

HOUSE BILL No. 1331

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-25-6.

Synopsis: Plainfield participation in public transit project. Allows the town of Plainfield to be a part of central Indiana transportation projects without Hendricks County participating. Provides that if a resolution is adopted, the amount of the certified distribution attributable to the additional tax rate imposed must be: (1) received by the county auditor; (2) distributed to the town of Plainfield for deposit into a separate fund titled the town of Plainfield public transportation fund; and (3) used for certain purposes instead of as a property tax replacement distribution. Makes conforming changes.

Effective: July 1, 2023.

May

January 12, 2023, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1331



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

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

1 SECTION 1. IC 8-25-6-2, AS AMENDED BY P.L.247-2017,
2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 2. (a) This subsection does not apply to townships
4 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;



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

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

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

12 (1) a description of the public transportation services that will be
 13 provided in the township **or town** through the proposed public
 14 transportation project; and

15 (2) an estimate of each tax necessary to annually fund the public
 16 transportation project in the township **or town.**

17 SECTION 2. IC 8-25-6-3, AS AMENDED BY P.L.197-2016,
 18 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2023]: Sec. 3. If the fiscal body of a township **or town** adopts
 20 a resolution under section 2 of this chapter, the township trustee **or**
 21 **town clerk-treasurer** shall certify a copy of the resolution to the
 22 department of local government finance, including the language for the
 23 question required by IC 8-25-2-3. The township trustee **or town**
 24 **clerk-treasurer** may modify the proposed local question as necessary
 25 to indicate that the local question concerns a public transportation
 26 project for the township **or town.** The department shall review the
 27 language for compliance with section 4 of this chapter, whichever is
 28 applicable to the eligible county, while taking into account any
 29 necessary modifications for the township **or town.** The department of
 30 local government finance may approve or reject the language. The
 31 department shall send its decision to the township trustee **or town**
 32 **clerk-treasurer** and the fiscal body of the township **or town** not more
 33 than ten (10) days after the resolution is submitted to the department.
 34 If the language is approved, the township trustee **or town**
 35 **clerk-treasurer** shall certify a copy of the resolution, including the
 36 language for the question and the department's approval, to the county
 37 election board of the eligible county.

38 SECTION 3. IC 8-25-6-4, AS AMENDED BY P.L.197-2016,
 39 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2023]: Sec. 4. If the county election board of an eligible
 41 county receives from a township trustee **or town clerk-treasurer** a
 42 certified copy of the resolution adopted under section 2 of this chapter



1 and the approved language for the local public question, the county
 2 election board shall place the following question on the election ballot
 3 in accordance with IC 3-10-9:

4 "Shall _____ County impose a local income tax rate, not to
 5 exceed a rate of _____ (insert recommended rate included in
 6 the ordinance authorizing the local public question), on the local
 7 taxpayers residing in _____ ~~Township~~
 8 improving or establishing public transportation service in
 9 _____ ~~Township~~ through a public transportation project
 10 that _____ (insert the description of the public
 11 transportation project set forth in the township **or town** resolution
 12 authorizing the local public question)?".

13 SECTION 4. IC 8-25-6-5, AS ADDED BY P.L.153-2014,
 14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: Sec. 5. If a township trustee **or town clerk-treasurer**
 16 certifies a resolution under section 3 of this chapter, the county election
 17 board shall place the local public question on the ballot at the next
 18 general election for which the question may be certified under
 19 IC 3-10-9-3 and for which all voters of the township **or town** are
 20 entitled to vote.

21 SECTION 5. IC 8-25-6-6, AS ADDED BY P.L.153-2014,
 22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 6. After an election on the local public question,
 24 the circuit court clerk of the eligible county in which the township **or**
 25 **town** is located shall:

- 26 (1) make a certified copy of the election returns; and
- 27 (2) not later than five (5) days after the election, file the copy
 28 with:
 - 29 (A) the department of state revenue;
 - 30 (B) the fiscal body of the county; and
 - 31 (C) the fiscal body of the township **or town**.

32 SECTION 6. IC 8-25-6-7, AS ADDED BY P.L.153-2014,
 33 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2023]: Sec. 7. The local public question is approved by a
 35 township **or town** if a majority of the township voters **or town voters**
 36 voting on the local public question vote "yes". The local public
 37 question is defeated by a township **or town** if a majority of the
 38 township voters **or town voters** voting on the local public question
 39 vote "no".

40 SECTION 7. IC 8-25-6-8, AS AMENDED BY P.L.203-2016,
 41 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2023]: Sec. 8. If the local public question is defeated in a



1 township **or town**, the fiscal body of the township **or town** may adopt
 2 a resolution under section 2 of this chapter to place another local public
 3 question on the ballot as provided in this chapter at a subsequent
 4 general election in the township **or town**. However, a local public
 5 question may not be placed on the ballot in the township **or town** under
 6 this chapter more than two (2) times in any seven (7) year period.

7 SECTION 8. IC 8-25-6-10, AS AMENDED BY P.L.247-2017,
 8 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2023]: Sec. 10. (a) If the voters of a township described in
 10 section 2(a)(2)(A)(i) or 2(a)(2)(B)(i) of this chapter approve a local
 11 public question under this chapter, the fiscal body of the eligible county
 12 in which the township is located shall adopt an ordinance under
 13 IC 6-3.6-6 to impose an additional local income tax rate, as permitted
 14 by IC 6-3.6-7-27, upon the local taxpayers residing in the township for
 15 the public transportation project in the township.

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

19 (1) the eligible county described in section 2(a)(2)(A) of this
 20 chapter approve a local public question under IC 8-25-2; or

21 (2) the township described in section 2(a)(2)(B) of this chapter
 22 approve a local public question under this chapter.

23 The fiscal body of the eligible county in which the township is located
 24 shall adopt an ordinance under IC 6-3.6-6 to impose an additional local
 25 income tax rate, as permitted by IC 6-3.6-7-27, upon the local
 26 taxpayers residing in the township for the public transportation project
 27 in the township.

28 (c) This subsection applies to ~~Guilford Township in Hendricks~~
 29 ~~County: the town of Plainfield~~. If the voters of the ~~township town~~
 30 approve a local public question under this chapter, the ~~township town~~
 31 fiscal body shall adopt a resolution to impose an additional local
 32 income tax rate upon the local taxpayers residing in the ~~township town~~
 33 for the public transportation project in the ~~township: town~~. A resolution
 34 adopted under this subsection must comply with the requirements of
 35 the department of local government finance and specify an additional
 36 tax rate to be imposed in the ~~township town~~ of at least one-tenth
 37 percent (0.1%), but not more than twenty-five hundredths percent
 38 (0.25%). If a resolution is adopted under this subsection, the amount of
 39 the certified distribution attributable to the additional tax rate imposed
 40 under this subsection must be:

41 (1) ~~retained received~~ by the county auditor;

42 (2) ~~deposited in the county public transportation project fund~~



1 established under ~~IC 8-25-3-7~~; distributed to the town of
 2 **Plainfield for deposit into a separate fund titled the town of**
 3 **Plainfield public transportation fund;** and

4 (3) used for the purpose provided in this subsection instead of as
 5 a property tax replacement distribution.

6 The tax rate under this subsection plus the tax rate under IC 6-3.6-6
 7 may not exceed the tax rate specified in IC 6-3.6-6-2. Notwithstanding
 8 IC 6-3.6-7-27, the Hendricks County fiscal body is not required under
 9 this section to adopt an ordinance under IC 6-3.6-7-27.

10 SECTION 9. IC 8-25-6-12, AS AMENDED BY P.L.197-2016,
 11 SECTION 100, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2023]: Sec. 12. A tax rate imposed under this
 13 chapter applies only to the local taxpayers who reside in a township **or**
 14 **town** in which the voters approve a local public question held under
 15 this chapter.

16 SECTION 10. IC 8-25-6-13, AS ADDED BY P.L.153-2014,
 17 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]: Sec. 13. IC 8-25-3-6 applies to a public transportation
 19 project authorized under this chapter in a township **or town**.

20 SECTION 11. IC 8-25-6-14, AS AMENDED BY P.L.197-2016,
 21 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2023]: Sec. 14. Bonds issued with respect to a
 23 public transportation project in the township **or town** must be paid
 24 from tax revenue collected from local taxpayers who reside in the
 25 township **or town**.

26 SECTION 12. IC 8-25-6-15, AS ADDED BY P.L.153-2014,
 27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 15. IC 36-9-2-2(b) and IC 36-9-2-2(c) apply to a
 29 public transportation project authorized under this chapter in a
 30 township **or town**.

