



Reprinted
July 30, 2022

SENATE BILL No. 3(ss)

DIGEST OF SB 3(ss) (Updated July 29, 2022 12:47 pm - DI 120)

Citations Affected: IC 6-2.5; IC 6-6; noncode.

Synopsis: Tax and fiscal matters. Provides that the gasoline use tax rate during the period beginning on the first day following the enactment into law of the bill and continuing through June 30, 2023, is capped at \$0.295 per gallon. Provides, however, that if the gasoline use tax rate as determined under current law for a month is less than \$0.295 per gallon, the lesser tax rate shall apply. Provides a temporary sales tax exemption for six monthly billing cycles during which the sale of utilities to residential customers and the sale of intrastate telecommunication services to residential customers are exempt from the state sales tax. Defines "residential customer" for purposes of the exemption. Requires the power subsidiary or person that furnishes or sells the services to provide to each customer on the customer's billing statement a notice that the state sales tax that otherwise would be applied is not applied in accordance with the enactment of the bill. Freezes the gasoline excise tax and the special fuel tax rates beginning on the first day following the enactment into law of the bill and
(Continued next page)

Effective: Upon passage.

**Holdman, Garten, Melton, Mishler,
Rogers, Doriot, Kruse, Sandlin, Raatz,
Gaskill, Boehnlein, Boots, Buchanan,
Crane, Baldwin, Walker K**

July 25, 2022, read first time and referred to Committee on Appropriations.
July 27, 2022, amended, reported favorably — Do Pass.
July 29, 2022, read second time, amended, ordered engrossed.

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Digest Continued

continuing through June 30, 2023, at the rates that were in effect on June 30, 2022. Eliminates the annual index factor during this period. Specifies that beginning July 1, 2023, the tax rates shall be determined as if the rates had not been frozen during the 2023 state fiscal year. Appropriates \$17,700,000 from the state general fund to the auditor of state to make transfers to counties, cities, and towns equal to the amount of gasoline excise tax and special fuel tax that each county, city, and town would have otherwise received if the rates had not been frozen during the 2023 state fiscal year. Requires the revenue transferred to the counties, cities, and towns to be used for the purposes for which revenue from those tax rates may be used under applicable law. Appropriates an amount for transfer to the capital reserve account after June 30, 2023, based on a determination by the budget agency of the difference between: (1) \$1,000,000,000; and (2) the actual fiscal impact to the state of Indiana in state fiscal year 2023 as a result of the enactment of certain provisions being proposed in Senate Bill 2 and Senate Bill 3. Appropriates \$400,000,000 from the state general fund to the budget agency for transfer to the pension stabilization fund for the purposes of the pension stabilization fund.

SB 3(ss)—LS 6028/DI 120



Reprinted
July 30, 2022

Special Session of the 122nd General Assembly (2022)(ss)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

SENATE BILL No. 3(ss)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

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

- 1 SECTION 1. IC 6-2.5-3.5-15, AS ADDED BY P.L.227-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 15. (a) Before the twenty-second day of each
4 month, the department shall determine and provide a notice of the
5 gasoline use tax rate to be used during the following month and the
6 source of the data used to determine the gasoline use tax rate and the
7 statewide average retail price per gallon of gasoline. The notice shall
8 be published on the department's Internet web site in a departmental
9 notice.
- 10 (b) In determining the gasoline use tax rate under this section, the
11 department shall use:
- 12 (1) the statewide average retail price per gallon of gasoline (based
13 on the retail price per gallon of gasoline from the sixteenth day of
14 the previous month to the fifteenth day of the current month),
15 excluding the Indiana gasoline tax, federal gasoline tax, the

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- 1 Indiana gasoline use tax, and Indiana gross retail tax (if any);
 2 multiplied by
 3 (2) seven percent (7%).
- 4 To determine the statewide average retail price, the department shall
 5 use a data service that updates the most recent retail price of gasoline.
 6 The gasoline use tax rate per gallon of gasoline determined by the
 7 department under this section shall be rounded to the nearest one-tenth
 8 of one cent (\$0.001).
- 9 **(c) Notwithstanding subsections (a) and (b), the gasoline use tax**
 10 **rate imposed on a transaction that occurs beginning on the first**
 11 **day following the enactment into law of this subsection and**
 12 **continuing through June 30, 2023, is the lesser of:**
- 13 **(1) the monthly gasoline use tax rate per gallon of gasoline as**
 14 **determined by the department under subsections (a) and (b);**
 15 **or**
 16 **(2) twenty-nine and five-tenths cents (\$0.295) per gallon of**
 17 **gasoline.**
- 18 **This subsection expires July 1, 2023.**
- 19 SECTION 2. IC 6-2.5-5-57 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 57. (a) As used in this section,
 22 "commission" refers to the Indiana utility regulatory commission
 23 created by IC 8-1-1-2.
- 24 (b) As used in this section, "public utility" means the following:
 25 (1) A public utility (as defined in IC 8-1-2-1(a)).
 26 (2) An energy utility (as defined in IC 8-1-2.5-2).
 27 (3) A municipally owned utility (as defined in IC 8-1-2-1(h)).
 28 (4) A department of public utilities created under IC 8-1-11.1.
- 29 (c) As used in this section, "residential customer" means:
 30 (1) a person who takes service from a public utility under a
 31 commission approved residential tariff for service;
 32 (2) if subdivision (1) does not apply, a person who is a
 33 "residential customer" as defined in the billing practices of
 34 the service provider; or
 35 (3) if subdivisions (1) and (2) do not apply, a person to whom
 36 services described in this section are furnished or sold for
 37 consumption at a dwelling and which are used predominantly
 38 for personal or domestic purposes and not for business or
 39 commercial purposes.
- 40 (d) As used in this section, "sales tax exemption period" means
 41 each monthly billing cycle for residential customers:
 42 (1) beginning for each residential customer on the date that is



1 the first day of the monthly billing cycle that is issued for the
2 residential customer after August 31, 2022; and

3 (2) ending for each residential customer on the date that is the
4 last day of the monthly billing cycle that is issued for the
5 residential customer before March 1, 2023.

6 (e) Transactions involving:

7 (1) the furnishing or sale of electrical energy, natural or
8 artificial gas, water, steam, or steam heating services to a
9 residential customer by a power subsidiary or a person
10 engaged as a public utility; or

11 (2) the furnishing or sale of liquefied petroleum gas (as
12 defined in IC 22-11-15-2(1)) to a residential customer by a
13 liquefied petroleum gas company;

14 that is a retail merchant making a retail transaction are exempt
15 from the state gross retail tax for six (6) months during the sales
16 tax exemption period set forth in subsection (d).

17 (f) Transactions involving the furnishing or sale of an intrastate
18 telecommunication service to a residential customer by a person
19 that is a retail merchant making a retail transaction under
20 IC 6-2.5-4-6 are exempt from the state gross retail tax for six (6)
21 months during the sales tax exemption period set forth in
22 subsection (d).

23 (g) A power subsidiary or person that furnishes or sells services
24 to residential customers that are exempt under this section during
25 the sales tax exemption period shall provide to each customer on
26 the customer's billing statement a notice that the state gross retail
27 tax that otherwise would be applied is not applied in accordance
28 with the enactment of this section.

29 (h) A public utility that is subject to the jurisdiction of the
30 commission does not need the approval of the commission to act
31 under this section.

32 (i) This section expires June 30, 2023.

33 SECTION 3. IC 6-6-1.1-201, AS AMENDED BY P.L.159-2021,
34 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 201. (a) A license tax is imposed on the use
36 of all gasoline used in Indiana at the applicable rate specified in
37 subsection (b), except as otherwise provided by this chapter. The
38 distributor shall initially pay the tax on the billed gallonage of all
39 gasoline the distributor receives in this state, less any deductions
40 authorized by this chapter. The distributor shall then add the per gallon
41 amount of tax to the selling price of each gallon of gasoline sold in this
42 state and collected from the purchaser so that the ultimate consumer



- 1 bears the burden of the tax.
- 2 (b) The license tax described in subsection (a) is imposed at the
- 3 following applicable rate per gallon:
- 4 (1) Before July 1, 2017, eighteen cents (\$0.18).
- 5 (2) For July 1, 2017, through June 30, 2018, the lesser of:
- 6 (A) the rate resulting from using the factors determined under
- 7 IC 6-6-1.6-2; or
- 8 (B) twenty-eight cents (\$0.28).
- 9 (3) **Except as provided in subdivision (4)**, beginning July 1,
- 10 2018, and each July 1 through July 1, 2024, the department shall
- 11 determine an applicable rate equal to the product of:
- 12 (A) the rate in effect on June 30; multiplied by
- 13 (B) the factor determined under IC 6-6-1.6-3.
- 14 **(4) Beginning on the first day following the enactment into**
- 15 **law of this subdivision and continuing through June 30, 2023,**
- 16 **and notwithstanding any other provision or previous**
- 17 **department publication, the applicable rate shall be equal to**
- 18 **the rate that was in effect on June 30, 2022.**

19 The rate shall be rounded to the nearest cent (\$0.01). After June 30,

20 2018, **and before the enactment into law of subdivision (4)**, the new

21 applicable rate may not exceed the rate in effect on June 30 plus one

22 cent (\$0.01). **After June 30, 2023, the new applicable rate may not**

23 **exceed the rate in effect on June 30 determined as if subdivision (4)**

24 **had not been enacted plus one cent (\$0.01).** However, the new rate

25 may not be less than the rate in effect on June 30. If the calculation of

26 a new rate would produce a rate that is less than the rate in effect on

27 June 30, the new rate shall be the rate in effect on June 30. The

28 department shall publish the rate that will take effect on July 1 on the

29 department's Internet web site not later than June 1, **except in the case**

30 **of the rate set forth in subdivision (4), which the department shall**

31 **publish as soon as practicable.**

32 SECTION 4. IC 6-6-1.6-3, AS AMENDED BY P.L.159-2021,

33 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

34 UPON PASSAGE]: Sec. 3. (a) The department shall calculate an

35 annual index factor to be used for the rate to take effect each July 1

36 beginning in 2018 through July 1, 2024, **except as otherwise provided**

37 **in subsection (d).** The department shall determine the index factor

38 before June 1 of each year using the method described in subsection

39 (b).

40 (b) The annual gasoline tax index factor and special fuel index

41 factor equals the following:

42 STEP ONE: Divide the annual CPI-U for the year preceding the



- 1 determination year by the annual CPI-U for the year immediately
 2 preceding that year.
- 3 STEP TWO: Divide the annual IPI for the year preceding the
 4 determination year by the annual IPI for the year immediately
 5 preceding that year.
- 6 STEP THREE: Add:
- 7 (A) the STEP ONE result; and
 8 (B) the STEP TWO result.
- 9 STEP FOUR: Divide the STEP THREE result by two (2).
- 10 (c) If the CPI-U or IPI for a preceding year is revised, corrected, or
 11 updated after May 31 of that year, the department shall use the CPI-U
 12 or IPI as published for the preceding year prior to revision.
- 13 **(d) An annual gasoline tax index factor and special fuel index**
 14 **factor described in this section shall not be applied under**
 15 **IC 6-6-1.1-201 or IC 6-6-2.5-28 during the period set forth in**
 16 **IC 6-6-1.1-201(b)(4) and IC 6-6-2.5-28(b)(5).**
- 17 SECTION 5. IC 6-6-2.5-28, AS AMENDED BY P.L.159-2021,
 18 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 28. (a) A license tax is imposed on all special
 20 fuel sold or used in producing or generating power for propelling motor
 21 vehicles, except fuel used under section 30(a)(8) or 30.5 of this
 22 chapter, at the applicable rate specified in subsection (b). The tax shall
 23 be paid at those times, in the manner, and by those persons specified in
 24 this section and section 35 of this chapter.
- 25 (b) The license tax described in subsection (a) is imposed at the
 26 following applicable rate per special fuel gallon:
- 27 (1) Before July 1, 2017, sixteen cents (\$0.16).
 28 (2) For July 1, 2017, through June 30, 2018, the lesser of:
 29 (A) the rate resulting from using the factors determined under
 30 IC 6-6-1.6-2; or
 31 (B) twenty-six cents (\$0.26).
 32 (3) For July 1, 2018, through June 30, 2019, the product of:
 33 (A) the sum of:
 34 (i) the rate in effect on June 30; and
 35 (ii) twenty-one cents (\$0.21); multiplied by
 36 (B) the factor determined under IC 6-6-1.6-3.
 37 (4) **Except as provided in subdivision (5),** beginning July 1,
 38 2019, and each July 1 through July 1, 2024, the department shall
 39 determine an applicable rate equal to the product of:
 40 (A) the rate in effect on June 30; multiplied by
 41 (B) the factor determined under IC 6-6-1.6-3.
 42 **(5) Beginning on the first day following the enactment into**



1 **law of this subdivision and continuing through June 30, 2023,**
 2 **and notwithstanding any other provision or previous**
 3 **department publication, the applicable rate shall be equal to**
 4 **the rate that was in effect on June 30, 2022.**

5 The rate shall be rounded to the nearest cent (\$0.01). However, after
 6 June 30, 2018, and before July 1, 2019, the new applicable rate may not
 7 exceed the rate in effect on June 30 plus twenty-three cents (\$0.23).
 8 After June 30, 2019, **and before the enactment into law of**
 9 **subdivision (5),** the new applicable rate may not exceed the rate in
 10 effect on June 30 plus two cents (\$0.02). **After June 30, 2023, the new**
 11 **applicable rate may not exceed the rate in effect on June 30**
 12 **determined as if subdivision (5) had not been enacted plus two**
 13 **cents (\$0.02).** However, the new rate may not be less than the rate in
 14 effect on June 30. If the calculation of a new rate would produce a rate
 15 that is less than the rate in effect on June 30, the new rate shall be the
 16 rate in effect on June 30. The department shall publish the rate that will
 17 take effect on July 1 on the department's Internet web site not later than
 18 June 1, **except in the case of the rate set forth in subdivision (5),**
 19 **which the department shall publish as soon as practicable.**

20 (c) The department shall consider it a rebuttable presumption that
 21 all undyed or unmarked special fuel, or both, received in Indiana is to
 22 be sold for use in propelling motor vehicles.

23 (d) Except as provided in subsection (e), the tax imposed on special
 24 fuel by subsection (a) shall be measured by invoiced gallons (or diesel
 25 or gasoline gallon equivalents in the case of a special fuel described in
 26 section 22.5(2) or 22.5(3) of this chapter) of nonexempt special fuel
 27 received by a licensed supplier in Indiana for sale or resale in Indiana
 28 or with respect to special fuel subject to a tax precollection agreement
 29 under section 35(j) of this chapter, such special fuel removed by a
 30 licensed supplier from a terminal outside of Indiana for sale for export
 31 or for export to Indiana and in any case shall generally be determined
 32 in the same manner as the tax imposed by Section 4081 of the Internal
 33 Revenue Code and Code of Federal Regulations.

34 (e) The tax imposed by subsection (a) on special fuel imported into
 35 Indiana, other than into a terminal, is imposed at the time the product
 36 is entered into Indiana and shall be measured by invoiced gallons
 37 received at a terminal or at a bulk plant.

38 (f) In computing the tax, all special fuel in process of transfer from
 39 tank steamers at boat terminal transfers and held in storage pending
 40 wholesale bulk distribution by land transportation, or in tanks and
 41 equipment used in receiving and storing special fuel from interstate
 42 pipelines pending wholesale bulk reshipment, shall not be subject to



1 tax.

2 (g) The department shall consider it a rebuttable presumption that
3 special fuel consumed in a motor vehicle plated for general highway
4 use is subject to the tax imposed under this chapter. A person claiming
5 exempt use of special fuel in such a vehicle must maintain adequate
6 records as required by the department to document the vehicle's taxable
7 and exempt use.

8 (h) A person that engages in blending fuel for taxable sale or use in
9 Indiana is primarily liable for the collection and remittance of the tax
10 imposed under subsection (a). The person shall remit the tax due in
11 conjunction with the filing of a monthly report in the form prescribed
12 by the department.

13 (i) A person that receives special fuel that has been blended for
14 taxable sale or use in Indiana is secondarily liable to the state for the
15 tax imposed under subsection (a).

16 (j) A person may not use special fuel on an Indiana public highway
17 if the special fuel contains a sulfur content that exceeds five
18 one-hundredths of one percent (0.05%). A person who knowingly:

19 (1) violates; or

20 (2) aids or abets another person to violate;

21 this subsection commits a Class A infraction. However, the violation
22 is a Class A misdemeanor if the person has committed one (1) prior
23 unrelated violation of this subsection, and a Level 6 felony if the person
24 has committed more than one (1) unrelated violation of this subsection.

25 **SECTION 6. [EFFECTIVE UPON PASSAGE] (a) For the period**
26 **of time described in IC 6-6-1.1-201(b)(4) during which the**
27 **applicable license tax rate is equal to the rate that was in effect on**
28 **June 30, 2022, the auditor of state in coordination with the**
29 **department of state revenue shall transfer to counties, cities, and**
30 **towns an amount equal to the amount of license tax that each**
31 **county, city, and town would have otherwise received in the**
32 **manner provided by IC 6-6-1.1-802 if IC 6-6-1.1-201(b)(4) had not**
33 **been enacted. Revenue transferred under this SECTION shall be**
34 **distributed to counties, cities, and towns in the same manner**
35 **prescribed by and subject to the same requirements determined**
36 **under IC 8-14-1-4, IC 8-14-1-5, IC 8-14-2-4, and IC 8-14-2-5.**

37 **(b) For the period of time described in IC 6-6-2.5-28(b)(5)**
38 **during which the applicable special fuel tax rate is equal to the rate**
39 **that was in effect on June 30, 2022, the auditor of state in**
40 **coordination with the department of state revenue shall transfer to**
41 **counties, cities, and towns an amount equal to the amount of**
42 **special fuel tax that each county, city, and town would have**



1 otherwise received in the manner provided by IC 6-6-2.5-68 if
 2 IC 6-6-2.5-28(b)(5) had not been enacted. Revenue transferred
 3 under this SECTION shall be distributed to counties, cities, and
 4 towns in the same manner prescribed by and subject to the same
 5 requirements determined under IC 8-14-1-4, IC 8-14-1-5,
 6 IC 8-14-2-4, and IC 8-14-2-5.

7 (c) Seventeen million seven hundred thousand dollars
 8 (\$17,700,000) is appropriated from the state general fund to the
 9 auditor of state for purposes of this SECTION. Any amounts not
 10 transferred under this SECTION at the end of the state fiscal year
 11 ending June 30, 2023, shall revert to the state general fund.

12 (d) This SECTION expires July 1, 2023.

13 SECTION 7. [EFFECTIVE UPON PASSAGE] (a) After June 30,
 14 2023, the budget agency shall calculate the amount determined in
 15 STEP FIVE of the following formula:

16 STEP ONE: Determine the sum of the actual fiscal impacts,
 17 if any, to the state of Indiana in the state fiscal year beginning
 18 July 1, 2022, and ending June 30, 2023, as a result of the
 19 enactment of each of the following provisions being proposed
 20 in SB 3-2022(ss), as follows:

21 (A) The added subsection in IC 6-2.5-3.5-15(c) to cap the
 22 gasoline use tax rate at twenty-nine and five-tenths cents
 23 (\$0.295) per gallon of gasoline through June 30, 2023.

24 (B) The added section in IC 6-2.5-5-57 to provide a state
 25 sales tax exemption for the sale of utilities to residential
 26 customers and the sale of intrastate telecommunication
 27 services to residential customers for a six (6) month period.

28 (C) The added subdivision in IC 6-6-1.1-201(b)(4) and
 29 subsection in IC 6-6-1.6-3(d) to freeze the gasoline excise
 30 tax rate through June 30, 2023.

31 (D) The added subdivision in IC 6-6-2.5-28(b)(5) and
 32 subsection in IC 6-6-1.6-3(d) to freeze the special fuel tax
 33 rate through June 30, 2023.

34 (E) The noncode provision appropriating seventeen million
 35 seven hundred thousand dollars (\$17,700,000) to counties,
 36 cities, and towns to replace the full amount of gasoline
 37 excise tax and special fuel tax that each county, city, and
 38 town would have otherwise received if IC 6-6-1.1-201(b)(4)
 39 and IC 6-6-2.5-28(b)(5) had not been enacted.

40 (F) The noncode provision appropriating four hundred
 41 million dollars (\$400,000,000) from the state general fund
 42 to the budget agency for transfer to the pension



- 1 **stabilization fund established by IC 5-10.4-2-5.**
- 2 **STEP TWO: Determine an amount equal to forty-five million**
- 3 **dollars (\$45,000,000) that is appropriated from the state**
- 4 **general fund to the Hoosier Families First Fund in the state**
- 5 **fiscal year beginning July 1, 2022, and ending June 30, 2023,**
- 6 **as a result of the enactment of IC 4-12-1-17.2(c) in SB**
- 7 **2-2022(ss).**
- 8 **STEP THREE: Determine the additional amount that was**
- 9 **claimed by taxpayers under the adoption tax credit in the**
- 10 **state fiscal year beginning July 1, 2022, and ending June 30,**
- 11 **2023, a result of the enactment of the amendment to**
- 12 **IC 6-3-3-13(b)(2) in SB 2-2022(ss) increasing the maximum**
- 13 **amount that may be claimed under the adoption tax credit**
- 14 **from one thousand dollars (\$1,000) to ten thousand dollars**
- 15 **(\$10,000), if any. The department of state revenue shall assist**
- 16 **the budget agency in making this determination.**
- 17 **STEP FOUR: Determine the sum of the STEP ONE, STEP**
- 18 **TWO, and STEP THREE amounts.**
- 19 **STEP FIVE: Determine the remainder of:**
- 20 **(A) One billion dollars (\$1,000,000,000); minus**
- 21 **(B) the STEP FOUR amount.**
- 22 **(b) The amount determined under STEP FIVE of subsection (a)**
- 23 **is appropriated from the state general fund to the budget agency**
- 24 **for transfer to the capital reserve account described in**
- 25 **P.L.165-2021 (HEA 1001-2021) and to be used for the same**
- 26 **purposes and in the same manner for which appropriations to the**
- 27 **capital reserve account may be used as set forth in P.L.165-2021**
- 28 **(HEA 1001-2021). The budget agency shall make the transfer**
- 29 **under this subsection after review by the budget committee and**
- 30 **before December 31, 2023.**
- 31 **(c) This SECTION expires January 1, 2024.**
- 32 **SECTION 8. [EFFECTIVE UPON PASSAGE] (a) Four hundred**
- 33 **million dollars (\$400,000,000) is appropriated from the state**
- 34 **general fund to the budget agency, which shall, after making the**
- 35 **transfer under IC 4-10-22-1.5 and before December 31, 2022,**
- 36 **transfer the appropriated four hundred million dollars**
- 37 **(\$400,000,000) to the pension stabilization fund established by**
- 38 **IC 5-10.4-2-5 for the purposes of the pension stabilization fund.**
- 39 **(b) This SECTION expires June 30, 2023.**
- 40 **SECTION 9. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 3(ss), 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:

Page 8, delete lines 11 through 18, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] (a) After June 30, 2023, the budget agency shall calculate the amount determined in STEP FIVE of the following formula:

STEP ONE: Determine the sum of the actual fiscal impacts, if any, to the state of Indiana in the state fiscal year beginning July 1, 2022, and ending June 30, 2023, as a result of the enactment of each of the following provisions being proposed in SB 3-2022(ss), as follows:

(A) The added subsection in IC 6-2.5-3.5-15(c) to cap the gasoline use tax rate at twenty-nine and five-tenths cents (\$0.295) per gallon of gasoline through June 30, 2023.

(B) The added section in IC 6-2.5-5-57 to provide a state sales tax exemption for the sale of utilities to residential customers and the sale of intrastate telecommunication services to residential customers for a six (6) month period.

(C) The added subdivision in IC 6-6-1.1-201(b)(4) and subsection in IC 6-6-1.6-3(d) to freeze the gasoline excise tax rate through June 30, 2023.

(D) The added subdivision in IC 6-6-2.5-28(b)(5) and subsection in IC 6-6-1.6-3(d) to freeze the special fuel tax rate through June 30, 2023.

(E) The noncode provision appropriating seventeen million seven hundred thousand dollars (\$17,700,000) to counties, cities, and towns to replace the full amount of gasoline excise tax and special fuel tax that each county, city, and town would have otherwise received if IC 6-6-1.1-201(b)(4) and IC 6-6-2.5-28(b)(5) had not been enacted.

(F) The noncode provision appropriating four hundred million dollars (\$400,000,000) from the state general fund to the budget agency for transfer to the pension stabilization fund established by IC 5-10.4-2-5.

STEP TWO: Determine an amount equal to forty-five million dollars (\$45,000,000) that is appropriated from the state general fund to the Hoosier Families First Fund in the state fiscal year beginning July 1, 2022, and ending June 30, 2023,

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as a result of the enactment of IC 4-12-1-17.2(c) in SB 2-2022(ss).

STEP THREE: Determine the additional amount that was claimed by taxpayers under the adoption tax credit in the state fiscal year beginning July 1, 2022, and ending June 30, 2023, a result of the enactment of the amendment to IC 6-3-3-13(b)(2) in SB 2-2022(ss) increasing the maximum amount that may be claimed under the adoption tax credit from one thousand dollars (\$1,000) to ten thousand dollars (\$10,000), if any. The department of state revenue shall assist the budget agency in making this determination.

STEP FOUR: Determine the sum of the STEP ONE, STEP TWO, and STEP THREE amounts.

STEP FIVE: Determine the remainder of:

(A) One billion dollars (\$1,000,000,000); minus

(B) the STEP FOUR amount.

(b) The amount determined under STEP FIVE of subsection (a) is appropriated from the state general fund to the budget agency for transfer to the capital reserve account described in P.L.165-2021 (HEA 1001-2021) and to be used for the same purposes and in the same manner for which appropriations to the capital reserve account may be used as set forth in P.L.165-2021 (HEA 1001-2021). The budget agency shall make the transfer under this subsection after review by the budget committee and before December 31, 2023.

(c) This SECTION expires January 1, 2024."

and when so amended that said bill do pass.

(Reference is to SB 3(ss) as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 3(ss) be amended to read as follows:

Page 3, delete lines 8 through 14, begin a new paragraph and insert:

"(e) Transactions involving:

(1) the furnishing or sale of electrical energy, natural or

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artificial gas, water, steam, or steam heating services to a residential customer by a power subsidiary or a person engaged as a public utility; or
(2) the furnishing or sale of liquefied petroleum gas (as defined in IC 22-11-15-2(1)) to a residential customer by a liquefied petroleum gas company;
that is a retail merchant making a retail transaction are exempt from the state gross retail tax for six (6) months during the sales tax exemption period set forth in subsection (d)."

(Reference is to SB 3(ss) as printed July 27, 2022.)

HOLDMAN

SENATE MOTION

Madam President: I move that Senate Bill 3(ss) be amended to read as follows:

Page 2, line 41, delete "full".

Page 2, line 41, delete "period" and insert "**cycle**".

Page 3, line 1, delete "first monthly residential customer" and insert "**monthly**".

Page 3, line 2, delete "statement" and insert "**cycle**".

Page 3, line 5, delete "last monthly residential customer" and insert "**monthly**".

Page 3, line 6, delete "statement" and insert "**cycle**".

(Reference is to SB 3(ss) as printed July 27, 2022.)

HOLDMAN

