



February 21, 2017

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## HOUSE BILL No. 1129

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DIGEST OF HB 1129 (Updated February 21, 2017 9:32 am - DI 58)

**Citations Affected:** IC 6-1.1; IC 6-3.6; IC 6-8.1; IC 8-25; IC 12-29; IC 36-8.

**Synopsis:** Local income tax. Adds law enforcement training to the permitted uses of the local income tax. Removes the requirement that the department of local government finance (DLGF) prescribe the form for notices, ordinances, and resolutions that may be adopted under the local income tax law. Removes DLGF's duty to prescribe the hearing requirements and procedures to be used for submitting a notice and vote results on ordinances and adopting and submitting an ordinance or a resolution and replaces it with the general requirements for hearings and procedures. Requires DLGF to prescribe the procedures to be used by the adopting body or governmental entity for submissions to the DLGF. Requires DLGF to notify the submitting entity within thirty (30) days of submission as to whether the department has received the necessary information. Provides that imposing a new tax or changing an existing tax is not effective until the DLGF notifies the adopting body or governmental entity that it has received the required information. Specifies that, for a county that adopted a levy freeze under the former county adjusted gross income tax (CAGIT) or county option income tax (COIT), the levy freeze must be funded using a minimum levy freeze rate that may not be decreased or rescinded unless the levy freeze dollar amount can be funded by a lower levy  
(Continued next page)

**Effective:** Upon passage; January 1, 2017 (retroactive); July 1, 2017.

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### Thompson, Klinker

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January 5, 2017, read first time and referred to Committee on Ways and Means.  
February 21, 2017, amended, reported — Do Pass.

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HB 1129—LS 6365/DI 58



Digest continued

freeze rate for a year. Specifies that the maximum levy freeze tax rate is one percent (1%). Requires the adopting body to adopt an ordinance to lower the levy freeze tax rate to a rate approved by the department of local government finance. Requires that the allocation of property tax credits must be on the basis of the percentage of property tax replacement revenue within a property category. Removes real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit or the standard deduction from the list of real property that may be provided a homestead credit. Specifies that an adopting body must include in its allocation ordinance whether it is allocating additional revenue to funding for a public safety answering point (PSAP). Provides that unit level allocations must be based on total property taxes being imposed by the unit for the year preceding the distribution year. Authorizes the fiscal body of Guilford Township in Hendricks County to pass a resolution to place on the ballot a local public question on a public transportation project in the township. Requires the Hendricks County council to fund and carry out a public transportation project in the township if the voters approve the local public question. Specifies the conditions under which the Hendricks County council may impose an additional local income tax rate on county taxpayers who reside in the township. Makes technical changes to the local income tax laws. Corrects conflicts that involve references to the local income tax.



February 21, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1129

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

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

1 SECTION 1. IC 6-1.1-18.5-3, AS AMENDED BY P.L.197-2016,  
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 3. (a) A civil taxing unit  
4 may not impose an ad valorem property tax levy for an ensuing  
5 calendar year that exceeds the amount determined in the last STEP of  
6 the following STEPS:  
7 STEP ONE: Determine the civil taxing unit's maximum  
8 permissible ad valorem property tax levy for the preceding  
9 calendar year.  
10 STEP TWO: Multiply the amount determined in STEP ONE by  
11 the amount determined in the last STEP of section 2(b) of this  
12 chapter.  
13 STEP THREE: Determine the lesser of one and fifteen hundredths  
14 (1.15) or the quotient (rounded to the nearest ten-thousandth  
15 (0.0001)), of the assessed value of all taxable property subject to  
16 the civil taxing unit's ad valorem property tax levy for the ensuing  
17 calendar year, divided by the assessed value of all taxable

HB 1129—LS 6365/DI 58



1 property that is subject to the civil taxing unit's ad valorem  
 2 property tax levy for the ensuing calendar year and that is  
 3 contained within the geographic area that was subject to the civil  
 4 taxing unit's ad valorem property tax levy in the preceding  
 5 calendar year.

6 STEP FOUR: Determine the greater of the amount determined in  
 7 STEP THREE or one (1).

8 STEP FIVE: Multiply the amount determined in STEP TWO by  
 9 the amount determined in STEP FOUR.

10 STEP SIX: Add the amount determined under STEP TWO to the  
 11 amount of an excessive levy appeal granted under section 13 of  
 12 this chapter for the ensuing calendar year.

13 STEP SEVEN: Determine the greater of STEP FIVE or STEP  
 14 SIX.

15 (b) This subsection applies only to a civil taxing unit that is located  
 16 in a county that is covered by IC 6-3.6-11-1. **For purposes of**  
 17 **subsection (a), revenue under IC 6-3.6-6 that is applied for**  
 18 **purposes of a levy freeze shall not be included in the amount**  
 19 **determined under STEP ONE of IC 6-1.1-18.5-3 for the civil taxing**  
 20 **unit.** Notwithstanding any provision in this section, any other section  
 21 of this chapter, or IC 12-20-21-3.2, and except as provided in  
 22 subsection (c), **if the adopting body has adopted a resolution**  
 23 **specifying that any increase in the maximum levy is to be funded**  
 24 **using local income tax revenue,** the maximum permissible ad valorem  
 25 property tax levy calculated under this section for the ensuing calendar  
 26 year for ~~a the civil taxing unit subject to this section~~ is equal to the civil  
 27 taxing unit's maximum permissible ad valorem property tax levy for the  
 28 current calendar year. **If the adopting body has adopted a resolution**  
 29 **specifying that any increase in the maximum levy is not to be**  
 30 **funded using local income tax revenue, the maximum permissible**  
 31 **ad valorem property tax levy for the civil taxing unit is equal to the**  
 32 **civil taxing unit's maximum permissible ad valorem property tax**  
 33 **levy calculated under this section for the ensuing calendar year.**

34 (c) In the case of a civil taxing unit that:

35 (1) is partially located in a county that is covered by  
 36 IC 6-3.6-11-1; and

37 (2) is partially located in a county that is not described in  
 38 subdivision (1);

39 the department of local government finance shall, notwithstanding  
 40 subsection (b), adjust the portion of the civil taxing unit's maximum  
 41 permissible ad valorem property tax levy that is attributable (as  
 42 determined by the department of local government finance) to the



1 county or counties described in subdivision (2). The department of  
 2 local government finance shall adjust this portion of the civil taxing  
 3 unit's maximum permissible ad valorem property tax levy so that,  
 4 notwithstanding subsection (b), this portion is allowed to increase as  
 5 otherwise provided in this section. If the department of local  
 6 government finance increases the civil taxing unit's maximum  
 7 permissible ad valorem property tax levy under this subsection, any  
 8 additional property taxes imposed by the civil taxing unit under the  
 9 adjustment shall be paid only by the taxpayers in the county or counties  
 10 described in subdivision (2).

11 SECTION 2. IC 6-3.6-2-4, AS ADDED BY P.L.243-2015,  
 12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JANUARY 1, 2017 (RETROACTIVE)]; Sec. 4. "Attributed allocation  
 14 amount" refers to an amount that qualifies as an attributed allocation  
 15 amount under ~~IC 6-3.6-6~~. equals the sum of the following:

16 **(1) The allocation amount of the civil taxing unit for that**  
 17 **calendar year.**

18 **(2) In the case of a county taxing unit, the welfare allocation**  
 19 **amount.**

20 SECTION 3. IC 6-3.6-2-14, AS AMENDED BY P.L.197-2016,  
 21 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2017]: Sec. 14. "Public safety" refers to the following:

23 (1) A police and law enforcement system to preserve public peace  
 24 and order.

25 (2) A firefighting and fire prevention system.

26 (3) Emergency ambulance services (as defined in  
 27 IC 16-18-2-107).

28 (4) Emergency medical services (as defined in IC 16-18-2-110).

29 (5) Emergency action (as defined in IC 13-11-2-65).

30 (6) A probation department of a court.

31 (7) Confinement, supervision, services under a community  
 32 corrections program (as defined in IC 35-38-2.6-2), or other  
 33 correctional services for a person who has been:

34 (A) diverted before a final hearing or trial under an agreement  
 35 that is between the county prosecuting attorney and the person  
 36 or the person's custodian, guardian, or parent and that provides  
 37 for confinement, supervision, community corrections services,  
 38 or other correctional services instead of a final action  
 39 described in clause (B) or (C);

40 (B) convicted of a crime; or

41 (C) adjudicated as a delinquent child or a child in need of  
 42 services.



- 1 (8) A juvenile detention facility under IC 31-31-8.  
 2 (9) A juvenile detention center under IC 31-31-9.  
 3 (10) A county jail.  
 4 (11) A communications system (as defined in IC 36-8-15-3), an  
 5 enhanced emergency telephone system (as defined in  
 6 IC 36-8-16-2, before its repeal on July 1, 2012), a PSAP (as  
 7 defined in IC 36-8-16.7-20) that is part of the statewide 911  
 8 system (as defined in IC 36-8-16.7-22) and located within the  
 9 county, or the statewide 911 system (as defined in  
 10 IC 36-8-16.7-22).  
 11 (12) Medical and health expenses for jailed inmates and other  
 12 confined persons.  
 13 (13) Pension payments for any of the following:  
 14 (A) A member of a fire department (as defined in IC 36-8-1-8)  
 15 or any other employee of the fire department.  
 16 (B) A member of a police department (as defined in  
 17 IC 36-8-1-9), a police chief hired under a waiver under  
 18 IC 36-8-4-6.5, or any other employee hired by the police  
 19 department.  
 20 (C) A county sheriff or any other member of the office of the  
 21 county sheriff.  
 22 (D) Other personnel employed to provide a service described  
 23 in this section.  
 24 **(14) Law enforcement training.**  
 25 SECTION 4. IC 6-3.6-3-2, AS ADDED BY P.L.243-2015,  
 26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2017]: Sec. 2. (a) An adopting body or, if authorized by this  
 28 article, another governmental entity that is not an adopting body, may  
 29 take an action under this article only by ordinance, unless this article  
 30 permits the action to be taken by resolution.  
 31 (b) The department of local government finance, in consultation  
 32 with the department of state revenue, ~~shall prescribe and may~~ make  
 33 electronically available uniform notices, ordinances, and resolutions ~~for~~  
 34 ~~use by that~~ an adopting body or other governmental entity ~~may use~~ to  
 35 take an action under this article. An adopting body or other  
 36 governmental entity may submit a proposed notice, ordinance, or  
 37 resolution to the department of local government finance for review.  
 38 The department of local government finance shall provide to the  
 39 submitting entity a determination of the appropriateness of the  
 40 proposed notice, ordinance, or resolution, including recommended  
 41 modifications, within thirty (30) days of receiving the proposed notice,  
 42 ordinance, or resolution.



1 (c) The department of local government finance shall prescribe **An**  
 2 **ordinance or resolution adopted under this article must comply**  
 3 **with the notice and** hearing requirements and procedures to be used  
 4 for submitting a notice and vote results on ordinances and adopting and  
 5 submitting an ordinance or a resolution under this article: **set forth in**  
 6 **IC 5-3-1.**

7 (d) The department of local government finance shall prescribe  
 8 **the procedures to be used by the adopting body or governmental**  
 9 **entity for submitting to the department the notice, the adopting**  
 10 **ordinance or resolution, and the vote results on an ordinance or**  
 11 **resolution. The department of local government finance shall notify**  
 12 **the submitting entity within thirty (30) days after submission**  
 13 **whether the department has received the necessary information**  
 14 **required by the department. ~~An~~ A final** action taken by an adopting  
 15 body or governmental entity under this article to **impose a new tax**  
 16 **or amend an existing tax** is not effective and is void unless the  
 17 adopting body satisfies all the requirements prescribed by **until** the  
 18 department of local government finance **notifies the adopting body or**  
 19 **governmental entity that it has received the required information**  
 20 **from the submitting entity.**

21 SECTION 5. IC 6-3.6-3-3, AS ADDED BY P.L.243-2015,  
 22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 3. (a) An ordinance  
 24 adopted under this article takes effect as provided in this section.

25 (b) An ordinance that adopts, increases, decreases, or rescinds a tax  
 26 or a tax rate takes effect as follows:

27 (1) An ordinance adopted after December 31 of the immediately  
 28 preceding year and before September 1 of the current year takes  
 29 effect on October 1 of the current year.

30 (2) An ordinance adopted after August 31 and before November  
 31 1 of the current year takes effect on January 1 of the following  
 32 year.

33 (3) An ordinance adopted after October 31 of the current year and  
 34 before January 1 of the following year takes effect on October 1  
 35 of the following year.

36 (c) An ordinance that grants, increases, decreases, rescinds, or  
 37 changes a credit against the property tax liability of a taxpayer takes  
 38 effect as follows:

39 (1) An ordinance adopted after December 31 of the immediately  
 40 preceding year and before November 2 of the current year takes  
 41 effect on January 1 of, and applies to property taxes first due and  
 42 payable in, the year immediately following the year in which the



- 1 ordinance is adopted.
- 2 (2) An ordinance adopted after November 1 of the current year  
3 and before January 1 of the immediately succeeding year takes  
4 effect on January 1 of, and applies to property taxes first due and  
5 payable in, the year that follows the current year by two (2) years.
- 6 (d) An ordinance that grants, increases, decreases, rescinds, or  
7 changes a distribution or allocation of taxes to a governmental entity  
8 other than the county takes effect as follows:
- 9 (1) An ordinance adopted after December 31 of the immediately  
10 preceding year and before November 2 of the current year takes  
11 effect January 1 of the year immediately following the year in  
12 which the ordinance is adopted.
- 13 (2) An ordinance adopted after November 1 of the current year  
14 and before January 1 of the immediately succeeding year takes  
15 effect January 1 of the year that follows the current year by two  
16 (2) years.
- 17 (e) An ordinance not described in subsections (b) through (d) takes  
18 effect as provided under IC 36 for other ordinances of the  
19 governmental entity adopting the ordinance.
- 20 SECTION 6. IC 6-3.6-3-7, AS ADDED BY P.L.243-2015,  
21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 7. (a) This section  
23 applies to a county in which the county adopting body is a local income  
24 tax council.
- 25 (b) Before a member of the local income tax council may propose  
26 an ordinance or vote on a proposed ordinance, the member must hold  
27 a public hearing on the proposed ordinance and provide the public with  
28 notice of the time and place where the public hearing will be held.
- 29 (c) The notice required by subsection (b) must be given in  
30 accordance with IC 5-3-1 and include the proposed ordinance or  
31 resolution to propose an ordinance.
- 32 **(d) In addition to the notice required by subsection (b), the**  
33 **adopting body shall also provide a copy of the notice to all taxing**  
34 **units in the county at least ten (10) days before the public hearing.**
- 35 SECTION 7. IC 6-3.6-3-7.5, AS ADDED BY P.L.197-2016,  
36 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 7.5. (a) This section  
38 applies to a county in which the county adopting body is the county  
39 council.
- 40 (b) Before the county council may vote on a proposed ordinance  
41 under this article, the county council must hold a public hearing on the  
42 proposed ordinance and provide the public with notice of the date,





1 time, and place ~~where of~~ the public hearing. ~~will be held.~~

2 (c) The notice required by subsection (b) must be given in  
3 accordance with IC 5-3-1 and include the proposed ordinance.

4 **(d) In addition to the notice required by subsection (b), the**  
5 **adopting body shall also provide a copy of the notice to all taxing**  
6 **units in the county at least ten (10) days before the public hearing.**

7 SECTION 8. IC 6-3.6-5-4, AS ADDED BY P.L.243-2015,  
8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 4. ~~(a)~~ A credit granted  
10 under this chapter shall be applied to reduce the property tax liability  
11 of a taxpayer before the application of a credit granted under  
12 IC 6-1.1-20.4 or IC 6-1.1-20.6.

13 ~~(b) A reduction in property taxes granted under section 6 of this~~  
14 ~~chapter shall be applied to reduce the property tax liability of a~~  
15 ~~taxpayer in the order set forth in section 6 of this chapter:~~

16 SECTION 9. IC 6-3.6-5-6, AS ADDED BY P.L.243-2015,  
17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 6. (a) This section  
19 applies to all counties.

20 (b) The adopting body may impose a tax rate under this chapter that  
21 does not exceed one and twenty-five hundredths percent (1.25%) on the  
22 adjusted gross income of local taxpayers in the county served by the  
23 adopting body.

24 (c) Revenues from a tax under this section may be used only for the  
25 purpose of funding a property tax credit applied on a percentage basis  
26 to reduce the property tax liability of taxpayers with tangible property  
27 located in the county as authorized under this section. Property taxes  
28 imposed due to a referendum in which a majority of the voters in the  
29 taxing unit imposing the property taxes approved the property taxes are  
30 not eligible for a credit under this section.

31 (d) The adopting body shall specify by ordinance how the revenue  
32 from the tax shall be applied **under subdivisions (1) through (4)** to  
33 provide property tax credits in subsequent years. **The allocation must**  
34 **be specified as a percentage of property tax relief revenue for**  
35 **taxpayers within each property category.** The ordinance must be  
36 adopted ~~before July 1~~ and first applies in the following year and then  
37 as provided in IC 6-3.6-3 and takes effect and applies to property  
38 taxes as specified in IC 6-3.6-3. **The ordinance continues to apply**  
39 thereafter until it is rescinded or modified. The property tax credits may  
40 be allocated **to all property categories or** among any combination of  
41 the following categories:

42 (1) For homesteads eligible for a credit under IC 6-1.1-20.6-7.5



1 that limits the taxpayer's property tax liability for the property to  
2 one percent (1%).

3 (2) For residential property, long term care property, agricultural  
4 land, and other tangible property (if any) eligible for a credit  
5 under IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax  
6 liability for the property to two percent (2%).

7 (3) For the following types of property as a single category:

8 (A) Residential property, as defined in IC 6-1.1-20.6-4.

9 ~~(B) Real property, a mobile home, and industrialized housing~~  
10 ~~that would qualify as a homestead if the taxpayer had filed for~~  
11 ~~a homestead credit under IC 6-1.1-20.9 (repealed) or the~~  
12 ~~standard deduction under IC 6-1.1-12-37.~~

13 ~~(C) (B) Real property consisting of units that are regularly~~  
14 ~~used to rent or otherwise furnish residential accommodations~~  
15 ~~for periods of at least thirty (30) days, regardless of whether~~  
16 ~~the tangible property is subject to assessment under rules of~~  
17 ~~the department of local government finance that apply to:~~

18 (i) residential property; or

19 (ii) commercial property.

20 (4) For nonresidential real property, personal property, and other  
21 tangible property (if any) eligible for a credit under  
22 IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax liability  
23 for the property to three percent (3%). However, IC 6-3.6-11-2  
24 applies in Jasper County.

25 (e) Within a category described in subsection (d) for which an  
26 ordinance grants property tax credits, the property tax credit rate must  
27 be a uniform percentage for all qualifying taxpayers with property in  
28 that category in the county. The credit percentage may be, but does not  
29 have to be, uniform for all categories of property listed in subsection  
30 (d). ~~The total of all tax credits granted under this section for a year may~~  
31 ~~not exceed the amount of revenue raised by the tax imposed under this~~  
32 ~~section. If the amount available in a year for property tax credits under~~  
33 ~~this section is less than the amount necessary to provide all the property~~  
34 ~~tax credits authorized by the adopting body, the county auditor shall~~  
35 ~~reduce the property tax credits granted to eliminate the excess. The~~  
36 ~~county auditor shall reduce credits within the categories described in~~  
37 ~~subsection (d)(1) through (d)(4) as follows:~~

38 (1) First, against property taxes imposed on property described in  
39 subsection (d)(4):

40 (2) Second, if an excess remains after applying the reduction as  
41 described in subdivision (1), against property taxes imposed on  
42 property described in subsection (d)(3):



1 (3) Third, if an excess remains after applying the reduction as  
 2 described in subdivisions (1) and (2), against property taxes  
 3 imposed on property described in subsection (d)(2).

4 (4) Fourth, if an excess remains after applying the reduction as  
 5 described in subdivisions (1) through (3), against property taxes  
 6 imposed on property described in subsection (d)(1).

7 (f) The total of all tax credits granted under this section for a year  
 8 may not exceed the amount authorized by the adopting body. If the  
 9 amount available in a year for property tax credits under this section is  
 10 greater than the amount necessary to provide all the property tax credits  
 11 authorized by the adopting body, the county auditor shall retain and  
 12 apply the excess as necessary to provide the property tax credits  
 13 authorized by the adopting body for the following year. The adopting  
 14 body may adopt an ordinance that directs to which categories described  
 15 in subsection (d) the excess is to be uniformly applied.

16 (g) (f) The county auditor shall allocate the amount of revenue  
 17 applied as tax credits under this section to the taxing units that imposed  
 18 the eligible property taxes against which the credits are applied.

19 SECTION 10. IC 6-3.6-6-3, AS AMENDED BY THE TECHNICAL  
 20 CORRECTIONS BILL OF THE 2017 GENERAL ASSEMBLY, IS  
 21 AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,  
 22 2017 (RETROACTIVE)]: Sec. 3. (a) Revenue raised from a tax  
 23 imposed under this chapter shall be treated as follows:

24 (1) *If an ordinance described in section 2.5 of this chapter is in*  
 25 *effect in a county, to make a distribution to the county equal to*  
 26 *the amount of revenue generated by the rate imposed under*  
 27 *section 2.5 of this chapter.*

28 (†) (2) *After making the distribution described in subdivision (1),*  
 29 *if any, to make distributions to school corporations and civil*  
 30 *taxing units in counties that formerly imposed a tax under*  
 31 *IC 6-3.5-1.1 (repealed). The revenue categorized from the first*  
 32 *next twenty-five hundredths percent (0.25%) of the rate for a*  
 33 *former tax adopted under IC 6-3.5-1.1 (repealed) shall be*  
 34 *allocated to school corporations and civil taxing units. The*  
 35 *amount of the allocation to a school corporation or civil taxing*  
 36 *unit shall be determined using the allocation amounts for civil*  
 37 *taxing units and school corporations in the ~~determination~~ county.*

38 (‡) (3) *After making the distributions described in subdivisions*  
 39 *(1) and (2), the remaining revenue shall be treated as additional*  
 40 *revenue (referred to as "additional revenue" in this chapter).*  
 41 *Additional revenue may not be considered by the department of*  
 42 *local government finance in determining:*



1 (A) any taxing unit's maximum permissible property tax levy  
 2 limit under IC 6-1.1-18.5; or  
 3 (B) the approved property tax rate for any fund.  
 4 **(b) In the case of a civil taxing unit that has pledged the tax from**  
 5 **additional revenue for the payment of bonds, leases, or other**  
 6 **obligations as reported by the civil taxing unit under IC 5-1-18, the**  
 7 **adopting body may not, under section 4 of this chapter, reduce the**  
 8 **proportional allocation of the additional revenue that was allocated in**  
 9 **the preceding year if the reduction for that year would result in an**  
 10 **amount less than the amount necessary for the payment of bonds,**  
 11 **leases, or other obligations payable or required to be deposited in a**  
 12 **sinking fund or other reserve in that year for the bonds, leases, or**  
 13 **other obligations for which the tax from additional revenue has been**  
 14 **pledged. To inform an adopting body with regard to allocations**  
 15 **that affect the payment of bonds, leases, or other obligations, a**  
 16 **taxing unit may provide the adopting body with information**  
 17 **regarding any outstanding bonds, leases, or other obligations that**  
 18 **are secured by additional revenue. The information must be**  
 19 **provided before the date of the public hearing at which the**  
 20 **adopting body may change the allocation of additional revenue**  
 21 **under section 4 of this chapter.**  
 22 SECTION 11. IC 6-3.6-6-4, AS AMENDED BY P.L.197-2016,  
 23 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 4. The adopting body  
 25 shall, by ordinance, determine how the additional revenue from a tax  
 26 under this chapter must be allocated in subsequent years. The  
 27 allocations are subject to IC 6-3.6-11. The ordinance must be adopted  
 28 before July † and first applies in the following year and then as  
 29 provided in IC 6-3.6-3 and takes effect and applies as specified in  
 30 IC 6-3.6-3-3. The ordinance continues to apply thereafter until it is  
 31 rescinded or modified. The revenue must be allocated among one (1)  
 32 or more of the following uses as provided in this chapter:  
 33 (1) Public safety.  
 34 (2) Economic development projects.  
 35 (3) Certified shares.  
 36 The ordinance must describe the allocation of additional revenue by  
 37 use of percentages.  
 38 SECTION 12. IC 6-3.6-6-8, AS AMENDED BY P.L.197-2016,  
 39 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 8. (a) This section  
 41 applies to the allocation of additional revenue from a tax under this  
 42 chapter to public safety purposes. **Funding dedicated for a PSAP**



1 under a former tax continues to apply under this chapter until it is  
 2 rescinded or modified. If funding was not dedicated for a PSAP  
 3 under a former tax, the adopting body may adopt a resolution  
 4 providing that all or part of the additional revenue allocated to  
 5 public safety is to be dedicated for a PSAP. The resolution first  
 6 applies in the following year and then thereafter until it is  
 7 rescinded or modified. Funding dedicated for a PSAP shall be  
 8 allocated and distributed as provided in IC 6-3.6-11-4.

9 (b) Except as provided in subsection (c), the amount of the certified  
 10 distribution that is allocated to public safety purposes, and after making  
 11 allocations under IC 6-3.6-11, shall be allocated to the county and to  
 12 each municipality in the county that is carrying out or providing at least  
 13 one (1) public safety purpose. For purposes of this subsection, in the  
 14 case of a consolidated city, the total property taxes imposed by the  
 15 consolidated city include the property taxes imposed by the  
 16 consolidated city and all special taxing districts (except for a public  
 17 library district, a public transportation corporation, and a health and  
 18 hospital corporation), and all special service districts. The amount  
 19 allocated under this subsection to a county or municipality is equal to  
 20 the result of:

21 (1) the amount of the remaining certified distribution that is  
 22 allocated to public safety purposes; multiplied by

23 (2) a fraction equal to:

24 (A) in the case of a county that initially imposed a rate for  
 25 public safety under IC 6-3.5-6 (repealed), the result of the total  
 26 property taxes imposed in the county by the county or  
 27 municipality for the calendar year **preceding the distribution**  
 28 **year**, divided by the sum of the total property taxes imposed  
 29 in the county by the county and each municipality in the  
 30 county that is entitled to a distribution under this section for  
 31 **the that** calendar year; or

32 (B) in the case of a county that initially imposed a rate for  
 33 public safety under IC 6-3.5-1.1 (repealed) or a county that did  
 34 not impose a rate for public safety under either IC 6-3.5-1.1  
 35 (repealed) or IC 6-3.5-6 (repealed), the result of the attributed  
 36 allocation amount of the county or municipality for the  
 37 calendar year **preceding the distribution year**, divided by the  
 38 sum of the attributed allocation amounts of the county and  
 39 each municipality in the county that is entitled to a distribution  
 40 under this section for **the that** calendar year.

41 (c) A fire department, volunteer fire department, or emergency  
 42 medical services provider that:



1 (1) provides fire protection or emergency medical services within  
 2 the county; and  
 3 (2) is operated by or serves a political subdivision that is not  
 4 otherwise entitled to receive a distribution of tax revenue under  
 5 this section;  
 6 may, before July 1 of a year, apply to the adopting body for a  
 7 distribution of tax revenue under this section during the following  
 8 calendar year. The adopting body shall review an application submitted  
 9 under this subsection and may, before September 1 of a year, adopt a  
 10 resolution requiring that one (1) or more of the applicants shall receive  
 11 a specified amount of the tax revenue to be distributed under this  
 12 section during the following calendar year. **The adopting body shall**  
 13 **provide a copy of the resolution to the county auditor and the**  
 14 **department of local government finance not more than fifteen (15)**  
 15 **days after the resolution is adopted.** A resolution ~~approved~~ **adopted**  
 16 under this subsection ~~providing for a distribution to one (1) or more fire~~  
 17 ~~departments, volunteer fire departments, or emergency medical~~  
 18 ~~services providers and provided in a timely manner to the county~~  
 19 **auditor and the department** applies only to distributions in the  
 20 following calendar year. Any amount of tax revenue distributed under  
 21 this subsection to a fire department, volunteer fire department, or  
 22 emergency medical services provider shall be distributed before the  
 23 remainder of the tax revenue is allocated under subsection (b).  
 24 SECTION 13. IC 6-3.6-6-8.5, AS ADDED BY P.L.243-2015,  
 25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 8.5. (a) This section  
 27 applies only to Marion County.  
 28 (b) The adopting body may allocate additional revenue to fund the  
 29 operation of a public library in a county containing a consolidated city  
 30 as provided in an election, if any, made by the county fiscal body under  
 31 IC 36-3-7-6. An allocation under this section shall be made from the  
 32 part of the additional revenue that would otherwise be allocated as  
 33 certified shares.  
 34 (c) The adopting body may allocate additional revenue to fund the  
 35 operation of a public transportation corporation as provided in an  
 36 election, if any, made by the county fiscal body under IC 36-9-4-42. An  
 37 allocation under this section shall be made from the part of the  
 38 additional revenue that would otherwise be allocated as certified  
 39 shares.  
 40 (d) **The adopting body may allocate additional revenue to fund**  
 41 **the operation of a public communications systems and computer**  
 42 **facilities district as provided in an election, if any, made by the**



1 **county fiscal body under IC 36-8-15-19(b). The additional revenue**  
 2 **shall be allocated and distributed before the allocation and**  
 3 **distribution of the remaining tax revenue under this chapter.**

4 SECTION 14. IC 6-3.6-6-9, AS AMENDED BY P.L.197-2016,  
 5 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 9. (a) This section  
 7 applies to the allocation of additional revenue from a tax under this  
 8 chapter for economic development purposes.

9 (b) Money designated for economic development purposes shall be  
 10 allocated to the county, cities, and towns for use by the taxing unit's  
 11 fiscal body for any of the purposes described in IC 6-3.6-10. Except as  
 12 provided in subsections (c) and (d) and IC 6-3.6-11, and subject to  
 13 adjustment as provided in IC 36-8-19-7.5, the amount of the certified  
 14 distribution allocated to economic development purposes that the  
 15 county and each city or town in a county is entitled to receive each  
 16 month of each year equals the amount determined using the following  
 17 formula:

18 STEP ONE: Determine the sum of:

- 19 (A) the total property taxes being imposed by the county, city,  
 20 or town during the calendar year ~~of~~ **preceding** the distribution  
 21 **year; plus**  
 22 (B) for a county, the welfare allocation amount.

23 STEP TWO: Determine the quotient of:

- 24 (A) The STEP ONE amount; divided by  
 25 (B) the sum of the total property taxes that are first due and  
 26 payable to the county and all cities and towns of the county  
 27 during the calendar year ~~in which the month falls;~~ **preceding**  
 28 **the distribution year** plus the welfare allocation amount.

29 STEP THREE: Determine the product of:

- 30 (A) the amount of the certified distribution allocated to  
 31 economic development purposes for that month; multiplied by  
 32 (B) the STEP TWO amount.

33 (c) The body imposing the tax may adopt an ordinance before  
 34 August 2 of a year to provide for a distribution of the amount allocated  
 35 to economic development purposes based on population instead of a  
 36 distribution under subsection (b). The following apply if an ordinance  
 37 is adopted under this subsection:

- 38 (1) The ordinance is effective January 1 of the following year.  
 39 (2) The amount of the certified distribution allocated to economic  
 40 development purposes that the county and each city and town in  
 41 the county are entitled to receive during each month of each year  
 42 equals the product of:



- 1 (A) the amount of the certified distribution that is allocated to
- 2 economic development purposes for the month; multiplied by
- 3 (B) the quotient of:
- 4 (i) for a city or town, the population of the city or the town
- 5 that is located in the county and for a county, the population
- 6 of the part of the county that is not located in a city or town;
- 7 divided by
- 8 (ii) the population of the entire county.
- 9 (3) The ordinance may be made irrevocable for the duration of
- 10 specified lease rental or debt service payments.
- 11 (d) In a county having a consolidated city, only the consolidated city
- 12 is entitled to the amount of the certified distribution that is allocated to
- 13 economic development purposes.
- 14 SECTION 15. IC 6-3.6-6-11, AS AMENDED BY THE
- 15 TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL
- 16 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 11. (a) Except as
- 18 provided in this chapter and IC 6-3.6-11, this section applies to an
- 19 allocation of certified shares in all counties.
- 20 (b) ~~Subject to this chapter,~~ Any civil taxing unit that ~~imposes~~
- 21 **imposed** an ad valorem property tax **levy** in the county ~~that has a tax~~
- 22 **rate in effect under this chapter for the calendar year preceding the**
- 23 **distribution year** is eligible for an allocation **for the distribution year**
- 24 under this chapter.
- 25 (c) A school corporation is not a civil taxing unit for the purpose of
- 26 receiving an allocation of certified shares under this chapter. The
- 27 distributions to school corporations and civil taxing units in counties
- 28 that formerly imposed a tax under IC 6-3.5-1.1 (*repealed*) as provided
- 29 in section ~~3(1)~~ ~~3(2)~~ **3(a)(2)** of this chapter is not considered an
- 30 allocation of certified shares. A school corporation's allocation amount
- 31 for purposes of section ~~3(1)~~ ~~3(2)~~ **3(a)(2)** of this chapter shall be
- 32 determined under section 12 of this chapter.
- 33 (d) A county solid waste management district (as defined in
- 34 IC 13-11-2-47) or a joint solid waste management district (as defined
- 35 in IC 13-11-2-113) is not a civil taxing unit for the purpose of receiving
- 36 an allocation of certified shares under this chapter unless a majority of
- 37 the members of each of the county fiscal bodies of the counties within
- 38 the district passes a resolution approving the distribution.
- 39 (e) A resolution passed by a county fiscal body under subsection (d)
- 40 may:
- 41 (1) expire on a date specified in the resolution; or
- 42 (2) remain in effect until the county fiscal body revokes or





- 1 rescinds the resolution.
- 2 SECTION 16. IC 6-3.6-6-12, AS AMENDED BY P.L.180-2016,  
3 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 12. (a) Except as  
5 provided in this chapter and IC 6-3.6-11, this section applies to an  
6 allocation of certified shares in all counties.
- 7 (b) The allocation amount of a civil taxing unit during a calendar  
8 year **must be based on the amounts for the calendar year preceding**  
9 **the distribution year and** is equal to the amount determined using the  
10 following formula:
- 11 STEP ONE: Determine the sum of the total property taxes being  
12 imposed by the civil taxing unit. ~~during the calendar year of the~~  
13 ~~distribution.~~
- 14 STEP TWO: Determine the sum of the following:
- 15 (A) Amounts appropriated from property taxes to pay the  
16 principal of or interest on any debenture or other debt  
17 obligation issued after June 30, 2005, other than an obligation  
18 described in subsection (c).
- 19 (B) Amounts appropriated from property taxes to make  
20 payments on any lease entered into after June 30, 2005, other  
21 than a lease described in subsection (d).
- 22 STEP THREE: Subtract the STEP TWO amount from the STEP  
23 ONE amount.
- 24 STEP FOUR: Determine the sum of:
- 25 (A) the STEP THREE amount; plus  
26 (B) the civil taxing unit's certified shares plus the amount  
27 distributed under section ~~3(2)~~ **3(a)(2)** of this chapter for the  
28 previous calendar year.
- 29 The allocation amount is subject to adjustment as provided in  
30 IC 36-8-19-7.5.
- 31 (c) Except as provided in this subsection, an appropriation **for the**  
32 **calendar year preceding the distribution year** from property taxes  
33 to repay interest and principal of a debt obligation is not deducted from  
34 the allocation amount for a civil taxing unit if:
- 35 (1) the debt obligation was issued; and  
36 (2) the proceeds were appropriated from property taxes;  
37 to refund or otherwise refinance a debt obligation or a lease issued  
38 before July 1, 2005. However, an appropriation from property taxes  
39 related to a debt obligation issued after June 30, 2005, is deducted if  
40 the debt extends payments on a debt or lease beyond the time in which  
41 the debt or lease would have been payable if the debt or lease had not  
42 been refinanced or increases the total amount that must be paid on a



1 debt or lease in excess of the amount that would have been paid if the  
 2 debt or lease had not been refinanced. The amount of the deduction is  
 3 the annual amount for each year of the extension period or the annual  
 4 amount of the increase over the amount that would have been paid.

5 (d) Except as provided in this subsection, an appropriation **for the**  
 6 **calendar year preceding the distribution year** from property taxes  
 7 to make payments on a lease is not deducted from the allocation  
 8 amount for a civil taxing unit if:

9 (1) the lease was issued; and

10 (2) the proceeds were appropriated from property taxes;  
 11 to refinance a debt obligation or lease issued before July 1, 2005.  
 12 However, an appropriation from property taxes related to a lease  
 13 entered into after June 30, 2005, is deducted if the lease extends  
 14 payments on a debt or lease beyond the time in which the debt or lease  
 15 would have been payable if the debt or lease had not been refinanced  
 16 or increases the total amount that must be paid on a debt or lease in  
 17 excess of the amount that would have been paid if the debt or lease had  
 18 not been refinanced. The amount of the deduction is the annual amount  
 19 for each year of the extension period or the annual amount of the  
 20 increase over the amount that would have been paid.

21 SECTION 17. IC 6-3.6-6-13 IS REPEALED [EFFECTIVE  
 22 JANUARY 1, 2017 (RETROACTIVE)]. ~~Sec. 13. (a) This section~~  
 23 ~~applies to an allocation of certified shares in all counties other than~~  
 24 ~~Marion County.~~

25 (b) ~~The attributed allocation amount of a civil taxing unit during a~~  
 26 ~~calendar year is equal to the sum of:~~

27 (1) ~~the allocation amount of the civil taxing unit for that calendar~~  
 28 ~~year; plus~~

29 (2) ~~in the case of a county, the welfare allocation amount.~~

30 SECTION 18. IC 6-3.6-6-20, AS AMENDED BY THE  
 31 TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL  
 32 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JANUARY 1, 2017 (RETROACTIVE)]; Sec. 20. (a) *This section does*  
 34 *not apply to distributions of revenue under section 9 of this chapter.*

35 ~~(a)~~ (b) *This section applies only to the following:*

36 (1) *Any allocation or distribution of revenue under section ~~3(1)~~*  
 37 **3(a)(2)** *of this chapter that is made on the basis of property tax*  
 38 *levies in counties that formerly imposed a tax under IC 6-3.5-1.1*  
 39 *(before its repeal January 1, 2017).*

40 (2) *Any allocation or distribution of revenue under section ~~3(2)~~ or*  
 41 ~~3(3)~~ **3(a)(3)** *of this chapter that is made on the basis of property*  
 42 *tax levies in counties that formerly imposed a tax under*



1 *IC 6-3.5-6 (before its repeal January 1, 2017).*

2 *(c) Subject to subsection (b), if a school corporation or civil taxing*  
 3 *unit of an adopting county does not impose a property tax levy that is*  
 4 *first due and payable in a the calendar year preceding the year in*  
 5 *which revenue under section ~~3(2)~~ 3(a)(2) or ~~3(3)~~ 3(a)(3) of this*  
 6 *chapter is being allocated or distributed, that school corporation or civil*  
 7 *taxing unit is entitled to receive a part of the revenue under section ~~3(2)~~*  
 8 *or ~~3(2)~~ 3(a)(2) or ~~3(3)~~ 3(a)(3) of this chapter (as appropriate) to be*  
 9 *distributed within the county. The fractional amount that such a school*  
 10 *corporation or civil taxing unit is entitled to receive each month during*  
 11 *that calendar year equals the product of the following:*

12 (1) The amount of revenue under section ~~3(2)~~ 3(a)(2) or ~~3(3)~~  
 13 3(a)(3) of this chapter to be distributed on the basis of property  
 14 tax levies during that month; multiplied by

15 (2) A fraction. The numerator of the fraction equals the budget of  
 16 that school corporation or civil taxing unit for ~~that calendar the~~  
 17 **distribution** year. The denominator of the fraction equals the  
 18 aggregate budgets of all school corporations or civil taxing units  
 19 of that county for ~~that calendar the distribution~~ year.

20 ~~(b)~~ *(d) Subject to subsection (b), if for a calendar year a school*  
 21 *corporation or civil taxing unit is allocated a part of a county's revenue*  
 22 *under section ~~3(2)~~ 3(a)(2) or ~~3(3)~~ 3(a)(3) of this chapter by*  
 23 *subsection ~~(a)~~; (c), the calculations used to determine the shares of*  
 24 *revenue of all other school corporations and civil taxing units under*  
 25 *section ~~3(2)~~ (3)(a)(2) or ~~3(3)~~ 3(a)(3) of this chapter (as appropriate)*  
 26 *shall be changed each month for that same year by reducing the amount*  
 27 *of revenue to be distributed by the amount of revenue under section*  
 28 *~~3(2)~~ 3(a)(2) or ~~3(3)~~ 3(a)(3) of this chapter allocated under subsection*  
 29 *~~(a)~~ (c) for that same month. The department of local government*  
 30 *finance shall make any adjustments required by this subsection and*  
 31 *provide them to the appropriate county auditors.*

32 SECTION 19. IC 6-3.6-10-2, AS ADDED BY P.L.243-2015,  
 33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 2. A county, **city, or**  
 35 **town** may use revenue allocated for economic development purposes  
 36 under IC 6-3.6-6-9 for any combination of the following purposes:

37 (1) To pay all or a part of the interest owed by a private developer  
 38 or user on a loan extended by a financial institution or other  
 39 lender to the developer or user if the proceeds of the loan are or  
 40 are to be used to finance an economic development project.

41 (2) For the retirement of bonds for economic development  
 42 projects.



- 1 (3) For leases or for leases or bonds entered into or issued before
- 2 the date the county economic development income tax (IC 6-3.5-7
- 3 repealed) was imposed if the purpose of the lease or bonds would
- 4 have qualified as a purpose under this article at the time the lease
- 5 was entered into or the bonds were issued.
- 6 (4) The construction or acquisition of, or remedial action with
- 7 respect to, a capital project for which the unit is empowered to
- 8 issue general obligation bonds or establish a fund under any
- 9 statute listed in IC 6-1.1-18.5-9.8.
- 10 (5) The retirement of bonds issued under any provision of Indiana
- 11 law for a capital project.
- 12 (6) The payment of lease rentals under any statute for a capital
- 13 project.
- 14 (7) Contract payments to a nonprofit corporation whose primary
- 15 corporate purpose is to assist government in planning and
- 16 implementing economic development projects.
- 17 (8) Operating expenses of a governmental entity that plans or
- 18 implements economic development projects.
- 19 (9) Funding of a revolving fund established under IC 5-1-14-14.
- 20 (10) For a regional venture capital fund or a local venture capital
- 21 fund.
- 22 (11) ~~By a county, city, or town~~ For any lawful purpose for which
- 23 money in any of its other funds may be used.
- 24 SECTION 20. IC 6-3.6-11-1, AS AMENDED BY P.L.197-2016,
- 25 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 1. (a) This section
- 27 applies to any county that imposed a former tax to provide for a levy
- 28 freeze.
- 29 (b) ~~The revenue tax rate used to offset the~~ **provide for a** levy freeze
- 30 **shall be part of the tax rate under IC 6-3.6-6. The maximum tax rate**
- 31 **that may be applied for a levy freeze is one percent (1%). The levy**
- 32 **freeze tax rate may be increased but not decreased or rescinded**
- 33 **unless an adopting body adopts a resolution to request approval**
- 34 **from the department of local government finance to lower the levy**
- 35 **freeze tax rate. The department shall approve a lower levy freeze**
- 36 **tax rate if it finds that the lower rate would fund the levy freeze**
- 37 **dollar amount (the total amount of foregone maximum levy**
- 38 **increases for all taxing units for all years). If the department**
- 39 **approves a lower levy freeze tax rate, the adopting body must**
- 40 **adopt an ordinance to lower the levy freeze tax rate before the**
- 41 **lower rate may take effect.**
- 42 (c) The levy freeze amount prescribed by the adopting body



1 **revenue from the tax rate** shall continue to be applied under this  
 2 article as it was applied under the former tax, ~~until an adopting body~~  
 3 ~~adopts an ordinance that fixes the levy freeze amount as of a certain~~  
 4 ~~date as permitted under the former tax. A levy freeze amount may be~~  
 5 ~~fixed as of a certain date, but may not be rescinded. including the use~~  
 6 ~~of a stabilization fund.~~

7 (d) ~~The levy freeze, levy amounts, and income tax distributions shall~~  
 8 ~~be administered in the same manner as under the former tax. The~~  
 9 ~~distributions of income tax revenue attributable to a levy freeze tax~~  
 10 ~~rate shall be made before allocating or distributing the remaining~~  
 11 ~~revenue under IC 6-3.6-6 or applying the property tax credits funded by~~  
 12 ~~a tax rate under IC 6-3.6-5.~~

13 (e) ~~Notwithstanding IC 6-1.1-18.5-3, for purposes of calculating the~~  
 14 ~~maximum permissible ad valorem property tax levy under~~  
 15 ~~IC 6-1.1-18.5 for an ensuing calendar year beginning after December~~  
 16 ~~31, 2016, revenue under IC 6-3.6-6 that is applied under this section for~~  
 17 ~~purposes of a levy freeze shall not be included in the amount~~  
 18 ~~determined under STEP ONE of IC 6-1.1-18.5-3 for the civil taxing~~  
 19 ~~unit.~~

20 (f) This subsection applies for ensuing calendar years beginning  
 21 after December 31, 2016. This subsection applies in a county that:

22 (1) imposed a tax rate for a levy freeze under IC 6-3.5-1.1-24  
 23 (before its repeal January 1, 2017) or IC 6-3.5-6-30 (before its  
 24 repeal January 1, 2017); and

25 (2) has not adopted an ordinance specifying that the levy freeze  
 26 will not apply to future increases in maximum permissible ad  
 27 valorem property tax levies.

28 The maximum permissible ad valorem property tax levy calculated  
 29 under IC 6-1.1-18.5 for the ensuing calendar year for a civil taxing unit  
 30 in a county subject to this section is equal to the civil taxing unit's  
 31 maximum permissible ad valorem property tax levy for the current  
 32 calendar year.

33 SECTION 21. IC 6-3.6-11-4, AS AMENDED BY P.L.197-2016,  
 34 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 4. (a) This section  
 36 applies to the allocation of the tax revenue under IC 6-3.6-6 that is  
 37 dedicated to public safety and funding for

38 (1) a PSAP (as defined in IC 36-8-16.7-20) that is part of the  
 39 statewide 911 system (as defined in IC 36-8-16.7-22) and located  
 40 within the county or

41 (2) the operation of a public communications system and  
 42 computer facilities district as provided in subsection (b): as



1 **provided in IC 6-3.6-6-8.**

2 This tax revenue shall be allocated and distributed to the PSAP ~~or~~  
3 ~~Marion County~~ before the allocation and distribution to **any taxing**  
4 **units** of the remaining tax revenue **allocated to public safety** as  
5 provided in IC 6-3.6-6.

6 (b) ~~In Marion County, the adopting body may allocate part or all of~~  
7 ~~the certified distribution that is allocated to public safety purposes to~~  
8 ~~fund the operation of a public communications system and computer~~  
9 ~~facilities district as provided in an election, if any, made by the county~~  
10 ~~fiscal body under IC 36-8-15-19(b).~~

11 SECTION 22. IC 6-8.1-5-2, AS AMENDED BY P.L.198-2016,  
12 SECTION 58, AND AS AMENDED BY P.L.197-2016, SECTION 76,  
13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as otherwise  
15 provided in this section, the department may not issue a proposed  
16 assessment under section 1 of this chapter more than three (3) years  
17 after the latest of the date the return is filed, or either of the following:

- 18 (1) The due date of the return.  
19 (2) In the case of a return filed for the state gross retail or use tax,  
20 the gasoline tax, the special fuel tax, the motor carrier fuel tax, the  
21 oil inspection fee, or the petroleum severance tax, the end of the  
22 calendar year which contains the taxable period for which the  
23 return is filed.

24 (b) If a person files a *return for the utility receipts tax return*  
25 (IC 6-2.3), ~~an~~ adjusted gross income tax (IC 6-3), supplemental net  
26 income tax (IC 6-3-8) (repealed), county adjusted gross income tax  
27 (IC 6-3.5-1.1) (repealed), county option income tax (IC 6-3.5-6)  
28 (repealed), *local income tax (IC 6-3.6)*, or financial institutions tax  
29 (IC 6-5.5) *return* that understates the person's income, as that term is  
30 defined in the particular income tax law, by at least twenty-five percent  
31 (25%), the proposed assessment limitation is six (6) years instead of the  
32 three (3) years provided in subsection (a).

33 (c) In the case of the motor vehicle excise tax (IC 6-6-5), the tax  
34 shall be assessed as provided in IC 6-6-5-5 and IC 6-6-5-6 and shall  
35 include the penalties and interest due on all listed taxes not paid by the  
36 due date. A person that fails to properly register a vehicle as required  
37 by IC 9-18 (*before its expiration*) or IC 9-18.1 and pay the tax due  
38 under IC 6-6-5 is considered to have failed to file a return for purposes  
39 of this article.

40 (d) In the case of the commercial vehicle excise tax imposed under  
41 IC 6-6-5.5, the tax shall be assessed as provided in IC 6-6-5.5 and shall  
42 include the penalties and interest due on all listed taxes not paid by the



1 due date. A person that fails to properly register a commercial vehicle  
 2 as required by IC 9-18 (*before its expiration*) or IC 9-18.1 and pay the  
 3 tax due under IC 6-6-5.5 is considered to have failed to file a return for  
 4 purposes of this article.

5 (e) In the case of the excise tax imposed on recreational vehicles  
 6 and truck campers under IC 6-6-5.1, the tax shall be assessed as  
 7 provided in IC 6-6-5.1 and must include the penalties and interest due  
 8 on all listed taxes not paid by the due date. A person ~~who~~ that fails to  
 9 properly register a recreational vehicle as required by IC 9-18 (*before*  
 10 *its expiration*) or IC 9-18.1 and pay the tax due under IC 6-6-5.1 is  
 11 considered to have failed to file a return for purposes of this article. A  
 12 person ~~who~~ that fails to pay the tax due under IC 6-6-5.1 on a truck  
 13 camper is considered to have failed to file a return for purposes of this  
 14 article.

15 (f) If a person files a fraudulent, unsigned, or substantially blank  
 16 return, or if a person does not file a return, there is no time limit within  
 17 which the department must issue its proposed assessment.

18 (g) If any part of a listed tax has been erroneously refunded by the  
 19 department, the erroneous refund may be recovered through the  
 20 assessment procedures established in this chapter. An assessment  
 21 issued for an erroneous refund must be issued:

- 22 (1) within two (2) years after making the refund; or
- 23 (2) within five (5) years after making the refund if the refund was  
 24 induced by fraud or misrepresentation.

25 (h) If, before the end of the time within which the department may  
 26 make an assessment, the department and the person agree to extend  
 27 that assessment ~~time~~ period, the period may be extended according to  
 28 the terms of a written agreement signed by both the department and the  
 29 person. The agreement must contain:

- 30 (1) the date to which the extension is made; and
- 31 (2) a statement that the person agrees to preserve the person's  
 32 records until the extension terminates.

33 The department and a person may agree to more than one (1) extension  
 34 under this subsection.

35 (i) If a taxpayer's federal taxable income, federal adjusted gross  
 36 income, or federal income tax liability for a taxable year is modified  
 37 due to a modification as provided under IC 6-3-4-6(c) and  
 38 IC 6-3-4-6(d) (for the adjusted gross income tax), or a modification or  
 39 alteration as provided under IC 6-5.5-6-6(c) and IC 6-5.5-6-6(e) (for  
 40 the financial institutions tax), then the date by which the department  
 41 must issue a proposed assessment under section 1 of this chapter for  
 42 tax imposed under IC 6-3 is extended to six (6) months after the date



1 on which the notice of modification is filed with the department by the  
2 taxpayer.

3 SECTION 23. IC 8-25-1-4, AS ADDED BY P.L.153-2014,  
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2017]: Sec. 4. "Eligible county" means one (1) or more of the  
6 following counties:

7 (1) Delaware County.

8 (2) Hamilton County.

9 (3) Hancock County.

10 **(4) Hendricks County.**

11 ~~(4)~~ **(5) Johnson County.**

12 ~~(5)~~ **(6) Madison County.**

13 ~~(6)~~ **(7) Marion County.**

14 SECTION 24. IC 8-25-2-1, AS ADDED BY P.L.153-2014,  
15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2017]: Sec. 1. **This section does not apply to Hendricks**  
17 **County.** Except as provided in IC 8-25-4-6, the fiscal body of an  
18 eligible county may adopt an ordinance to place on the ballot a local  
19 public question granting the fiscal body of the eligible county the  
20 authority to fund and carry out a public transportation project. The  
21 fiscal body shall include in the ordinance:

22 (1) a description of the public transportation services that will be  
23 provided through the proposed public transportation project; and

24 (2) an estimate of each tax necessary to annually fund the public  
25 transportation project.

26 SECTION 25. IC 8-25-5-6, AS AMENDED BY P.L.197-2016,  
27 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2017]: Sec. 6. (a) Except as provided in subsection (b), the  
29 county fiscal body may pledge revenues for the payment of principal  
30 and interest on the bonds and for other purposes under the ordinance  
31 as provided by IC 5-1-14-4, including revenues from the local income  
32 tax in Delaware County, Hamilton County, Hancock County,  
33 **Hendricks County**, Johnson County, Madison County, or Marion  
34 County.

35 (b) The county fiscal body may not pledge to levy ad valorem  
36 property taxes for these purposes.

37 (c) If the county fiscal body has pledged revenues from the local  
38 income tax as set forth in subsection (a), the county fiscal body may  
39 covenant that the county fiscal body will not repeal or modify the tax  
40 in a manner that would adversely affect owners of outstanding bonds  
41 issued under this chapter. The county fiscal body may make the  
42 covenant by adopting an ordinance.





1 SECTION 26. IC 8-25-6-2, AS AMENDED BY P.L.203-2016,  
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2017]: Sec. 2. (a) **This subsection does not apply to**  
 4 **townships located in Hendricks County.** If:

5 (1) the fiscal body of the county in which a township is located  
 6 does not adopt an ordinance under IC 8-25-2-1; and

7 (2) the township is adjacent to:

8 (A) an eligible county in which:

9 (i) a public transportation project has been approved under  
 10 IC 8-25-2; or

11 (ii) an ordinance described in IC 8-25-2 has been adopted;  
 12 or

13 (B) another township in which:

14 (i) a public transportation project has been approved under  
 15 this chapter; or

16 (ii) a resolution described in this section has already been  
 17 passed;

18 the fiscal body of the township may pass a resolution to place on the  
 19 ballot a local public question on whether the fiscal body of the eligible  
 20 county should be required to fund and carry out a public transportation  
 21 project in the township.

22 **(b) This subsection applies to Guilford Township in Hendricks**  
 23 **County. The fiscal body of the township may pass a resolution to**  
 24 **place on the ballot a local public question on whether the fiscal**  
 25 **body of Hendricks County should be required to fund and carry**  
 26 **out a public transportation project in the township.**

27 ~~(b)~~ (c) The fiscal body of the township shall include in the  
 28 resolution passed under subsection (a) **or (b)**:

29 (1) a description of the public transportation services that will be  
 30 provided in the township through the proposed public  
 31 transportation project; and

32 (2) an estimate of each tax necessary to annually fund the public  
 33 transportation project in the township.

34 SECTION 27. IC 8-25-6-10, AS AMENDED BY P.L.203-2016,  
 35 SECTION 23, AND AS AMENDED BY P.L.197-2016, SECTION 98,  
 36 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JANUARY 1, 2017 (RETROACTIVE)]: Sec. 10. (a) If  
 38 the voters of a township *located described in an eligible county* section  
 39 *2(a)(2)(A)(i) or 2(a)(2)(B)(i) of this chapter* approve a local public  
 40 question under this chapter, the fiscal body of the eligible county *in*  
 41 *which the township is located* shall adopt an ordinance under  
 42 *IC 6-3.5-1.1-24(s); IC 6-3.5-6-30(t); or IC 6-3.5-7-26(m); whichever is*



1 *applicable to the eligible county, IC 6-3.6-6 to impose an additional*  
 2 *county adjusted gross local income tax rate, county option income tax*  
 3 *rate, or county economic development income tax rate as permitted by*  
 4 *IC 6-3.6-7-27, upon the county local taxpayers (as defined in*  
 5 *IC 8-24-1-10) residing in the township for the public transportation*  
 6 *project in the township.*

7 *(b) This subsection applies if the voters of a township described in*  
 8 *section 2(a)(2)(A)(ii) or 2(a)(2)(B)(ii) of this chapter approve a local*  
 9 *public question under this chapter and the voters in:*

- 10 *(1) the eligible county described in section 2(a)(2)(A) of this*  
 11 *chapter approve a local public question under IC 8-25-2; or*  
 12 *(2) the township described in section 2(a)(2)(B) of this chapter*  
 13 *approve a local public question under this chapter.*

14 *The fiscal body of the eligible county in which the township is located*  
 15 *shall adopt an ordinance under IC 6-3.5-1.1-24(s) (before its repeal on*  
 16 *January 1, 2017); IC 6-3.5-6-30(t) (before its repeal on January 1,*  
 17 *2017); IC 6-3.5-7-26(m) (before its repeal on January 1, 2017); or*  
 18 *IC 6-3.6-4 IC 6-3.6-6 (after December 31, 2016), whichever is*  
 19 *applicable to the eligible county; to impose an additional county*  
 20 *adjusted gross income tax rate; county option income tax rate; county*  
 21 *economic development income tax rate; or local income tax rate, as*  
 22 **permitted by IC 6-3.6-7-27, upon the county local taxpayers residing**  
 23 **in the township for the public transportation project in the township.**

24 **(c) This subsection applies to Guilford Township in Hendricks**  
 25 **County. If the voters of the township approve a local public**  
 26 **question under this chapter, the fiscal body of Hendricks County**  
 27 **shall adopt an ordinance under IC 6-3.6-4 to impose an additional**  
 28 **local income tax rate, as permitted by IC 6-3.6-7-27, upon the local**  
 29 **taxpayers residing in the township for the public transportation**  
 30 **project in the township.**

31 SECTION 28. IC 12-29-2-2, AS AMENDED BY P.L.184-2016,  
 32 SECTION 27, AND AS AMENDED BY P.L.197-2016, SECTION  
 33 114, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JANUARY 1, 2017 (RETROACTIVE)]: Sec. 2. (a) A  
 35 county shall fund the operation of community mental health centers in  
 36 the amount determined under subsection (b), unless a lower tax levy  
 37 amount will be adequate to fulfill the county's financial obligations  
 38 under this chapter in any of the following situations:

- 39 (1) If the total population of the county is served by one (1)  
 40 center.  
 41 (2) If the total population of the county is served by more than one  
 42 (1) center.



- 1 (3) If the partial population of the county is served by one (1)  
 2 center.  
 3 (4) If the partial population of the county is served by more than  
 4 one (1) center.  
 5 (b) The amount of funding under subsection (a) for taxes first due  
 6 and payable in a calendar year is *the result* equal to:  
 7 (1) the *maximum* amount that *could have been* ~~was~~ levied in the  
 8 county to comply with this section from property taxes first due  
 9 and payable in the calendar year immediately preceding the  
 10 ensuing calendar year, *as previously determined under this*  
 11 *section by using the amount calculated under this section in 2004*  
 12 *as the base amount*; multiplied by  
 13 (2) the *county's* assessed value growth quotient for the ensuing  
 14 calendar year, as determined under IC 6-1.1-18.5-2.  
 15 (c) This subsection applies only to *a county that provides a levy*  
 16 *freeze in the county as provided in IC 6-3.6-11-1. property taxes first*  
 17 *due and payable after December 31, 2007. This subsection applies*  
 18 *only to a county for which:*  
 19 *(1) a county adjusted gross income tax rate is first imposed or is*  
 20 *increased in a particular year under IC 6-3.5-1.1-24; or*  
 21 *(2) a county option income tax rate is first imposed or is*  
 22 *increased in a particular year under IC 6-3.5-6-30;*  
 23 *to provide property tax relief in the county.* Notwithstanding any  
 24 provision in this section or any other section of this chapter, for a  
 25 county subject to this subsection, the county's maximum property tax  
 26 levy under this section to fund the operation of community mental  
 27 health centers for the ensuing calendar year is equal to the county's  
 28 maximum property tax levy to fund the operation of community mental  
 29 health centers for the current calendar year.  
 30 (d) Except as provided in subsection (h), the county shall pay to the  
 31 division of mental health and addiction the part of the funding  
 32 determined under subsection (b) that is appropriated solely for funding  
 33 the operations of a community health center. The funding required  
 34 under this section for operations of a community health center shall be  
 35 paid by the county to the division of mental health and addiction. These  
 36 funds shall be used solely for satisfying the ~~non-federal~~ *nonfederal*  
 37 share of medical assistance payments to community mental health  
 38 centers serving the county for:  
 39 (1) allowable administrative services; and  
 40 (2) community mental health rehabilitation services.  
 41 All other funding appropriated for the purposes allowed under section  
 42 1.2(b)(1) of this chapter shall be paid by the county directly to the



1 community mental health center semiannually at the times that the  
2 payments are made under subsection (e).

3 (e) The county shall appropriate and disburse the funds for  
4 operations semiannually not later than December 1 and June 1 in an  
5 amount equal to the amount determined under subsection (b) and  
6 requested in writing by the division of mental health and addiction. The  
7 total funding amount paid to the division of mental health and  
8 addiction for a county for each calendar year may not exceed the  
9 amount that is calculated in subsection (b) and set forth in writing by  
10 the division of mental health and addiction for the county. Funds paid  
11 to the division of mental health and addiction by the county shall be  
12 submitted by the county in a timely manner after receiving the written  
13 request from the division of mental health and addiction, to ensure  
14 current year compliance with the community mental health  
15 rehabilitation program and any administrative requirements of the  
16 program.

17 (f) The division of mental health and addiction shall ensure that the  
18 ~~non-federal~~ *nonfederal* share of funding received from a county under  
19 this program is applied only for matching federal funds for the  
20 designated community mental health centers to the extent a center is  
21 eligible to receive county funding under IC 12-21-2-3(5)(D).

22 (g) The division of mental health and addiction:

23 (1) shall first apply state funding to a community mental health  
24 center's ~~non-federal~~ *nonfederal* share of funding under this  
25 program; and

26 (2) may next apply county funding received under this section to  
27 any remaining ~~non-federal~~ *nonfederal* share of funding for the  
28 community mental health center.

29 The division shall distribute any excess state funds that exceed the  
30 community mental health rehabilitation services ~~non-federal~~  
31 *nonfederal* share applied to a community mental health center that is  
32 entitled to the excess state funds.

33 (h) The health and hospital corporation of Marion County created  
34 by IC 16-22-8-6 may make payments to the division for the operation  
35 of a community mental health center as described in this chapter.

36 SECTION 29. IC 36-8-19-7.5, AS AMENDED BY P.L.197-2016,  
37 SECTION 147, IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JANUARY 1, 2017 (RETROACTIVE)]: Sec. 7.5. (a)

39 This section applies to:

40 (1) local income tax distributions; and

41 (2) excise tax distributions;

42 made after December 31, 2009.

**HB 1129—LS 6365/DI 58**



1 (b) For purposes of allocating ~~any~~ local income tax distributions  
2 **that are based on a taxing unit's allocation amount or that an**  
3 **adopting body allocates under IC 6-3.6-6 to economic development**  
4 or excise tax distributions that are distributed based on the amount of  
5 a taxing unit's property tax levies, each participating unit in a territory  
6 is considered to have imposed a part of the property tax levy imposed  
7 for the territory. The part of the property tax levy imposed for the  
8 territory for a particular year that shall be attributed to a participating  
9 unit is equal to the amount determined in the following STEPS:

10 STEP ONE: Determine the total amount of all property taxes  
11 imposed by the participating unit in the year before the year in  
12 which a property tax levy was first imposed for the territory.

13 STEP TWO: Determine the sum of the STEP ONE amounts for  
14 all participating units.

15 STEP THREE: Divide the STEP ONE result by the STEP TWO  
16 result.

17 STEP FOUR: Multiply the STEP THREE result by the property  
18 tax levy imposed for the territory for the particular year.

19 **SECTION 30. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1129, 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 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 6-3.6-2-14, AS AMENDED BY P.L.197-2016, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14. "Public safety" refers to the following:

- (1) A police and law enforcement system to preserve public peace and order.
- (2) A firefighting and fire prevention system.
- (3) Emergency ambulance services (as defined in IC 16-18-2-107).
- (4) Emergency medical services (as defined in IC 16-18-2-110).
- (5) Emergency action (as defined in IC 13-11-2-65).
- (6) A probation department of a court.
- (7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:
  - (A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);
  - (B) convicted of a crime; or
  - (C) adjudicated as a delinquent child or a child in need of services.
- (8) A juvenile detention facility under IC 31-31-8.
- (9) A juvenile detention center under IC 31-31-9.
- (10) A county jail.
- (11) A communications system (as defined in IC 36-8-15-3), an enhanced emergency telephone system (as defined in IC 36-8-16-2, before its repeal on July 1, 2012), a PSAP (as defined in IC 36-8-16.7-20) that is part of the statewide 911 system (as defined in IC 36-8-16.7-22) and located within the county, or the statewide 911 system (as defined in IC 36-8-16.7-22).
- (12) Medical and health expenses for jailed inmates and other confined persons.



(13) Pension payments for any of the following:

- (A) A member of a fire department (as defined in IC 36-8-1-8) or any other employee of the fire department.
- (B) A member of a police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by the police department.
- (C) A county sheriff or any other member of the office of the county sheriff.
- (D) Other personnel employed to provide a service described in this section.

**(14) Law enforcement training.**

SECTION 4. IC 6-3.6-3-2, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) An adopting body or, if authorized by this article, another governmental entity that is not an adopting body, may take an action under this article only by ordinance, unless this article permits the action to be taken by resolution.

(b) The department of local government finance, in consultation with the department of state revenue, ~~shall prescribe and may~~ make electronically available uniform notices, ordinances, and resolutions ~~for use by that~~ an adopting body or other governmental entity ~~may use~~ to take an action under this article. An adopting body or other governmental entity may submit a proposed notice, ordinance, or resolution to the department of local government finance for review. The department of local government finance shall provide to the submitting entity a determination of the appropriateness of the proposed notice, ordinance, or resolution, including recommended modifications, within thirty (30) days of receiving the proposed notice, ordinance, or resolution.

(c) ~~The department of local government finance shall prescribe An ordinance or resolution adopted under this article must comply with the notice and hearing requirements and procedures to be used for submitting a notice and vote results on ordinances and adopting and submitting an ordinance or a resolution under this article: set forth in IC 5-3-1.~~

(d) ~~The department of local government finance shall prescribe the procedures to be used by the adopting body or governmental entity for submitting to the department the notice, the adopting ordinance or resolution, and the vote results on an ordinance or resolution. The department of local government finance shall notify the submitting entity within thirty (30) days after submission~~



**whether the department has received the necessary information required by the department. ~~An~~ A final action taken by an adopting body or governmental entity under this article to impose a new tax or amend an existing tax is not effective and is void unless the adopting body satisfies all the requirements prescribed by until the department of local government finance notifies the adopting body or governmental entity that it has received the required information from the submitting entity."**

Page 20, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 23. IC 8-25-1-4, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. "Eligible county" means one (1) or more of the following counties:

- (1) Delaware County.
- (2) Hamilton County.
- (3) Hancock County.
- (4) Hendricks County.**
- ~~(4)~~ (5) Johnson County.
- ~~(5)~~ (6) Madison County.
- ~~(6)~~ (7) Marion County.

SECTION 22. IC 8-25-2-1, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. **This section does not apply to Hendricks County.** Except as provided in IC 8-25-4-6, the fiscal body of an eligible county may adopt an ordinance to place on the ballot a local public question granting the fiscal body of the eligible county the authority to fund and carry out a public transportation project. The fiscal body shall include in the ordinance:

- (1) a description of the public transportation services that will be provided through the proposed public transportation project; and
- (2) an estimate of each tax necessary to annually fund the public transportation project.

SECTION 23. IC 8-25-5-6, AS AMENDED BY P.L.197-2016, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) Except as provided in subsection (b), the county fiscal body may pledge revenues for the payment of principal and interest on the bonds and for other purposes under the ordinance as provided by IC 5-1-14-4, including revenues from the local income tax in Delaware County, Hamilton County, Hancock County, **Hendricks County**, Johnson County, Madison County, or Marion County.

- (b) The county fiscal body may not pledge to levy ad valorem





property taxes for these purposes.

(c) If the county fiscal body has pledged revenues from the local income tax as set forth in subsection (a), the county fiscal body may covenant that the county fiscal body will not repeal or modify the tax in a manner that would adversely affect owners of outstanding bonds issued under this chapter. The county fiscal body may make the covenant by adopting an ordinance.

SECTION 24. IC 8-25-6-2, AS AMENDED BY P.L.203-2016, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) **This subsection does not apply to townships located in Hendricks County. If:**

- (1) the fiscal body of the county in which a township is located does not adopt an ordinance under IC 8-25-2-1; and
- (2) the township is adjacent to:
  - (A) an eligible county in which:
    - (i) a public transportation project has been approved under IC 8-25-2; or
    - (ii) an ordinance described in IC 8-25-2 has been adopted; or
  - (B) another township in which:
    - (i) a public transportation project has been approved under this chapter; or
    - (ii) a resolution described in this section has already been passed;

the fiscal body of the township may pass a resolution to place on the ballot a local public question on whether the fiscal body of the eligible county should be required to fund and carry out a public transportation project in the township.

**(b) This subsection applies to Guilford Township in Hendricks County. The fiscal body of the township may pass a resolution to place on the ballot a local public question on whether the fiscal body of Hendricks County should be required to fund and carry out a public transportation project in the township.**

~~(b)~~ (c) The fiscal body of the township shall include in the resolution passed under subsection (a) **or (b):**

- (1) a description of the public transportation services that will be provided in the township through the proposed public transportation project; and
- (2) an estimate of each tax necessary to annually fund the public transportation project in the township."

Page 20, line 14, strike "county" and insert "**local**".

Page 20, line 28, strike "IC 6-3.6-4" and insert "**IC 6-3.6-6**".



Page 20, line 31, before "upon" delete "rate" and insert "*rate, as permitted by IC 6-3.6-7-27*".

Page 20, line 31, strike "county" and insert "**local**".

Page 20, between lines 33 and 34, begin a new paragraph and insert:

**"(c) This subsection applies to Guilford Township in Hendricks County. If the voters of the township approve a local public question under this chapter, the fiscal body of Hendricks County shall adopt an ordinance under IC 6-3.6-4 to impose an additional local income tax rate, as permitted by IC 6-3.6-7-27, upon the local taxpayers residing in the township for the public transportation project in the township."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1129 as introduced.)

BROWN T

Committee Vote: yeas 23, nays 0.

