

SENATE MOTION

MR. PRESIDENT:

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

- 1 Page 60, 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, 1999,
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, 1999.
26 (d) Notwithstanding any other law, after December 31, 1999,
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, 1999; and
30 (2) for which a county office property tax levy was imposed
31 before January 1, 2000;
32 shall be reduced to eliminate the portion of the maximum levy

1 related to a county office property tax levy before January 1, 2000.

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 2000 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 1999 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, 1999, 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, 1999, 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 2000, to make a transfer described in IC 12-15-18-5.

41 (g) The unallotted balance on December 31, 1999, of any
42 county office property tax levies in a fund other than the state
43 general fund shall, on January 1, 2000, 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, 1999, of each
46 county welfare trust clearance fund shall be transferred on
47 January 1, 2000, 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, 1999, in a fund
51 to pay obligations incurred but not allotted for payment before
52 January 1, 2000. 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, 2000] (a) After
 9 December 31, 1999, 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, 2001.

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, 1999, 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, 1999,
 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, 1999, a court order issued before
 36 January 1, 2000, 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, 1999:

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, 2000, 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, 1999, shall on January 1, 2000, be transferred to an**
3 **account in the state general fund.**

4 **(g) The unallotted balances on December 31, 1999, 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 73. An emergency is declared for this act."**

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

Senator HUME