

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1365 be amended to read as follows:

- 1 Page 5, line 7, strike "an".
- 2 Page 5, line 7, after "an" insert "**a state educational**".
- 3 Page 5, line 7, strike "of higher education".
- 4 Page 10, delete lines 7 through 12, begin a new line block indented
- 5 and insert:
- 6 "**(20) Subject to subsection (g), add an amount equal to**
- 7 **intangibles payments described in section 34 of this chapter**
- 8 **that are directly or indirectly paid, accrued, or incurred to a**
- 9 **related member during the taxable year to the extent the**
- 10 **intangibles payments are deductible in calculating federal**
- 11 **adjusted gross income under the Internal Revenue Code.**".
- 12 Page 10, delete lines 39 through 42, begin a new line block indented
- 13 and insert:
- 14 "**(6) Subject to subsection (g), add an amount equal to**
- 15 **intangibles payments described in section 34 of this chapter**
- 16 **that are directly or indirectly paid, accrued, or incurred to a**
- 17 **related member during the taxable year to the extent the**
- 18 **intangibles payments are deductible in calculating federal**
- 19 **taxable income under the Internal Revenue Code.**".
- 20 Page 11, delete lines 1 through 2.
- 21 Page 11, delete lines 29 through 34, begin a new line block indented
- 22 and insert:
- 23 "**(6) Subject to subsection (g), add an amount equal to**

1 **intangibles payments described in section 34 of this chapter**
 2 **that are directly or indirectly paid, accrued, or incurred to a**
 3 **related member during the taxable year to the extent the**
 4 **intangibles payments are deductible in calculating federal**
 5 **taxable income under the Internal Revenue Code."**

6 Page 12, delete lines 16 through 21, begin a new line block indented
 7 and insert:

8 **"(6) Subject to subsection (g), add an amount equal to**
 9 **intangibles payments described in section 34 of this chapter**
 10 **that are directly or indirectly paid, accrued, or incurred to a**
 11 **related member during the taxable year to the extent the**
 12 **intangibles payments are deductible in calculating federal**
 13 **taxable income under the Internal Revenue Code."**

14 Page 12, delete lines 40 through 42, begin a new line block indented
 15 and insert:

16 **"(4) Subject to subsection (g), add an amount equal to**
 17 **intangibles payments described in section 34 of this chapter**
 18 **that are directly or indirectly paid, accrued, or incurred to a**
 19 **related member during the taxable year to the extent the**
 20 **intangibles payments are deductible in calculating federal**
 21 **taxable income under the Internal Revenue Code."**

22 Page 13, delete lines 1 through 3.

23 Page 13, line 27, delete "clear and convincing" and insert "**a**
 24 **preponderance of the**".

25 Page 13, line 29, delete "or".

26 Page 13, line 32, delete "." and insert "; **or**".

27 Page 13, between lines 32 and 33, begin a new line block indented
 28 and insert:

29 **"(3) the intangibles payments are being paid or incurred to a**
 30 **related member organized under the laws of a country other**
 31 **than the United States, and the other country has entered**
 32 **into a comprehensive income tax treaty with the United**
 33 **States."**

34 Page 14, delete lines 2 through 17, begin a new paragraph and insert:

35 **"SECTION 8. IC 6-3-1-34 IS ADDED TO THE INDIANA CODE**
 36 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 37 **JANUARY 1, 2004 (RETROACTIVE)]: Sec. 34. As used in this**
 38 **article, "intangibles payment" means a payment directly**
 39 **connected to the use, maintenance, or management of:**

40 **(1) stock;**

41 **(2) bonds;**

42 **(3) interests in partnerships;**

43 **(4) licenses;**

44 **(5) trademarks;**

- 1 **(6) copyrights;**
 - 2 **(7) trade names;**
 - 3 **(8) trade dress;**
 - 4 **(9) service marks;**
 - 5 **(10) mask works;**
 - 6 **(11) trade secrets;**
 - 7 **(12) patents; or**
 - 8 **(13) any other similar types of intangible assets, as**
 - 9 **determined by the department."**
 - 10 Page 14, line 21, after "means" insert ",".
 - 11 Page 14, line 22, delete ", is".
 - 12 Page 14, line 29, delete "or partnership" and insert "**partnership, or**
 - 13 **any other pass through entity"**.
 - 14 Page 14, delete lines 33 through 42.
 - 15 Page 15, delete lines 1 through 23.
 - 16 Page 15, line 24, delete "IC 6-3-1-38" and insert "IC 6-3-1-36".
 - 17 Page 15, line 26, delete "38" and insert "**36"**.
 - 18 Page 15, line 38, after "trust," delete "or".
 - 19 Page 15, line 38, delete ";" and insert ", **or other pass through**
 - 20 **entity;"**.
 - 21 Page 28, line 33, delete "clear and convincing" and insert "**a**
 - 22 **preponderance of the"**.
 - 23 Page 28, line 35, delete "or".
 - 24 Page 28, line 37, delete "." and insert "**; or"**.
 - 25 Page 28, between lines 37 and 38, begin a new line block indented
 - 26 and insert:
 - 27 **"(3) the intangibles payments are being paid or incurred to a**
 - 28 **related member organized under the laws of a country other**
 - 29 **than the United States, and the other country has entered**
 - 30 **into a comprehensive income tax treaty with the United**
 - 31 **States."**
 - 32 Page 29, line 4, delete "a".
 - 33 Page 29, line 16, after "means" insert ",".
 - 34 Page 29, line 17, delete ", is".
 - 35 Renummer all SECTIONS consecutively.
- (Reference is to HB 1365 as printed January 27, 2004.)

Representative Frenz