

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 101, 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:

- 1 Page 15, between lines 1 and 2, begin a new paragraph and insert:
2 "SECTION 18. IC 6-1.1-12-22, AS AMENDED BY P.L.6-1997,
3 SECTION 54, and P.L.54-1997, SECTION 1, IS CORRECTED AND
4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1,
5 2001]: Sec. 22. (a) If the assessed value of property is increased
6 because it has been rehabilitated *and the owner has paid at least ten*
7 *thousand dollars (\$10,000) for the rehabilitation*, the owner is entitled
8 to have deducted from the assessed value of the property an amount
9 equal to fifty percent (50%) of the increase in assessed value resulting
10 from the rehabilitation. The owner is entitled to this deduction annually
11 for a five (5) year period. However, the maximum deduction which a
12 property owner may receive under this section for a particular year is:
13 (1) *twenty fifteen sixty* thousand dollars ~~(\$20,000)~~ ~~(\$15,000)~~
14 **(\$60,000)** for a single family dwelling unit; or
15 (2) *one hundred seventy-five* **three hundred** thousand dollars
16 ~~(\$100,000)~~ ~~(\$75,000)~~ **(\$300,000)** for any other type of property.
17 (b) For purposes of this section, the term "property" means a
18 building or structure which was erected at least *fifty (50)* *ten (10)* years

1 before the date of application for the deduction provided by this
 2 section. The term "property" does not include land.

3 (c) For purposes of this section the term "rehabilitation" means the
 4 remodeling, repair, or betterment of property in any manner or any
 5 enlargement or extension of property. However, the enlargement or
 6 extension of the enclosed floor area of property shall, for computation
 7 of the deduction, be limited within a five (5) year period to a total
 8 additional enclosed floor area equal to the size of the enclosed floor
 9 area of the property on the date of completion of the first extension or
 10 enlargement completed after March 1, 1973."

11 Page 32, between lines 41 and 42, begin a new paragraph and
 12 insert:

13 "SECTION 36. IC 8-22-3-25, AS AMENDED BY P.L.91-1997,
 14 SECTION 1, AND P.L.6-1997, SECTION 138, IS CORRECTED AND
 15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1,
 16 2001]: Sec. 25. (a) The board may provide a cumulative building fund
 17 in compliance with IC 6-1.1-41 to provide for the acquisition of real
 18 property, and the construction, enlarging, improving, remodeling,
 19 repairing, or equipping of buildings, structures, runways, or other
 20 facilities for use in connection with the airport, and needed to carry out
 21 this chapter.

22 (b) The board may levy in compliance with IC 6-1.1-41 a tax not
 23 to exceed:

24 *(1) thirty-three hundredths of one cent (~~\$0.01~~) or (\$0.0033) on*
 25 *each one hundred dollars (\$100) of assessed value of taxable*
 26 *property within the district, if an eligible entity other than a city*
 27 *established the district or if the district was established jointly*
 28 *with an eligible entity that is not a city;*

29 *(2) ~~four~~ one and thirty-three hundredths cents (~~\$0.04~~) (\$0.0133)*
 30 *on each one hundred dollars (\$100) of assessed value of taxable*
 31 *property within the district, if the authority was established*
 32 *under IC 19-6-3 (before its repeal on April 1, 1980); and*

33 *(3) for any other district not described in subdivision (1) or (2),*
 34 *the following:*

35	<i>Total Assessed</i>	<i>Rate Per</i>
36	<i>Property Valuation</i>	<i>\$100 Of</i>
37	<i>Assessed</i>	<i>Valuation</i>
38	\$100 \$300 million or less	\$0.05 \$0.0167

1 *More than ~~\$100~~ **\$300** million ~~\$0.04~~ **\$0.0133***
 2 *but not more than ~~\$150~~ **\$450** million*
 3 *More than ~~\$150~~ **\$450** million ~~\$0.03~~ **\$0.01***
 4 *but not more than ~~\$200~~ **\$600** million*
 5 *More than ~~\$200~~ **\$600** million ~~\$0.02~~ **\$0.0067***
 6 *but not more than ~~\$300~~ **\$900** million*
 7 *More than ~~\$300~~ **\$900** million ~~\$0.01~~ **\$0.0033***

8 As the tax is collected it may be invested in negotiable United States
 9 bonds or other securities that the federal government has the direct
 10 obligation to pay. Any of the funds collected that are not invested in
 11 government obligations shall be deposited in accordance with
 12 IC 5-13-6 and shall be withdrawn in the same manner as money is
 13 regularly withdrawn from the general fund but without further or
 14 additional appropriation. The levy authorized by this section is in
 15 addition to the levies authorized by section 11 and section 23 of this
 16 chapter."

17 Page 35, between lines 12 and 13, begin a new paragraph and
 18 insert:

19 "SECTION 42. IC 12-17-2-21.5, AS ADDED BY
 20 P.L.257-1997(ss), SECTION 19, IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.5. (a) Under 42
 22 U.S.C. 666, the bureau has the authority, without a court order, to order
 23 genetic testing to establish paternity.

24 (b) The bureau may not order genetic testing as provided under
 25 this section without a request from a local child support attorney where
 26 an order for child support is entered.

27 (c) The bureau shall recognize and enforce the authority of a state
 28 agency from another state to take an action as required under 42 U.S.C.
 29 ~~625(c)~~: **666(c)**.

30 (d) The bureau shall notify the appropriate circuit court clerk in
 31 any case where an action of the bureau results in income withholding
 32 or a change of payee of a child support order in a Title IV-D case.

33 (e) In accordance with 42 U.S.C. 654B(a)(3), the bureau shall
 34 provide a single address to which income withholding payments may
 35 be sent."

36 Page 39, between lines 14 and 15, begin a new paragraph and
 37 insert:

38 "SECTION 50. IC 13-20-22-12, AS AMENDED BY P.L.45-1997,

1 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 12. Each month the department of state
3 revenue shall deposit the following:

4 (1) Not less than fifty percent (50%) of the revenue from the fee
5 imposed under ~~section 1(a)(1)~~ **section 1(b)(1)** of this chapter
6 into the Indiana recycling promotion and assistance fund
7 established in IC 4-23-5.5-14.

8 (2) Not more than fifty percent (50%) of the revenue from the
9 fee imposed under ~~section 1(a)(1)~~ **section 1(b)(1)** of this chapter
10 into the fund.

11 (3) The revenue from the fee imposed under ~~section 1(a)(2)~~
12 **1(b)(2)** of this chapter into the hazardous substance response
13 trust fund established by IC 13-25-4-1.

14 SECTION 51. IC 13-20-22-14, AS ADDED BY P.L.1-1996,
15 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 14. If:

17 (1) the:

18 (A) county executive of the county; or

19 (B) board of directors of the district;

20 in which a final disposal facility is located has entered into an
21 agreement concerning solid waste management with a
22 governmental unit that is, or that is located within, a county that
23 is contiguous to Indiana but within another state; and

24 (2) the agreement provides for solid waste generated in that
25 governmental unit to be disposed of in the final disposal facility;
26 the fee imposed under this chapter upon the disposal in the final
27 disposal facility of solid waste generated in that governmental unit is
28 the fee set forth in ~~section 1(a)(1)~~ **1(b)(1)** of this chapter, not the fee set
29 forth in ~~section 1(a)(2)~~ **section 1(b)(2)** of this chapter."

30 Page 55, between lines 5 and 6, begin a new paragraph and insert:

31 "SECTION 74. IC 31-15-7-9.1 IS ADDED TO THE INDIANA
32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: **Sec. 9.1. (a) The orders**
34 **concerning property disposition entered under this chapter (or**
35 **IC 31-1-11.5-9 before its repeal) may not be revoked or modified,**
36 **except in case of fraud.**

37 **(b) If fraud is alleged, the fraud must be asserted not later**
38 **than six (6) years after the order is entered."**

1 Page 58, between lines 9 and 10, begin a new paragraph and
2 insert:

3 "SECTION 82. IC 36-4-3-4, AS AMENDED BY
4 P.L.255-1997(ss), SECTION 9, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The
6 legislative body of a municipality may, by ordinance, annex any of the
7 following:

8 (1) Territory that is contiguous to the municipality.

9 (2) Territory that is not contiguous to the municipality and is
10 occupied by a municipally owned or operated airport or landing
11 field.

12 (3) Territory that is not contiguous to the municipality but is
13 found by the legislative body to be occupied by a municipally
14 owned or regulated sanitary landfill, golf course, or hospital.
15 However, if territory annexed under this subsection ceases to be
16 used as a municipally owned or regulated sanitary landfill, golf
17 course, or hospital for at least one (1) year, the territory reverts
18 to the jurisdiction of the unit having jurisdiction before the
19 annexation if the unit that had jurisdiction over the territory still
20 exists. If the unit no longer exists, the territory reverts to the
21 jurisdiction of the unit that would currently have jurisdiction
22 over the territory if the annexation had not occurred. The clerk
23 of the municipality shall notify the offices required to receive
24 notice of a disannexation under section 19 of this chapter when
25 the territory reverts to the jurisdiction of the unit having
26 jurisdiction before the annexation.

27 (b) This subsection applies to municipalities in a county having a
28 population of:

29 (1) more than seventy-three thousand (73,000) but less than
30 seventy-five thousand (75,000);

31 (2) more than sixty thousand (60,000) but less than sixty-five
32 thousand (65,000);

33 (3) more than forty-one thousand (41,000) but less than
34 forty-two thousand five hundred (42,500);

35 (4) more than thirty-eight thousand three hundred (38,300) but
36 less than thirty-eight thousand five hundred (38,500);

37 (5) more than thirty-five thousand four hundred (35,400) but less
38 than thirty-six thousand (36,000);

- 1 (6) more than twenty-four thousand eight hundred (24,800) but
 2 less than twenty-five thousand (25,000);
 3 (7) more than twenty-two thousand (22,000) but less than
 4 twenty-three thousand (23,000); or
 5 (8) more than two hundred thousand (200,000) but less than
 6 three hundred thousand (300,000).

7 Except as provided in subsection (c), the legislative body of a
 8 municipality to which this subsection applies may, by ordinance, annex
 9 territory that is not contiguous to the municipality, has its entire area
 10 not more than two (2) miles from the municipality's boundary, is to be
 11 used for an industrial park containing one (1) or more businesses, and
 12 is either owned by the municipality or by a property owner who
 13 consents to the annexation. However, if territory annexed under this
 14 subsection is not used as an industrial park within five (5) years after
 15 the date of passage of the annexation ordinance, or if the territory
 16 ceases to be used as an industrial park for at least one (1) year, the
 17 territory reverts to the jurisdiction of the unit having jurisdiction before
 18 the annexation if the unit that had jurisdiction over the territory still
 19 exists. If the unit no longer exists, the territory reverts to the
 20 jurisdiction of the unit that would currently have jurisdiction over the
 21 territory if the annexation had not occurred. The clerk of the
 22 municipality shall notify the offices entitled to receive notice of a
 23 disannexation under section 19 of this chapter when the territory
 24 reverts to the jurisdiction of the unit having jurisdiction before the
 25 annexation.

26 (c) A city in a county with a population of more than two hundred
 27 thousand (200,000) but less than three hundred thousand (300,000)
 28 may not annex territory as prescribed in subsection (b) until the
 29 territory is zoned by the county for industrial purposes.

30 (d) Notwithstanding any other law, territory that is annexed under
 31 subsection (b) or ~~(g)~~ (h) is not considered a part of the municipality for
 32 the purposes of:

- 33 (1) annexing additional territory:
 34 (A) in a county that is not described by clause (B); or
 35 (B) in a county having a population of more than two
 36 hundred thousand (200,000) but less than three hundred
 37 thousand (300,000), unless the boundaries of the
 38 noncontiguous territory become contiguous to the city, as

- 1 allowed by Indiana law;
- 2 (2) expanding the municipality's extraterritorial jurisdictional
- 3 area; or
- 4 (3) changing an assigned service area under IC 8-1-2.3-6(1).
- 5 (e) As used in this section, "airport" and "landing field" have the
- 6 meanings prescribed by IC 8-22-1.
- 7 (f) As used in this section, "hospital" has the meaning prescribed
- 8 by IC 16-18-2-179(b).
- 9 (g) An ordinance adopted under this section must assign the
- 10 territory annexed by the ordinance to at least one (1) municipal
- 11 legislative body district.
- 12 (h) This subsection applies to a municipality having a population
- 13 of more than thirty-two thousand (32,000) but less than thirty-three
- 14 thousand (33,000) that is located within a county having a population
- 15 of more than seventy-three thousand (73,000) but less than seventy-five
- 16 thousand (75,000). The legislative body of a municipality may, by
- 17 ordinance, annex territory that:
- 18 (1) is not contiguous to the municipality;
- 19 (2) has its entire area not more than eight (8) miles from the
- 20 municipality's boundary;
- 21 (3) does not extend more than:
- 22 (A) one and one-half (1 1/2) miles to the west;
- 23 (B) three-fourths (3/4) mile to the east;
- 24 (C) one-half (1/2) mile to the north; or
- 25 (D) one-half (1/2) mile to the south;
- 26 of an interchange of an interstate highway (as designated by the
- 27 federal highway authorities) and a state highway (as designated
- 28 by the state highway authorities); and

- 1 (4) is owned by the municipality or by a property owner that
- 2 consents to the annexation."
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 101 as introduced.)

and when so amended that said Bill do pass.

Committee Vote: Yeas 9, Nays 0.

Senator Bray, Chairperson