

SENATE MOTION

MR. PRESIDENT:

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

- 1 Page 11, line 14, after "fund" delete "," and insert "**if another**
- 2 **statute provides for an appeal under this section,**".
- 3 Page 12, line 35, after "concludes" insert "**, after studying an**
- 4 **appeal petition,**".
- 5 Page 15, line 34, after "Determine" insert "**fifty percent (50%)**
- 6 **of**".
- 7 Page 15, line 39, after "(B)" insert "**fifty percent (50%) of**".
- 8 Page 22, between lines 31 and 32, begin a new paragraph and
- 9 insert:
- 10 "SECTION 27. IC 6-1.1-44 IS ADDED TO THE INDIANA
- 11 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
- 12 [EFFECTIVE APRIL 1, 1998 (RETROACTIVE)]:
- 13 **Chapter 44. Replacement of Property Tax Levies in Allocation**
- 14 **Areas**
- 15 **Sec. 1. As used in this chapter, "allocation area" refers to an**
- 16 **area that is established under the authority of any of the following**
- 17 **statutes and in which property taxes levied by a taxing unit other**
- 18 **than the area are allocated to the use of the area:**
- 19 (1) IC 6-1.1-39-5.
- 20 (2) IC 8-22-3.5-9.
- 21 (3) IC 36-7-14-30.
- 22 (4) IC 36-7-14-32.
- 23 (5) IC 36-7-14-39.
- 24 (6) IC 36-7-14-41.
- 25 (7) IC 36-7-14-43.
- 26 (8) IC 36-7-14.5-12.5.
- 27 (9) IC 36-7-15.1-20.
- 28 (10) IC 36-7-15.1-22.
- 29 (11) IC 36-7-15.1-26.
- 30 (12) IC 36-7-15.1-29.
- 31 (13) IC 36-7-15.1-30.
- 32 (14) IC 36-7-30-25.
- 33 (15) Any other similar statute.

1 **Sec. 2. As used in this chapter, "obligation" means an**
 2 **obligation entered into by the governing body of an allocation area**
 3 **to repay:**

4 **(1) the principal and interest on bonds; or**

5 **(2) any other contractual obligation;**

6 **from revenues received from the levy of an ad valorem property**
 7 **tax by a taxing unit. The term includes a guarantee of repayment**
 8 **from ad vaolrem property tax levies if other revenues are**
 9 **insufficient to make a payment.**

10 **Sec. 3. After April 1, 1998, the governing body of an allocation**
 11 **area may not pledge a school general fund property tax levy that**
 12 **is first due and payable after December 31, 1999, to the payment**
 13 **of an obligation.**

14 **Sec. 4. (a) This section applies to an allocation area in which:**

15 **(1) the holders of bonds or another contractual obligation**
 16 **received a pledge before April 2, 1998, of ad valorem**
 17 **property tax levies to repay any part of the bonds or other**
 18 **contractual obligation after December 31, 1999; and**

19 **(2) the elimination of a general fund property tax levy for a**
 20 **school corporation adversely affects the ability of the**
 21 **allocation area to repay the bonds or other contractual**
 22 **obligation described in subdivision (1).**

23 **(b) The governing body of an allocation area may, after a**
 24 **hearing, impose a special assessment on the owners of property**
 25 **that is located in an allocation area to repay an obligation that**
 26 **comes due after December 31, 1999. The total amount of the special**
 27 **assessment in a year may not exceed the amount by which the total**
 28 **due in the year on the obligations of the allocation area entered**
 29 **into before April 2, 1998, exceed the amount of other revenues**
 30 **available to the allocation area.**

31 **(c) A special assessment shall be imposed and collected in the**
 32 **same manner as ad valorem property taxes are imposed and**
 33 **collected."**

34 Page 56, line 6, after "fund." insert "**The general assembly**
 35 **declares that sufficient tax revenues and distributions will be**
 36 **provided after December 31, 1999, so that each school corporation**
 37 **will be eligible to receive for its general fund an amount at least**
 38 **equal to the amount that the school corporation received in the**
 39 **immediately preceding year."**

- 1 Page 60, after line 2, begin a new paragraph and insert:
- 2 **SECTION 70. An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 352 as printed January 28, 1998.)

Senator KENLEY