goals for participation are the following:

- (1) By minority business enterprises, fifteen percent (15%).
- (2) By women's business enterprises, eight percent (8%).
- (3) By veteran or disabled business enterprises, three percent (3%).

These goals must be consistent with the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services. In fulfilling the goals, historical precedents in the same market must be taken into account.

Sec. 29. The capital improvement board shall repay to the



additional professional sports development area fund any amount that is distributed to the capital improvement board and used for a purpose that is not described in section 27 of this chapter. The department shall distribute the covered taxes repaid to the additional professional sports development area fund under this section proportionately to the funds and the political subdivisions that would have received the covered taxes if the covered taxes had not been allocated to the tax area under this chapter.

Sec. 30. (a) Before a lease of a capital improvement located in a tax area may be entered into by the facilities authority and the capital improvement board, the capital improvement board must find that the lease rental provided for is fair and reasonable.

(b) A lease of a capital improvement from the facilities authority to the capital improvement board:

- (1)** may not have a term exceeding twenty-five (25) years;
- (2)** may not require payment of lease rental for a newly constructed capital improvement or for improvements to an existing capital improvement until the capital improvement or improvements have been completed and are ready for occupancy;
- (3)** may provide for the responsibility for operation and maintenance of the capital improvements, including the retention of the revenues from the operation and maintenance of the capital improvements and the related obligations of the sublessee or sublessees as set forth in the written agreement to be entered into under section 38 of this chapter;
- (4)** must provide that the facilities authority has no responsibility to fund the ongoing maintenance and operations of the capital improvement;
- (5)** may contain provisions:
 - (A)** allowing the capital improvement board to continue to operate an existing capital improvement until completion of the improvements, reconstruction, or renovation; and
 - (B)** requiring payment of lease rentals for an existing capital improvement being used, reconstructed, or renovated;
- (6)** may contain an option to renew the lease for the same or shorter term on the conditions provided in the lease;
- (7)** must contain an option for the capital improvement board to purchase the capital improvement upon the terms stated in the lease during the term of the lease for a price equal to the amount required to pay all indebtedness incurred on account



of the capital improvement, including indebtedness incurred for the refunding of that indebtedness;

(8) may be entered into before the acquisition or construction of a capital improvement;

(9) subject to IC 36-10-9-11, may provide that the lease rental payments by the capital improvement board may be made from any one (1) or more of the following sources:

(A) revenue captured under this chapter;

(B) tax increment revenues collected for lease rental payments under IC 36-7-15.1-26 or IC 36-7-15.1-26.2;

(C) net revenues of the capital improvement;

(D) any funds received and to be applied by the capital improvement board under section 35 of this chapter;

(E) any funds received and to be applied by the capital improvement board under section 36 of this chapter;

(F) any funds received and to be applied by the capital improvement board under section 37 of this chapter; and

(G) any other funds available to the capital improvement board; and

(10) may contain any other terms the capital improvement board determines to be appropriate.

Sec. 31. This chapter contains full and complete authority for leases between the facilities authority and the capital improvement board. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the facilities authority or the capital improvement board or any other officer, department, agency, or instrumentality of the state or any political subdivision is required to enter into any lease, except as prescribed in this chapter.

Sec. 32. If the lease provides for a capital improvement or improvements to the capital improvement to be constructed by the facilities authority, the plans and specifications shall be submitted to and approved by the capital improvement board and all agencies designated by law to pass on plans and specifications for public buildings.

Sec. 33. The facilities authority and the capital improvement board may enter into common wall (party wall) agreements or other agreements concerning easements or licenses. The capital improvement board and any sublessee may enter into common wall (party wall) agreements or other agreements concerning easements or licenses. The capital improvement board shall record such an agreement with the recorder of the county.



Sec. 34. (a) The capital improvement board may lease for a nominal lease rental, or, subject to any sublease between the capital improvement board and a sublessee, sell to the facilities authority, one (1) or more capital improvements or parts of a capital improvement or land upon which a capital improvement is located or is to be constructed.

(b) Any lease of all or a part of a capital improvement by the capital improvement board to the facilities authority must be for a term equal to the term of the lease of that capital improvement back to the capital improvement board.

(c) Subject to any sublease between the capital improvement board and a sublessee, the capital improvement board may sell property to the facilities authority for the amount the capital improvement board determines to be in the best interest of the capital improvement board, which amount may be paid from the proceeds of bonds of the facilities authority.

Sec. 35. (a) The capital improvement board may adopt a resolution to apply all or a portion of the county innkeeper's tax collected under IC 6-9-8-3 in the tax area to the payment of lease rentals by the capital improvement board under a lease entered into under section 30 of this chapter, if the capital improvement board determines that the use of the innkeeper's tax will not impair the rights and remedies of holders of any bonds or other obligations existing at the time of the determination.

(b) If there is an increase in the rate at which the county innkeeper's tax is imposed or a portion of the county innkeeper's tax is extended beyond the date on which it would otherwise expire, any county innkeeper's tax collected in the tax area, as a result and to the extent of the increase in the rate or as a result of the extension of the county innkeeper's tax and to the extent of the rate extended, shall be applied to the payment of lease rentals by the capital improvement board under a lease entered into under section 30 of this chapter.

Sec. 36. (a) The capital improvement board may adopt a resolution to apply all or a portion of the county food and beverage tax collected under IC 6-9-12-8 in the tax area to the payment of lease rentals by the capital improvement board under a lease entered into under section 30 of this chapter, if the capital improvement board determines that the use of the county food and beverage tax will not impair the rights and remedies of holders of any bonds or other obligations existing at the time of the determination.



(b) If there is an increase in the rate at which the county food and beverage tax is imposed or a portion of the county food and beverage tax is extended beyond the date on which it would otherwise expire, any county food and beverage tax collected in the tax area, as a result and to the extent of the increase in the rate or as a result of the extension of the county food and beverage tax and to the extent of the rate extended, shall be applied to the payment of lease rentals by the capital improvement board under a lease entered into under section 30 of this chapter.

Sec. 37. The capital improvement board may adopt a resolution to apply all or a portion of the county admissions tax collected under IC 6-9-13-2 by or at the facility or complex of facilities that is used to hold a professional sporting event to the payment of lease rentals by the capital improvement board under a lease entered into under section 30 of this chapter, if the capital improvement board determines that the use of the county admissions tax will not impair the rights and remedies of holders of any bonds or other obligations existing at the time of the determination.

Sec. 38. (a) The facilities authority may issue bonds for the purpose of obtaining money to pay the cost of:

- (1) acquiring property;
- (2) constructing, improving, reconstructing, or renovating one (1) or more capital improvements; or
- (3) funding or refunding bonds issued under this chapter.

(b) The bonds are payable solely from the lease rentals from the lease of the capital improvements for which the bonds were issued, insurance proceeds, and any other funds pledged or available.

(c) The bonds shall be authorized by a resolution of the capital improvement board.

(d) The terms and form of the bonds shall be set out either in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds must mature within twenty-five (25) years.

(f) The capital improvement board shall sell the bonds at public or private sale upon the terms determined by the capital improvement board.

(g) All money received from any bonds issued under this chapter shall be applied solely to the payment of the cost of the acquisition or construction, or both, of capital improvements, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

- (1) planning and development of the facility and all buildings,



- facilities, structures, and improvements related to the facility;
- (2) acquisition of a site and clearing and preparing the site for construction;
- (3) equipment, facilities, structures, and improvements that are necessary or desirable to make the capital improvement suitable for use and operations;
- (4) architectural, engineering, consultant, and attorney's fees;
- (5) incidental expenses in connection with the issuance and sale of bonds;
- (6) reserves for principal and interest;
- (7) interest during construction;
- (8) financial advisory fees;
- (9) insurance during construction;
- (10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and
- (11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on, the bonds being refunded or refinanced.

(h) If the facilities authority is acquiring land or all or a part of one (1) or more capital improvements from any person other than the capital improvement board by purchase or lease and is leasing the land or these capital improvements to the capital improvement board, with any additional improvements that may be made to them, and the capital improvement board intends to sublease the land or capital improvements to one (1) or more sublessees, the facilities authority may not issue bonds under this chapter unless the facilities authority first finds that the capital improvement board and the sublessee or sublessees have entered into a written agreement concerning the facility. This agreement must include the following provisions:

- (1) That the sublessee or sublessees must commit to assist and cooperate with the facilities authority and the capital improvement board to design and construct the facility on time and on budget.
- (2) That any of these capital improvements that are financed under this chapter must be approved by the capital improvement board. The capital improvement board shall secure the obligations of the sublessee or sublessees of the capital improvements to the capital improvement board under a sublease under this chapter with liens or security interests, which may include:
 - (A) perfected security interests in personal property;



- (B) a mortgage lien on the real property; and**
 - (C) any other security determined to be appropriate by the capital improvement board and the facilities authority.**
- (3) Specifying the extent to which the sublessee or sublessees shall be responsible for the operation and maintenance of the capital improvements.**
- (4) Specifying how the retention of the revenues from the operation and maintenance of the capital improvements will be shared between the capital improvement board and the sublessee or sublessees.**
- (5) That if any bonds are issued by the facilities authority under this section to finance capital improvements, then on the date that all these bonds are no longer considered outstanding, the capital improvement board shall take the legal steps required to terminate each of its security interests in and mortgage liens on the capital improvements described in subdivision (2).**
- (6) That if a controlling ownership interest in the sublessee's interests in the sublease of the capital improvements is sold after the facilities authority issues bonds under this section to finance these capital improvements, the capital improvement board shall determine whether there exists good cause not to allow the purchaser to assume the sublessee's obligations under the sublease and the agreement described in this subsection. If the capital improvement board determines that good cause does not exist, the capital improvement board is considered to have accepted the purchaser's assumption of the sublessee's obligations under the sublease and the agreement described in this subsection, and the purchaser is considered to have assumed and become obligated to fully perform those obligations. If the capital improvement board determines that there exists good cause not to approve the purchaser's assumption of the sublessee's obligations under the sublease and the agreement described in this subsection, the capital improvement board is considered to have disapproved the assumption and the capital improvement board may require that the sublessee or sublessees of the capital improvements shall pay or cause to be paid to the capital improvement board an amount sufficient to pay the cost of defeasing all outstanding bonds issued by the facilities authority under this section to finance the capital improvements and paying all expenses of the capital improvement board and the facilities**



authority incurred in connection with the defeasance.

(7) That if, in any year commencing on January 1, the aggregate of all:

(A) the state revenue captured by the tax area, subject to the cap set forth in section 20(c) of this chapter;

(B) the county innkeeper's tax collected in the tax area and otherwise to be applied to the payment of lease rentals by the capital improvement board under section 35 of this chapter;

(C) the county food and beverage tax collected in the tax area and otherwise to be applied to the payment of lease rentals by the capital improvement board under section 36 of this chapter;

(D) the county admissions tax collected by or at the facility or complex of facilities that is used to hold a professional sporting event and otherwise to be applied to the payment of lease rentals by the capital improvement board under section 37 of this chapter; and

(E) the tax increment revenues collected and otherwise to be applied for the purpose of making the payment of lease rentals by the capital improvement board under section 30(b)(9) of this chapter and subsection (i);

is in excess of the amount of lease rental payments due in that year, the excess shall be used to make further capital improvements to or pay the expenses of the operation and maintenance of the facility or complex of facilities that is used to hold a professional sporting event.

(8) Any other terms the capital improvement board determines to be appropriate.

(i) If the capital improvement board and the city determine that it would be appropriate that the lease rental payments by the capital improvement board are to be made from tax increment revenues collected for that purpose under IC 36-7-15.1-26 or IC 36-7-15.1-26.2 under section 30(b)(9)(B) of this chapter or that tax increment revenues collected under IC 36-7-15.1-26 or IC 36-7-15.1-26.2 are to be used to pay all or a portion of the expenses of the operation and maintenance of the facility or complex of facilities that is used to hold a professional sporting event, the city shall also be made a party to the agreement described in subsection (h) for the purpose of ensuring that the city provides the tax increment revenues to the capital improvement board or the sublessee as provided in this subsection. The use of the



tax increment revenues as provided in this subsection is hereby authorized.

Sec. 39. This chapter contains full and complete authority for the issuance of bonds. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the capital improvement board, the facilities authority, or any other officer, department, agency, or instrumentality of the state or of any political subdivision is required to issue any bonds, except as prescribed in this chapter.

Sec. 40. Bonds issued under this chapter are legal investments for private trust funds and the funds of banks, trust companies, insurance companies, building and loan associations, credit unions, banks of discount and deposit, savings banks, loan and trust and safe deposit companies, rural loan and savings associations, guaranty loan and savings associations, mortgage guaranty companies, small loan companies, industrial loan and investment companies, and other financial institutions organized under Indiana law.

Sec. 41. (a) The facilities authority may secure bonds issued under this chapter by a trust indenture between the facilities authority and a corporate trustee, which may be any trust company or national or state bank within Indiana that has trust powers.

(b) The trust indenture may:

- (1)** pledge or assign lease rentals, receipts, and income from leased capital improvements;
- (2)** contain provisions for protecting and enforcing the rights and remedies of the bondholders, including covenants setting forth the duties of the facilities authority and the board of directors of the facilities authority;
- (3)** set forth the rights and remedies of bondholders and trustee; and
- (4)** restrict the individual right of action of bondholders.

(c) Any pledge or assignment made by the facilities authority under this section is valid and binding from the time that the pledge or assignment is made, against all persons whether they have notice of the lien or not. Any trust indenture by which a pledge is created or an assignment made need not be filed or recorded. The lien is perfected against third parties by filing the trust indenture in the records of the board of directors of the facilities authority.

Sec. 42. If the capital improvement board exercises its option to



purchase leased property, it may issue its bonds as authorized by statute.

Sec. 43. All:

(1) property owned by the facilities authority;
 (2) revenues of the facilities authority; and
 (3) bonds issued by the facilities authority, the interest on the bonds, the proceeds received by a holder from the sale of bonds to the extent of the holder's cost of acquisition, proceeds received upon redemption before maturity, proceeds received at maturity, and the receipt of interest in proceeds; are exempt from taxation in Indiana for all purposes except the financial institutions tax imposed under IC 6-5.5.

Sec. 44. The facilities authority shall not issue bonds under this chapter, unless on or before July 1, 2021, a tax area has been established under section 20 of this chapter.

Sec. 45. Any action to contest the validity of bonds to be issued under this chapter may not be brought after the fifteenth day following:

- (1) the receipt of bids for the bonds, if the bonds are sold at public sale; or
- (2) the publication one (1) time in a newspaper of general circulation published in the county of notice of the execution and delivery of the contract for the sale of bonds;

whichever occurs first.

Sec. 46. Nothing in this chapter shall compel or require the facilities authority or the capital improvement board to adopt any resolution, issue any bonds or other obligations, or approve or enter into any indenture, lease, sublease, or agreement that the facilities authority or the capital improvement board in its discretion determines to not be in the facilities authority's or the capital improvement board's best interests.

Sec. 47. This chapter expires December 31, 2052.

SECTION 16. IC 36-10-9-4, AS AMENDED BY P.L. 182-2009(ss), SECTION 454, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board is composed of nine (9) members. ~~Six (6)~~ **Five (5)** members shall be appointed by the executive of the consolidated city, ~~one (1) member shall be appointed by the board of commissioners of the county,~~ **two (2) members shall be appointed by the governor,** one (1) member shall be appointed by the legislative body of the consolidated city from among the members of the legislative body, and one (1) member shall be appointed jointly by majority vote of a body consisting of one (1)



member of the board of county commissioners of each county in which a food and beverage tax is in effect under IC 6-9-35 on January 1 of the year of the appointment. The board of county commissioners that has the greatest population of all counties in which a food and beverage tax is in effect under IC 6-9-35 on January 1 of the year of the appointment shall convene the meeting to make the joint appointment. Each county in which a food and beverage tax is in effect under IC 6-9-35 on January 1 of the year of the appointment is entitled to be represented at the meeting by one (1) member of the county's board of county commissioner, who shall be selected by that county's board of county commissioners. One (1) of the members appointed by the executive must be engaged in the hotel or motel business in the county. Not more than four (4) of the members appointed by the executive may be affiliated with the same political party.

(b) The terms of members are for two (2) years beginning on January 15 and until a successor is appointed and qualified. A member may be reappointed after the member's term has expired.

(c) If a vacancy occurs on the board, the appointing authority shall appoint a new member. That member serves for the remainder of the vacated term.

(d) A board member may be removed for cause by the appointing authority who appointed the member.

(e) Each member, before entering upon the duties of office, shall take and subscribe an oath of office in the usual form. The oath shall be endorsed upon the member's certificate of appointment, which shall be promptly filed with the records of the board.

(f) A member does not receive a salary, but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.

SECTION 17. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 7 as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0.

ES 7—LS 7489/DI 125



SENATE MOTION

Madam President: I move that Senate Bill 7 be amended to read as follows:

Page 26, line 2, delete "2021," and insert "**2022**,".

Page 29, line 31, delete "2021," and insert "**2022**,".

Page 29, line 35, delete "2021;" and insert "**2022;**".

Page 39, line 7, delete "2021," and insert "**2022**,".

(Reference is to SB 7 as printed February 22, 2019.)

HOLDMAN

 SENATE MOTION

Madam President: I move that Senate Bill 7 be amended to read as follows:

Page 2, line 7, delete "2027," and insert "**2025**,".

Page 2, between lines 35 and 36, begin a new line double block indented and insert:

"(D) All operating revenues of the capital improvement board."

Page 3, line 13, delete "2040." and insert "**2037**,".

Page 13, line 29, delete "and".

Page 18, line 10, delete "July 1, 2041," and insert "**January 1, 2041**,".

Page 18, line 33, reset in roman "January".

Page 18, line 33, delete "July".

(Reference is to SB 7 as printed February 22, 2019.)

MISHLER



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 7, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1-17-18, AS AMENDED BY P.L.252-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Subject to subsection (h), the authority may issue bonds for the purpose of obtaining money to pay the cost of:

- (1) acquiring real or personal property, including existing capital improvements;
- (2) constructing, improving, reconstructing, or renovating one (1) or more capital improvements; or
- (3) funding or refunding bonds issued under IC 36-10-8 or IC 36-10-9 or prior law.

(b) The bonds are payable from the lease rentals from the lease of the capital improvements for which the bonds were issued, insurance proceeds, and any other funds pledged or available.

(c) The bonds shall be authorized by a resolution of the board.

(d) The terms and form of the bonds shall either be set out in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds shall mature within forty (40) years.

(f) The board shall sell the bonds at public or private sale upon the terms determined by the board.

(g) All money received from any bonds issued under this chapter shall be applied to the payment of the cost of the acquisition or construction, or both, of capital improvements, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

- (1) planning and development of the facility and all buildings, facilities, structures, and improvements related to it;
- (2) acquisition of a site and clearing and preparing the site for construction;
- (3) equipment, facilities, structures, and improvements that are necessary or desirable to make the capital improvement suitable for use and operations;
- (4) architectural, engineering, consultant, and attorney's fees;
- (5) incidental expenses in connection with the issuance and sale of bonds;



- (6) reserves for principal and interest;
- (7) interest during construction;
- (8) financial advisory fees;
- (9) insurance during construction;
- (10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and
- (11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on, the bonds being refunded or refinanced.

(h) The authority may not issue bonds under this chapter unless the authority first finds that the following conditions are met:

~~(1) Each contract or subcontract for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part through the issuance of the bonds requires the contractor or subcontractor to enter into a project labor agreement as a condition of being awarded and performing work on the contract.~~

~~(2) (1)~~ (1) The capital improvement board and the authority have entered into a written agreement concerning the terms of the financing of the facility. This agreement must include the following provisions:

(A) Notwithstanding any other law, if the capital improvement board selected a construction manager and an architect for a facility before May 15, 2005, the authority will contract with that construction manager and architect and use plans as developed by that construction manager and architect. In addition, any other agreements entered into by the capital improvement board or a political subdivision served by the capital improvement board with respect to the design and construction of the facility will be reviewed by a selection committee consisting of:

- (i) two (2) of the members appointed to the board of directors of the authority under section 7(a)(1) of this chapter, as designated by the governor;
- (ii) the two (2) members appointed to the board of directors of the authority under section 7(a)(2) of this chapter; and
- (iii) the executive director of the authority.

The selection committee is not bound by any prior commitments of the capital improvement board or the political subdivision, other than the general project design, and will approve all contracts necessary for the design and construction of the facility.



(B) If before May 15, 2005, the capital improvement board acquired any land, plans, or other information necessary for the facility and the board had budgeted for these items, the capital improvement board will transfer the land, plans, or other information useful to the authority for a price not to exceed the lesser of:

- (i) the actual cost to the capital improvement board; or
- (ii) three million five hundred thousand dollars (\$3,500,000).

(C) The capital improvement board agrees to take any legal action that the authority considers necessary to facilitate the financing of the facility, including entering into agreements during the design and construction of the facility or a sublease of a capital improvement to any state agency that is then leased by the authority to any state agency under section 26 of this chapter.

(D) The capital improvement board is prohibited from taking any other action with respect to the financing of the facility without the prior approval of the authority. The authority is not bound by the terms of any agreement entered into by the capital improvement board with respect to the financing of the facility without the prior approval of the authority.

(E) As the project financier, the Indiana finance authority (or its successor agency) and the public finance director will be responsible for selecting all investment bankers, bond counsel, trustees, and financial advisors.

(F) The capital improvement board agrees to deliver to the authority the one hundred million dollars (\$100,000,000) that is owed to the capital improvement board, the consolidated city, or the county having a consolidated city pursuant to an agreement between the National Football League franchised professional football team and the capital improvement board, the consolidated city, or the county. This amount shall be applied to the cost of construction for the stadium part of the facility. This amount does not have to be delivered until a lease is entered into for the stadium between the authority and the capital improvement board.

(G) The authority agrees to consult with the staff of the capital improvement board on an as needed basis during the design and construction of the facility, and the capital improvement board agrees to make its staff available for this purpose.

(H) The authority, the county, the consolidated city, the capital



improvement board and the National Football League franchised professional football team must commit to using their best efforts to assist and cooperate with one another to design and construct the facility on time and on budget.

(3) **(2)** The capital improvement board and the National Football League franchised professional football team have entered into a lease for the stadium part of the facility that has been approved by the authority and has a term of at least thirty (30) years.

SECTION 2. IC 5-1-17-18.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 18.3. (a) The following definitions apply throughout this section:**

(1) "Contract" includes a lease or other agreement.
(2) "Contract limitation" refers to a bid specification, project agreement, lease provision, or other contract document that does any of the following:

(A) Requires a bidder, offeror, or contractor in any contractor tier to enter into or adhere to an agreement with a labor organization relating to a project.

(B) Prohibits a bidder, offeror, or contractor in any contractor tier from entering into or adhering to an agreement with a labor organization relating to a project.

(C) Discriminates against a bidder, offeror, or contractor in any contractor tier for any of the following:

(i) Becoming or remaining a signatory to an agreement with a labor organization relating to a project.

(ii) Refusing to become or remain a signatory to an agreement with a labor organization relating to a project.

(iii) Adhering or refusing to adhere to an agreement with a labor organization relating to a project.

(3) "Project" refers to a project of the authority for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part from funds derived from the establishment of a tax area under IC 36-7-31.5.

(4) "Public benefit" refers to a grant, a tax abatement, a tax credit, or establishment or use of tax area revenues related to a project.

(b) A contract relating to a project may not require a contractor or subcontractor to enter into a contract limitation as a condition of being awarded and performing work on the contract. Any such



provision is void.

(c) A public entity may not award a public benefit that is conditioned upon a requirement that the person awarded the public benefit include a contract limitation in a contract document related to a project. Any such provision is void."

Page 1, line 4, delete "2027," and insert "2025,".

Page 1, line 10, delete "1," and insert "20,".

Page 1, delete lines 11 through 16, begin a new line block indented and insert:

"(2) the increase in the tax rate imposed under IC 6-6-9.7-7(e) by the city-county council continues in effect through December 31, 2040;

(3) the increase in the tax rate imposed under IC 6-9-13-2(c) by the city-county council continues in effect through December 31, 2040; and"

Page 2, delete lines 36 through 37.

Page 5, line 31, reset in roman "However,".

Page 5, line 31, delete "Except as provided in subsection (h),".

Page 5, line 32, strike "February".

Page 5, line 33, strike "28, 2023." and insert "**December 31, 2040.**".

Page 6, delete lines 4 through 10.

Page 6, line 30, reset in roman "The ordinance must specify".

Page 6, reset in roman line 31.

Page 6, line 32, after "2028." insert "**December 31, 2040.**".

Page 9, line 33, reset in roman "However,".

Page 9, line 33, delete "Except as provided".

Page 9, line 34, delete "in subsection (f),".

Page 9, line 35, strike "February 28, 2023." and insert "**December 31, 2040.**".

Page 10, line 9, delete "from:" and insert "from".

Page 10, line 10, delete "(1)".

Page 10, line 10, delete "(c); or" and insert "(c)".

Page 10, delete line 11.

Page 10, run in lines 9 through 12.

Page 10, delete lines 14 through 42.

Page 11, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 6. IC 14-20-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 17. Legacy Project

Sec. 1. (a) The legacy project is established.

ES 7—LS 7489/DI 125



(b) The legacy project must be located at an Indianapolis parks and recreation department location located within a four (4) mile radius of the Soldiers' and Sailors' Monument in Indianapolis."

Page 12, delete lines 20 through 42, begin a new line block indented and insert:

"hotels located in an area in Indianapolis, Indiana:

(A) in the southeast quadrant of an area bounded on the east by Pennsylvania Street, on the south by Georgia Street, on the west by Meridian Street, and on the north by Maryland Street, as those streets were located on July 1, 2019;

(B) bounded on the west by Capitol Avenue, on the south by South Street, on the east by Meridian Street, and on the north by Louisiana Street, as those streets were located on July 1, 2019;

(C) bounded on the west by Illinois Street, on the south by Jackson Place, on the east by McCrea Street, and on the north by Georgia Street, as those streets were located on July 1, 2019;

(D) bounded on the west by Capitol Avenue, on the south by Washington Street, on the east by Illinois Street, and on the north by Court Street, as those streets were located on July 1, 2019;

(E) bounded on the west by Illinois Street, on the south by Washington Street, on the east by Meridian Street, and on the north by Market Street, as those streets were located on July 1, 2019;

(F) bounded on the west by Capitol Avenue, on the south by Market Street, on the east by Illinois Street, and on the north by Wabash Street, as those streets were located on July 1, 2019;

(G) bounded on the west by Pierson Street, on the south by Wabash Street, on the east by Meridian Street, and on the north by Ohio Street, as those streets were located on July 1, 2019;

(H) in the south half of an area bounded on the west by Delaware Street, on the south by South Street, on the east by Alabama Street, and on the north by Maryland Street, as those streets were located on July 1, 2019; or

(I) bounded on the west by Illinois Street, on the south by Georgia Street, on the east by Meridian Street, and on the north by Maryland Street, as those streets were located on



July 1, 2019; and

(2) that provides convenient accommodations for consideration to the general public for periods of less than thirty (30) days, especially for individuals attending professional sporting events, conventions, or similar events in the capital improvements that are owned, leased, or operated by the capital improvement board."

Delete page 13.

Page 14, delete lines 1 through 11.

Page 14, line 12, delete "(e)" and insert "(d)".

Page 14, line 13, delete ", (c), and" and insert "**and (c),**".

Page 14, line 14, delete "(d)".

Page 15, line 5, delete "10(b)(3), 10(c), and 10(d)" and insert "**10(b)(3) and 10(c)**".

Page 16, line 30, delete "10(b)(3), 10(c), and 10(d)" and insert "**10(b)(3) and 10(c)**".

Page 17, between lines 4 and 5, begin a new line single block indented and insert:

"(5) That covered taxes, an innkeeper's tax under IC 6-9-8, or an admissions tax under IC 6-9-13 will not be used to finance or construct or in any way subsidize the construction of meeting or ballroom space that is:

(A) located within the footprint of a privately owned hotel;
or

(B) that will be operated, maintained, or otherwise controlled by a privately owned hotel."

Page 17, line 11, delete "10(b)(3), 10(c), and" and insert "**10(b)(3) and 10(c)**".

Page 17, line 12, delete "10(d)".

Page 17, line 14, delete "10(b)(3), 10(c), and" and insert "**10(b)(3) and 10(c)**".

Page 17, line 15, delete "10(d)".

Page 17, delete lines 16 through 23, begin a new paragraph and insert:

"(b) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area as follows:

(1) Before January 1, 2028, to the professional sports development area fund established for the county.

(2) After December 31, 2027, to the sports and convention facilities operating fund.



The allocation provision must apply to the part of the tax area covered by this section. The resolution must provide that the tax area terminates not later than December 31, ~~2027~~: **2040**."

Page 17, line 33, delete "For state fiscal years ending before July 1, 2021, and except" and insert "Except".

Page 17, delete line 42.

Page 18, delete lines 1 through 7.

Page 18, line 13, delete "area:" and insert "area".

Page 18, line 14, delete "(1) for state fiscal years ending before July 1, 2021,".

Page 18, line 21, delete "fund; and" and insert "fund."

Page 18, delete lines 22 through 28.

Page 18, run in lines 13 through 29.

Page 18, line 34, delete "than:" and insert "than".

Page 18, line 35, strike "(1)".

Page 18, line 35, delete "2041;" and insert "2041."

Page 18, line 35, strike "or".

Page 18, strike lines 36 through 39.

Page 18, line 42, delete "years:" and insert "years".

Page 19, line 1, delete "(1)".

Page 19, line 1, delete "2021," and insert "**2041**,".

Page 19, line 3, delete "fund; and" and insert "fund."

Page 18, run in line 42 through page 19, line 3.

Page 19, delete lines 4 through 8.

Page 19, line 18, delete "in an amount not to".

Page 19, line 19, delete "exceed sixteen million dollars (\$16,000,000) per year,".

Page 19, line 22, delete "(e)".

Page 19, line 22, strike "Notwithstanding the budget director's determination under".

Page 19, strike lines 23 through 24.

Page 19, line 25, delete "(a)(1)".

Page 19, line 25, strike "terminates on January 1 of the year following the first year in".

Page 19, strike line 26.

Page 19, line 27, before "(b)" strike "subsection".

Page 19, line 27, delete "(d)".

Page 19, line 27, strike "remain outstanding."

Page 19, line 27, delete "This subsection expires".

Page 19, delete line 28.

Page 20, line 28, strike "For 2009, the budget".

Page 20, strike lines 29 through 30.



Page 20, line 31, strike "convention facilities operating fund in 2009."

Page 20, line 34, after "10(b)(3)" insert "**or 10(c)**".

Page 20, line 35, after "fund" insert "**during each state fiscal year**".

Page 20, line 35, delete "eight" and insert "**set forth in subsection (f)**".

(f) The maximum amount referred to in subsection (e) is as follows:

(1) Eight".

Page 20, line 36, after "\$8,000,000)" delete ".".

Page 20, line 36, after "year." insert "**for state fiscal years ending June 30, 2019, through June 30, 2021.**

(2) Seventeen million dollars (\$17,000,000) for the state fiscal year ending June 30, 2022.

(3) Twenty million dollars (\$20,000,000) for the state fiscal year ending June 30, 2023.

(4) Twenty-four million dollars (\$24,000,000) for state fiscal years ending June 30, 2024, through June 30, 2033.

(5) Twenty-six million dollars (\$26,000,000) for state fiscal years ending June 30, 2034, through June 30, 2041.

After the state fiscal year ending June 30, 2041, no deposit shall be made."

Page 20, line 40, strike "(f)" and insert "(g)".

Page 20, delete line 42.

Delete page 21.

Page 22, delete lines 1 through 8.

Page 23, delete lines 10 through 42, begin a new paragraph and insert:

"Sec. 2. The following definitions apply throughout this chapter:

(1) "Bonds" means bonds, notes, or other evidence of indebtedness.

(2) "Budget agency" means the budget agency created by IC 4-12-1.

(3) "Budget committee" means the budget committee established by IC 4-12-1-3.

(4) "Capital improvement" means any facility or complex of facilities established as part of an additional professional sports development area under section 4 of this chapter.

(5) "Capital improvement board" refers to the capital improvement board of managers created by IC 36-10-9-3.

(6) "City" refers to the city of Indianapolis, Indiana.

(7) "Commission" refers to the metropolitan development



commission acting as the redevelopment commission of a consolidated city.

(8) "Covered taxes" means the following:

(A) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.

(B) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

(C) The local income tax imposed under IC 6-3.6, other than local income taxes that are paid by local taxpayers described in IC 6-3.6-2-13(3).

(D) A food and beverage tax imposed under IC 6-9.

(9) "Department" refers to the department of state revenue.

(10) "Facility" means all or any part of one (1) or more buildings, structures, or improvements constituting a capital improvement. The term refers to and includes a capital improvement.

(11) "Facilities authority" refers to the county convention and recreational facilities authority created by IC 36-10-9.1.

(12) "Professional soccer team" means a professional soccer team that holds its home professional sporting events in a facility constituting a capital improvement.

(13) "Tax area" means a geographic area established by a commission as an additional professional sports development area under section 8 of this chapter.

(14) "Taxpayer" means a person that is liable for a covered tax."

Page 24, delete lines 1 through 17.

Page 24, line 18, delete "15." and insert "3."

Page 25, line 18, delete "16." and insert "4."

Page 25, line 37, after "county." insert **"However, the straight line distance between any point in the tax area and the facility described in subdivision (1) may not exceed one (1) mile."**

Page 25, line 42, delete "or assumed by".

Page 26, between lines 2 and 3, begin a new paragraph and insert:

"(c) If a facility described in subsection (a)(1) shares a common wall or other improvements, equipment, or facilities with a facility described in subsection (a)(2) through (a)(4), the capital improvement board, the facilities board, or a political subdivision, as applicable, shall determine if any increase in the cost to construct or acquire the capital improvement results from the shared use and, consistent with subsection (b), whether the increased costs should or should not be financed."



Page 26, line 3, delete "17." and insert "5."

Page 26, line 3, delete "before" and insert "**not later than**".

Page 26, line 25, delete "18." and insert "6."

Page 26, line 26, delete "20" and insert "8".

Page 26, line 29, delete "20" and insert "8".

Page 27, delete lines 4 through 42, begin a new paragraph and insert:

"Sec. 7. (a) The budget agency must approve the resolution before the covered taxes may be allocated under section 8 of this chapter.

(b) When considering a resolution, the budget committee and the budget agency must make the following findings:

(1) The project specified in the resolution is economically sound and will benefit the people of Indiana by protecting or increasing state and local tax bases and tax revenues for at least the duration of the tax area established under this chapter.

(2) The political subdivisions affected by the project specified in the resolution have committed significant resources toward completion of the improvement.

(c) Revenues from the tax area may not be allocated until the budget agency approves the resolution.

(d) In addition to the requirements under subsections (a) and (c), covered taxes may not be allocated unless:

(1) the commission has established a tax area under section 8 of this chapter;

(2) the budget committee has reviewed the resolution;

(3) the city-county council has adopted an ordinance to impose an admissions tax under IC 6-9-13;

(4) the capital improvement board has adopted a resolution to apply revenue collected in the tax area and transferred to the capital improvement board from imposition of:

(A) an innkeeper's tax under IC 6-9-8; and

(B) an admissions tax under IC 6-9-13;

(5) the owner or owners of the professional soccer team have provided at least twenty percent (20%) of the cost of the project to construct the facility that will be used to host professional sporting events; and

(6) the Indiana finance authority has reviewed a feasibility study conducted by the capital improvement board, the commission, or the City of Indianapolis that demonstrates that the proposed project related to the proposed tax area will



protect or increase the state tax base and revenues.

(e) Revenue described in subsection (d)(4) may be used in the manner described in section 15 of this chapter.

(f) For purposes of subsection (d)(5), the term "twenty percent (20%) of the cost" means either:

(1) an initial contribution made before construction begins equal to twenty percent (20%) of the total capital construction cost of the facility; or

(2) a commitment to pay twenty percent (20%) of the annual debt service or lease rental payments payable for the facility until the financing obligation for the facility is paid in full.

(g) An entity that:

(1) collects innkeeper's tax under IC 6-9-8 or food and beverage tax under IC 6-9-12 at one (1) or more properties in the tax area; and

(2) also has one (1) or more properties in the county that are outside the tax area;

must file separate returns for the properties in the tax area at which the entity collects innkeeper's tax under IC 6-9-8 or food and beverage tax under IC 6-9-12."

Page 28, delete lines 1 through 8.

Page 28, line 9, delete "20." and insert "8."

Page 28, line 10, delete "must" and insert "may".

Page 28, line 12, delete "or by individuals living in the tax area".

Page 28, line 16, delete "twenty-five (25) years" and insert "thirty-two (32) years".

Page 28, line 17, after "area." insert "Covered taxes may not be collected in the tax area until after the earlier of June 30, 2021, or the date on which all the conditions set forth in this chapter are met."

Page 28, line 25, delete "the majority of the professional" and insert "home games at a capital improvement".

Page 28, line 26, delete "athletic events that the team plays in Indiana".

Page 28, line 28, delete "eight million dollars (\$8,000,000) per" and insert "nine million five hundred thousand dollars (\$9,500,000) per state fiscal".

Page 28, line 29, delete "twenty-five (25) years" and insert "thirty-two (32) years".

Page 28, line 34, delete "under IC 4-22-2".

Page 28, line 35, delete "area." and insert "area and to adopt withholding requirements in the manner authorized under



IC 6-3-4-8."

Page 28, line 36, delete "21." and insert "9."

Page 28, line 37, delete "notify the department by certified" and insert ", **in cooperation with the department and the Indiana office of technology, develop geographic information system (GIS) codes for the properties in the tax area, in accordance with guidelines issued by the department. The commission shall provide the department with any information necessary for the department to use GIS codes and data to collect covered taxes in the tax area. The commission shall update the information provided to the department and the Indiana office of technology before July 1 of each year.**".

Page 28, delete lines 38 through 42.

Page 29, delete line 1.

Page 29, line 2, delete "annually," and insert "**monthly**".

Page 29, line 16, delete "annually" and insert "**monthly**".

Page 29, between lines 18 and 19, begin a new paragraph and insert:

"(d) Taxpayers operating in the tax area shall report monthly, in the manner and in the form prescribed by the department, information that the department determines necessary to calculate withholdings required by IC 6-3-4-8.

(e) Taxpayers operating in the tax area shall report monthly, in the manner and in the form prescribed by the department, information that the department determines necessary to calculate state gross retail taxes imposed under IC 6-2.5-2-1."

Page 29, line 19, delete "(d)" and insert "**(f)**".

Page 29, line 25, delete "22." and insert "**10**".

Page 29, line 29, delete "23." and insert "**11**".

Page 29, line 30, delete "20" and insert "**8**".

Page 29, line 31, delete "If the".

Page 29, delete lines 32 through 41.

Page 29, line 42, delete "24." and insert "**12**".

Page 29, line 42, delete "month following" and insert "**month**".

Page 30, delete line 1.

Page 30, line 2, delete "section 38 of this chapter,".

Page 30, line 6, delete "25." and insert "**13**".

Page 30, line 6, delete "department" and insert "**auditor of state, in cooperation with the department**".

Page 30, line 9, delete "26." and insert "**14**".

Page 30, delete lines 13 through 21, begin a new paragraph and insert:

"Sec. 15. The capital improvement board may use money



distributed from the additional professional sports development area fund to pay any costs related to a capital improvement described in section 4(a)(1) of this chapter, including the following:

- (1) Any costs related to the operation, maintenance, or replacement of a capital improvement described in section 4(a)(1) of this chapter.**
- (2) Any costs related to constructing, renovating, and equipping a capital improvement described in section 4(a)(1) of this chapter.**
- (3) Any costs related to the financing or refinancing of a capital improvement described in section 4(a)(1) of this chapter.**
- (4) Any costs or expenses of the capital improvement board or the facilities authority incurred in connection with administering the capital improvement or related bonds, leases, agreements, or related undertakings."**

Page 30, line 22, delete "28." and insert "16."

Page 30, line 32, delete "These" and insert "**The commission or the capital improvement board may adjust these participation percentages for each goal to reflect the results of a disparity study conducted by the City of Indianapolis. These**".

Page 30, line 37, delete "29." and insert "17."

Page 30, line 40, delete "section 27" and insert "**section 15**".

Page 30, line 40, delete "The".

Page 30, delete lines 41 through 42.

Delete pages 31 through 38.

Page 39, delete lines 1 through 27.

Page 40, between lines 24 and 25, begin a new paragraph and insert:
"SECTION 19. IC 36-10-9-6, AS AMENDED BY P.L.214-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The board may, acting under the title "capital improvement board of managers of _____ County", do the following:

- (1) Acquire by grant, purchase, gift, devise, lease, condemnation, or otherwise, and hold, use, sell, lease, or dispose of, real and personal property and all property rights and interests necessary or convenient for the exercise of its powers under this chapter.**
- (2) Construct, reconstruct, repair, remodel, enlarge, extend, or add to any capital improvement built or acquired by the board under this chapter.**
- (3) Control and operate a capital improvement, including letting concessions and leasing all or part of the capital improvement.**



- (4) Fix charges and establish rules governing the use of a capital improvement.
- (5) Accept gifts or contributions from individuals, corporations, limited liability companies, partnerships, associations, trusts, or political subdivisions, foundations, and funds, loans, or advances on the terms that the board considers necessary or desirable from the United States, the state, and any political subdivision or department of either, including entering into and carrying out contracts and agreements in connection with this subdivision.
- (6) Exercise within and in the name of the county the power of eminent domain under general statutes governing the exercise of the power for a public purpose.
- (7) Receive and collect money due for the use or leasing of a capital improvement and from concessions and other contracts, and expend the money for proper purposes.
- (8) Receive excise taxes, income taxes, and ad valorem property taxes and expend the money for operating expenses, payments of principal or interest of bonds or notes issued under this chapter, and for all or part of the cost of a capital improvement.
- (9) Retain the services of architects, engineers, accountants, attorneys, and consultants and hire employees upon terms and conditions established by the board, so long as any employees or members of the board authorized to receive, collect, and expend money are covered by a fidelity bond, the amount of which shall be fixed by the board. Funds may not be disbursed by an employee or member of the board without prior specific approval by the board.
- (10) Provide coverage for its employees under IC 22-3 and IC 22-4.
- (11) Purchase public liability and other insurance considered desirable.
- (12) **Subject to section 6.5 of this chapter**, make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including the enforcement of them.
- (13) Sue and be sued in the name and style of "capital improvement board of managers of _____ County" (including the name of the county), service of process being had by leaving a copy at the board's office.
- (14) Prepare and publish descriptive material and literature relating to the facilities and advantages of a capital improvement and do all other acts that the board considers necessary to



promote and publicize the capital improvement, including the convention and visitor industry, and serve the commercial, industrial, and cultural interests of Indiana and its citizens. The board may assist, cooperate, and fund governmental, public, and private agencies and groups for these purposes.

(15) Enter into leases of capital improvements and sell or lease property under IC 5-1-17 or IC 36-10-9.1.

SECTION 20. IC 36-10-9-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) The following definitions apply throughout this section:**

(1) "Contract" includes a lease or other agreement.

(2) "Contract limitation" refers to a bid specification, project agreement, lease provision, or other contract document that does any of the following:

(A) Requires a bidder, offeror, or contractor in any contractor tier to enter into or adhere to an agreement with a labor organization relating to a project.

(B) Prohibits a bidder, offeror, or contractor in any contractor tier from entering into or adhering to an agreement with a labor organization relating to a project.

(C) Discriminates against a bidder, offeror, or contractor in any contractor tier for any of the following:

(i) Becoming or remaining a signatory to an agreement with a labor organization relating to a project.

(ii) Refusing to become or remain a signatory to an agreement with a labor organization relating to a project.

(iii) Adhering or refusing to adhere to an agreement with a labor organization relating to a project.

(3) "Project" refers to a project of the board for the construction or lease of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part from funds derived from the establishment of a tax area under IC 36-7-31.5.

(4) "Public benefit" refers to a grant, a tax abatement, a tax credit, or establishment or use of tax area revenues related to a project.

(b) A contract under this chapter or another law relating to a project may not require a contractor or subcontractor to enter into a contract limitation as a condition of being awarded and performing work on the contract. Any such provision is void.



(c) A public entity may not award a public benefit that is conditioned upon a requirement that the person awarded the public benefit include a contract limitation in a contract document related to a project. Any such provision is void.

SECTION 21. IC 36-10-9.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The authority may also **do any of the following:**

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip capital improvements.
- (2) Lease those capital improvements to the capital improvement board.
- (3) Sue, be sued, plead, and be impleaded, but all actions against the authority must be brought in the circuit or superior court of the county in which the authority is located.
- (4) Condemn, appropriate, lease, rent, purchase, and hold any real or personal property needed or considered useful in connection with capital improvements.
- (5) Acquire real or personal property by gift, devise, or bequest and hold, use, or dispose of that property for the purposes authorized by this chapter.
- (6) Enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a capital improvement.
- (7) Design, order, contract for, and construct, reconstruct, and renovate any capital improvements or improvements ~~thereto;~~ **to a capital improvement.**
- (8) Employ managers, superintendents, architects, engineers, attorneys, auditors, clerks, construction managers, and other employees necessary for construction of capital improvements or improvements ~~thereto;~~ **to a capital improvement.**
- (9) **Subject to section 11.5 of this chapter,** make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. ~~and~~
- (10) Take any other action necessary to implement its purposes as set forth in section 10 of this chapter.

SECTION 22. IC 36-10-9.1-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) The following definitions apply throughout this section:**

- (1) "Contract" includes a lease or other agreement.
- (2) "Contract limitation" refers to a bid specification, project



agreement, lease provision, or other contract document that does any of the following:

- (A) Requires a bidder, offeror, or contractor in any contractor tier to enter into or adhere to an agreement with a labor organization relating to a project.
- (B) Prohibits a bidder, offeror, or contractor in any contractor tier from entering into or adhering to an agreement with a labor organization relating to a project.
- (C) Discriminates against a bidder, offeror, or contractor in any contractor tier for any of the following:
 - (i) Becoming or remaining a signatory to an agreement with a labor organization relating to a project.
 - (ii) Refusing to become or remain a signatory to an agreement with a labor organization relating to a project.
 - (iii) Adhering or refusing to adhere to an agreement with a labor organization relating to a project.
- (3) "Project" refers to a project of the authority for the construction, reconstruction, or renovation of or improvement to any capital improvement under this chapter to be financed in whole or in part from funds derived from the establishment of a tax area under IC 36-7-31.5.
- (4) "Public benefit" refers to a grant, a tax abatement, a tax credit, or establishment or use of tax area revenues related to a project.

(b) A contract relating to a project may not require a contractor or subcontractor to enter into a contract limitation as a condition of being awarded and performing work on the contract. Any such provision is void.

(c) A public entity may not award a public benefit that is conditioned upon a requirement that the person awarded the public benefit include a contract limitation in a contract document related to a project. Any such provision is void."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 7 as reprinted February 26, 2019.)

HUSTON

Committee Vote: yeas 23, nays 0.

ES 7—LS 7489/DI 125

