

# SENATE BILL No. 213

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-9-4.

**Synopsis:** Countywide public transit. Allows a county legislative body and a public transportation corporation (corporation) to expand the corporation's taxing district to include the entire county by adopting substantially identical ordinances. Provides that the corporation's general fund property tax levy for the first year that the taxing district includes the entire county may not be increased by more than 50% of the corporation's general fund property tax levy for the previous year. Provides that the county council must approve a proposed levy increase for the first year that the taxing district includes the entire county.

**Effective:** July 1, 2014.

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January 9, 2014, read first time and referred to Committee on Appropriations.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 213



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 36-9-4-13 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) ~~After the~~  
 3 ~~creation of a public transportation corporation,~~ **Except as provided in**  
 4 **section 13.5 or 13.7 of this chapter,** territory may be added to the  
 5 taxing district of ~~the a public transportation~~ corporation only in  
 6 accordance with this section.  
 7 (b) If the municipality finalizes an annexation or disannexation of  
 8 territory, the boundaries of the taxing district of the corporation change  
 9 so as to remain coterminous with the new boundaries of the  
 10 municipality. Such a change takes effect when the annexation or  
 11 disannexation takes effect.  
 12 (c) Upon written request by a majority of:  
 13 (1) the resident freeholders in a platted subdivision; or  
 14 (2) the owners of any unplatted lands;  
 15 in the same county as a public transportation corporation but not within  
 16 a municipality, the board of directors of the corporation may, by



1 resolution, incorporate all or part of the platted subdivision or unplatted  
 2 lands into the taxing district. Such a request must be signed and  
 3 certified as correct by the resident freeholders or landowners making  
 4 the request, and the original must be preserved in the records of the  
 5 board. The resolution of the board incorporating an area into the taxing  
 6 district must be in writing and must include an accurate description of  
 7 that area. A certified copy of the resolution, signed by the chairman and  
 8 secretary of the board, together with a map showing the boundaries of  
 9 the taxing district and the location of the additional areas, shall be  
 10 delivered to the auditor of the county within which the corporation is  
 11 located and shall be properly indexed and kept in the permanent  
 12 records of the offices of the auditor.

13 (d) Upon written request by ten (10) or more resident freeholders of  
 14 a platted subdivision or unplatted territory in the same county as a  
 15 public transportation corporation but not within a municipality, the  
 16 board of directors of the corporation may define the limits of an area  
 17 that:

- 18 (1) is within the county;
- 19 (2) includes the property of the freeholders; and
- 20 (3) is to be considered for incorporation into the taxing district.

21 Notice of the defining of the area by the board, and notice of the  
 22 location and limits of the area, must be given by publication in  
 23 accordance with IC 5-3-1. The area may then be incorporated into the  
 24 taxing district upon request, in the manner prescribed by subsection (c).

25 (e) Property in territory added to the taxing district under subsection  
 26 (c) or (d) is, as a condition of the special benefits it subsequently  
 27 receives, liable for its proportion of all taxes subsequently levied by the  
 28 public transportation corporation. The proportion of taxation shall be  
 29 determined in the same manner as when territory is annexed by a  
 30 municipality.

31 SECTION 2. IC 36-9-4-13.7 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 33 1, 2014]: **Sec. 13.7. (a) The taxing district of a public transportation  
 34 corporation may be expanded under this section to include all the  
 35 territory inside the boundaries of the county in which the taxing  
 36 district is located upon the adoption of substantially identical  
 37 ordinances approving the expansion of the taxing district:**

- 38 (1) before June 1 of the calendar year in which the expansion  
 39 becomes effective under subsection (c); and
- 40 (2) by both:
  - 41 (A) the public transportation corporation incorporating
  - 42 the additional territory; and



- 1           **(B) the legislative body of the county containing the**  
 2           **territory being added to the taxing district of the public**  
 3           **transportation corporation.**
- 4           **(b) If the territory of the county becomes a part of the public**  
 5           **transportation corporation's taxing district, two (2) additional**  
 6           **directors representing the county must be appointed to the board**  
 7           **of directors of the corporation. The two (2) additional directors**  
 8           **must be residents of that county and have the same duties of, and**  
 9           **are entitled to all the rights, privileges, and powers of, directors**  
 10           **under this chapter. The executive and the fiscal body of that county**  
 11           **shall each appoint one (1) director. The two (2) additional directors**  
 12           **may not be of the same political party. The director appointed by**  
 13           **the fiscal body shall serve for an initial term of one (1) year, and**  
 14           **the director appointed by the executive shall serve for an initial**  
 15           **term of two (2) years. Upon the expiration of the respective initial**  
 16           **terms, successors must be appointed in accordance with section 18**  
 17           **of this chapter.**
- 18           **(c) The expansion of the taxing district of a public**  
 19           **transportation corporation under this section is effective July 1 of**  
 20           **the calendar year in which the ordinances required by subsection**  
 21           **(a) are adopted.**
- 22           **(d) The public transportation corporation shall establish a single**  
 23           **property tax rate applicable to the taxing district of the public**  
 24           **transportation corporation, including the territory of the county**  
 25           **added to the taxing district under this section for:**
- 26               **(1) the calendar year following the calendar year in which the**  
 27               **ordinances required by subsection (a) are adopted; and**  
 28               **(2) each calendar year thereafter.**
- 29           **(e) Subject to subsection (f), the public transportation**  
 30           **corporation's general fund property tax levy for the calendar year**  
 31           **described in subsection (d)(1) may be increased to provide services**  
 32           **in the territory added to the taxing district. The property tax**  
 33           **limitations imposed under IC 6-1.1-18.5-3 do not apply to a levy**  
 34           **increase permitted by this subsection. However, the initial**  
 35           **maximum permissible general fund property tax levy to be raised**  
 36           **by the rate established under subsection (d) may not exceed the**  
 37           **sum of:**
- 38               **(1) the amount raised by the general fund property tax levy of**  
 39               **the public transportation corporation in the previous calendar**  
 40               **year; plus**  
 41               **(2) the product of:**  
 42                   **(A) the maximum permissible general fund property tax**



- 1           levy of the public transportation corporation for the  
2           previous calendar year; multiplied by  
3           **(B) fifty percent (50%).**
- 4           **(f) The county fiscal body must approve the amount by which**  
5           **the public transportation corporation proposes to increase its**  
6           **general fund property tax levy under this section for the first**  
7           **calendar year in which the public transportation corporation's**  
8           **taxing district includes the entire county.**
- 9           **(g) The public transportation corporation's tax rate and general**  
10          **fund property tax levy for a calendar year beginning after**  
11          **December 31 of the first calendar year in which the public**  
12          **transportation corporation's taxing district includes the entire**  
13          **county must be computed in accordance with IC 6-1.1-17 and**  
14          **IC 6-1.1-18.5.**

