



January 31, 2023

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## SENATE BILL No. 81

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DIGEST OF SB 81 (Updated January 26, 2023 12:25 pm - DI 87)

**Citations Affected:** IC 12-29.

**Synopsis:** Community intellectual and developmental disability centers. Provides that if the county executive of a county authorizes the furnishing of financial assistance to a community intellectual and developmental disability center (CIDD), the county fiscal body is required, upon request of the county executive, to annually appropriate an amount of money from the county's general fund that is not less than the amount that would be collected from an annual rate of \$0.0025 on each \$100 of taxable property within the county to provide the financial assistance to the CIDD. (Under current law, a county fiscal body may (rather than shall) make the annual appropriation.) Requires the county auditor to distribute the amounts appropriated by the county fiscal body to furnish financial assistance to a CIDD first before making any other distributions of appropriated amounts from the county's general fund. Makes corresponding changes to provisions that authorize two or more counties to furnish financial assistance to a CIDD that is organized to provide services in more than one county and that authorize a county to furnish a share of financial assistance to a CIDD in certain circumstances.

**Effective:** July 1, 2023.

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January 9, 2023, read first time and referred to Committee on Local Government.  
January 30, 2023, amended, reported favorably — Do Pass; reassigned to Committee on Tax and Fiscal Policy.

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SB 81—LS 6320/DI 120





January 31, 2023

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.

## SENATE BILL No. 81

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

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

1 SECTION 1. IC 12-29-1-1, AS AMENDED BY P.L.159-2020,  
2 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 1. (a) The county executive of a county may  
4 authorize the furnishing of financial assistance to a community  
5 intellectual disability and other developmental disabilities center that  
6 is located or will be located in the county.  
7 (b) Assistance authorized under this section shall be used for the  
8 following purposes:  
9 (1) Constructing a center.  
10 (2) Operating a center.  
11 (c) Upon request of the county executive, **and subject to subsection**  
12 **(f)**, the county fiscal body ~~may~~ **shall** appropriate annually from the  
13 county's general fund the money to provide financial assistance for the  
14 purposes described in subsection (b). For property taxes first due and  
15 payable before January 1, 2017, the appropriation may not exceed the  
16 amount that could be collected from an annual tax levy of not more  
17 than three and thirty-three hundredths cents (\$0.0333) on each one

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- 1 hundred dollars (\$100) of taxable property within the county.
- 2 (d) For property taxes first due and payable after December 31,  
3 2016, the maximum allowable appropriation for the purposes described  
4 in subsection (b) is equal to the result of:
- 5 (1) the maximum allowable appropriation by the county for the  
6 preceding year; multiplied by
- 7 (2) the maximum levy growth quotient determined under  
8 IC 6-1.1-18.5-2 for the year.
- 9 (e) For purposes of this subsection, "first calendar year" refers to the  
10 first calendar year after 2008 in which the county imposes an ad  
11 valorem property tax levy for the county general fund to provide  
12 financial assistance under this chapter. If a county did not provide  
13 financial assistance under this chapter in 2008, the county for a  
14 following calendar year:
- 15 (1) may propose a financial assistance budget; and
- 16 (2) shall refer its proposed financial assistance budget for the first  
17 calendar year to the department of local government finance  
18 before the tax levy is advertised.
- 19 The ad valorem property tax levy to fund the budget for the first  
20 calendar year is subject to review and approval under IC 6-1.1-18.5-10.
- 21 **(f) Beginning after December 31, 2023, and notwithstanding any**  
22 **other law, the county fiscal body must annually appropriate an**  
23 **amount of money from the county's general fund under subsection**  
24 **(c) that is not less than the amount that would be collected from an**  
25 **annual rate of one-fourth of a cent (\$0.0025) on each one hundred**  
26 **dollars (\$100) of taxable property within the county.**
- 27 SECTION 2. IC 12-29-1-2, AS AMENDED BY P.L.159-2020,  
28 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2023]: Sec. 2. (a) If a community intellectual disability and  
30 other developmental disabilities center is organized to provide services  
31 to at least two (2) counties, the county executive of each county may  
32 authorize the furnishing of financial assistance for the purposes  
33 described in section 1(b) of this chapter.
- 34 (b) Upon the request of the county executive of the county, **and**  
35 **subject to subsection (d)**, the county fiscal body of each county ~~may~~  
36 **shall** appropriate annually from the county's general fund the money to  
37 provide financial assistance for the purposes described in section 1(b)  
38 of this chapter. For property taxes first due and payable before January  
39 1, 2017, the appropriation of each county may not exceed the amount  
40 that could be collected from an annual tax levy of three and thirty-three  
41 hundredths cents (\$0.0333) on each one hundred dollars (\$100) of  
42 taxable property within the county.



1 (c) For property taxes first due and payable after December 31,  
 2 2016, the maximum allowable appropriation by each county for the  
 3 purposes described in section 1(b) of this chapter is equal to the result  
 4 of:

5 (1) the maximum allowable appropriation by the county for the  
 6 preceding year; multiplied by

7 (2) the maximum levy growth quotient determined under  
 8 IC 6-1.1-18.5-2 for the year.

9 **(d) Beginning after December 31, 2023, and notwithstanding**  
 10 **any other law, the county fiscal body of each county must annually**  
 11 **appropriate an amount of money from the county's general fund**  
 12 **under subsection (b) that is not less than the amount that would be**  
 13 **collected from an annual rate of one-fourth of a cent (\$0.0025) on**  
 14 **each one hundred dollars (\$100) of taxable property within the**  
 15 **county.**

16 SECTION 3. IC 12-29-1-3, AS AMENDED BY P.L.159-2020,  
 17 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2023]: Sec. 3. (a) The county executive of each county whose  
 19 residents may receive services from a community intellectual disability  
 20 and other developmental disabilities center may authorize the  
 21 furnishing of a share of financial assistance for the purposes described  
 22 in section 1(b) of this chapter if the following conditions are met:

23 (1) The facilities for the center are located in a state adjacent to  
 24 Indiana.

25 (2) The center is organized to provide services to Indiana  
 26 residents.

27 (b) Upon the request of the county executive of a county, **and**  
 28 **subject to subsection (d)**, the county fiscal body of the county ~~may~~  
 29 **shall** appropriate annually from the county's general fund the money to  
 30 provide financial assistance for the purposes described in section 1(b)  
 31 of this chapter. For property taxes first due and payable before January  
 32 1, 2017, the appropriations of the county may not exceed the amount  
 33 that could be collected from an annual tax levy of three and thirty-three  
 34 hundredths cents (\$0.0333) on each one hundred dollars (\$100) of  
 35 taxable property within the county.

36 (c) For property taxes first due and payable after December 31,  
 37 2016, the maximum allowable appropriation by the county for the  
 38 purposes described in section 1(b) of this chapter is equal to the result  
 39 of:

40 (1) the maximum allowable appropriation by the county for the  
 41 preceding year; multiplied by

42 (2) the maximum levy growth quotient determined under



1 IC 6-1.1-18.5-2 for the year.

2 **(d) Beginning after December 31, 2023, and notwithstanding**  
3 **any other law, the county fiscal body of each county must annually**  
4 **appropriate an amount of money from the county's general fund**  
5 **under subsection (b) that is not less than the amount that would be**  
6 **collected from an annual rate of one-fourth of a cent (\$0.0025) on**  
7 **each one hundred dollars (\$100) of taxable property within the**  
8 **county.**

9 SECTION 4. IC 12-29-1-3.5, AS ADDED BY P.L.184-2016,  
10 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2023]: Sec. 3.5. **(a)** Before July 15, 2016, and before July 15  
12 of each year thereafter, the department of local government finance  
13 shall provide to counties an estimate of the maximum allowable  
14 appropriation under section 1, 2, or 3 of this chapter (as applicable) for  
15 the ensuing year.

16 **(b) Beginning after December 31, 2023, the county auditor shall**  
17 **distribute the amounts appropriated under section 1, 2, or 3 of this**  
18 **chapter (as applicable) first before making any other distributions**  
19 **of appropriated amounts from the county's general fund.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 81, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 25, delete "one cent (\$0.01)" and insert "**one-fourth of a cent (\$0.0025)**".

Page 3, line 13, delete "one cent (\$0.01)" and insert "**one-fourth of a cent (\$0.0025)**".

Page 4, line 5, delete "one cent (\$0.01)" and insert "**one-fourth of a cent (\$0.0025)**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is to SB 81 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 10, Nays 0.

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