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# SENATE BILL No. 388

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-8.1-4.

**Synopsis:** Department of state revenue. Specifies the divisions of the department of state revenue are under the control of the commissioner of the department. Establishes a division of policy, planning, and research in the department of state revenue.

**Effective:** July 1, 2002.

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January 10, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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**SENATE BILL No. 388**



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

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

1 SECTION 1. IC 6-8.1-4-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The  
3 commissioner may establish within the department various divisions to  
4 assist in the administration and collection of the listed taxes. **The**  
5 **divisions of the department, including the divisions established by**  
6 **statute, are under the control of the commissioner and shall**  
7 **provide the commissioner and other divisions of the department**  
8 **with the information necessary or appropriate to carry out the**  
9 **functions of the department.**

10 (b) Subject to the discretion of the commissioner as set forth in  
11 subsection (c), the commissioner shall establish within the department  
12 a division of audit, which shall:

13 ~~(+)~~ **(1)** upon the commissioner's request, conduct studies of the  
14 department's operations and recommend whatever changes seem  
15 advisable;

16 ~~(2)~~ **(1)** annually audit a statistical sampling of the returns filed for  
17 the listed taxes that are not administered by the special tax



1 division;

2 ~~(3)~~ **(2)** review such federal tax returns and other data as may be  
3 helpful in performing the audit function;

4 ~~(4)~~ furnish the commissioner, at the commissioner's request, with  
5 information showing the treatment that the Indiana tax statutes are  
6 given by the taxpayers and by the taxing officials and with other  
7 requested information; and

8 ~~(5)~~ **(3)** conduct audits requested by the commissioner or the  
9 commissioner's designee; and

10 **(4) perform any other duty assigned by the commissioner.**

11 (c) Notwithstanding the requirements set forth in this chapter  
12 regarding the establishment and duties of divisions within the  
13 department, if the commissioner finds that a transfer of duties or  
14 functions will increase the efficiency of the department, the  
15 commissioner may transfer any duties or functions from one (1)  
16 division to another division within the department.

17 SECTION 2. IC 6-8.1-4-1.6 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.6. Subject to the  
19 discretion of the commissioner as set forth in section 1 of this chapter,  
20 the commissioner shall establish within the department a special tax  
21 division. The division shall do the following:

22 (1) Administer and enforce the following:

23 (A) Bank tax (IC 6-5-10).

24 (B) Savings and loan association tax (IC 6-5-11).

25 (C) Production credit association tax (IC 6-5-12).

26 (D) Gasoline tax (IC 6-6-1.1).

27 (E) Special fuel tax (IC 6-6-2.5).

28 (F) Motor carrier fuel tax (IC 6-6-4.1).

29 (G) Hazardous waste disposal tax (IC 6-6-6.6).

30 (H) Cigarette tax (IC 6-7-1).

31 (I) Tobacco products tax (IC 6-7-2).

32 (J) Alcoholic beverage tax (IC 7.1-4).

33 (K) Petroleum severance tax (IC 6-8-1).

34 (L) Any other tax the commissioner designates.

35 ~~(2) Upon the commissioner's request, conduct studies of the~~  
36 ~~department's operations and recommend whatever changes seem~~  
37 ~~advisable.~~

38 ~~(3)~~ **(2)** Annually audit a statistical sampling of the returns filed for  
39 the taxes administered by the division.

40 ~~(4)~~ **(3)** Annually audit a statistical sampling of registrants with the  
41 bureau of motor vehicles, international registration plan division.

42 ~~(5)~~ **(4)** Review federal tax returns and other data that may be

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1 helpful in performing the division's ~~function~~ **functions**.

2 ~~(6)~~ **(5)** Furnish, at the commissioner's request, information that  
3 the commissioner requires.

4 ~~(7)~~ **(6)** Conduct audits requested by the commissioner or the  
5 commissioner's designee.

6 ~~(8)~~ **(7)** Administer the statutes providing for motor carrier  
7 regulation (IC 8-2.1).

8 **(8) Perform any other duty assigned by the commissioner.**

9 SECTION 3. IC 6-8.1-4-5 IS ADDED TO THE INDIANA CODE  
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2002]: **Sec. 5. The commissioner shall establish within the**  
12 **department a division of policy, planning, and research. The**  
13 **division shall do the following:**

14 **(1) Conduct the statistical study required under IC 6-8.1-14-4**  
15 **and prepare the report required under IC 6-8.1-14-3.**

16 **(2) Upon the request of the commissioner, the governor, the**  
17 **budget agency, the chair of the budget committee, the chair of**  
18 **the commission on state tax and financing policy, or the**  
19 **general assembly, compile statistical studies from information**  
20 **derived from state tax returns or the audit process and**  
21 **disclose the results of those studies under IC 6-8.1-7-2.**

22 **(3) Upon the request of the commissioner, the governor, the**  
23 **budget agency, the chair of the budget committee, the chair of**  
24 **the commission on state tax and financing policy, or the**  
25 **general assembly, conduct studies of the department's**  
26 **operations and recommend whatever changes seem advisable.**

27 **(4) Upon the request of the commissioner, the governor, the**  
28 **budget agency, the chair of the budget committee, the chair of**  
29 **the commission on state tax and financing policy, or the**  
30 **general assembly, furnish information showing the treatment**  
31 **that the Indiana tax statutes are given by the taxpayers and**  
32 **by the taxing officials.**

33 **(5) Upon request, assist the legislative services agency,**  
34 **legislative committees, and the general assembly with the**  
35 **analysis of the state and local fiscal impact of proposed,**  
36 **pending, and enacted legislation.**

37 **(6) Upon request, assist the legislative services agency,**  
38 **legislative committees, and the general assembly with the**  
39 **analysis of the state and local fiscal impact of proposals**  
40 **pending before a study committee of the general assembly.**

41 **(7) Perform any other policy, planning, or research function**  
42 **assigned by the commissioner.**

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