

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Senate Bill 352 be amended to read as follows:

- 1           Page 60, after line 2, begin a new paragraph and insert:  
2           "SECTION 69. [EFFECTIVE UPON PASSAGE] (a) As used in  
3           **this SECTION, "county office property tax levies" means the**  
4           **property tax levies under or for any of the following:**  
5               (1) IC 12-13-8 (county medical assistance to wards fund).  
6               (2) IC 12-16-14 (county hospital care for the indigent fund).  
7               (3) IC 12-19-3 (county welfare fund and tax levy).  
8               (4) IC 12-19-4 (county welfare administration fund and tax  
9               levy).  
10              (5) IC 12-19-7 (county family and children's fund).  
11              (6) IC 16-35-3 (children with special health care needs  
12              county fund and tax levy).  
13           (b) As used in this SECTION, "miscellaneous revenue" means  
14           **tax revenue that is distributed under:**  
15               (1) the bank tax (IC 6-5-10);  
16               (2) the savings and loan association tax (IC 6-5-11);  
17               (3) the production credit association tax (IC 6-5-12);  
18               (4) the financial institutions tax (IC 6-5.5); or  
19               (5) any other statute providing for a distribution of revenue;  
20           **to a political subdivision based in any part on the ad valorem**  
21           **property tax levy imposed by the political subdivision.**  
22           (c) Notwithstanding any other law, after December 31, 1998,  
23           **the state shall fund one hundred percent (100%) of the programs,**  
24           **services, and activities paid from county office property tax levies**  
25           **before January 1, 1998.**  
26           (d) Notwithstanding any other law, after December 31, 1998,  
27           **a county may not impose a county office property tax levy. The**  
28           **maximum permissible levy for any fund that:**  
29               (1) is not terminated after December 31, 1998; and  
30               (2) for which a county office property tax levy was imposed  
31               before January 1, 1999;  
32           **shall be reduced to eliminate the portion of the maximum levy**

1 related to a county office property tax levy before January 1, 1999.

2 SECTION 70. [EFFECTIVE UPON PASSAGE] (a) As used in  
3 this SECTION "county office property tax levies" means the  
4 property tax levies under or for any of the following:

- 5 (1) IC 12-13-8 (county medical assistance to wards fund).
- 6 (2) IC 12-16-14 (county hospital care for the indigent fund).
- 7 (3) IC 12-19-3 (county welfare fund and tax levy).
- 8 (4) IC 12-19-4 (county welfare administration fund and tax  
9 levy).
- 10 (5) IC 12-19-7 (county family and children's fund).
- 11 (6) IC 16-35-3 (children with special health care needs  
12 county fund and tax levy).

13 (b) As used in this SECTION, "miscellaneous revenue" means  
14 tax revenue that is distributed under:

- 15 (1) the bank tax (IC 6-5-10);
- 16 (2) the savings and loan association tax (IC 6-5-11);
- 17 (3) the production credit association tax (IC 6-5-12);
- 18 (4) the financial institutions tax (IC 6-5.5); or
- 19 (5) any other statute providing for a distribution of revenue;

20 to a political subdivision based in any part on the ad valorem  
21 property tax levy imposed by the political subdivision.

22 (c) For calendar year 1999 and any other year that in any part  
23 conditions a distribution of miscellaneous revenue on the county  
24 property tax levies first due and payable in calendar year 1998 or  
25 a previous year, the distribution must be made based on the  
26 adjusted property tax levy determined under this SECTION.

27 (d) The state board of tax commissioners shall determine an  
28 adjusted property tax levy for each year on which a distribution  
29 described in subsection (c) is based. The adjusted property tax levy  
30 must exclude the county office property tax levies imposed in that  
31 year.

32 (e) Before July 15, 1998, the state board of tax commissioners  
33 shall certify the adjusted levy determined under subsection (d) to  
34 the auditor of state, each county auditor, and the department of  
35 state revenue.

36 (f) For purposes of property tax levies first due and payable  
37 after December 31, 1998, the state board of tax commissioners shall  
38 adjust property tax levies of a political subdivision to eliminate that  
39 portion of a property tax levy that was imposed before January 1,  
40 1999, to make a transfer described in IC 12-15-18-5.

41 (g) The unallotted balance on December 31, 1998, of any  
42 county office property tax levies in a fund other than the state  
43 general fund shall, on January 1, 1999, be transferred to the state  
44 general fund to carry out the programs for which the money was  
45 levied. The unallotted balance on December 31, 1998, of each  
46 county welfare trust clearance fund shall be transferred on  
47 January 1, 1999, to an account in the state welfare trust clearance  
48 fund. However, by agreement between a county executive and the  
49 division of family and children, a county may retain a balance of  
50 county office property tax levies after December 31, 1998, in a fund  
51 to pay obligations incurred but not allotted for payment before  
52 January 1, 1999. The amount and time that balances shall be

1 retained shall be governed by the agreement. Money transferred  
2 to the state under this subsection shall be treated as money from  
3 state revenues.

4 (h) The state board of tax commissioners shall reduce the  
5 maximum permissible ad valorem property tax levy of a county to  
6 reflect the transfer by this act of expenditures payable from a  
7 county general fund to the state.

8 SECTION 71. [EFFECTIVE JANUARY 1, 1999] (a) After  
9 December 31, 1998, a reference in a law, rule, or other document  
10 to a county office of family and children shall be treated as a  
11 reference to:

12 (1) the county office of family and children within the  
13 division of family and children; or

14 (2) the division of family and children.

15 (b) The division of family and children may adopt and operate  
16 under interim guidelines to implement this SECTION. Interim  
17 guidelines adopted under this SECTION expire on the earlier of  
18 the following:

19 (1) A replacement interim guideline is adopted under this  
20 SECTION.

21 (2) A rule is adopted under IC 4-22-2 to replace the interim  
22 guideline.

23 (3) January 1, 2000.

24 (c) To the extent that the personnel, agreements and other  
25 obligations, and records and other property of a county office are  
26 not the personnel, agreements and other obligations, and records  
27 and other property of the division, after December 31, 1998, the:

28 (1) personnel;

29 (2) agreements and other obligations; and

30 (3) records and other property;

31 of a county office of family and children on December 31, 1998,  
32 shall be treated as the personnel, agreements and other obligations,  
33 and records and other property of the division of family and  
34 children.

35 (d) After December 31, 1998, a court order issued before  
36 January 1, 1999, and requiring or authorizing a county office of  
37 family and children to take an action shall be treated as an order  
38 requiring or authorizing the division of family and children to take  
39 the action. However, this subsection does not authorize the division  
40 of family and children to impose a property tax levy.

41 (e) After December 31, 1998:

42 (1) trust funds administered by; and

43 (2) wardships and guardianships granted to;

44 a county office of family and children before January 1, 1999, shall  
45 be administered by the division of family and children.

46 (f) The following funds are abolished:

47 (1) State medical assistance to wards fund.

48 (2) The state welfare fund.

49 (3) Institution clothing fund established under IC 12-24-6-1  
50 (repealed by this act).

1 Unallotted money in a fund described in this subsection on  
 2 December 31, 1998, shall on January 1, 1999, be transferred to an  
 3 account in the state general fund.

4 (g) The unallotted balances on December 31, 1998, of any trust  
 5 fund established under IC 12-19-1-15, as repealed by this act, shall  
 6 be transferred to an appropriate trust fund under the  
 7 administration of the division of family and children. The amount  
 8 transferred shall be used only in a manner consistent with the  
 9 intention of the donor of the property and for the following  
 10 purposes:

11 (1) For the benefit of a home or an institution in which  
 12 dependent or neglected children are cared for under the  
 13 supervision of the county office.

14 (2) For the benefit of children who are committed to the care  
 15 or supervision of the county office.

16 SECTION 72. [EFFECTIVE JULY 1, 1998] (a) As used in this  
 17 SECTION, "committee" refers to the human services committee.

18 (b) The human services committee is established. The  
 19 committee consists of twenty (20) members as follows:

20 (1) Four (4) members of the senate finance committee, to be  
 21 appointed by the president pro tempore of the senate.

22 (2) Four (4) members of the senate finance committee, to be  
 23 appointed by the minority leader of the senate.

24 (3) Six (6) members of the house ways and means committee,  
 25 to be appointed by the speaker of the house of  
 26 representatives.

27 (4) Six (6) members of the house ways and means committee,  
 28 to be appointed by a member of the house of representatives  
 29 who is the legislative leader of a major political party (as  
 30 defined in IC 3-5-2-30) that is not the same party as the  
 31 speaker of the house of representatives.

32 (c) A member appointed under this SECTION serves at the  
 33 pleasure of the appointing authority. If a vacancy exists on the  
 34 committee, the vacancy shall be filled by the person who made the  
 35 original appointment.

36 (d) The chairperson of the legislative council shall name the  
 37 chairperson of the committee. The chairperson of the committee  
 38 serves at the pleasure of the chairperson of the legislative council.

39 (e) The committee shall meet at least eight (8) times each year.  
 40 The chairperson shall call the first meeting of the committee before  
 41 July 31, 1998.

42 (f) The committee shall prepare legislation for introduction in  
 43 the regular session of the general assembly in years 1999 and 2000  
 44 to do the following:

45 (1) Make appropriate changes to references in statutes that  
 46 are required by this act.

47 (2) Revise and consolidate the statutes relating to the  
 48 reorganization of county offices of family and children under  
 49 this act.

50 (3) Otherwise implement this act.

1           (g) The committee may study any issue related to its  
2 responsibilities.

3           (h) The committee shall operate under the direction of the  
4 legislative council. The legislative services agency shall staff the  
5 committee. The office of the secretary of family and social services  
6 shall assist the committee as directed by the chairperson of the  
7 committee.

8           (i) The committee shall issue:

9               (1) an interim report before November 2, 1998, and at other  
10 times as determined by the legislative council; and

11               (2) a final report before November 2, 1999.

12 Copies of each report shall be given to the governor and the  
13 legislative council.

14           (j) Each member of the committee is entitled to receive the  
15 same per diem, mileage, and travel allowances paid to members of  
16 the general assembly serving on interim study committees  
17 established by the legislative council.

18           (k) This SECTION expires December 31, 1999.

19 SECTION 73. An emergency is declared for this act."

20 (Reference is made to SB 352 as printed January 28, 1998).

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Senator ROGERS