



Reprinted
March 28, 2007

ENGROSSED
SENATE BILL No. 435

DIGEST OF SB 435 (Updated March 27, 2007 1:56 pm - DI 92)

Citations Affected: IC 36-8.

Synopsis: Public safety communications systems districts. Allows any county to adopt an ordinance creating a public safety communications systems and computer facilities district. (Current law provides for districts in only Marion County and Elkhart County.) Allows a county other than Marion County or Elkhart County to levy a property tax rate of \$0.01 per \$100 of assessed valuation to fund the district. Allows Marion County to levy a property tax rate of \$0.05 per \$100 of assessed valuation to fund the district. Permits any county to fund the district from county adjusted gross income tax or county option income tax revenues. (Current law allows Elkhart County to levy a property tax rate of \$0.05 per \$100 of assessed valuation to fund the district while permitting Marion County to fund the district from county option income tax revenues.) Specifies the levy adjustments that must be made when a city, town, or township joins or withdraws from a district.

Effective: July 1, 2007.

Wyss, Young R

(HOUSE SPONSORS — LAWSON L, DODGE)

January 11, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

February 20, 2007, amended, reported favorably — Do Pass.

February 26, 2007, read second time, ordered engrossed. Engrossed.

February 27, 2007, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Veterans Affairs and Public Safety.

March 15, 2007, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

March 22, 2007, amended, reported — Do Pass.

March 27, 2007, read second time, amended, ordered engrossed.

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ES 435—LS 6805/DI 87+



Reprinted
March 28, 2007

First Regular Session 115th General Assembly (2007)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 435

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

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

1 SECTION 1. IC 36-8-15-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter applies
3 to a county ~~having:~~ **that has:**

4 (1) a consolidated city; ~~or~~

5 (2) a population of more than one hundred eighty-two thousand
6 seven hundred ninety (182,790) but less than two hundred
7 thousand (200,000); or

8 **(3) adopted an ordinance providing for the county to be**
9 **governed by this chapter.**

10 However, sections 9.5, 15, 16, 17, and 18 of this chapter apply only to
11 a county having a consolidated city.

12 SECTION 2. IC 36-8-15-19 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) ~~This subsection~~
14 ~~applies to a county not having a consolidated city.~~ For the purpose of
15 raising money to fund the operation of the district, the county fiscal
16 body may impose, for property taxes first due and payable during each
17 year after the adoption of an ordinance establishing the district, an ad

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1 valorem property tax levy on property within the district. The property
2 tax rate for ~~that~~ a levy for:

3 (1) a county that:

4 (A) has a consolidated city; or

5 (B) has a population of more than one hundred eighty-two
6 thousand seven hundred ninety (182,790) but less than two
7 hundred thousand (200,000);

8 may not exceed five cents (\$0.05) on each one hundred dollars
9 (\$100) of assessed valuation; or

10 (2) a county not described in subdivision (1) may not exceed
11 one cent (\$0.01) on each one hundred dollars (\$100) of
12 assessed valuation.

13 A property tax rate imposed by a county under this subsection is
14 subject to the county's levy limitations imposed under
15 IC 6-1.1-18.5-3.

16 (b) This subsection applies to a county having a consolidated city.
17 The county fiscal body may elect to fund the operation of the district
18 from part of the certified distribution, if any, that the county is to
19 receive during a particular calendar year under IC 6-3.5-1.1-11 or
20 IC 6-3.5-6-17. To make such an election, the county fiscal body must
21 adopt an ordinance before September 1 of the immediately preceding
22 calendar year. The county fiscal body must specify in the ordinance the
23 amount of the certified distribution that is to be used to fund the
24 operation of the district. If the county fiscal body adopts such an
25 ordinance, it shall immediately send a copy of the ordinance to the
26 county auditor.

27 (c) Subject to subsections (d), (e), and (f), if an ordinance or
28 resolution is adopted changing the territory covered by the district or
29 the number of public agencies served by the district, the local
30 government tax control board shall, for property taxes first due and
31 payable during the year after the adoption of the ordinance, adjust the
32 maximum permissible ad valorem property tax levy limits of ~~the~~
33 ~~district and the units any cities, towns, or townships~~ participating in
34 the district.

35 (d) If a ~~unit city, town, or township~~ by ordinance or resolution
36 joins the district, ~~or elects to have its public safety agencies served by~~
37 ~~the district~~, the local government tax control board shall reduce the
38 maximum permissible ad valorem property tax levy of the **joining** unit
39 for property taxes first due and payable during the year after the
40 adoption of the ordinance or resolution. The reduction shall be based
41 on the amount budgeted by the **joining** unit for public safety
42 communication services in the year in which the ordinance **or**

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1 **resolution** was adopted. If such an ordinance or resolution is adopted;
 2 the district shall refer its proposed budget, ad valorem property tax
 3 levy, and property tax rate for the following year to the board, which
 4 shall review and set the budget, levy, and rate as though the district
 5 were covered by IC 6-1.1-18.5-7.

6 (e) **This subsection applies to a city, town, or township** if a unit
 7 **that** by ordinance or resolution withdraws from the district. ~~or rescinds~~
 8 ~~its election to have its public safety agencies served by the district. the~~
 9 ~~local government tax control board shall reduce the maximum~~
 10 ~~permissible ad valorem property tax levy of the district for property~~
 11 ~~taxes first due and payable during the year after the adoption of the~~
 12 ~~ordinance or resolution. The reduction shall be based on the amounts~~
 13 ~~being levied by the district within that unit. If such an ordinance or~~
 14 ~~resolution is adopted; The **withdrawing** unit shall refer its proposed~~
 15 ~~budget, ad valorem property tax levy, and property tax rate for public~~
 16 ~~safety communication services to the board, which shall review and set~~
 17 ~~the budget, levy, and rate as though the **withdrawing** unit were~~
 18 ~~covered by IC 6-1.1-18.5-7.~~

19 (f) The adjustments provided for in subsections (c), (d), and (e) do
 20 not apply to a district or unit located in a particular county if the county
 21 fiscal body of that county does not impose an ad valorem property tax
 22 levy under subsection (a) to fund the operation of the district.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 435, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 3 through 8, begin a new line blocked left and insert:

"to a county ~~having:~~ **that has:**

- (1) a consolidated city; or
- (2) a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or
- (3) adopted an ordinance providing for the county to be governed by this chapter.**

However, sections 9.5, 15, 16, 17, and 18 of this chapter".

and when so amended that said bill do pass.

(Reference is to SB 435 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 3.

SENATE MOTION

Madam President: I hereby report that, pursuant to Senate Rule 73, I have received from Senator Wyss, author of Senate Bill 435, permission for Senator R. Young, second author, to call this bill for action.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 435, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

TINCHER, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 435, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 2. IC 36-8-15-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) This subsection applies to a county not having a consolidated city. For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for ~~that~~ a levy for:

(1) a county that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000) may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation; or

(2) a county not described in subdivision (1) may not exceed one cent (\$0.01) on each one hundred dollars (\$100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible

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ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the board, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the board, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district."

and when so amended that said bill do pass.

(Reference is to ESB 435 as printed March 16, 2007.)

CRAWFORD, Chair

Committee Vote: yeas 14, nays 3.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 435 be amended to read as follows:

Page 2, between lines 10 and 11, begin a new line blocked left and insert:

"A property tax rate imposed by a county under this subsection is subject to the county's levy limitations imposed under IC 6-1.1-18.5-3."

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of ~~the district and the units~~ **any cities, towns, or townships** participating in the district.

(d) If a ~~unit~~ **city, town, or township** by ordinance or resolution joins the district, ~~or elects to have its public safety agencies served by the district;~~ the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the **joining** unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the **joining** unit for public safety communication services in the year in which the ordinance **or resolution** was adopted. ~~If such an ordinance or resolution is adopted;~~ ~~the district shall refer its proposed budget, ad valorem property tax levy; and property tax rate for the following year to the board; which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.~~

(e) ~~This subsection applies to a city, town, or township if a unit that by ordinance or resolution withdraws from the district. or rescinds its election to have its public safety agencies served by the district. the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted;~~ The **withdrawing** unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public

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safety communication services to the board, which shall review and set the budget, levy, and rate as though the **withdrawing** unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district."

Delete page 3.

Re-number all SECTIONS consecutively.

(Reference is to ESB 435 as printed March 23, 2007.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 435 be amended to read as follows:

Page 1, delete lines 12 through 17.

Delete page 2.

Page 3, delete lines 1 through 13, begin a new paragraph and insert: "SECTION 2. IC 36-8-15-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) ~~This subsection applies to a county not having a consolidated city:~~ For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for ~~that a levy for:~~

(1) a county that:

(A) has a consolidated city; or

(B) has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);

may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation; **or**

(2) a county not described in subdivision (1) may not exceed one cent (\$0.01) on each one hundred dollars (\$100) of assessed valuation.

A property tax rate imposed by a county under this subsection is subject to the county's levy limitations imposed under IC 6-1.1-18.5-3.

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(b) ~~This subsection applies to a county having a consolidated city.~~ The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under **IC 6-3.5-1.1-11** or **IC 6-3.5-6-17**. To make such an election, the county fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of ~~the district and the units~~ **any cities, towns, or townships** participating in the district.

(d) If a ~~unit~~ **city, town, or township** by ordinance or resolution joins the district, ~~or elects to have its public safety agencies served by the district;~~ the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the **joining** unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the **joining** unit for public safety communication services in the year in which the ordinance ~~or resolution~~ was adopted. ~~If such an ordinance or resolution is adopted;~~ ~~the district shall refer its proposed budget; ad valorem property tax levy; and property tax rate for the following year to the board; which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.~~

(e) ~~This subsection applies to a city, town, or township if a unit that by ordinance or resolution withdraws from the district. or rescinds its election to have its public safety agencies served by the district. the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted;~~ The **withdrawing** unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public

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safety communication services to the board, which shall review and set the budget, levy, and rate as though the **withdrawing** unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district."

Renumber all SECTIONS consecutively.

(Reference is to ESB 435 as printed March 23, 2007.)

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