



January 31, 2014

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## SENATE BILL No. 308

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DIGEST OF SB 308 (Updated January 30, 2014 11:23 am - DI 73)

**Citations Affected:** IC 36-7.

**Synopsis:** Sports and convention development areas. Allows a professional sports development area (PSDA) in Allen County to be amended after April 30, 2014, and before January 1, 2015. Provides that a PSDA in Allen County must terminate before the later of January 1, 2028, or (if the designating body takes final action on the financing before January 1, 2015) a date agreed to jointly by the budget agency and the designating body that established the tax area. Specifies that the expiration date may not be later than 25 years after the debt to finance the facility or proposed facility is issued, and that the budget agency must approve the final financing for the facility or proposed facility.

**Effective:** Upon passage.

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January 14, 2014, read first time and referred to Committee on Appropriations.  
January 30, 2014, amended, reported favorably — Do Pass.

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SB 308—LS 7076/DI 113





January 31, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 308

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

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

1 SECTION 1. IC 36-7-31.3-9, AS AMENDED BY P.L.119-2012,  
2 SECTION 211, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A tax area must be  
4 initially established by resolution:

5 (1) ~~except as provided in subdivision (2), before July 1, 1999; or~~  
6 ~~(2) before January 1, 2013, in the case of:~~

7 (A) a second class city;

8 (B) the city of Marion; or

9 (C) the city of Westfield; **or**

10 **(2) before July 1, 1999, if subdivision (1) does not apply;**

11 according to the procedures set forth for the establishment of an  
12 economic development area under IC 36-7-14. ~~Before May 15, 2005;~~  
13 ~~a tax area established before January 1, 2005, may be changed or the~~  
14 ~~terms governing the tax area revised in the same manner as the~~  
15 ~~establishment of the initial tax area. After May 14, 2005, a tax area~~  
16 ~~established before January 1, 2005, may not be changed and the terms~~

SB 308—LS 7076/DI 113



1 ~~governing a tax area may not be revised~~. Only one (1) tax area may be  
 2 created in each county.

3 (b) In establishing the tax area, the designating body must make the  
 4 following findings instead of the findings required for the  
 5 establishment of economic development areas:

6 (1) Except for a tax area in a city having a population of:

7 (A) more than one hundred fifty thousand (150,000) but less  
 8 than five hundred thousand (500,000); or

9 (B) more than eighty thousand (80,000) but less than eighty  
 10 thousand four hundred (80,400);

11 there is a capital improvement that will be undertaken or has been  
 12 undertaken in the tax area for a facility that is used by a  
 13 professional sports franchise for practice or competitive sporting  
 14 events. A tax area to which this subdivision applies may also  
 15 include a capital improvement that will be undertaken or has been  
 16 undertaken in the tax area for a facility that is used for any  
 17 purpose specified in section 8(a)(2) of this chapter.

18 (2) For a tax area in a city having a population of more than one  
 19 hundred fifty thousand (150,000) but less than five hundred  
 20 thousand (500,000), there is a capital improvement that will be  
 21 undertaken or has been undertaken in the tax area for a facility  
 22 that is used for any purpose specified in section 8(a) of this  
 23 chapter.

24 (3) For a tax area in a city having a population of more than eighty  
 25 thousand (80,000) but less than eighty thousand four hundred  
 26 (80,400), there is a capital improvement that will be undertaken  
 27 or has been undertaken in the tax area for a facility that is used for  
 28 any purpose specified in section 8(a)(2) of this chapter.

29 (4) The capital improvement that will be undertaken or that has  
 30 been undertaken in the tax area will benefit the public health and  
 31 welfare and will be of public utility and benefit.

32 (5) The capital improvement that will be undertaken or that has  
 33 been undertaken in the tax area will protect or increase state and  
 34 local tax bases and tax revenues.

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

39 SECTION 2. IC 36-7-31.3-9.7 IS ADDED TO THE INDIANA  
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE UPON PASSAGE]: **Sec. 9.7. (a) Except as otherwise**  
 42 **provided in this chapter, after a tax area is initially established, a**



1 tax area may not be changed and the terms governing the tax area  
2 may not be revised.

3 (b) Before May 15, 2005, a tax area established before January  
4 1, 2005, may be changed or the terms governing the tax area  
5 revised in the same manner as the establishment of the initial tax  
6 area.

7 (c) This subsection applies only to a tax area located in Allen  
8 County. After April 30, 2014, and before January 1, 2015, a tax  
9 area located in Allen County may be changed or the terms  
10 governing the tax area revised in the same manner as the  
11 establishment of the initial tax area.

12 SECTION 3. IC 36-7-31.3-10, AS AMENDED BY P.L.137-2012,  
13 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A tax area must be  
15 established by resolution. A resolution establishing a tax area must  
16 provide for the allocation of covered taxes attributable to a taxable  
17 event or covered taxes earned in the tax area to the professional sports  
18 and convention development area fund established for the city or  
19 county. The allocation provision must apply to the entire tax area. The  
20 following apply to Allen County:

21 (1) The fund required by this subsection is the coliseum  
22 professional sports and convention development area fund. This  
23 fund shall be administered by the Allen County Memorial  
24 Coliseum board of trustees.

25 (2) The allocation each year must be as follows:

26 (A) The first two million six hundred thousand dollars  
27 (\$2,600,000) shall be transferred to the county treasurer for  
28 deposit in the coliseum professional sports and convention  
29 development area fund.

30 (B) The remaining amount shall be transferred to the treasurer  
31 of the joint county-city capital improvement board in the  
32 county.

33 The resolution must provide the tax area terminates not later than  
34 December 31, 2027. **However, in the case of a tax area located in**  
35 **Allen County, the resolution must provide that the tax area**  
36 **terminates before the later of January 1, 2028, or if the designating**  
37 **body takes final action on the financing for the facility or proposed**  
38 **facility before January 1, 2015, a date agreed to jointly by the**  
39 **budget agency and the designating body that established the tax**  
40 **area. However, the date agreed to jointly may not be later than**  
41 **twenty-five (25) years after the debt to finance the facility or**  
42 **proposed facility is issued. The budget agency must approve the**



1 **final financing for the facility or proposed facility. Any bonds**  
 2 **issued to finance the facility or proposed facility must have a**  
 3 **maturity of less than twenty-five (25) years.**

4 (b) In addition to subsection (a), all of the salary, wages, bonuses,  
 5 and other compensation that are:

6 (1) paid during a taxable year to a professional athlete for  
 7 professional athletic services;

8 (2) taxable in Indiana; and

9 (3) earned in the tax area;

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

13 (c) For a tax area that is:

14 (1) not located in a county having a population of more than three  
 15 hundred thousand (300,000) but less than four hundred thousand  
 16 (400,000); and

17 (2) not located in a city having a population of more than one  
 18 hundred thousand (100,000) but less than one hundred ten  
 19 thousand (110,000);

20 the total amount of state revenue captured by the tax area may not  
 21 exceed five dollars (\$5) per resident of the city or county per year for  
 22 twenty (20) consecutive years.

23 (d) For a tax area that is located in a city having a population of  
 24 more than one hundred thousand (100,000) but less than one hundred  
 25 ten thousand (110,000), the total amount of state revenue captured by  
 26 the tax area may not exceed six dollars and fifty cents (\$6.50) per  
 27 resident of the city per year for twenty (20) consecutive years.

28 (e) The resolution establishing the tax area must designate the  
 29 facility or proposed facility and the facility site for which the tax area  
 30 is established.

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

33 SECTION 4. IC 36-7-31.3-21 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. This chapter  
 35 expires December 31, ~~2027~~: **2040**.

36 SECTION 5. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 308, 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 3, line 7, after "(c)" insert "**This subsection applies only to a tax area located in Allen County.**".

Page 3, line 7, delete "May 1, 2016," and insert "**January 1, 2015,**".

Page 3, line 7, after "area" insert "**located in Allen County**".

Page 3, reset in roman lines 31 through 32.

Page 3, line 32, after "2027." insert "**However, in the case of a tax area located in Allen County, the resolution must provide that the tax area terminates before the later of January 1, 2028, or if the designating body takes final action on the financing for the facility or proposed facility before January 1, 2015, a date agreed to jointly by the budget agency and the designating body that established the tax area. However, the date agreed to jointly may not be later than twenty-five (25) years after the debt to finance the facility or proposed facility is issued. The budget agency must approve the final financing for the facility or proposed facility. Any bonds issued to finance the facility or proposed facility must have a maturity of less than twenty-five (25) years.**".

and when so amended that said bill do pass.

(Reference is to SB 308 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 0.

