

SENATE BILL No. 37

DIGEST OF SB 37 (Updated January 17, 2023 11:29 am - DI 129)

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

Synopsis: Food and beverage taxes. Requires each local unit that imposes a food and beverage tax to annually report information concerning distributions and expenditures of amounts received from the food and beverage tax. Provides that food and beverage taxes currently authorized under IC 6-9 and that do not otherwise contain an expiration date (other than the stadium and convention building authority food and beverage tax and the historic hotels food and beverage tax) shall expire on the later of: (1) January 1, 2045; or (2) the date on which all bonds or lease agreements outstanding on May 7, 2023, are completely paid. Requires each local unit that imposes a food and beverage tax that is subject to the expiration provision to provide to the department of local government finance (department) a list of each bond or lease agreement outstanding on May 7, 2023, and the date on which each will be completely paid. Requires the department to publish the information on the gateway website. Declares the intention of the general assembly to only authorize local units to impose new food and beverage taxes based on specified criteria.

Effective: Upon passage.

Gaskill, Holdman

January 9, 2023, read first time and referred to Committee on Tax and Fiscal Policy. January 17, 2023, amended, reported favorably — Do Pass.



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

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

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

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

SENATE BILL No. 37

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

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

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



1	(2) the payee or recipient;
2	(3) the specific purpose, including whether the check,
3	expenditure, distribution, or payment was for an employee
4	salary or a capital project; and
5	(4) if applicable, a description of the project for which the
6	check, expenditure, distribution, or payment was made.
7	(c) The report required under subsection (a) must be in a format
8	and on a form prescribed by the department of local government
9	finance.
10	(d) The department of local government finance shall post a
11	report received under subsection (a) on the department's computer
12	gateway.
13	SECTION 2. IC 6-9-20-12 IS ADDED TO THE INDIANA CODE
14	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
15	UPON PASSAGE]: Sec. 12. (a) The tax authorized under this
16	chapter expires on the later of:
17	(1) January 1, 2045; or
18	(2) the date on which all bonds or lease agreements
19	outstanding on May 7, 2023, for which a pledge of tax revenue
20	is made under this chapter are completely paid.
21	(b) Not later than December 31, 2023, the fiscal officer of the
22	county shall provide to the department of local government
23	finance:
24	(1) a list of each bond or lease agreement outstanding on May
25	7, 2023, for which a pledge of tax revenue is made under this
26	chapter; and
27	(2) the date on which each bond or lease agreement identified
28	in subdivision (1) will be completely paid.
29	The department of local government finance shall publish the
30	information received under this subsection on the department's
31	interactive and searchable website containing local government
32	information (the Indiana gateway for governmental units).
33	SECTION 3. IC 6-9-21-10 IS ADDED TO THE INDIANA CODE
34	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
35	UPON PASSAGE]: Sec. 10. (a) The tax authorized under this
36	chapter expires on the later of:
37	(1) January 1, 2045; or
38	(2) the date on which all bonds or lease agreements
39	outstanding on May 7, 2023, for which a pledge of tax revenue
40	is made under this chapter are completely paid.
41	(b) Not later than December 31, 2023, the fiscal officer of the
42	county shall provide to the department of local government



1	finance:
2	(1) a list of each bond or lease agreement outstanding on May
3	7, 2023, for which a pledge of tax revenue is made under this
4	chapter; and
5	(2) the date on which each bond or lease agreement identified
6	in subdivision (1) will be completely paid.
7	The department of local government finance shall publish the
8	information received under this subsection on the department's
9	interactive and searchable website containing local government
10	information (the Indiana gateway for governmental units).
11	SECTION 4. IC 6-9-24-10 IS ADDED TO THE INDIANA CODE
12	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
13	UPON PASSAGE]: Sec. 10. (a) The tax authorized under this
14	chapter expires on the later of:
15	(1) January 1, 2045; or
16	(2) the date on which all bonds or lease agreements
17	outstanding on May 7, 2023, for which a pledge of tax revenue
18	is made under this chapter are completely paid.
19	(b) Not later than December 31, 2023, the fiscal officer of the
20	municipality shall provide to the department of local government
21	finance:
22	(1) a list of each bond or lease agreement outstanding on May
23	7, 2023, for which a pledge of tax revenue is made under this
24	chapter; and
25	(2) the date on which each bond or lease agreement identified
26	in subdivision (1) will be completely paid.
27	The department of local government finance shall publish the
28	information received under this subsection on the department's
29	interactive and searchable website containing local government
30	information (the Indiana gateway for governmental units).
31	SECTION 5. IC 6-9-25-16 IS ADDED TO THE INDIANA CODE
32	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
33	UPON PASSAGE]: Sec. 16. (a) Subject to section 3(d) of this
34	chapter, the tax authorized under this chapter expires on the later
35	of:
36	(1) January 1, 2045; or
37	(2) the date on which all bonds or lease agreements
38	outstanding on May 7, 2023, for which a pledge of tax revenue
39	is made under this chapter are completely paid.
40	(b) Not later than December 31, 2023, the fiscal officer of the
41	county shall provide to the department of local government
42	finance:



1	(1) a list of each bond or lease agreement outstanding on May
2	7, 2023, for which a pledge of tax revenue is made under this
3	chapter; and
4	(2) the date on which each bond or lease agreement identified
5	in subdivision (1) will be completely paid.
6	The department of local government finance shall publish the
7	information received under this subsection on the department's
8	interactive and searchable website containing local government
9	information (the Indiana gateway for governmental units).
10	SECTION 6. IC 6-9-26-17 IS ADDED TO THE INDIANA CODE
11	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
12	UPON PASSAGE]: Sec. 17. (a) The tax authorized under this
13	chapter expires on the later of:
14	(1) January 1, 2045; or
15	(2) the date on which all bonds or lease agreements
16	outstanding on May 7, 2023, for which a pledge of tax revenue
17	is made under this chapter are completely paid.
18	(b) Not later than December 31, 2023, the fiscal officer of the
19	county shall provide to the department of local government
20	finance:
21	(1) a list of each bond or lease agreement outstanding on May
22	7, 2023, for which a pledge of tax revenue is made under this
23	chapter; and
24	(2) the date on which each bond or lease agreement identified
25	in subdivision (1) will be completely paid.
26	The department of local government finance shall publish the
27	information received under this subsection on the department's
28	interactive and searchable website containing local government
29	information (the Indiana gateway for governmental units).
30	SECTION 7. IC 6-9-27-11 IS ADDED TO THE INDIANA CODE
31	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
32	UPON PASSAGE]: Sec. 11. (a) A tax authorized under this chapter
33	expires on the later of:
34	(1) January 1, 2045; or
35	(2) the date on which all bonds or lease agreements
36	outstanding on May 7, 2023, for which a pledge of tax revenue
37	is made under this chapter are completely paid.
38	(b) Not later than December 31, 2023, the fiscal officer of the
39	municipality shall provide to the department of local government
40	finance:
41	(1) a list of each bond or lease agreement outstanding on May

7, 2023, for which a pledge of tax revenue is made under this



1	chapter; and
2	(2) the date on which each bond or lease agreement identified
3	in subdivision (1) will be completely paid.
4	The department of local government finance shall publish the
5	information received under this subsection on the department's
6	interactive and searchable website containing local government
7	information (the Indiana gateway for governmental units).
8	SECTION 8. IC 6-9-29.5-0.5 IS ADDED TO THE INDIANA
9	CODE AS A NEW SECTION TO READ AS FOLLOWS
10	[EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) As used in this section.
11	"local unit" means a county, city, or town.
12	(b) It is the declared intention of the general assembly to only
13	authorize a local unit to impose a new food and beverage tax under
14	this article based on the following criteria:
15	(1) Food and beverage tax revenue should only be used for
16	tourism or quality of life purposes, including but not limited
17	to:
18	(A) mixed use development projects;
19	(B) quality public spaces;
20	(C) broadband;
21	(D) multiple transportation options;
22	(E) multiple housing options;
23	(F) revitalization of historic, blighted, or vacant properties;
24	(G) arts, culture, and creativity; and
25	(H) recreation and green spaces.
26	(2) The fiscal body of a local unit wishing to impose a new
27	food and beverage tax after June 30, 2023, must first adopt a
28	resolution requesting the general assembly to enact legislation
29	to authorize the food and beverage tax.
30	(3) The general assembly should give preference to requests
31	from local units in which the fiscal body of the local unit has
32	held a series of public hearings on the imposition of a new
33	food and beverage tax in the community before adopting the
34	resolution to request the general assembly to enact legislation
35	authorizing the tax under subdivision (2).
36	(4) Any new food and beverage tax authorized under this
37	article must expire on January 1 of the year following the
38	twentieth calendar year in which the food and beverage tax is
39	imposed during any part of the year.
40	(5) A local unit that imposes a new food and beverage tax
41	shall be subject to the reporting requirements set forth in
42	IC 6-1.1-30-18.



1	SECTION 9. IC 6-9-36-9 IS ADDED TO THE INDIANA CODE
2	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
3	UPON PASSAGE]: Sec. 9. (a) A tax authorized under this chapter
4	expires on the later of:
5	(1) January 1, 2045; or
6	(2) the date on which all bonds or lease agreements
7	outstanding on May 7, 2023, for which a pledge of tax revenue
8	is made under this chapter are completely paid.
9	(b) Not later than December 31, 2023, each fiscal officer of a
10	county that imposes a food and beverage tax under this chapter
11	shall provide to the department of local government finance:
12	(1) a list of each bond or lease agreement outstanding on May
13	7, 2023, for which a pledge of tax revenue is made under this
14	chapter; and
15	(2) the date on which each bond or lease agreement identified
16	in subdivision (1) will be completely paid.
17	The department of local government finance shall publish the
18	information received under this subsection on the department's
19	interactive and searchable website containing local government
20	information (the Indiana gateway for governmental units).
21	SECTION 10. IC 6-9-38-27 IS ADDED TO THE INDIANA CODE
22	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
23	UPON PASSAGE]: Sec. 27. (a) Subject to section 26 of this chapter,
24	a tax authorized under this chapter expires on the later of:
25	(1) January 1, 2045; or
26	(2) the date on which all bonds or lease agreements
27	outstanding on May 7, 2023, for which a pledge of tax revenue
28	is made under this chapter are completely paid.
29	(b) Not later than December 31, 2023, the fiscal officer of the
30	county and the fiscal officer of each unit that imposes a food and
31	beverage tax under this chapter shall provide to the department of
32	local government finance:
33	(1) a list of each bond or lease agreement outstanding on May
34	7, 2023, for which a pledge of tax revenue is made under this
35	chapter; and
36	(2) the date on which each bond or lease agreement identified
37	in subdivision (1) will be completely paid.
38	The department of local government finance shall publish the
39	information received under this subsection on the department's
40	interactive and searchable website containing local government
41	information (the Indiana gateway for governmental units).

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



1	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2	UPON PASSAGE]: Sec. 12. (a) The tax authorized under this
3	chapter expires on the later of:
4	(1) January 1, 2045; or
5	(2) the date on which all bonds or lease agreements
6	outstanding on May 7, 2023, for which a pledge of tax revenue
7	is made under this chapter are completely paid.
8	(b) Not later than December 31, 2023, the fiscal officer of the
9	county and the fiscal officer of the city of Angola shall provide to
10	the department of local government finance:
11	(1) a list of each bond or lease agreement outstanding on May
12	7, 2023, for which a pledge of tax revenue is made under this
13	chapter; and
14	(2) the date on which each bond or lease agreement identified
15	in subdivision (1) will be completely paid.
16	The department of local government finance shall publish the
17	information received under this subsection on the department's
18	interactive and searchable website containing local government
19	information (the Indiana gateway for governmental units).
20	SECTION 12. IC 6-9-41-17 IS ADDED TO THE INDIANA CODE
21	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
22	UPON PASSAGE]: Sec. 17. (a) The tax authorized under this
23	chapter expires on the later of:
24	(1) January 1, 2045; or
25	(2) the date on which all bonds or lease agreements
26	outstanding on May 7, 2023, for which a pledge of tax revenue
27	is made under this chapter are completely paid.
28	(b) Not later than December 31, 2023, the fiscal officer of the
29	county and the fiscal officer of the city shall provide to the
30	department of local government finance:
31	(1) a list of each bond or lease agreement outstanding on May
32	7, 2023, for which a pledge of tax revenue is made under this
33	chapter; and
34	(2) the date on which each bond or lease agreement identified
35	in subdivision (1) will be completely paid.
36	The department of local government finance shall publish the
37	information received under this subsection on the department's
38	interactive and searchable website containing local government
39	information (the Indiana gateway for governmental units).
40	SECTION 13. IC 6-9-43-10 IS ADDED TO THE INDIANA CODE
41	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 10. (a) The tax authorized under this



1	chapter expires on the later of:
2	(1) January 1, 2045; or
3	(2) the date on which all bonds or lease agreements
4	outstanding on May 7, 2023, for which a pledge of tax revenue
5	is made under this chapter are completely paid.
6	(b) Not later than December 31, 2023, the fiscal officer of the
7	town shall provide to the department of local government finance:
8	(1) a list of each bond or lease agreement outstanding on May
9	7, 2023, for which a pledge of tax revenue is made under this
10	chapter; and
11	(2) the date on which each bond or lease agreement identified
12	in subdivision (1) will be completely paid.
13	The department of local government finance shall publish the
14	information received under this subsection on the department's
15	interactive and searchable website containing local government
16	information (the Indiana gateway for governmental units).
17	SECTION 14. IC 6-9-44-11 IS ADDED TO THE INDIANA CODE
18	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
19	UPON PASSAGE]: Sec. 11. (a) The tax authorized under this
20	chapter expires on the later of:
21	(1) January 1, 2045; or
22	(2) the date on which all bonds or lease agreements
23	outstanding on May 7, 2023, for which a pledge of tax revenue
24	is made under this chapter are completely paid.
25	(b) Not later than December 31, 2023, the fiscal officer of the
26	town shall provide to the department of local government finance:
27	(1) a list of each bond or lease agreement outstanding on May
28	7, 2023, for which a pledge of tax revenue is made under this
29	chapter; and
30	(2) the date on which each bond or lease agreement identified
31	in subdivision (1) will be completely paid.
32	The department of local government finance shall publish the
33	information received under this subsection on the department's
34	interactive and searchable website containing local government
35	information (the Indiana gateway for governmental units).
36	SECTION 15. IC 6-9-45-11 IS ADDED TO THE INDIANA CODE
37	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
38	UPON PASSAGE]: Sec. 11. (a) The tax authorized under this
39	chapter expires on the later of:
40	(1) January 1, 2045; or
41	(2) the date on which all bonds or lease agreements

outstanding on May 7, 2023, for which a pledge of tax revenue



1	is made under this chapter are completely paid.
2	(b) Not later than December 31, 2023, the fiscal officer of the
3	town shall provide to the department of local government finance:
4	(1) a list of each bond or lease agreement outstanding on May
5	7, 2023, for which a pledge of tax revenue is made under this
6	chapter; and
7	(2) the date on which each bond or lease agreement identified
8	in subdivision (1) will be completely paid.
9	The department of local government finance shall publish the
0	information received under this subsection on the department's
1	interactive and searchable website containing local government
2	information (the Indiana gateway for governmental units).
3	SECTION 16. IC 6-9-47.5-11 IS ADDED TO THE INDIANA
4	CODE AS A NEW SECTION TO READ AS FOLLOWS
5	[EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The tax authorized
6	under this chapter expires on the later of:
7	(1) January 1, 2045; or
8	(2) the date on which all bonds or lease agreements
9	outstanding on May 7, 2023 for which a pledge of tax revenue
20	is made under this chapter are completely paid.
21	(b) Not later than December 31, 2023, the fiscal officer of the
22	county shall provide to the department of local government
23	finance:
.4	(1) a list of each bond or lease agreement outstanding on May
2.5	7, 2023, for which a pledge of tax revenue is made under this
26	chapter; and
27	(2) the date on which each bond or lease agreement identified
28	in subdivision (1) will be completely paid.
.9	The department of local government finance shall publish the
0	information received under this subsection on the department's
1	interactive and searchable website containing local government
2	information (the Indiana gateway for governmental units).
3	SECTION 17. IC 6-9-49-11 IS ADDED TO THE INDIANA CODE
4	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
5	UPON PASSAGE]: Sec. 11. (a) The tax authorized under this
6	chapter expires on the later of:
7	(1) January 1, 2045; or
8	(2) the date on which all bonds or lease agreements
9	outstanding on May 7, 2023, for which a pledge of tax revenue
0	is made under this chapter are completely paid.
1	(b) Not later than December 31, 2023, the fiscal officer of the
-2	city shall provide to the department of local government finance:



1	(1) a list of each bond or lease agreement outstanding on May
2	7, 2023, for which a pledge of tax revenue is made under this
3	chapter; and
4	(2) the date on which each bond or lease agreement identified
5	in subdivision (1) will be completely paid.
6	The department of local government finance shall publish the
7	information received under this subsection on the department's
8	interactive and searchable website containing local government
9	information (the Indiana gateway for governmental units).
10	SECTION 18. IC 6-9-50-11 IS ADDED TO THE INDIANA CODE
11	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
12	UPON PASSAGE]: Sec. 11. (a) The tax authorized under this
13	chapter expires on the later of:
14	(1) January 1, 2045; or
15	(2) the date on which all bonds or lease agreements
16	outstanding on May 7, 2023, for which a pledge of tax revenue
17	is made under this chapter are completely paid.
18	(b) Not later than December 31, 2023, the fiscal officer of the
19	town shall provide to the department of local government finance:
20	(1) a list of each bond or lease agreement outstanding on May
21	7, 2023, for which a pledge of tax revenue is made under this
22	chapter; and
23	(2) the date on which each bond or lease agreement identified
24	in subdivision (1) will be completely paid.
25	The department of local government finance shall publish the
26	information received under this subsection on the department's
27	interactive and searchable website containing local government
28	information (the Indiana gateway for governmental units).
29	SECTION 19. IC 6-9-51-11 IS ADDED TO THE INDIANA CODE
30	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
31	UPON PASSAGE]: Sec. 11. (a) The tax authorized under this
32	chapter expires on the later of:
33	(1) January 1, 2045; or
34	(2) the date on which all bonds or lease agreements
35	outstanding on May 7, 2023, for which a pledge of tax revenue
36	is made under this chapter are completely paid.
37	(b) Not later than December 31, 2023, the fiscal officer of the
38	city shall provide to the department of local government finance:
39	(1) a list of each bond or lease agreement outstanding on May
40	7, 2023, for which a pledge of tax revenue is made under this
41	chapter; and

(2) the date on which each bond or lease agreement identified



1	in subdivision (1) will be completely paid.
2	The department of local government finance shall publish the
3	information received under this subsection on the department's
4	interactive and searchable website containing local government
5	information (the Indiana gateway for governmental units).
6	SECTION 20. IC 6-9-52-11 IS ADDED TO THE INDIANA CODE
7	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
8	UPON PASSAGE]: Sec. 11. (a) The tax authorized under this
9	chapter expires on:
0	(1) January 1, 2045; or
1	(2) the date on which all bonds or lease agreements
2	outstanding on May 7, 2023, for which a pledge of tax revenue
3	is made under this chapter are completely paid.
4	(b) Not later than December 31, 2023, the fiscal officer of the
5	town shall provide to the department of local government finance:
6	(1) a list of each bond or lease agreement outstanding on May
7	7, 2023, for which a pledge of tax revenue is made under this
8	chapter; and
9	(2) the date on which each bond or lease agreement identified
0.	in subdivision (1) will be completely paid.
1	The department of local government finance shall publish the
22	information received under this subsection on the department's
23	interactive and searchable website containing local government
.4	information (the Indiana gateway for governmental units).
25	SECTION 21. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 37, 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:

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Page 2, line 17, delete "2043;" and insert "2045;".
Page 2, line 37, delete "2043;" and insert "2045;".
Page 3, line 15, delete "2043;" and insert "2045;".
Page 3, line 36, delete "2043;" and insert "2045;".
Page 4, line 14, delete "2043;" and insert "2045;".
Page 4, line 34, delete "2043;" and insert "2045;".
Page 6, line 5, delete "2043;" and insert "2045;".
Page 6, line 25, delete "2043;" and insert "2045;".
Page 7, line 4, delete "2043;" and insert "2045;".
Page 7, line 24, delete "2043;" and insert "2045;".
Page 8, line 2, delete "2043;" and insert "2045;".
Page 8, line 21, delete "2043;" and insert "2045;".
Page 8, line 40, delete "2043;" and insert "2045;".
Page 9, line 17, delete "2043;" and insert "2045;".
Page 9, line 37, delete "2043;" and insert "2045;".
Page 10, line 14, delete "2043;" and insert "2045;".
Page 10, line 33, delete "2043;" and insert "2045;".
Page 11, line 10, delete "2043;" and insert "2045;".
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and when so amended that said bill do pass.

(Reference is to SB 37 as introduced.)

HOLDMAN, Chairperson

Committee Vote: Yeas 10, Nays 1.

