

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1003 be amended to read as follows:

- 1 Page 6, between lines 12 and 13, begin a new paragraph and insert:
- 2 "SECTION 4. IC 6-1.1-18-3, AS AMENDED BY P.L.273-1999,
- 3 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2003]: Sec. 3. (a) Except as provided in subsection (b),
- 5 the sum of all tax rates for all political subdivisions imposed on
- 6 tangible property within a political subdivision may not exceed:
- 7 (1) forty-one and sixty-seven hundredths cents (\$0.4167) on each
- 8 one hundred dollars (\$100) of assessed valuation in territory
- 9 outside the corporate limits of a city or town; or
- 10 (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each
- 11 one hundred dollars (\$100) of assessed valuation in territory
- 12 inside the corporate limits of a city or town.
- 13 (b) The proper officers of a political subdivision shall fix tax rates
- 14 which are sufficient to provide funds for the purposes itemized in this
- 15 subsection. The portion of a tax rate fixed by a political subdivision
- 16 shall not be considered in computing the tax rate limits prescribed in
- 17 subsection (a) if that portion is to be used for one (1) of the following
- 18 purposes:
- 19 (1) To pay the principal or interest on a funding, refunding, or
- 20 judgment funding obligation of the political subdivision.
- 21 (2) To pay the principal or interest on an outstanding obligation
- 22 issued by the political subdivision if notice of the sale of the
- 23 obligation was published before March 9, 1937.
- 24 (3) To pay the principal or interest upon:

- 1 (A) an obligation issued by the political subdivision to meet an
 2 emergency which results from a flood, fire, pestilence, war, or
 3 any other major disaster; or
 4 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22,
 5 IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or
 6 county to acquire necessary equipment or facilities for
 7 municipal or county government.
- 8 (4) To pay the principal or interest upon an obligation issued in
 9 the manner provided in IC 6-1.1-20-3 (before its repeal) or
 10 IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.
- 11 (5) To pay a judgment rendered against the political subdivision.
- 12 ~~(6) To meet the requirements of the family and children's fund for~~
 13 ~~child services (as defined in IC 12-19-7-1).~~
- 14 ~~(7)~~ (6) To meet the requirements of the county hospital care for
 15 the indigent fund.
- 16 (c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a
 17 county board of tax adjustment, a county auditor, or the state board of
 18 tax commissioners may review the portion of a tax rate described in
 19 subsection (b) only to determine if it exceeds the portion actually
 20 needed to provide for one (1) of the purposes itemized in that
 21 subsection."
- 22 Page 12, between lines 21 and 22, begin a new paragraph and
 23 insert:
 24 "SECTION 8. IC 6-1.1-18.5-9.7, AS AMENDED BY P.L.273-1999,
 25 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JANUARY 1, 2003]: Sec. 9.7. (a) The ad valorem property tax levy
 27 limits imposed by section 3 of this chapter do not apply to ad valorem
 28 property taxes imposed under: ~~any of the following:~~
 29 (1) IC 12-16, except IC 12-16-1; **or**
 30 ~~(2) IC 12-19-5.~~
 31 ~~(3) IC 12-19-7.~~
 32 ~~(4)~~ (2) IC 12-20-24.
- 33 (b) For purposes of computing the ad valorem property tax levy
 34 limits imposed under section 3 of this chapter, a county's or township's
 35 ad valorem property tax levy for a particular calendar year does not
 36 include that part of the levy imposed under the citations listed in
 37 subsection (a).
- 38 (c) Section 8(b) of this chapter does not apply to bonded
 39 indebtedness that will be repaid through property taxes imposed under
 40 IC 12-19."
- 41 Page 12, delete lines 26 through 31.
 42 Page 12, line 32, delete "Sec. 2." and insert "**Sec. 1.**".
 43 Page 12, line 33, delete "provide property tax" and insert "**pay child**
 44 **welfare services and other expenses from county family and**
 45 **children's funds.**".
 46 Page 12, line 34, delete "relief as specified in this chapter.".

1 Page 13, delete lines 5 through 42.

2 Delete page 14.

3 Page 15, delete line 1, begin a new paragraph and insert:

4 "SECTION 10. IC 6-1.1-21-2 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 2. As used in this
6 chapter:

7 (a) "Taxpayer" means a person who is liable for taxes on property
8 assessed under this article.

9 (b) "Taxes" means taxes payable in respect to property assessed
10 under this article. The term does not include special assessments,
11 penalties, or interest, but does include any special charges which a
12 county treasurer combines with all other taxes in the preparation and
13 delivery of the tax statements required under IC 6-1.1-22-8(a).

14 (c) "Department" means the department of state revenue.

15 (d) "Auditor's abstract" means the annual report prepared by each
16 county auditor which, under IC 6-1.1-22-5, is to be filed on or before
17 March 1 of each year with the auditor of state.

18 (e) "Mobile home assessments" means the assessments of mobile
19 homes made under IC 6-1.1-7.

20 (f) "Postabstract adjustments" means adjustments in taxes made
21 subsequent to the filing of an auditor's abstract which change
22 assessments therein or add assessments of omitted property affecting
23 taxes for such assessment year.

24 (g) "Total county tax levy" means the sum of:

25 (1) the remainder of:

26 (A) the aggregate levy of all taxes for all taxing units in a
27 county which are to be paid in the county for a stated
28 assessment year as reflected by the auditor's abstract for the
29 assessment year, adjusted, however, for any postabstract
30 adjustments which change the amount of the aggregate levy;
31 minus

32 (B) the sum of any increases in property tax levies of taxing
33 units of the county that result from appeals described in:

34 (i) IC 6-1.1-18.5-13(5) and IC 6-1.1-18.5-13(6) filed after
35 December 31, 1982; plus

36 (ii) the sum of any increases in property tax levies of taxing
37 units of the county that result from any other appeals
38 described in IC 6-1.1-18.5-13 filed after December 31,
39 1983; plus

40 (iii) ~~IC 6-1.1-18.6-3 (children in need of services and~~
41 ~~delinquent children who are wards of the county);~~ minus

42 (C) the total amount of property taxes imposed for the stated
43 assessment year by the taxing units of the county under the
44 authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed),
45 IC 12-19-5 (**repealed**), or IC 12-20-24; minus

46 (D) the total amount of property taxes to be paid during the

1 stated assessment year that will be used to pay for interest or
2 principal due on debt that:

3 (i) is entered into after December 31, 1983;

4 (ii) is not debt that is issued under IC 5-1-5 to refund debt
5 incurred before January 1, 1984; and

6 (iii) does not constitute debt entered into for the purpose of
7 building, repairing, or altering school buildings for which
8 the requirements of IC 20-5-52 were satisfied prior to
9 January 1, 1984; minus

10 (E) the amount of property taxes imposed in the county for the
11 stated assessment year under the authority of IC 21-2-6
12 **(repealed)** or any citation listed in IC 6-1.1-18.5-9.8 for a
13 cumulative building fund whose property tax rate was initially
14 established or reestablished for a stated assessment year that
15 succeeds the 1983 stated assessment year; minus

16 (F) the remainder of:

17 (i) the total property taxes imposed in the county for the
18 stated assessment year under authority of IC 21-2-6
19 **(repealed)** or any citation listed in IC 6-1.1-18.5-9.8 for a
20 cumulative building fund whose property tax rate was not
21 initially established or reestablished for a stated assessment
22 year that succeeds the 1983 stated assessment year; minus

23 (ii) the total property taxes imposed in the county for the
24 1984 stated assessment year under the authority of IC 21-2-6
25 **(repealed)** or any citation listed in IC 6-1.1-18.5-9.8 for a
26 cumulative building fund whose property tax rate was not
27 initially established or reestablished for a stated assessment
28 year that succeeds the 1983 stated assessment year; minus

29 (G) the amount of property taxes imposed in the county for the
30 stated assessment year under:

31 (i) IC 21-2-15 for a capital projects fund; plus

32 (ii) IC 6-1.1-19-10 for a racial balance fund; plus

33 (iii) IC 20-14-13 for a library capital projects fund; plus

34 (iv) IC 20-5-17.5-3 for an art association fund; plus

35 (v) IC 21-2-17 for a special education preschool fund; plus

36 (vi) an appeal filed under IC 6-1.1-19-5.1 for an increase in
37 a school corporation's maximum permissible general fund
38 levy for certain transfer tuition costs; plus

39 (vii) an appeal filed under IC 6-1.1-19-5.4 for an increase in
40 a school corporation's maximum permissible general fund
41 levy for transportation operating costs; minus

42 (H) the amount of property taxes imposed by a school
43 corporation that is attributable to the passage, after 1983, of a
44 referendum for an excessive tax levy under IC 6-1.1-19,
45 including any increases in these property taxes that are
46 attributable to the adjustment set forth in ~~IC 6-1.1-19-1.5(a)~~

- 1 ~~STEP ONE~~ or any other law; minus
- 2 (I) for each township in the county, the lesser of:
- 3 (i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP
- 4 THREE or IC 6-1.1-18.5-19(b) STEP THREE, whichever is
- 5 applicable, plus the part, if any, of the township's ad valorem property
- 6 tax levy for calendar year 1989 that represents increases in that levy
- 7 that resulted from an appeal described in IC 6-1.1-18.5-13(5) filed after
- 8 December 31, 1982; or
- 9 (ii) the amount of property taxes imposed in the township for
- 10 the stated assessment year under the authority of
- 11 IC 36-8-13-4; minus
- 12 (J) for each participating unit in a fire protection territory established
- 13 under IC 36-8-19-1, the amount of property taxes levied by each
- 14 participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the
- 15 maximum levy limit for each of the participating units that would have
- 16 otherwise been available for fire protection services under
- 17 IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; ~~minus~~
- 18 ~~(K) for each county, the sum of:~~
- 19 ~~(i) the amount of property taxes imposed in the county for~~
- 20 ~~the repayment of loans under IC 12-19-5-6 that is included~~
- 21 ~~in the amount determined under IC 12-19-7-4(a) STEP~~
- 22 ~~SEVEN for property taxes payable in 1995; or for property~~
- 23 ~~taxes payable in each year after 1995; the amount~~
- 24 ~~determined under IC 12-19-7-4(b); and~~
- 25 (ii) the amount of property taxes imposed in the county attributable to
- 26 appeals granted under IC 6-1.1-18.6-3 that is included in the amount
- 27 determined under IC 12-19-7-4(a) STEP SEVEN for property taxes
- 28 payable in 1995; or the amount determined under IC 12-19-7-4(b) for
- 29 property taxes payable in each year after 1995; plus
- 30 (2) all taxes to be paid in the county in respect to mobile home
- 31 assessments currently assessed for the year in which the taxes
- 32 stated in the abstract are to be paid; plus
- 33 (3) the amounts, if any, of county adjusted gross income taxes that
- 34 were applied by the taxing units in the county as property tax
- 35 replacement credits to reduce the individual levies of the taxing
- 36 units for the assessment year, as provided in IC 6-3.5-1.1; plus
- 37 (4) the amounts, if any, by which the maximum permissible ad
- 38 valorem property tax levies of the taxing units of the county were
- 39 reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated
- 40 assessment year; plus
- 41 (5) the difference between:
- 42 (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR;
- 43 minus
- 44 (B) the amount the civil taxing units' levies were increased
- 45 because of the reduction in the civil taxing units' base year
- 46 certified shares under IC 6-1.1-18.5-3(e).

1 (h) "December settlement sheet" means the certificate of settlement
 2 filed by the county auditor with the auditor of state, as required under
 3 IC 6-1.1-27-3.

4 (i) "Tax duplicate" means the roll of property taxes which each
 5 county auditor is required to prepare on or before March 1 of each year
 6 under IC 6-1.1-22-3.

7 SECTION 11. IC 6-1.1-29-9, AS AMENDED BY P.L.273-1999,
 8 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2003]: Sec. 9. (a) A county council may adopt an
 10 ordinance to abolish the county board of tax adjustment. This ordinance
 11 must be adopted by July 1 and may not be rescinded in the year it is
 12 adopted. Notwithstanding IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-19,
 13 ~~IC 12-19-7~~, IC 21-2-14, IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-11,
 14 IC 36-9-3, IC 36-9-4, and IC 36-9-13, if such an ordinance is adopted,
 15 this section governs the treatment of tax rates, tax levies, and budgets
 16 that would otherwise be reviewed by a county board of tax adjustment
 17 under IC 6-1.1-17.

18 (b) The time requirements set forth in IC 6-1.1-17 govern all filings
 19 and notices.

20 (c) A tax rate, tax levy, or budget that otherwise would be reviewed
 21 by the county board of tax adjustment is considered and must be treated
 22 for all purposes as if the county board of tax adjustment approved the
 23 tax rate, tax levy, or budget. This includes the notice of tax rates that is
 24 required under IC 6-1.1-17-12."

25 Page 17, line 38, delete "one (1) or both of the following additional".

26 Page 17, delete line 39.

27 Page 17, line 40, delete "(1) An" and insert "**an**".

28 Page 17, run in lines 38 through 40.

29 Page 17, line 41, delete "may be imposed".

30 Page 18, delete lines 2 through 9.

31 Page 18, delete lines 12 through 23.

32 Page 19, delete lines 39 through 42.

33 Page 20, delete lines 1 through 2.

34 Page 20, line 3, delete "(5)" and insert "**(4)**".

35 Page 20, line 4, delete "(4)" and insert "**(3)**".

36 Page 24, line 1, after "fund" delete "." and insert "; **plus**

37 **(5) after December 31, 2002, in the case of a county, an**
 38 **amount equal to the property taxes imposed by the county in**
 39 **2002 for the county family and children's fund.**

40 SECTION 28. IC 6-3.5-6-17.6, AS AMENDED BY P.L.273-1999,
 41 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2003]: Sec. 17.6. (a) This section applies to a county
 43 containing a consolidated city.

44 (b) On or before July 15 of each year, the budget agency shall make
 45 the following calculation:

46 STEP ONE: Determine the cumulative balance in a county's

- 1 account established under section 16 of this chapter as of the end
2 of the current calendar year.
- 3 STEP TWO: Divide the amount estimated under section 17(b) of
4 this chapter before any adjustments are made under section 17(c)
5 or 17(d) of this chapter by twelve (12).
- 6 STEP THREE: Multiply the STEP TWO amount by three (3).
- 7 STEP FOUR: Subtract the amount determined in STEP THREE
8 from the amount determined in STEP ONE.
- 9 (c) For 1995, the budget agency shall certify the STEP FOUR
10 amount to the county auditor on or before July 15, 1994. Not later than
11 January 31, 1995, the auditor of state shall distribute the STEP FOUR
12 amount to the county auditor to be used to retire outstanding
13 obligations for a qualified economic development tax project (as
14 defined in IC 36-7-27-9).
- 15 (d) After 1995, the STEP FOUR amount shall be distributed to the
16 county auditor in January of the ensuing calendar year. The STEP
17 FOUR amount shall be distributed by the county auditor to the civil
18 taxing units within thirty (30) days after the county auditor receives the
19 distribution. Each civil taxing unit's share equals the STEP FOUR
20 amount multiplied by the quotient of:
- 21 (1) the maximum permissible property tax levy under
22 IC 6-1.1-18.5 for the civil taxing unit, plus, for a county, an
23 amount equal to the property taxes imposed by the county in 1999
24 for the county's welfare administration fund **and an amount**
25 **equal to the property taxes imposed by the county in 2002 for**
26 **the county family and children's fund;** divided by
- 27 (2) the sum of the maximum permissible property tax levies under
28 IC 6-1.1-18.5 for all civil taxing units of the county, plus an
29 amount equal to the property taxes imposed by the county in 1999
30 for the county's welfare administration fund **and an amount**
31 **equal to the property taxes imposed by the county in 2002 for**
32 **the county family and children's fund."**
- 33 Page 24, line 32, delete "one (1) or both of"
34 Page 24, delete line 33.
35 Page 24, line 34, delete "(1) An" and insert "**an**".
36 Page 24, run in lines 32 through 34.
37 Page 24, line 35, delete "may be imposed".
38 Page 24, delete lines 38 through 42.
39 Page 25, delete lines 1 through 3.
40 Page 25, delete lines 6 through 17.
41 Page 25, delete lines 32 through 37.
42 Page 25, line 38, delete "(5)" and insert "**(4)**".
43 Page 25, line 39, delete "(4)" and insert "**(3)**".
44 Page 27, delete lines 40 through 42, begin a new paragraph and
45 insert:
46 "SECTION 29. IC 6-3.5-6-18, AS AMENDED BY P.L.273-1999,

1 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 18. (a) The revenue a county auditor receives
3 under this chapter shall be used to:

4 (1) replace the amount, if any, of property tax revenue lost due to
5 ~~the allowance of an increased homestead credit~~ **providing**
6 **property tax relief** within the county **under section 13 of this**
7 **chapter;**

8 (2) fund the operation of a public communications system and
9 computer facilities district as provided in an election, if any, made
10 by the county fiscal body under IC 36-8-15-19(b);

11 (3) fund the operation of a public transportation corporation as
12 provided in an election, if any, made by the county fiscal body
13 under IC 36-9-4-42;

14 (4) make payments permitted under IC 36-7-15.1-17.5;

15 (5) make payments permitted under subsection ~~(f)~~; **(i)**; and

16 (6) make distributions of distributive shares to the civil taxing
17 units of a county.

18 (b) The county auditor shall retain from the payments of the county's
19 certified distribution, an amount equal to the revenue lost, if any, due
20 to ~~the increase of the homestead credit~~ **providing property tax relief**
21 within the county **under section 13 of this chapter**. This money shall
22 be distributed to the civil taxing units and school corporations of the
23 county as though they were property tax collections and in such a
24 manner that no civil taxing unit or school corporation shall suffer a net
25 revenue loss due to the allowance of ~~an increased homestead credit~~. **the**
26 **property tax relief.**

27 (c) The county auditor shall retain the amount, if any, specified by
28 the county fiscal body for a particular calendar year under subsection
29 ~~(f)~~; **(i)**, IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the
30 county's certified distribution for that same calendar year. The county
31 auditor shall distribute amounts retained under this subsection to the
32 county.

33 (d) All certified distribution revenues that are not retained and
34 distributed under subsections (b) and (c) shall be distributed to the civil
35 taxing units of the county as distributive shares.

36 (e) The amount of distributive shares that each civil taxing unit in
37 a county is entitled to receive during a month equals the product of the
38 following:

39 (1) The amount of revenue that is to be distributed as distributive
40 shares during that month; multiplied by

41 (2) A fraction. The numerator of the fraction equals the total
42 property taxes that are first due and payable to the civil taxing
43 unit during the calendar year in which the month falls, plus, for a
44 county, an amount equal to the property taxes imposed by the
45 county in 1999 for the county's welfare fund and welfare
46 administration fund **and, after December 31, 2002, an amount**

1 **equal to the property taxes imposed by the county in 2002 for**
 2 **the county family and children's fund.** The denominator of the
 3 fraction equals the sum of the total property taxes that are first
 4 due and payable to all civil taxing units of the county during the
 5 calendar year in which the month falls, plus an amount equal to
 6 the property taxes imposed by the county in 1999 for the county's
 7 welfare fund and welfare administration fund **and, after**
 8 **December 31, 2002, an amount equal to the property taxes**
 9 **imposed by the county in 2002 for the county family and**
 10 **children's fund.**

11 (f) The state board of tax commissioners shall provide each county
 12 auditor with the fractional amount of distributive shares that each civil
 13 taxing unit in the auditor's county is entitled to receive monthly under
 14 this section.

15 (g) Notwithstanding subsection (e), if a civil taxing unit of an
 16 adopting county does not impose a property tax levy that is first due
 17 and payable in a calendar year in which distributive shares are being
 18 distributed under this section, that civil taxing unit is entitled to receive
 19 a part of the revenue to be distributed as distributive shares under this
 20 section within the county. The fractional amount such a civil taxing
 21 unit is entitled to receive each month during that calendar year equals
 22 the product of the following:

23 (1) The amount to be distributed as distributive shares during that
 24 month; multiplied by

25 (2) A fraction. The numerator of the fraction equals the budget of
 26 that civil taxing unit for that calendar year. The denominator of
 27 the fraction equals the aggregate budgets of all civil taxing units
 28 of that county for that calendar year.

29 (h) If for a calendar year a civil taxing unit is allocated a part of a
 30 county's distributive shares by subsection (g), then the formula used in
 31 subsection (e) to determine all other civil taxing units' distributive
 32 shares shall be changed each month for that same year by reducing the
 33 amount to be distributed as distributive shares under subsection (e) by
 34 the amount of distributive shares allocated under subsection (g) for that
 35 same month. The state board of tax commissioners shall make any
 36 adjustments required by this subsection and provide them to the
 37 appropriate county auditors.

38 ⊕ (i) Notwithstanding any other law, a county fiscal body may
 39 pledge revenues received under this chapter to the payment of bonds
 40 or lease rentals to finance a qualified economic development tax
 41 project under IC 36-7-27 in that county or in any other county if the
 42 county fiscal body determines that the project will promote significant
 43 opportunities for the gainful employment or retention of employment
 44 of the county's residents.

45 SECTION 30. IC 6-3.5-6-18.5, AS AMENDED BY P.L.273-1999,
 46 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JANUARY 1, 2003]: Sec. 18.5. (a) This section applies to a county
 2 containing a consolidated city.

3 (b) Notwithstanding section 18(e) of this chapter, the distributive
 4 shares that each civil taxing unit in a county containing a consolidated
 5 city is entitled to receive during a month equals the following:

6 (1) For the calendar year beginning January 1, 1995, calculate the
 7 total amount of revenues that are to be distributed as distributive
 8 shares during that month multiplied by the following factor:

9	Center Township	.0251
10	Decatur Township	.00217
11	Franklin Township	.0023
12	Lawrence Township	.01177
13	Perry Township	.01130
14	Pike Township	.01865
15	Warren Township	.01359
16	Washington Township	.01346
17	Wayne Township	.01307
18	Lawrence-City	.00858
19	Beech Grove	.00845
20	Southport	.00025
21	Speedway	.00722
22	Indianapolis/Marion County	.86409

23 (2) Notwithstanding subdivision (1), for the calendar year
 24 beginning January 1, 1995, the distributive shares for each civil
 25 taxing unit in a county containing a consolidated city shall be not
 26 less than the following:

27	Center Township	\$1,898,145
28	Decatur Township	\$164,103
29	Franklin Township	\$173,934
30	Lawrence Township	\$890,086
31	Perry Township	\$854,544
32	Pike Township	\$1,410,375
33	Warren Township	\$1,027,721
34	Washington Township	\$1,017,890
35	Wayne Township	\$988,397
36	Lawrence-City	\$648,848
37	Beech Grove	\$639,017
38	Southport	\$18,906
39	Speedway	\$546,000

40 (3) For each year after 1995, calculate the total amount of
 41 revenues that are to be distributed as distributive shares during
 42 that month as follows:

43 STEP ONE: Determine the total amount of revenues that were
 44 distributed as distributive shares during that month in calendar
 45 year 1995.

46 STEP TWO: Determine the total amount of revenue that the

1 department has certified as distributive shares for that month
2 under section 17 of this chapter for the calendar year.
3 STEP THREE: Subtract the STEP ONE result from the STEP
4 TWO result.
5 STEP FOUR: If the STEP THREE result is less than or equal
6 to zero (0), multiply the STEP TWO result by the ratio
7 established under subdivision (1).
8 STEP FIVE: Determine the ratio of:
9 (A) the maximum permissible property tax levy under
10 IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for each civil taxing unit for
11 the calendar year in which the month falls, plus, for a
12 county, an amount equal to the property taxes imposed by
13 the county in 1999 for the county's welfare fund and welfare
14 administration fund **plus the property taxes imposed by**
15 **the county in 2002 for the county family and children's**
16 **fund;** divided by
17 (B) the sum of the maximum permissible property tax levies under
18 IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for all civil taxing units of the county
19 during the calendar year in which the month falls, and an amount equal
20 to the property taxes imposed by the county in 1999 for the county's
21 welfare fund and welfare administration fund **plus the property taxes**
22 **imposed by the county in 2002 for the county family and children's**
23 **fund.**
24 STEP SIX: If the STEP THREE result is greater than zero (0),
25 the STEP ONE amount shall be distributed by multiplying the
26 STEP ONE amount by the ratio established under subdivision
27 (1).
28 STEP SEVEN: For each taxing unit determine the STEP FIVE
29 ratio multiplied by the STEP TWO amount.
30 STEP EIGHT: For each civil taxing unit determine the
31 difference between the STEP SEVEN amount minus the
32 product of the STEP ONE amount multiplied by the ratio
33 established under subdivision (1). The STEP THREE excess
34 shall be distributed as provided in STEP NINE only to the civil
35 taxing units that have a STEP EIGHT difference greater than
36 or equal to zero (0).
37 STEP NINE: For the civil taxing units qualifying for a
38 distribution under STEP EIGHT, each civil taxing unit's share
39 equals the STEP THREE excess multiplied by the ratio of:
40 (A) the maximum permissible property tax levy under
41 IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for the qualifying civil
42 taxing unit during the calendar year in which the month
43 falls, plus, for a county, an amount equal to the property
44 taxes imposed by the county in 1999 for the county's welfare
45 fund and welfare administration fund **plus the property**
46 **taxes imposed by the county in 2002 for the county**

1 **family and children's fund;** divided by
 2 (B) the sum of the maximum permissible property tax levies under
 3 IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for all qualifying civil taxing units of
 4 the county during the calendar year in which the month falls, and an
 5 amount equal to the property taxes imposed by the county in 1999 for
 6 the county's welfare fund and welfare administration fund **plus the**
 7 **property taxes imposed by the county in 2002 for the county family**
 8 **and children's fund."**

9 Delete page 28.

10 Page 29, delete lines 1 through 41.

11 Page 32, line 18, after "plus" delete ":" and insert "**the additional**
 12 **rate that is imposed under IC 6-3.5-6-9.6 for property tax relief**
 13 **purposes."**

14 Page 32, delete lines 19 through 22.

15 Page 32, line 33, delete "IC 6-3.5-1.1-2(g)(1)" and insert "**IC**
 16 **6-3.5-1.1-2(g)"**.

17 Page 32, line 33, delete "; plus" and insert ".".

18 Page 32, delete lines 34 through 35, begin a new paragraph and
 19 insert:

20 "SECTION 32. IC 6-3.5-7-12, AS AMENDED BY P.L.14-2000,
 21 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2003]: Sec. 12. (a) Except as provided in section 23 of
 23 this chapter, the county auditor shall distribute in the manner specified
 24 in this section the certified distribution to the county.

25 (b) Except as provided in subsections (c) and (h) and section 15 of
 26 this chapter, the amount of the certified distribution that the county and
 27 each city or town in a county is entitled to receive during May and
 28 November of each year equals the product of the following:

29 (1) The amount of the certified distribution for that month;
 30 multiplied by

31 (2) A fraction. The numerator of the fraction equals the sum of the
 32 following:

33 (A) Total property taxes that are first due and payable to the
 34 county, city, or town during the calendar year in which the
 35 month falls; plus

36 (B) For a county, an amount equal to the property taxes
 37 imposed by the county in 1999 for the county's welfare fund
 38 and welfare administration fund **and an amount equal to the**
 39 **property taxes imposed by the county in 2002 for the**
 40 **county family and children's fund.**

41 The denominator of the fraction equals the sum of the total
 42 property taxes that are first due and payable to the county and all
 43 cities and towns of the county during the calendar year in which
 44 the month falls, plus an amount equal to the property taxes
 45 imposed by the county in 1999 for the county's welfare fund and
 46 welfare administration fund **and an amount equal to the**

1 **property taxes imposed by the county in 2002 for the county**
2 **family and children's fund.**

3 (c) This subsection applies to a county council or county income tax
4 council that imposes a tax under this chapter after June 1, 1992. The
5 body imposing the tax may adopt an ordinance before July 1 of a year
6 to provide for the distribution of certified distributions under this
7 subsection instead of a distribution under subsection (b). The following
8 apply if an ordinance is adopted under this subsection:

- 9 (1) The ordinance is effective January 1 of the following year.
- 10 (2) The amount of the certified distribution that the county and
11 each city and town in the county is entitled to receive during May
12 and November of each year equals the product of:
 - 13 (A) the amount of the certified distribution for the month;
14 multiplied by
 - 15 (B) a fraction. For a city or town, the numerator of the fraction
16 equals the population of the city or the town. For a county, the
17 numerator of the fraction equals the population of the part of
18 the county that is not located in a city or town. The
19 denominator of the fraction equals the sum of the population
20 of all cities and towns located in the county and the population
21 of the part of the county that is not located in a city or town.
- 22 (3) The ordinance may be made irrevocable for the duration of
23 specified lease rental or debt service payments.

24 (d) The body imposing the tax may not adopt an ordinance under
25 subsection (c) if, before the adoption of the proposed ordinance, any of
26 the following have pledged the county economic development income
27 tax for any purpose permitted by IC 5-1-14 or any other statute:

- 28 (1) The county.
- 29 (2) A city or town in the county.
- 30 (3) A commission, a board, a department, or an authority that is
31 authorized by statute to pledge the county economic development
32 income tax.

33 (e) The state board of tax commissioners shall provide each county
34 auditor with the fractional amount of the certified distribution that the
35 county and each city or town in the county is entitled to receive under
36 this section.

37 (f) Money received by a county, city, or town under this section
38 shall be deposited in the unit's economic development income tax fund.

39 (g) Except as provided in subsection (b)(2)(B), in determining the
40 fractional amount of the certified distribution the county and its cities
41 and towns are entitled to receive under subsection (b) during a calendar
42 year, the state board of tax commissioners shall consider only property
43 taxes imposed on tangible property subject to assessment in that
44 county.

45 (h) In a county having a consolidated city, only the consolidated city
46 is entitled to the certified distribution, subject to the requirements of

1 section 15 of this chapter.

2 SECTION 33. IC 6-5.5-8-2, AS AMENDED BY P.L.273-1999,
3 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2003]: Sec. 2. (a) On or before February 1, May 1,
5 August 1, and December 1 of each year the auditor of state shall
6 transfer to each county auditor for distribution to the taxing units (as
7 defined in IC 6-1.1-1-21) in the county, an amount equal to one-fourth
8 (1/4) of the sum of the guaranteed amounts for all the taxing units of
9 the county. On or before August 1 of each year the auditor of state shall
10 transfer to each county auditor the supplemental distribution for the
11 county for the year. For purposes of determining distributions under
12 subsection (b), the state board of tax commissioners shall determine a
13 state welfare allocation for each county calculated as follows:

14 (1) For 2000 and each year thereafter, the state welfare allocation
15 for each county equals the greater of zero (0) or the amount
16 determined under the following formula:

17 STEP ONE: For:

- 18 (A) 1997, 1998, and 1999, determine the result of:
- 19 ~~(A)~~ (i) the amounts appropriated by the county in the year
- 20 for the county's county welfare fund and county welfare
- 21 administration fund; divided by
- 22 ~~(B)~~ (ii) the amounts appropriated by all the taxing units in
- 23 the county in the year; **and**
- 24 (B) 2000, 2001, and 2002, determine the result of:
- 25 (i) the amounts appropriated by the county in the year
- 26 for the county's county family and children's fund;
- 27 divided by
- 28 (ii) the amounts appropriated by all the taxing units in
- 29 the county in the year.

30 STEP TWO: Determine the sum of the results determined in
31 STEP ONE.

32 STEP THREE: Divide the STEP TWO result by three (3).

33 STEP FOUR: Determine the amount that would otherwise be
34 distributed to all the taxing units in the county under
35 subsection (b) without regard to this subdivision.

36 STEP FIVE: Determine the result of:

- 37 (A) the STEP FOUR amount; multiplied by
 - 38 (B) the STEP THREE result.
- 39 (2) The state welfare allocation shall be deducted from the
40 distributions otherwise payable under subsection (b) to the taxing
41 unit that is a county and shall be deposited in a special account
42 within the state general fund.

43 (b) A taxing unit's guaranteed distribution for a year is the greater
44 of zero (0) or an amount equal to:

- 45 (1) the amount received by the taxing unit under IC 6-5-10 and
- 46 IC 6-5-11 in 1989; minus

- 1 (2) the amount to be received by the taxing unit in the year of the
- 2 distribution, as determined by the state board of tax
- 3 commissioners, from property taxes attributable to the personal
- 4 property of banks, exclusive of the property taxes attributable to
- 5 personal property leased by banks as the lessor where the
- 6 possession of the personal property is transferred to the lessee;
- 7 minus
- 8 (3) in the case of a taxing unit that is a county, the amount that
- 9 would have been received by the taxing unit in the year of the
- 10 distribution, as determined by the state board of tax
- 11 commissioners, from property taxes that:
- 12 (A) were calculated for the county's county welfare fund and
- 13 county welfare administration fund for 2000 but were not
- 14 imposed because of the repeal of IC 12-19-3 and IC 12-19-4;
- 15 and
- 16 (B) would have been attributable to the personal property of
- 17 banks, exclusive of the property taxes attributable to personal
- 18 property leased by banks as the lessor where the possession of
- 19 the personal property is transferred to the lessee.
- 20 (c) The amount of the supplemental distribution for a county for a
- 21 year shall be determined using the following formula:
- 22 STEP ONE: Determine the greater of zero (0) or the difference
- 23 between:
- 24 (A) one-half (1/2) of the taxes that the department estimates
- 25 will be paid under this article during the year; minus
- 26 (B) the sum of all the guaranteed distributions, before the
- 27 subtraction of all state welfare allocations under subsection
- 28 (a), for all taxing units in all counties plus the bank personal
- 29 property taxes to be received by all taxing units in all counties,
- 30 as determined under subsection (b)(2) for the year.
- 31 STEP TWO: Determine the quotient of:
- 32 (A) the amount received under IC 6-5-10 and IC 6-5-11 in
- 33 1989 by all taxing units in the county; divided by
- 34 (B) the sum of the amounts received under IC 6-5-10 and
- 35 IC 6-5-11 in 1989 by all taxing units in all counties.
- 36 STEP THREE: Determine the product of:
- 37 (A) the amount determined in STEP ONE; multiplied by
- 38 (B) the amount determined in STEP TWO.
- 39 STEP FOUR: Determine the greater of zero (0) or the difference
- 40 between:
- 41 (A) the amount of supplemental distribution determined in
- 42 STEP THREE for the county; minus
- 43 (B) the amount of refunds granted under IC 6-5-10-7 that have
- 44 yet to be reimbursed to the state by the county treasurer under
- 45 IC 6-5-10-13.
- 46 For the supplemental distribution made on or before August 1 of each

1 year, the department shall adjust the amount of each county's
2 supplemental distribution to reflect the actual taxes paid under this
3 article for the preceding year.

4 (d) Except as provided in subsection (f), the amount of the
5 supplemental distribution for each taxing unit shall be determined
6 using the following formula:

- 7 STEP ONE: Determine the quotient of:
 - 8 (A) the amount received by the taxing unit under IC 6-5-10
 - 9 and IC 6-5-11 in 1989; divided by
 - 10 (B) the sum of the amounts used in STEP ONE (A) for all
 - 11 taxing units located in the county.

- 12 STEP TWO: Determine the product of:
 - 13 (A) the amount determined in STEP ONE; multiplied by
 - 14 (B) the supplemental distribution for the county, as determined
 - 15 in subsection (c), STEP FOUR.

16 (e) The county auditor shall distribute the guaranteed and
17 supplemental distributions received under subsection (a) to the taxing
18 units in the county at the same time that the county auditor makes the
19 semiannual distribution of real property taxes to the taxing units.

20 (f) The amount of a supplemental distribution paid to a taxing unit
21 that is a county shall be reduced by an amount equal to:

- 22 (1) the amount the county would receive under subsection (d)
- 23 without regard to this subsection; minus
- 24 (2) an amount equal to:

- 25 (A) the amount under subdivision (1); multiplied by
- 26 (B) the result of the following:
 - 27 ~~(i)~~ **(i)** Determine the amounts appropriated by the county in
 - 28 1997, 1998, and 1999, from the county's county welfare fund
 - 29 and county welfare administration fund **plus the amounts**
 - 30 **appropriated by the county in 2000, 2001, and 2002,**
 - 31 **from the county's county family and children's fund,**
 - 32 divided by the total amounts appropriated by all the taxing
 - 33 units in the county in the year.

34 (ii) Divide the amount determined in item ~~(i)~~ **(i)** by three (3).

35 SECTION 34. IC 6-6-5-10, AS AMENDED BY P.L.273-1999,
36 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JANUARY 1, 2003]: Sec. 10. (a) The bureau shall establish procedures
38 necessary for the collection of the tax imposed by this chapter and for
39 the proper accounting for the same. The necessary forms and records
40 shall be subject to approval by the state board of accounts.

41 (b) The county treasurer upon receiving the excise tax collections
42 shall receipt such collections into a separate account for settlement
43 thereof at the same time as property taxes are accounted for and settled
44 in June and December of each year, with the right and duty of the
45 treasurer and auditor to make advances prior to the time of final
46 settlement of such property taxes in the same manner as provided in

1 IC 5-13-6-3.
 2 (c) The county auditor shall determine the total amount of excise
 3 taxes collected for each taxing unit in the county and the amount so
 4 collected (and the distributions received under section 9.5 of this
 5 chapter) shall be apportioned and distributed among the respective
 6 funds of each taxing unit in the same manner and at the same time as
 7 property taxes are apportioned and distributed. However, for purposes
 8 of determining distributions under this section for 2000 and each year
 9 thereafter, the state welfare allocation for each county equals the
 10 greater of zero (0) or the amount determined under STEP FIVE of the
 11 following STEPS:

12 STEP ONE: For:

13 **(A) 1997, 1998, and 1999, determine the result of:**

- 14 ~~(i)~~ **(i)** the amounts appropriated by the county in the year
- 15 from the county's county welfare fund and county welfare
- 16 administration fund; divided by
- 17 (ii) the total amounts appropriated by all the taxing units in
- 18 the county in the year; **and**

19 **(B) 2000, 2001, and 2002, determine the result of:**

- 20 **(i) the amounts appropriated by the county in the year**
- 21 **from the county's county family and children's fund;**
- 22 **divided by**
- 23 **(ii) the total amounts appropriated by all the taxing units**
- 24 **in the county in the year.**

25 STEP TWO: Determine the sum of the results determined in
26 STEP ONE.

27 STEP THREE: Divide the STEP TWO result by three (3).

28 STEP FOUR: Determine the amount that would otherwise be
29 distributed to all the taxing units in the county under this
30 subsection without regard to this subdivision.

31 STEP FIVE: Determine the result of:

- 32 ~~(i)~~ **(A)** the STEP FOUR amount; multiplied by
- 33 ~~(ii)~~ **(B)** the STEP THREE result.

34 The state welfare allocation shall be deducted from the total amount
35 available for apportionment and distribution to taxing units under this
36 section before any apportionment and distribution is made. The county
37 auditor shall remit the state welfare allocation to the treasurer of state
38 for deposit in a special account within the state general fund.

39 (d) Such determination shall be made from copies of vehicle
40 registration forms furnished by the bureau of motor vehicles. Prior to
41 such determination, the county assessor of each county shall, from
42 copies of registration forms, cause information pertaining to legal
43 residence of persons owning taxable vehicles to be verified from his
44 records, to the extent such verification can be so made. He shall further
45 identify and verify from his records the several taxing units within
46 which such persons reside.

1 (e) Such verifications shall be done by not later than thirty (30) days
2 after receipt of vehicle registration forms by the county assessor, and
3 the assessor shall certify such information to the county auditor for his
4 use as soon as it is checked and completed.

5 SECTION 35. IC 12-13-5-5, AS AMENDED BY P.L.273-1999,
6 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2003]: Sec. 5. (a) Each county auditor shall keep records
8 and make reports relating to the county welfare fund (before July 1,
9 2001), the family and children's fund (**before July 1, 2004**), and other
10 financial transactions as required under IC 12-13 through IC 12-19 and
11 as required by the division.

12 (b) All records provided for in IC 12-13 through IC 12-19 shall be
13 kept, prepared, and submitted in the form required by the division and
14 the state board of accounts.

15 SECTION 36. IC 12-17-3-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) This section does
17 not apply to a county department's:

- 18 (1) administrative expenses; or
- 19 (2) expenses regarding facilities, supplies, and equipment.

20 (b) Necessary expenses incurred in the administration of the child
21 welfare services under section 1 of this chapter shall be paid out of the
22 ~~county welfare fund or the county family and children's fund.~~
23 ~~(whichever is appropriate).~~

24 SECTION 37. IC 12-19-1-21, AS ADDED BY P.L.273-1999,
25 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JANUARY 1, 2003]: Sec. 21. (a) Notwithstanding any other law, after
27 December 31, 1999, a county may not impose any of the following:

- 28 (1) A property tax levy for a county welfare fund.
- 29 (2) A property tax levy for a county welfare administration fund.

30 **(b) Notwithstanding any other law, after December 31, 2002, a**
31 **county may not impose a property tax levy for the county's family**
32 **and children's fund.**

33 SECTION 38. IC 12-19-1-22, AS ADDED BY P.L.273-1999,
34 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2003]: Sec. 22. (a) All bonds issued and loans made
36 under IC 12-1-11 (before its repeal) or this article:

- 37 (1) before January 1, 2000, that are payable from property taxes
38 imposed under IC 12-19-3 (before its repeal); or
- 39 (2) **before January 1, 2003, that are payable from property**
40 **taxes imposed under IC 12-19-7-3 (before its amendment to**
41 **eliminate the authority to impose a property tax levy);**

42 ~~(1)~~ are direct general obligations of the county issuing the bonds or
43 making the loans and ~~(2)~~ are payable out of unlimited ad valorem taxes
44 that shall be levied and collected on all taxable property within the
45 county.

46 (b) Each official and body responsible for the levying of taxes for

1 the county must ensure that sufficient levies are made to meet the
2 principal and interest on the bonds and loans at the time fixed for the
3 payment of the principal and interest, without regard to any other
4 statute. If an official or a body fails or refuses to make or allow a
5 sufficient levy required by this section, the bonds and loans and the
6 interest on the bonds and loans shall be payable out of the county
7 general fund without appropriation.

8 SECTION 39. IC 12-19-1.5-6, AS ADDED BY P.L.273-1999,
9 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2002]: Sec. 6. As used in this chapter, "replacement amount"
11 means the sum of:

12 (1) the property taxes imposed on the assessed value of property
13 in the allocation area in excess of the base assessed value in 1999
14 for:

- 15 (1) ~~(A)~~ (A) the county welfare fund; and
- 16 ~~(2)~~ (B) the county welfare administration fund; **and**
- 17 **(2) the property taxes imposed on the assessed value of**
- 18 **property in the allocation area that exceed the base assessed**
- 19 **value in 2002 for the county family and children's fund.**

20 SECTION 40. IC 12-19-1.5-8, AS ADDED BY P.L.273-1999,
21 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2002]: Sec. 8. (a) This chapter applies to an allocation area:

23 (1) in which:

- 24 ~~(1)~~ (A) the holders of obligations received a pledge before July
25 1, 1999, of tax increment revenues to repay any part of the
26 obligations due after December 31, 1999; and
- 27 ~~(2)~~ (B) the elimination of a county welfare fund property tax
28 levy or a county welfare administration fund property tax levy
29 adversely affects the ability of the governing body to repay the
30 obligations described in ~~subdivision (1)~~. **clause (A); or**

31 (2) in which:

- 32 **(A) the holders of obligations received a pledge before July**
- 33 **1, 2002, of tax increment revenues to repay any part of the**
- 34 **obligations due after December 31, 2002; and**
- 35 **(B) the elimination of a county family and children's fund**
- 36 **property tax levy adversely affects the ability of the**
- 37 **governing body to repay the obligations described in clause**
- 38 **(A).**

39 (b) A governing body may use one (1) or more of the procedures
40 described in sections 9 through 11 of this chapter to provide sufficient
41 funds to repay the obligations described in subsection (a). The amount
42 raised each year may not exceed the replacement amount.

43 SECTION 41. IC 12-19-1.5-9, AS ADDED BY P.L.273-1999,
44 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
45 JANUARY 1, 2003]: Sec. 9. (a) A governing body may, after a public
46 hearing, impose a special assessment on the owners of property that is

1 located in an allocation area to repay:

2 (1) a bond or an obligation described in **section 8 section 8(a)(1)**
3 of this chapter that comes due after December 31, 1999; or

4 (2) **a bond or an obligation described in section 8(a)(2) of this**
5 **chapter that comes due after December 31, 2002.**

6 The amount of a special assessment for a taxpayer shall be determined
7 by multiplying the replacement amount by a fraction, the denominator
8 of which is the total incremental assessed value in the allocation area,
9 and the numerator of which is the incremental assessed value of the
10 taxpayer's property in the allocation area.

11 (b) Before a public hearing under subsection (a) may be held, the
12 governing body must publish notice of the hearing under IC 5-3-1. The
13 notice must state that the governing body will meet to consider whether
14 a special assessment should be imposed under this chapter and whether
15 the special assessment will help the governing body realize the
16 redevelopment or economic development objectives for the allocation
17 area or honor its obligations related to the allocation area. The notice
18 must also name a date when the governing body will receive and hear
19 remonstrances and objections from persons affected by the special
20 assessment. All persons affected by the hearing, including all taxpayers
21 within the allocation area, shall be considered notified of the pendency
22 of the hearing and of subsequent acts, hearings, and orders of the
23 governing body by the notice. At the hearing, which may be adjourned
24 from time to time, the governing body shall hear all persons affected by
25 the proceedings and shall consider all written remonstrances and
26 objections that have been filed. The only grounds for remonstrance or
27 objection are that the special assessment will not help the governing
28 body realize the redevelopment or economic development objectives
29 for the allocation area or honor its obligations related to the allocation
30 area. After considering the evidence presented, the governing body
31 shall take final action concerning the proposed special assessment. The
32 final action taken by the governing body shall be recorded and is final
33 and conclusive, except that an appeal may be taken in the manner
34 prescribed by subsection (c).

35 (c) A person who filed a written remonstrance with a governing
36 body under subsection (b) and is aggrieved by the final action taken
37 may, within ten (10) days after that final action, file in the office of the
38 clerk of the circuit or superior court a copy of the order of the
39 governing body and the person's remonstrance or objection against that
40 final action, together with a bond conditioned to pay the costs of appeal
41 if the appeal is determined against the person. The only ground of
42 remonstrance or objection that the court may hear is whether the
43 proposed assessment will help achieve the redevelopment of economic
44 development objectives for the allocation area or honor its obligations
45 related to the allocation area. An appeal under this subsection shall be
46 promptly heard by the court without a jury. All remonstrances or

1 objections upon which an appeal has been taken must be consolidated,
 2 heard, and determined within thirty (30) days after the time of the filing
 3 of the appeal. The court shall hear evidence on the remonstrances or
 4 objections, and may confirm the final action of the governing body or
 5 sustain the remonstrances or objections. The judgment of the court is
 6 final and conclusive, unless an appeal is taken as in other civil actions.

7 (d) The maximum amount of a special assessment under this section
 8 may not exceed the replacement amount.

9 (e) A special assessment shall be imposed and collected in the same
 10 manner as ad valorem property taxes are imposed and collected.

11 SECTION 42. IC 12-19-7-1, AS AMENDED BY P.L.139-2000,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2001]: Sec. 1. As used in this chapter, "child services" means
 14 the following:

15 (1) Child welfare services specifically provided for children who
 16 are:

17 (A) adjudicated to be:

18 (i) children in need of services; or

19 (ii) delinquent children; or

20 (B) recipients of or are eligible for:

21 (i) informal adjustments;

22 (ii) service referral agreements; and

23 (iii) adoption assistance;

24 including the costs of using an institution or facility in Indiana for
 25 providing educational services as described in either IC 20-8.1-3-36 (if
 26 applicable) or IC 20-8.1-6.1-8 (if applicable), all services required to
 27 be paid by a county **from the county family and children's fund**
 28 under IC 31-40-1-2, and all costs required to be paid by a county under
 29 IC 20-8.1-6.1-7.

30 (2) Assistance awarded by a county to a destitute child under
 31 IC 12-17-1.

32 (3) Child welfare services as described in IC 12-17-3.

33 **(4) Family services (as defined in IC 31-9-2-45).**

34 SECTION 43. IC 12-19-7-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 3. (a) A family
 36 and children's fund is established in each county. ~~The fund shall be~~
 37 ~~raised by a separate tax levy (the county family and children property~~
 38 ~~tax levy) that:~~

39 (1) is in addition to all other tax levies authorized; and

40 (2) shall be levied annually by the county fiscal body on all
 41 taxable property in the county in the amount necessary to raise the
 42 part of the fund that the county must raise to pay the items;
 43 awards; claims; allowances; assistance; and other expenses set
 44 forth in the annual budget under section 6 of this chapter.

45 (b) The tax imposed under this section shall be collected as other
 46 state and county ad valorem taxes are collected. **Notwithstanding any**

1 **other law, after December 31, 2002, a county may not impose a**
2 **property tax levy for the county family and children's fund.**

3 (c) The following shall be paid into the county treasury and
4 constitute the family and children's fund:

5 ~~(1) All receipts from the tax imposed under this section.~~

6 ~~(2) (1) All grants-in-aid, money allocated by the division to the~~
7 **county** whether received from the federal government or state
8 government.

9 ~~(3) (2) Any other money required by law to be placed in the fund.~~

10 (d) The fund is available for the purpose of paying expenses and
11 obligations set forth in the annual budget that is submitted and
12 approved.

13 SECTION 44. IC 12-19-7-6 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The county
15 director, upon the advice of the judges of the courts with juvenile
16 jurisdiction in the county, shall annually compile and adopt a child
17 services budget, which must be in a form prescribed by the state board
18 of accounts. **For calendar years before 2003**, the budget may not
19 exceed the levy limitation set forth in IC 6-1.1-18.6.

20 (b) The budget must contain an estimate of the amount of money
21 that will be needed by the county office during the ~~fiscal~~ **next calendar**
22 year to defray the expenses and obligations incurred by the county
23 office in the payment of **child** services. ~~for children adjudicated to be~~
24 ~~children in need of services or delinquent children and other related~~
25 ~~services but not including the payment of AFDC.~~

26 SECTION 45. IC 12-19-7-7 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 7. ~~(a) The county~~
28 ~~director shall, with the assistance of the judges of courts with juvenile~~
29 ~~jurisdiction in the county and at the same time the budget is compiled~~
30 ~~and adopted, recommend to the division the tax levy that the director~~
31 ~~and judges determine will be required to raise the amount of revenue~~
32 ~~necessary to pay the expenses and obligations of the county office set~~
33 ~~forth in the budget under section 6 of this chapter. However, the tax~~
34 ~~levy may not exceed the maximum permissible levy set forth in~~
35 ~~IC 6-1.1-18.6 and the budget may not exceed the levy limitation set~~
36 ~~forth in IC 6-1.1-18.~~

37 ~~(b) After the county budget has been compiled, the county director~~
38 ~~shall submit a copy of the budget and the tax levy recommended by the~~
39 ~~county director, and the judges of courts with juvenile jurisdiction in~~
40 ~~the county, to the division **not later than April 1 of each year**. The~~
41 ~~division shall examine the budget and the tax levy for the purpose of~~
42 ~~determining whether, in the judgment of the division,~~

43 ~~(1) the appropriations requested in the budget will be adequate to~~
44 ~~defray the expenses and obligations **that will be** incurred by the~~
45 ~~county office in the payment of child services for the next ~~fiscal~~~~
46 ~~**calendar** year. ~~and~~~~

1 (2) the tax levy recommended will yield the amount of the
 2 appropriation set forth in the budget. **The budget submitted under**
 3 **this section is not subject to IC 6-1.1-17 and IC 6-1.1-18.**

4 SECTION 46. IC 12-19-7-8 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 8. (a) The
 6 division may do **either of** the following after examining a budget
 7 submitted by the county ~~office:~~ **director:**

8 (1) Increase or decrease the amount of the budget or an item of
 9 the budget. ~~subject to the maximum levy set forth in~~
 10 ~~IC 6-1.1-18.6.~~

11 (2) Approve the budget as compiled by the county director. ~~and~~
 12 ~~judges of courts with juvenile jurisdiction in the county.~~

13 (3) Recommend the increase or decrease of the tax levy; subject
 14 to the ~~maximum levy set forth in IC 6-1.1-18.6.~~

15 (4) Approve the tax levy as recommended by the county director
 16 and judges of courts with juvenile jurisdiction in the county.

17 (b) **The total amount of all approved child services budgets may**
 18 **not exceed the total amount appropriated for child services for the**
 19 **applicable state fiscal year.**

20 SECTION 47. IC 12-19-7-11 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 11. (a) ~~In~~
 22 ~~September of each year; at the time provided by law;~~ The county fiscal
 23 body shall ~~do the following:~~

24 (1) make the appropriations out of the family and children's fund
 25 that are:

26 (A) (1) based on the budget as ~~submitted;~~ **approved by the**
 27 **division;** and

28 (B) (2) necessary to maintain the child services of the county for
 29 the next ~~fiscal~~ **calendar** year. ~~subject to the maximum levy set~~
 30 ~~forth in IC 6-1.1-18.6.~~

31 (2) Levy a tax in an amount necessary to produce the appropriated
 32 money.

33 (b) **The division shall make advances to the county family and**
 34 **children's fund to ensure that the amounts deposited in the county**
 35 **family and children's fund are adequate to meet the expenses that**
 36 **are to be paid from the fund. Amounts necessary to make the**
 37 **advances under this subsection are appropriated from the family**
 38 **and children's property tax relief fund and, as necessary, from the**
 39 **state general fund.**

40 (c) **The provisions of IC 6-1.1-18 concerning appropriations do**
 41 **not apply to appropriations of money from a county family and**
 42 **children's fund.**

43 (d) **Notwithstanding IC 36, a county is not required to publish**
 44 **notice of any claim or allowance that will be paid from the county**
 45 **family and children's fund.**

46 SECTION 48. IC 12-19-7-11.1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 11.1. (a) The
 2 judges of the courts with juvenile jurisdiction in the county and the
 3 county director shall meet with the ~~county fiscal body~~ **county's early**
 4 **intervention team established by IC 31-34-24** at a public meeting

5 ~~(1) in April; and~~

6 ~~(2) after June 30 and before October 1;~~

7 ~~in before April 1~~ of each year.

8 (b) At a meeting required in subsection (a), the county director **and**
 9 **judges with juvenile jurisdiction** shall present to the ~~county fiscal~~
 10 ~~body and the judges~~ the following reports: **information:**

11 (1) Expenditures made

12 ~~(A) during the immediately preceding calendar quarter~~
 13 **current calendar year** from the family and children's fund in
 14 comparison to ~~one-fourth (1/4) of~~ the budget and
 15 appropriations approved by the ~~county fiscal body~~ **division** for
 16 the calendar year. ~~and~~

17 ~~(B) from the fund in the corresponding calendar quarter of~~
 18 ~~each of the two (2) preceding calendar years.~~

19 (2) Obligations incurred ~~through the end of the immediately~~
 20 ~~preceding calendar quarter during the current calendar year~~
 21 that will be payable from the family and children's fund during the
 22 remainder of the calendar year. ~~or in any subsequent calendar~~
 23 ~~year.~~

24 (3) The number of children, by category, for whom the family and
 25 children's fund was required to provide funds for services during
 26 the ~~immediately preceding calendar quarter;~~ **current calendar**
 27 **year**, in comparison to ~~the corresponding calendar quarter of each~~
 28 of the two (2) ~~preceding calendar years~~ **preceding the current**
 29 **calendar year.**

30 (4) The number and type of out-of-home placements, by category,
 31 for which the family and children's fund was required to provide
 32 funds for foster home care or institutional placement, and the
 33 average daily, weekly or monthly cost of out-of-home placement
 34 care and services by category, during the ~~immediately preceding~~
 35 ~~calendar quarter;~~ **current calendar year**, in comparison to ~~the~~
 36 ~~corresponding calendar quarter of each of the two (2) preceding~~
 37 ~~calendar years~~ **preceding the current calendar year.**

38 (5) The number of children, by category, for whom the family and
 39 children's fund was required to provide funds for services for
 40 children residing with the child's parent, guardian or custodian
 41 (other than foster home or institutional placement), and the
 42 average monthly cost of those services, during the ~~immediately~~
 43 ~~preceding calendar quarter;~~ **current calendar year**, in
 44 comparison to ~~the corresponding calendar quarter for each of the~~
 45 two (2) ~~preceding calendar years~~ **preceding the current**
 46 **calendar year.**

1 (c) In preparing the ~~reports information~~ described in subsection (b),
 2 the county director **and judges** may use the best ~~information data~~
 3 reasonably available from the records of the ~~courts, the~~ county office,
 4 and the ~~county family and children's fund for calendar years before~~
 5 ~~1998: division.~~

6 (d) At ~~each the~~ meeting described in subsection (a), the ~~county~~
 7 ~~fiscal body,~~ judges and county director may

8 (1) discuss and suggest procedures to provide child welfare
 9 services in the most effective and cost-efficient manner. ~~and~~

10 (2) ~~consider actions needed, including revision of budgeting~~
 11 ~~procedures; to eliminate or minimize any anticipated need for~~
 12 ~~short term borrowing for the family and children's fund under any~~
 13 ~~provisions of this chapter or IC 12-19-5.~~

14 SECTION 49. IC 12-19-7-15 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 15. (a) If at any
 16 time the county director determines that the family and children's fund
 17 is exhausted or will be exhausted before the close of a ~~fiscal~~ **calendar**
 18 year, the county director shall prepare an estimate and statement
 19 showing the amount of money, in addition to the money already made
 20 available, that will be necessary to defray the expenses of the county
 21 office and pay the obligations of the county office, excluding
 22 administrative expenses and facilities, supplies, and equipment
 23 expenses for the county office, in the administration of the county
 24 office's activities for the unexpired part of the ~~fiscal~~ **calendar** year.

25 (b) The county director shall do the following:

26 (1) Certify the estimate and statement to the ~~county executive:~~
 27 **director.**

28 (2) File ~~the estimate and a~~ statement with the ~~county auditor:~~
 29 **director concerning:**

30 (A) ~~the reasons the family and children's fund is exhausted~~
 31 ~~or will be exhausted; and~~

32 (B) ~~what actions have been taken by the county office to~~
 33 ~~avoid the exhaustion of the fund.~~

34 SECTION 50. IC 12-19-7-21.5 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JANUARY 1, 2003]: **Sec. 21.5. (a) Notwithstanding**
 37 **any other law, after December 31, 2002, the state shall fund one**
 38 **hundred percent (100%) of the programs, services, and activities**
 39 **that were payable before January 1, 2003, from county family and**
 40 **children's fund property tax levies.**

41 (b) **Any money remaining in a county family and children's fund**
 42 **on January 1, 2003, must be used for services previously payable**
 43 **from the county family and children's fund. Fund balances in each**
 44 **county family and children's fund are available to the division of**
 45 **family and children beginning January 1, 2003, for use in fulfilling**
 46 **the requirements previously paid from the county family and**

1 **children's fund within each county.**

2 **(c) With the approval of the governor and the budget agency,**
 3 **money appropriated to the division of family and children for**
 4 **programs, services, and activities described in subsection (a) may**
 5 **be augmented from the family and children's property tax relief**
 6 **fund and the state general fund.**

7 SECTION 51. IC 31-31-5-4 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. A probation officer
 9 shall, for the purpose of carrying out the juvenile law:

10 (1) conduct such investigations and prepare such reports and
 11 recommendations as the court directs and keep a written record of
 12 those investigations, reports, and recommendations;

13 (2) receive and examine complaints and allegations concerning
 14 matters covered by the juvenile law and make preliminary
 15 inquiries and investigations;

16 (3) implement informal adjustments;

17 (4) prepare and submit the predisposition report required for a
 18 dispositional hearing under the juvenile law;

19 (5) supervise and assist by all suitable methods a child placed on
 20 probation or in the probation officer's care by order of the court or
 21 other legal authority;

22 **(6) with the cooperation and assistance of the county office of**
 23 **family and children, prepare and monitor performance of any**
 24 **case plan, and ensure compliance with all other procedures,**
 25 **as necessary or appropriate to satisfy the requirements of**
 26 **Title IV-E of the Social Security Act, 42 U.S.C. 670 et seq.,**
 27 **and applicable federal regulations, for federal financial**
 28 **participation in the payment of the cost of services provided**
 29 **to an eligible child;**

30 (7) keep complete records of the probation officer's work and
 31 comply with any order of the court concerning the collection,
 32 protection, and distribution of any money or other property
 33 coming into the probation officer's hands; and

34 ~~(7)~~ **(8)** perform such other functions as are designated by the
 35 juvenile law or by the court in accordance with the juvenile law.

36 SECTION 54. IC 31-34-18-1.3 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec 1.3. (a) The individuals
 38 participating in a meeting described in section 1.1 of this chapter shall
 39 assist the person preparing the report in recommending the care,
 40 treatment, rehabilitation, or placement of the child.

41 (b) The individuals shall inform the person preparing the report of
 42 resources and programs that are available for the child.

43 **(c) The probation officer or caseworker shall collect, maintain,**
 44 **and complete financial eligibility forms designated by the director**
 45 **to assist in obtaining federal reimbursement and other**
 46 **reimbursement.**

47 SECTION 55. IC 31-34-18-3 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The probation officer
 2 or caseworker shall also **collect information and** prepare a financial
 3 report, **in the form prescribed by the division**, on the parent or the
 4 estate of the child to assist the juvenile court **and the county office** in:

- 5 (1) determining the person's financial responsibility; **and**
- 6 (2) **obtaining federal reimbursement;**

7 for services provided for the child or the person.

8 SECTION 56. IC 31-34-24-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. (a) Before
 10 March 1, 1998, each county shall establish a team to develop a plan as
 11 described in this chapter.

12 (b) The team is composed of the following members, each of whom
 13 serves at the pleasure of the member's appointing authority:

14 (1) Two (2) members appointed by the judge or judges of the
 15 juvenile court, one (1) of whom is a representative of the
 16 probation department.

17 (2) Two (2) members appointed by the director of the county
 18 office as follows:

19 (A) One (1) is a member of the child welfare staff of the
 20 county office.

21 (B) One (1) is either:

22 (i) an interested resident of the county; or

23 (ii) a representative of a social service agency;

24 who knows of child welfare needs and services available to
 25 residents of the county.

26 (3) One (1) member appointed by the superintendent of the largest
 27 school corporation in the county.

28 (4) If:

29 (A) two (2) school corporations are located within the county,
 30 one (1) member appointed by the superintendent of the second
 31 largest school corporation in the county; or

32 (B) more than two (2) school corporations are located within
 33 the county, one (1) member appointed by the county fiscal
 34 body as a representative of school corporations other than the
 35 largest school corporation in the county.

36 ~~(5) One (1) member appointed by the county fiscal body.~~

37 ~~(6)~~ (5) One (1) member representing the community mental
 38 health center (as defined under IC 12-7-2-38) serving the county,
 39 appointed by the director of the community mental health center.
 40 However, if more than one (1) community mental health center
 41 serves the county, the member shall be appointed by the county
 42 fiscal body.

43 ~~(7)~~ (6) One (1) or more additional members appointed by the
 44 ~~chairperson of the team, county director~~, from among interested
 45 or knowledgeable residents of the community or representatives
 46 of agencies providing social services to or for children in the

1 county.

2 SECTION 57. IC 31-34-24-11, AS AMENDED BY P.L.273-1999,
3 SECTION 103, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2003]: Sec. 11. The ~~director or the~~ state
5 superintendent of public instruction may, not later than thirty (30) days
6 after receiving the plan, transmit to the team and the ~~county fiscal body~~
7 **director** any comments, including recommendations for modification
8 of the plan, that the ~~director or the~~ state superintendent of public
9 instruction considers appropriate.

10 SECTION 58. IC 31-34-24-12, AS AMENDED BY P.L.273-1999,
11 SECTION 104, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2003]: Sec. 12. Not later than sixty (60)
13 days after receiving the plan, the ~~county fiscal body~~ **director** shall do
14 one (1) of the following:

- 15 (1) Approve the plan as submitted by the team.
16 (2) ~~Approve the plan with amendments, modifications, or~~
17 ~~revisions adopted by the county fiscal body.~~
18 (3) (2) Return the plan to the team with directions concerning:
19 (A) subjects for further study and reconsideration; and
20 (B) resubmission of a revised plan.

21 SECTION 59. IC 31-34-24-14, AS AMENDED BY P.L.273-1999,
22 SECTION 105, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JANUARY 1, 2003]: Sec. 14. (a) The team shall meet at
24 least one (1) time each year to do the following:

- 25 (1) Develop, review, or revise a strategy that identifies:
26 (A) the manner in which prevention and early intervention
27 services will be provided or improved;
28 (B) how local collaboration will improve children's services;
29 and
30 (C) how different funds can be used to serve children and
31 families more effectively.
32 (2) Reorganize as needed and select its vice chairperson for the
33 ensuing year.
34 (3) Review the implementation of the plan and prepare revisions,
35 additions, or updates of the plan that the team considers necessary
36 or appropriate to improve the quality and efficiency of early
37 intervention child welfare services provided in accordance with
38 the plan.
39 (4) Prepare and submit to the ~~county fiscal body~~ **director and the**
40 **superintendent of public instruction** a report on the operations
41 of the plan during the preceding year and a revised and updated
42 plan for the ensuing year.

43 (b) The chairperson or vice chairperson of the team ~~or the county~~
44 ~~fiscal body~~ may convene any additional meetings of the team that are,
45 in the chairperson's or vice chairperson's opinion, necessary or
46 appropriate.

1 SECTION 60. IC 31-34-24-15, AS AMENDED BY P.L.273-1999,
 2 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JANUARY 1, 2003]: Sec. 15. The team ~~or the county~~
 4 ~~fiscal body~~ shall transmit copies of the plan, each annual report, and
 5 each revised plan to the following:

- 6 (1) The director.
- 7 (2) The state superintendent of public instruction.
- 8 (3) The county office.
- 9 (4) The juvenile court.
- 10 (5) The superintendent of each public school corporation in the
- 11 county.
- 12 (6) The local step ahead council.
- 13 (7) Any public or private agency that:
 - 14 (A) provides services to families and children in the county
 - 15 that requests information about the plan; or
 - 16 (B) the team has identified as a provider of services relevant
 - 17 to the plan.

18 SECTION 61. IC 31-34-24-16 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 16. The team ~~or~~
 20 ~~the county fiscal body~~ shall publicize to residents of the county the
 21 existence and availability of the plan.

22 SECTION 62. IC 31-37-24-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. (a) Before
 24 March 1, 1998, each county shall establish a team to develop a plan as
 25 described in this chapter.

26 (b) The team is composed of the following members, each of whom
 27 serves at the pleasure of the member's appointing authority:

- 28 (1) Two (2) members appointed by the judge or judges of the
- 29 juvenile court, one (1) of whom is a representative of the
- 30 probation department.
- 31 (2) Two (2) members appointed by the director of the county
- 32 office as follows:
 - 33 (A) One (1) is a member of the child welfare staff of the
 - 34 county office.
 - 35 (B) One (1) is either:
 - 36 (i) an interested resident of the county; or
 - 37 (ii) a representative of a social service agency;
 - 38 who knows of child welfare needs and services available to
 - 39 residents of the county.
 - 40 (3) One (1) member appointed by the superintendent of the largest
 - 41 school corporation in the county.
 - 42 (4) If:
 - 43 (A) two (2) school corporations are located within the county,
 - 44 one (1) member appointed by the superintendent of the second
 - 45 largest school corporation in the county; or
 - 46 (B) more than two (2) school corporations are located within

1 the county, one (1) member appointed by the county fiscal
2 body as a representative of school corporations other than the
3 largest school corporation in the county.

4 ~~(5) One (1) member appointed by the county fiscal body.~~
5 ~~(6) (5) One (1) member representing the community mental~~
6 ~~health center (as defined under IC 12-7-2-38) serving the county,~~
7 ~~appointed by the director of the community mental health center.~~
8 ~~However, if more than one (1) community mental health center~~
9 ~~serves the county, the member shall be appointed by the county~~
10 ~~fiscal body: director.~~

11 ~~(7) (6) One (1) or more additional members appointed by the~~
12 ~~chairperson of the team, county director, from among interested~~
13 ~~or knowledgeable residents of the community or representatives~~
14 ~~of agencies providing social services to or for children in the~~
15 ~~county.~~

16 SECTION 63. IC 31-37-24-5, AS AMENDED BY P.L.273-1999,
17 SECTION 110, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 2003]: Sec. 5. If a county has in existence
19 a committee, council, or other organized group that includes
20 representatives of all of the appointing authorities described in section
21 4 of this chapter, the ~~county fiscal body~~ **director** may elect to designate
22 that existing organization as the county's team for purposes of this
23 chapter.

24 SECTION 64. IC 31-37-24-11, AS AMENDED BY P.L.273-1999,
25 SECTION 115, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JANUARY 1, 2003]: Sec. 11. The ~~director or the~~ state
27 superintendent of public instruction may, not later than thirty (30) days
28 after receiving the plan, transmit to the team and the ~~county fiscal body~~
29 **director** any comments, including recommendations for modification
30 of the plan, that the ~~director or the~~ state superintendent of public
31 instruction considers appropriate.

32 SECTION 65. IC 31-37-24-12, AS AMENDED BY P.L.273-1999,
33 SECTION 116, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JANUARY 1, 2003]: Sec. 12. Not later than sixty (60)
35 days after receiving the plan, the ~~county fiscal body~~ **director** shall do
36 one (1) of the following:

- 37 (1) Approve the plan as submitted by the team.
- 38 ~~(2) Approve the plan with amendments, modifications, or~~
39 ~~revisions adopted by the county fiscal body.~~
- 40 ~~(3) (2) Return the plan to the team with directions concerning:~~
 - 41 (A) subjects for further study and reconsideration; and
 - 42 (B) resubmission of a revised plan.

43 SECTION 66. IC 31-37-24-14, AS AMENDED BY P.L.273-1999,
44 SECTION 117, IS AMENDED TO READ AS FOLLOWS
45 [EFFECTIVE JANUARY 1, 2003]: Sec. 14. (a) The team shall meet at
46 least one (1) time each year to do the following:

- 1 (1) Develop, review, or revise a strategy that identifies:
 2 (A) the manner in which prevention and early intervention
 3 services will be provided or improved;
 4 (B) how local collaboration will improve children's services;
 5 and
 6 (C) how different funds can be used to serve children and
 7 families more effectively.
 8 (2) Reorganize as needed and select its vice chairperson for the
 9 ensuing year.
 10 (3) Review the implementation of the plan and prepare revisions,
 11 additions, or updates of the plan that the team considers necessary
 12 or appropriate to improve the quality and efficiency of early
 13 intervention child welfare services provided in accordance with
 14 the plan.
 15 (4) Prepare and submit to the ~~county fiscal body~~ **director and the**
 16 **superintendent of public instruction** a report on the operations
 17 of the plan during the preceding year and a revised and updated
 18 plan for the ensuing year.

19 (b) The chairperson or vice chairperson of the team ~~or the county~~
 20 ~~fiscal body~~ may convene any additional meetings of the team that are,
 21 in the chairperson's or vice chairperson's opinion, necessary or
 22 appropriate.

23 SECTION 67. IC 31-37-24-15 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 15. The team ~~or~~
 25 ~~the county fiscal body~~ shall transmit copies of the initial plan, each
 26 annual report, and each revised plan to the following:

- 27 (1) The director.
 28 (2) The state superintendent of public instruction.
 29 (3) The county office.
 30 (4) The juvenile court.
 31 (5) The superintendent of each public school corporation in the
 32 county.
 33 (6) The local step ahead council.
 34 (7) Any public or private agency that:
 35 (A) provides services to families and children in the county
 36 that requests information about the plan; or
 37 (B) the team has identified as a provider of services relevant
 38 to the plan.

39 SECTION 68. IC 31-37-24-16 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 16. The team ~~or~~
 41 ~~the county fiscal body~~ shall publicize to residents of the county the
 42 existence and availability of the plan.

43 SECTION 69. IC 31-40-1-1 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. This article
 45 applies to a financial burden sustained by a county ~~or the division~~ as
 46 the result of costs paid by the county ~~or the division~~ under section 2 of

1 this chapter, including costs resulting from the institutional placement
2 of a child adjudicated a delinquent child or a child in need of services.

3 SECTION 70. IC 31-40-1-3, AS AMENDED BY P.L.273-1999,
4 SECTION 120, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JANUARY 1, 2003]: Sec. 3. (a) A parent or guardian of
6 the estate of a child adjudicated a delinquent child or a child in need of
7 services is financially responsible as provided in this chapter (or
8 IC 31-6-4-18(e) before its repeal) for any services ordered by the court.

9 (b) Each parent of a child alleged to be a child in need of services
10 or alleged to be a delinquent child shall, before a dispositional hearing,
11 furnish the court with an accurately completed and current child
12 support obligation worksheet on the same form that is prescribed by the
13 Indiana supreme court for child support orders.

14 (c) At:

15 (1) a detention hearing;

16 (2) a hearing that is held after the payment of costs by a county
17 under section 2 of this chapter (or IC 31-6-4-18(b) before its
18 repeal);

19 (3) the dispositional hearing; or

20 (4) any other hearing to consider modification of a dispositional
21 decree;

22 the juvenile court shall order the child's parents or the guardian of the
23 child's estate to pay for, or reimburse the county **or the division** for the
24 cost of, services provided to the child or the parent or guardian unless
25 the court finds that the parent or guardian is unable to pay or that
26 justice would not be served by ordering payment from the parent or
27 guardian.

28 SECTION 71. IC 31-40-1-5, AS AMENDED BY P.L.273-1999,
29 SECTION 121, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JANUARY 1, 2003]: Sec. 5. (a) This section applies
31 whenever the court orders or approves removal of a child from the
32 home of a child's parent or guardian and placement of the child in a
33 child caring institution (as defined in IC 12-7-2-29), a foster family
34 home (as defined in IC 12-7-2-90), or the home of a relative of the
35 child that is not a foster family home.

36 (b) If an existing support order is in effect, the court shall order the
37 support payments to be assigned to the county office **or the division**
38 for the duration of the placement out of the home of the child's parent
39 or guardian. The court shall notify the court that:

40 (1) entered the existing support order; or

41 (2) had jurisdiction, immediately before the placement, to modify
42 or enforce the existing support order;

43 of the assignment and assumption of jurisdiction by the juvenile court
44 under this section.

45 (c) If an existing support order is not in effect, the court shall do the
46 following:

- 1 (1) Include in the order for removal or placement of the child an
 2 assignment to the county office **or the division**, or confirmation
 3 of an assignment that occurs or is required under applicable
 4 federal law, of any rights to support, including support for the cost
 5 of any medical care payable by the state under IC 12-15, from any
 6 parent or guardian who has a legal obligation to support the child.
- 7 (2) Order support paid to the county office **or the division** by
 8 each of the child's parents or the guardians of the child's estate to
 9 be based on child support guidelines adopted by the Indiana
 10 supreme court and for the duration of the placement of the child
 11 out of the home of the child's parent or guardian, unless:
- 12 (A) the court finds that entry of an order based on the child
 13 support guidelines would be unjust or inappropriate
 14 considering the best interests of the child and other necessary
 15 obligations of the child's family; or
- 16 (B) the county office does not make foster care maintenance
 17 payments to the custodian of the child. For purposes of this
 18 clause, "foster care maintenance payments" means any
 19 payments for the cost of (in whole or in part) and the cost of
 20 providing food, clothing, shelter, daily supervision, school
 21 supplies, a child's personal incidentals, liability insurance with
 22 respect to a child, and reasonable amounts for travel to the
 23 child's home for visitation. In the case of a child caring
 24 institution, the term also includes the reasonable costs of
 25 administration and operation of the institution as are necessary
 26 to provide the items described in this clause.
- 27 (3) If the court:
- 28 (A) does not enter a support order; or
- 29 (B) enters an order that is not based on the child support
 30 guidelines;
- 31 the court shall make findings as required by 45 CFR 302.56(g).
- 32 (d) Payments in accordance with a support order assigned under
 33 subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f)
 34 before its repeal) shall be paid through the clerk of the circuit court as
 35 trustee for remittance to the county office.
- 36 (e) The Title IV-D agency shall establish, modify, or enforce a
 37 support order assigned or entered by a court under this section in
 38 accordance with IC 12-17-2 and 42 U.S.C. 654. The county office shall,
 39 if requested, assist the Title IV-D agency in performing its duties under
 40 this subsection.
- 41 (f) If the juvenile court terminates placement of a child out of the
 42 home of the child's parent or guardian, the court shall:
- 43 (1) notify the court that:
- 44 (A) entered a support order assigned to the county office under
 45 subsection (b); or
- 46 (B) had jurisdiction, immediately before the placement, to

- 1 modify or enforce the existing support order;
 2 of the termination of jurisdiction of the juvenile court with respect
 3 to the support order;
 4 (2) terminate a support order entered under subsection (c) that
 5 requires payment of support by a custodial parent or guardian of
 6 the child, with respect to support obligations that accrue after
 7 termination of the placement; or
 8 (3) continue in effect, subject to modification or enforcement by
 9 a court having jurisdiction over the obligor, a support order
 10 entered under subsection (c) that requires payment of support by
 11 a noncustodial parent or guardian of the estate of the child.

12 (g) The court may at or after a hearing described in section 3 of this
 13 chapter order the child's parent or the guardian of the child's estate to
 14 reimburse the county office **or the division** for all or any portion of the
 15 expenses for services provided to or for the benefit of the child that are
 16 paid from the county family and children's fund during the placement
 17 of the child out of the home of the parent or guardian, in addition to
 18 amounts reimbursed through payments in accordance with a support
 19 order assigned or entered as provided in this section, subject to
 20 applicable federal law.

21 SECTION 72. IC 36-2-6-3 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 3. (a) This section
 23 does not apply to **the following**:

- 24 (1) Claims for salaries fixed in a definite amount by ordinance or
 25 statute, per diem of jurors, and salaries of officers of a court.
 26 (2) **Claims that will be paid from a county family and**
 27 **children's fund.**

28 (b) The county auditor shall publish all claims that have been filed
 29 for the consideration of the county executive and shall publish all
 30 allowances made by courts of the county. Claims filed for the
 31 consideration of the executive shall be published at least three (3) days
 32 before each session of the executive, and court allowances shall be
 33 published at least three (3) days before the issuance of warrants in
 34 payment of those allowances. In publication of itemized statements
 35 filed by assistant highway supervisors for consideration of the
 36 executive, the auditor shall publish the name of each party and the total
 37 amount due each party named in the itemized statements. Notice of
 38 claims filed for consideration of the county executive must state their
 39 amounts and to whom they are made. Claims and allowances subject
 40 to this section shall be published as prescribed by IC 5-3-1, except that
 41 only one (1) publication in two (2) newspapers is required.

42 (c) A member of the county executive who considers or allows a
 43 claim, or a county auditor who issues warrants in payment of
 44 allowances made by the county executive or a court of the county,
 45 before compliance with subsection (b), commits a Class C infraction.

46 (d) A county auditor shall publish one (1) time in accordance with

1 IC 5-3-1 a notice of all allowances made by a circuit or superior court.
2 The notice must be published within sixty (60) days after the
3 allowances are made and must state their amount, to whom they are
4 made, and for what purpose they are made.

5 SECTION 73. THE FOLLOWING ARE REPEALED [EFFECTIVE
6 JANUARY 1, 2003]: IC 6-1.1-18.6; IC 12-19-5; IC 12-19-7-4;
7 IC 12-19-7-5; IC 12-19-7-9; IC 12-19-7-10; IC 12-19-7-16;
8 IC 12-19-7-17; IC 12-19-7-18; IC 12-19-7-19; IC 12-19-7-20;
9 IC 12-19-7-21; IC 12-19-7-22; IC 12-19-7-23; IC 12-19-7-24;
10 IC 12-19-7-25; IC 12-19-7-26; IC 12-19-7-27; IC 12-19-7-28;
11 IC 12-19-7-29; IC 12-19-7-30; IC 12-19-7-31; IC 12-19-7-32;
12 IC 12-19-7-33; IC 31-34-24-13; IC 31-37-24-13.

13 SECTION 74. [EFFECTIVE JANUARY 1, 2003] **(a) The division**
14 **of family and children shall reimburse each county for one**
15 **hundred percent (100%) of the proportionate share of operating**
16 **costs of the county auditor and county treasurer for the support of**
17 **the county family and children's fund, based upon an approved**
18 **indirect cost plan.**

19 **(b) This SECTION expires July 1, 2004."**

20 Renumber all SECTIONS consecutively.
(Reference is to HB 1003 as printed February 16, 2001.)

Representative Espich