

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WITHDRAWN	Noes _____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

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 239 be amended to read as follows:

- 1 Page 51, between lines 12 and 13, begin a new paragraph and insert:
- 2 "SECTION 23. IC 6-3.5-1.1-25, AS AMENDED BY P.L.146-2008,
- 3 SECTION 332, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2010]: Sec. 25. (a) As used in this section,
- 5 "public safety" refers to the following:
- 6 (1) A police and law enforcement system to preserve public peace
- 7 and order.
- 8 (2) A firefighting and fire prevention system.
- 9 (3) Emergency ambulance services (as defined in
- 10 IC 16-18-2-107).
- 11 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 12 (5) Emergency action (as defined in IC 13-11-2-65).
- 13 (6) A probation department of a court.
- 14 (7) Confinement, supervision, services under a community
- 15 corrections program (as defined in IC 35-38-2.6-2), or other
- 16 correctional services for a person who has been:
- 17 (A) diverted before a final hearing or trial under an agreement
- 18 that is between the county prosecuting attorney and the person
- 19 or the person's custodian, guardian, or parent and that provides
- 20 for confinement, supervision, community corrections services,
- 21 or other correctional services instead of a final action
- 22 described in clause (B) or (C);
- 23 (B) convicted of a crime; or
- 24 (C) adjudicated as a delinquent child or a child in need of

- 1 services.
- 2 (8) A juvenile detention facility under IC 31-31-8.
- 3 (9) A juvenile detention center under IC 31-31-9.
- 4 (10) A county jail.
- 5 (11) A communications system (as defined in IC 36-8-15-3) or an
- 6 enhanced emergency telephone system (as defined in
- 7 IC 36-8-16-2).
- 8 (12) Medical and health expenses for jail inmates and other
- 9 confined persons.
- 10 (13) Pension payments for any of the following:
- 11 (A) A member of the fire department (as defined in
- 12 IC 36-8-1-8) or any other employee of a fire department.
- 13 (B) A member of the police department (as defined in
- 14 IC 36-8-1-9), a police chief hired under a waiver under
- 15 IC 36-8-4-6.5, or any other employee hired by a police
- 16 department.
- 17 (C) A county sheriff or any other member of the office of the
- 18 county sheriff.
- 19 (D) Other personnel employed to provide a service described
- 20 in this section.
- 21 (b) If a county council has imposed a tax rate of at least twenty-five
- 22 hundredths of one percent (0.25%) under section 24 of this chapter, a
- 23 tax rate of at least twenty-five hundredths of one percent (0.25%) under
- 24 section 26 of this chapter, or a total combined tax rate of at least
- 25 twenty-five hundredths of one percent (0.25%) under sections 24 and
- 26 26 of this chapter, the A county council may also adopt an ordinance
- 27 to impose an additional tax rate under this section to provide funding
- 28 for public safety.
- 29 (c) A tax rate under this section may not exceed twenty-five
- 30 hundredths of one percent (0.25%).
- 31 (d) If a county council adopts an ordinance to impose a tax rate
- 32 under this section, the county auditor shall send a certified copy of the
- 33 ordinance to the department and the department of local government
- 34 finance by certified mail.
- 35 (e) A tax rate under this section is in addition to any other tax rates
- 36 imposed under this chapter and does not affect the purposes for which
- 37 other tax revenue under this chapter may be used.
- 38 (f) Except as provided in subsection (k), the county auditor shall
- 39 distribute the portion of the certified distribution that is attributable to
- 40 a tax rate under this section to the county and to each municipality in
- 41 the county. The amount that shall be distributed to the county or
- 42 municipality is equal to the result of:
- 43 (1) the portion of the certified distribution that is attributable to a
- 44 tax rate under this section; multiplied by
- 45 (2) a fraction equal to:
- 46 (A) the attributed allocation amount (as defined in

1 IC 6-3.5-1.1-15) of the county or municipality for the calendar  
2 year; divided by

3 (B) the sum of the attributed allocation amounts of the county  
4 and each municipality in the county for the calendar year.

5 The county auditor shall make the distributions required by this  
6 subsection not more than thirty (30) days after receiving the portion of  
7 the certified distribution that is attributable to a tax rate under this  
8 section. Tax revenue distributed to a county or municipality under this  
9 subsection must be deposited into a separate account or fund and may  
10 be appropriated by the county or municipality only for public safety  
11 purposes.

12 (g) The department of local government finance may not require a  
13 county or municipality receiving tax revenue under this section to  
14 reduce the county's or municipality's property tax levy for a particular  
15 year on account of the county's or municipality's receipt of the tax  
16 revenue.

17 (h) The tax rate under this section and the tax revenue attributable  
18 to the tax rate under this section shall not be considered for purposes  
19 of computing:

20 (1) the maximum income tax rate that may be imposed in a county  
21 under section 2 of this chapter or any other provision of this  
22 chapter;

23 (2) the maximum permissible property tax levy under STEP  
24 EIGHT of IC 6-1.1-18.5-3(b);

25 (3) the total county tax levy under IC 6-1.1-21-2(g)(3),  
26 IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5) (before the repeal of  
27 IC 6-1.1-21); or

28 (4) the credit under IC 6-1.1-20.6.

29 (i) The tax rate under this section may be imposed or rescinded at  
30 the same time and in the same manner that the county may impose or  
31 increase a tax rate under section 24 of this chapter.

32 (j) The department of local government finance and the department  
33 of state revenue may take any actions necessary to carry out the  
34 purposes of this section.

35 (k) Two (2) or more political subdivisions that are entitled to receive  
36 a distribution under this section may adopt resolutions providing that  
37 some part or all of those distributions shall instead be paid to one (1)  
38 political subdivision in the county to carry out specific public safety  
39 purposes specified in the resolutions.

40 SECTION 24. IC 6-3.5-6-31, AS AMENDED BY P.L.146-2008,  
41 SECTION 342, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2010]: Sec. 31. (a) As used in this section,  
43 "public safety" refers to the following:

44 (1) A police and law enforcement system to preserve public peace  
45 and order.

46 (2) A firefighting and fire prevention system.

- 1 (3) Emergency ambulance services (as defined in  
2 IC 16-18-2-107).
- 3 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 4 (5) Emergency action (as defined in IC 13-11-2-65).
- 5 (6) A probation department of a court.
- 6 (7) Confinement, supervision, services under a community  
7 corrections program (as defined in IC 35-38-2.6-2), or other  
8 correctional services for a person who has been:
- 9 (A) diverted before a final hearing or trial under an agreement  
10 that is between the county prosecuting attorney and the person  
11 or the person's custodian, guardian, or parent and that provides  
12 for confinement, supervision, community corrections services,  
13 or other correctional services instead of a final action  
14 described in clause (B) or (C);
- 15 (B) convicted of a crime; or
- 16 (C) adjudicated as a delinquent child or a child in need of  
17 services.
- 18 (8) A juvenile detention facility under IC 31-31-8.
- 19 (9) A juvenile detention center under IC 31-31-9.
- 20 (10) A county jail.
- 21 (11) A communications system (as defined in IC 36-8-15-3) or an  
22 enhanced emergency telephone system (as defined in  
23 IC 36-8-16-2).
- 24 (12) Medical and health expenses for jail inmates and other  
25 confined persons.
- 26 (13) Pension payments for any of the following:
- 27 (A) A member of the fire department (as defined in  
28 IC 36-8-1-8) or any other employee of a fire department.
- 29 (B) A member of the police department (as defined in  
30 IC 36-8-1-9), a police chief hired under a waiver under  
31 IC 36-8-4-6.5, or any other employee hired by a police  
32 department.
- 33 (C) A county sheriff or any other member of the office of the  
34 county sheriff.
- 35 (D) Other personnel employed to provide a service described  
36 in this section.
- 37 (b) ~~The~~ A county income tax council may adopt an ordinance to  
38 impose an additional tax rate under this section to provide funding for  
39 public safety. if:
- 40 (1) the county income tax council has imposed a tax rate under  
41 section 30 of this chapter, in the case of a county containing a  
42 consolidated city; or
- 43 (2) the county income tax council has imposed a tax rate of at  
44 least twenty-five hundredths of one percent (0.25%) under section  
45 30 of this chapter, a tax rate of at least twenty-five hundredths of  
46 one percent (0.25%) under section 32 of this chapter, or a total

1 combined tax rate of at least twenty-five hundredths of one  
 2 percent (0.25%) under sections 30 and 32 of this chapter, in the  
 3 case of a county other than a county containing a consolidated  
 4 city.

5 (c) A tax rate under this section may not exceed the following:

6 (1) Five-tenths of one percent (0.5%), in the case of a county  
 7 containing a consolidated city.

8 (2) Twenty-five hundredths of one percent (0.25%), in the case of  
 9 a county other than a county containing a consolidated city.

10 (d) If a county income tax council adopts an ordinance to impose a  
 11 tax rate under this section, the county auditor shall send a certified  
 12 copy of the ordinance to the department and the department of local  
 13 government finance by certified mail.

14 (e) A tax rate under this section is in addition to any other tax rates  
 15 imposed under this chapter and does not affect the purposes for which  
 16 other tax revenue under this chapter may be used.

17 (f) Except as provided in subsection (l), the county auditor shall  
 18 distribute the portion of the certified distribution that is attributable to  
 19 a tax rate under this section to the county and to each municipality in  
 20 the county. The amount that shall be distributed to the county or  
 21 municipality is equal to the result of:

22 (1) the portion of the certified distribution that is attributable to a  
 23 tax rate under this section; multiplied by

24 (2) a fraction equal to:

25 (A) the total property taxes being collected in the county by  
 26 the county or municipality for the calendar year; divided by

27 (B) the sum of the total property taxes being collected in the  
 28 county by the county and each municipality in the county for  
 29 the calendar year.

30 The county auditor shall make the distributions required by this  
 31 subsection not more than thirty (30) days after receiving the portion of  
 32 the certified distribution that is attributable to a tax rate under this  
 33 section. Tax revenue distributed to a county or municipality under this  
 34 subsection must be deposited into a separate account or fund and may  
 35 be appropriated by the county or municipality only for public safety  
 36 purposes.

37 (g) The department of local government finance may not require a  
 38 county or municipality receiving tax revenue under this section to  
 39 reduce the county's or municipality's property tax levy for a particular  
 40 year on account of the county's or municipality's receipt of the tax  
 41 revenue.

42 (h) The tax rate under this section and the tax revenue attributable  
 43 to the tax rate under this section shall not be considered for purposes  
 44 of computing:

45 (1) the maximum income tax rate that may be imposed in a county  
 46 under section 8 or 9 of this chapter or any other provision of this

- 1 chapter;
- 2 (2) the maximum permissible property tax levy under STEP
- 3 EIGHT of IC 6-1.1-18.5-3(b);
- 4 (3) the total county tax levy under IC 6-1.1-21-2(g)(3),
- 5 IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5) (before the repeal of
- 6 IC 6-1.1-21); or
- 7 (4) the credit under IC 6-1.1-20.6.
- 8 (i) The tax rate under this section may be imposed or rescinded at
- 9 the same time and in the same manner that the county may impose or
- 10 increase a tax rate under section 30 of this chapter.
- 11 (j) The department of local government finance and the department
- 12 of state revenue may take any actions necessary to carry out the
- 13 purposes of this section.
- 14 (k) Notwithstanding any other provision, in Lake County the county
- 15 council (and not the county income tax council) is the entity authorized
- 16 to take actions concerning the additional tax rate under this section.
- 17 (l) Two (2) or more political subdivisions that are entitled to receive
- 18 a distribution under this section may adopt resolutions providing that
- 19 some part or all of those distributions shall instead be paid to one (1)
- 20 political subdivision in the county to carry out specific public safety
- 21 purposes specified in the resolutions."
- 22 Renumber all SECTIONS consecutively.
- (Reference is to ESB 239 as printed February 22, 2010.)

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Representative Thompson