

Adopted Rejected

# COMMITTEE REPORT

YES: 24  
NO: 0

**MR. SPEAKER:**

Your Committee on Ways and Means, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1           Replace the effective dates in SECTIONS 54 through 57 with
- 2           "[EFFECTIVE JULY 1, 1999]".
- 3           Page 1, between the enacting clause and line 1, begin a new
- 4           paragraph and insert:
- 5           "SECTION 1. IC 6-3.5-1.1-15 IS AMENDED TO READ AS
- 6           FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. (a) As used
- 7           in this section, "attributed levy" of a civil taxing unit means the sum of:
- 8           (1) the ad valorem property tax levy of the civil taxing unit that is
- 9           currently being collected at the time the allocation is made; plus
- 10          (2) the current ad valorem property tax levy of any special taxing
- 11          district, authority, board, or other entity formed to discharge
- 12          governmental services or functions on behalf of or ordinarily
- 13          attributable to the civil taxing unit; plus
- 14          (3) the amount of federal revenue sharing funds and certified

1 shares that were used by the civil taxing unit (or any special  
 2 taxing district, authority, board, or other entity formed to  
 3 discharge governmental services or functions on behalf of or  
 4 ordinarily attributable to the civil taxing unit) to reduce its ad  
 5 valorem property tax levies below the limits imposed by  
 6 IC 6-1.1-18.5; **plus**

7 **(4) in the case of a county, an amount equal to the property**  
 8 **taxes imposed by the county in 1999 for the county's welfare**  
 9 **fund, welfare administration fund, and family and children's**  
 10 **fund.**

11 (b) The part of a county's certified distribution that is to be used as  
 12 certified shares shall be allocated only among the county's civil taxing  
 13 units. Each civil taxing unit of a county is entitled to receive a  
 14 percentage of the certified shares to be distributed in the county equal  
 15 to the ratio of its attributed levy to the total attributed levies of all civil  
 16 taxing units of the county.

17 (c) The local government tax control board established by  
 18 IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing  
 19 units that are entitled to receive certified shares during a calendar year.  
 20 If the ad valorem property tax levy of any special taxing district,  
 21 authority, board, or other entity is attributed to another civil taxing unit  
 22 under subsection (b)(2), then the special taxing district, authority,  
 23 board, or other entity shall not be treated as having an attributed levy  
 24 of its own. The local government tax control board shall certify the  
 25 attributed levy amounts to the appropriate county auditor. The county  
 26 auditor shall then allocate the certified shares among the civil taxing  
 27 units of his county.

28 (d) Certified shares received by a civil taxing unit shall be treated  
 29 as additional revenue for the purpose of fixing its budget for the  
 30 calendar year during which the certified shares will be received. The  
 31 certified shares may be allocated to or appropriated for any purpose,  
 32 including property tax relief or a transfer of funds to another civil  
 33 taxing unit whose levy was attributed to the civil taxing unit in the  
 34 determination of its attributed levy.

35 SECTION 2. IC 6-3.5-6-17.6 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17.6. (a) This  
 37 section applies to a county containing a consolidated city.

38 (b) On or before July 15 of each year, the budget agency shall make

1 the following calculation:

2 STEP ONE: Determine the cumulative balance in a county's  
3 account established under section 16 of this chapter as of the end  
4 of the current calendar year.

5 STEP TWO: Divide the amount estimated under section 17(b) of  
6 this chapter before any adjustments are made under section 17(c)  
7 or 17(d) of this chapter by twelve (12).

8 STEP THREE: Multiply the STEP TWO amount by three (3).

9 STEP FOUR: Subtract the amount determined in STEP THREE  
10 from the amount determined in STEP ONE.

11 (c) For 1995, the budget agency shall certify the STEP FOUR  
12 amount to the county auditor on or before July 15, 1994. Not later than  
13 January 31, 1995, the auditor of state shall distribute the STEP FOUR  
14 amount to the county auditor to be used to retire outstanding  
15 obligations for a qualified economic development tax project (as  
16 defined in IC 36-7-27-9).

17 (d) After 1995, the STEP FOUR amount shall be distributed to the  
18 county auditor in January of the ensuing calendar year. The STEP  
19 FOUR amount shall be distributed by the county auditor to the civil  
20 taxing units within thirty (30) days after the county auditor receives the  
21 distribution. Each civil taxing unit's share equals the STEP FOUR  
22 amount multiplied by the quotient of:

23 (1) the maximum permissible property tax levy under  
24 IC 6-1.1-18.5 for the civil taxing unit, **plus, for a county, an**  
25 **amount equal to the property taxes imposed by the county in**  
26 **1999 for the county's welfare administration fund;** divided by  
27 (2) the sum of the maximum permissible property tax levies under  
28 IC 6-1.1-18.5 for all civil taxing units of the county **plus an**  
29 **amount equal to the property taxes imposed by the county in**  
30 **1999 for the county's welfare administration fund.**

31 SECTION 3. IC 6-3.5-6-18 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18. (a) The  
33 revenue a county auditor receives under this chapter shall be used to:

34 (1) replace the amount, if any, of property tax revenue lost due to  
35 the allowance of an increased homestead credit within the county;  
36 (2) fund the operation of a public communications system and  
37 computer facilities district as provided in an election, if any, made  
38 by the county fiscal body under IC 36-8-15-19(b);

1 (3) fund the operation of a public transportation corporation as  
 2 provided in an election, if any, made by the county fiscal body  
 3 under IC 36-9-4-42;

4 (4) make payments permitted under IC 36-7-15.1-17.5;

5 (5) make payments permitted under subsection (i); and

6 (6) make distributions of distributive shares to the civil taxing  
 7 units of a county.

8 (b) The county auditor shall retain from the payments of the county's  
 9 certified distribution, an amount equal to the revenue lost, if any, due  
 10 to the increase of the homestead credit within the county. This money  
 11 shall be distributed to the civil taxing units and school corporations of  
 12 the county as though they were property tax collections and in such a  
 13 manner that no civil taxing unit or school corporation shall suffer a net  
 14 revenue loss due to the allowance of an increased homestead credit.

15 (c) The county auditor shall retain the amount, if any, specified by  
 16 the county fiscal body for a particular calendar year under subsection  
 17 (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the  
 18 county's certified distribution for that same calendar year. The county  
 19 auditor shall distribute amounts retained under this subsection to the  
 20 county.

21 (d) All certified distribution revenues that are not retained and  
 22 distributed under subsections (b) and (c) shall be distributed to the civil  
 23 taxing units of the county as distributive shares.

24 (e) The amount of distributive shares that each civil taxing unit in  
 25 a county is entitled to receive during a month equals the product of **the**  
 26 **following:**

27 (1) The amount of revenue that is to be distributed as distributive  
 28 shares during that month; multiplied by

29 (2) A fraction. The numerator of the fraction equals the total  
 30 property taxes that are first due and payable to the civil taxing  
 31 unit during the calendar year in which the month falls, **plus, for**  
 32 **a county, an amount equal to the property taxes imposed by**  
 33 **the county in 1999 for the county's welfare fund, welfare**  
 34 **administration fund, and family and children's fund.** The  
 35 denominator of the fraction equals **the sum of** the total property  
 36 taxes that are first due and payable to all civil taxing units of the  
 37 county during the calendar year in which the month falls, **plus an**  
 38 **amount equal to the property taxes imposed by the county in**

1           **1999 for the county's welfare fund, welfare administration**  
 2           **fund, and family and children's fund.**

3           (f) The state board of tax commissioners shall provide each county  
 4 auditor with the fractional amount of distributive shares that each civil  
 5 taxing unit in the auditor's county is entitled to receive monthly under  
 6 this section.

7           (g) Notwithstanding subsection (e), if a civil taxing unit of an  
 8 adopting county does not impose a property tax levy that is first due  
 9 and payable in a calendar year in which distributive shares are being  
 10 distributed under this section, that civil taxing unit is entitled to receive  
 11 a part of the revenue to be distributed as distributive shares under this  
 12 section within the county. The fractional amount such a civil taxing  
 13 unit is entitled to receive each month during that calendar year equals  
 14 the product of **the following:**

15           (1) The amount to be distributed as distributive shares during that  
 16 month; multiplied by

17           (2) A fraction. The numerator of the fraction equals the budget of  
 18 that civil taxing unit for that calendar year. The denominator of  
 19 the fraction equals the aggregate budgets of all civil taxing units  
 20 of that county for that calendar year.

21           (h) If for a calendar year a civil taxing unit is allocated a part of a  
 22 county's distributive shares by subsection (g), then the formula used in  
 23 subsection (e) to determine all other civil taxing units' distributive  
 24 shares shall be changed each month for that same year by reducing the  
 25 amount to be distributed as distributive shares under subsection (e) by  
 26 the amount of distributive shares allocated under subsection (g) for that  
 27 same month. The state board of tax commissioners shall make any  
 28 adjustments required by this subsection and provide them to the  
 29 appropriate county auditors.

30           (i) Notwithstanding any other law, a county fiscal body may pledge  
 31 revenues received under this chapter to the payment of bonds or lease  
 32 rentals to finance a qualified economic development tax project under  
 33 IC 36-7-27 in that county or in any other county if the county fiscal  
 34 body determines that the project will promote significant opportunities  
 35 for the gainful employment or retention of employment of the county's  
 36 residents.

37           SECTION 4. IC 6-3.5-6-18.5 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18.5. (a) This

1 section applies to a county containing a consolidated city.

2 (b) Notwithstanding section 18(e) of this chapter, the distributive  
3 shares that each civil taxing unit in a county containing a consolidated  
4 city is entitled to receive during a month equals the following:

5 (1) For the calendar year beginning January 1, 1995, calculate the  
6 total amount of revenues that are to be distributed as distributive  
7 shares during that month multiplied by the following factor:

8	Center Township	.0251
9	Decatur Township	.00217
10	Franklin Township	.0023
11	Lawrence Township	.01177
12	Perry Township	.01130
13	Pike Township	.01865
14	Warren Township	.01359
15	Washington Township	.01346
16	Wayne Township	.01307
17	Lawrence-City	.00858
18	Beech Grove	.00845
19	Southport	.00025
20	Speedway	.00722
21	Indianapolis/Marion County	.86409

22 (2) Notwithstanding subdivision (1), for the calendar year  
23 beginning January 1, 1995, the distributive shares for each civil  
24 taxing unit in a county containing a consolidated city shall be not  
25 less than the following:

26	Center Township	\$1,898,145
27	Decatur Township	\$ 164,103
28	Franklin Township	\$ 173,934
29	Lawrence Township	\$ 890,086
30	Perry Township	\$ 854,544
31	Pike Township	\$1,410,375
32	Warren Township	\$1,027,721
33	Washington Township	\$1,017,890
34	Wayne Township	\$ 988,397
35	Lawrence-City	\$ 648,848
36	Beech Grove	\$ 639,017
37	Southport	\$ 18,906
38	Speedway	\$ 546,000

1 (3) For each year after 1995, calculate the total amount of  
2 revenues that are to be distributed as distributive shares during  
3 that month as follows:

4 STEP ONE: Determine the total amount of revenues that  
5 were distributed as distributive shares during that month in  
6 calendar year 1995.

7 STEP TWO: Determine the total amount of revenue that the  
8 department has certified as distributive shares for that  
9 month under section 17 of this chapter for the calendar year.

10 STEP THREE: Subtract the STEP ONE result from the  
11 STEP TWO result.

12 STEP FOUR: If the STEP THREE result is less than or  
13 equal to zero (0), multiply the STEP TWO result by the  
14 ratio established under subdivision (1).

15 STEP FIVE: Determine the ratio of:

16 (A) the maximum permissible property tax levy under  
17 IC 6-1.1-18.5 and IC 6-1.1-18.6 for each civil taxing  
18 unit for the calendar year in which the month falls,  
19 **plus, for a county, an amount equal to the property**  
20 **taxes imposed by the county in 1999 for the county's**  
21 **welfare fund, welfare administration fund, and**  
22 **family and children's fund;** divided by

23 (B) the sum of the maximum permissible property tax  
24 levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all  
25 civil taxing units of the county during the calendar year  
26 in which the month falls, **and an amount equal to the**  
27 **property taxes imposed by the county in 1999 for**  
28 **the county's welfare fund, welfare administration**  
29 **fund, and family and children's fund.**

30 STEP SIX: If the STEP THREE result is greater than zero  
31 (0), the STEP ONE amount shall be distributed by  
32 multiplying the STEP ONE amount by the ratio established  
33 under subdivision (1).

34 STEP SEVEN: For each taxing unit determine the STEP  
35 FIVE ratio multiplied by the STEP TWO amount.

36 STEP EIGHT: For each civil taxing unit determine the  
37 difference between the STEP SEVEN amount minus the  
38 product of the STEP ONE amount multiplied by the ratio

1 established under subdivision (1). The STEP THREE  
 2 excess shall be distributed as provided in STEP NINE only  
 3 to the civil taxing units that have a STEP EIGHT difference  
 4 greater than or equal to zero (0).

5 STEP NINE: For the civil taxing units qualifying for a  
 6 distribution under STEP EIGHT, each civil taxing unit's  
 7 share equals the STEP THREE excess multiplied by the  
 8 ratio of:

9 (A) the maximum permissible property tax levy under  
 10 IC 6-1.1-18.5 and IC 6-1.1-18.6 for the qualifying civil  
 11 taxing unit during the calendar year in which the  
 12 month falls, **plus, for a county, an amount equal to**  
 13 **the property taxes imposed by the county in 1999**  
 14 **for the county's welfare fund, welfare**  
 15 **administration fund, and family and children's**  
 16 **fund;** divided by

17 (B) the sum of the maximum permissible property tax  
 18 levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all  
 19 qualifying civil taxing units of the county during the  
 20 calendar year in which the month falls, **and an amount**  
 21 **equal to the property taxes imposed by the county**  
 22 **in 1999 for the county's welfare fund, welfare**  
 23 **administration fund, and family and children's**  
 24 **fund.**

25 SECTION 5. IC 6-3.5-6-19 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 19. (a) **Except as**  
 27 **provided in sections 17.6(d), 18(e), and 18.5(b)(3)**, in determining the  
 28 fractional share of distributive shares the civil taxing units of a county  
 29 are entitled to receive under section 18 of this chapter during a calendar  
 30 year, the state board of tax commissioners shall consider only property  
 31 taxes imposed on tangible property subject to assessment in that  
 32 county.

33 (b) In determining the amount of distributive shares a civil taxing  
 34 unit is entitled to receive under section 18(g) of this chapter, the state  
 35 board of tax commissioners shall consider only the percentage of the  
 36 civil taxing unit's budget that equals the ratio that the total assessed  
 37 valuation that lies within the civil taxing unit and the county that has  
 38 adopted the county option tax bears to the total assessed valuation that

1 lies within the civil taxing unit.

2 (c) The distributive shares to be allocated and distributed under  
3 this chapter shall be treated by each civil taxing unit as additional  
4 revenue for the purpose of fixing its budget for the budget year during  
5 which the distributive shares is to be distributed to the civil taxing unit.

6 (d) In the case of a civil taxing unit that includes a consolidated  
7 city its fiscal body may distribute any revenue it receives under this  
8 chapter to any governmental entity located in its county except an  
9 excluded city, a township, or a school corporation.

10 SECTION 6. IC 6-3.5-7-12 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. (a) The county  
12 auditor shall distribute in the manner specified in this section the  
13 certified distribution to the county.

14 (b) Except as provided in subsections (c) and (h) and section 15 of  
15 this chapter, the amount of the certified distribution that the county and  
16 each city or town in a county is entitled to receive during May and  
17 November of each year equals the product of **the following:**

18 (1) The amount of the certified distribution for that month;  
19 multiplied by

20 (2) A fraction. The numerator of the fraction equals the **sum of**  
21 **the following:**

22 (A) Total property taxes that are first due and payable to the  
23 county, city, or town during the calendar year in which the  
24 month falls; **plus**

25 (B) **For a county, an amount equal to the property taxes**  
26 **imposed by the county in 1999 for the county's welfare**  
27 **fund, welfare administration fund, and family and**  
28 **children's fund.** The denominator of the fraction equals the  
29 **sum of the** total property taxes that are first due and  
30 payable to the county and all cities and towns of the county  
31 during the calendar year in which the month falls, **plus an**  
32 **amount equal to the property taxes imposed by the**  
33 **county in 1999 for the county's welfare fund, welfare**  
34 **administration fund, and family and children's fund.**

35 (c) This subsection applies to a county council or county income  
36 tax council that imposes a tax under this chapter after June 1, 1992.  
37 The body imposing the tax may adopt an ordinance before July 1 of a  
38 year to provide for the distribution of certified distributions under this

1 subsection instead of a distribution under subsection (b). The following  
2 apply if an ordinance is adopted under this subsection:

3 (1) The ordinance is effective January 1 of the following year.

4 (2) The amount of the certified distribution that the county and  
5 each city and town in the county is entitled to receive during  
6 May and November of each year equals the product of:

7 (A) the amount of the certified distribution for the month;  
8 multiplied by

9 (B) a fraction. For a city or town, the numerator of the  
10 fraction equals the population of the city or the town. For a  
11 county, the numerator of the fraction equals the population  
12 of the part of the county that is not located in a city or town.  
13 The denominator of the fraction equals the sum of the  
14 population of all cities and towns located in the county and  
15 the population of the part of the county that is not located in  
16 a city or town.

17 (3) The ordinance may be made irrevocable for the duration of  
18 specified lease rental or debt service payments.

19 (d) The body imposing the tax may not adopt an ordinance under  
20 subsection (c) if, before the adoption of the proposed ordinance, any of  
21 the following have pledged the county economic development income  
22 tax for any purpose permitted by IC 5-1-14 or any other statute:

23 (1) The county.

24 (2) A city or town in the county.

25 (3) A commission, a board, a department, or an authority that is  
26 authorized by statute to pledge the county economic  
27 development income tax.

28 (e) The state board of tax commissioners shall provide each county  
29 auditor with the fractional amount of the certified distribution that the  
30 county and each city or town in the county is entitled to receive under  
31 this section.

32 (f) Money received by a county, city, or town under this section  
33 shall be deposited in the unit's economic development income tax fund.

34 (g) **Except as provided in subsection (b)(2)(B)**, in determining  
35 the fractional amount of the certified distribution the county and its  
36 cities and towns are entitled to receive under subsection (b) during a  
37 calendar year, the state board of tax commissioners shall consider only  
38 property taxes imposed on tangible property subject to assessment in

1 that county.

2 (h) In a county having a consolidated city, only the consolidated  
3 city is entitled to the certified distribution, subject to the requirements  
4 of section 15 of this chapter."

5 Page 1, line 15, delete "IC 12-14-8." and insert "**IC 12-14-9.5.**".

6 Page 2, line 12, delete "IC 12-14-8." and insert "**IC 12-14-9.5.**".

7 Page 2, line 17, delete "IC 12-14-8" and insert "**IC 12-14-9.5.**".

8 Page 3, line 21, delete "IC 12-14-8." and insert "**IC 12-14-9.5.**".

9 Page 7, between lines 9 and 10, begin a new paragraph and insert:  
10 "SECTION 19. IC 12-14-17-2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) This section  
12 applies upon the death of either of the following:

- 13 (1) A recipient who is receiving supplemental assistance.
- 14 (2) An aged, blind, or disabled person who at the time of death  
15 was certified as eligible to receive medical assistance under  
16 Medicaid.

17 (b) ~~Subject to the rules of the division,~~ **Unless otherwise**  
18 **determined by the director**, the division shall pay six hundred dollars  
19 (\$600) for the funeral director's expenses of the decedent if the  
20 following conditions exist:

- 21 (1) The estate of the deceased is insufficient to pay the funeral  
22 director's expenses.
- 23 (2) The individual legally responsible for the burial of the  
24 deceased is unable to pay the funeral director's expenses.

25 SECTION 20. IC 12-14-17-3 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. **Unless**  
27 **otherwise determined by the director**, in addition to money paid by  
28 the division under section 2 of this chapter and even if the deceased or  
29 person legally responsible for the deceased possesses a burial lot, the  
30 division shall pay four hundred dollars (\$400) for the cemetery's  
31 expenses for the deceased to cover the following:

- 32 (1) The provision of burial rights if necessary.
- 33 (2) The opening and closing of a burial plot and provision of an  
34 outer container.
- 35 (3) The service required by the cemetery authorities."

36 Page 7, between lines 41 and 42, begin a new paragraph and  
37 insert:

38 "SECTION 23. IC 12-19-1-9 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) The  
2 division shall provide the necessary facilities to house the county  
3 office.

4 (b) The division shall pay for the costs of the facilities, supplies,  
5 and equipment needed by each county office, including the transfer to  
6 the county that is required by IC 12-13-5.

7 (c) Each county is responsible for the payment of the county's  
8 lease and rental obligations for office space used by the county office  
9 if:

10 (1) the county entered into the lease or rental agreement before  
11 January 1, 1987; and

12 (2) the lease or rental agreement requires the county to pay for  
13 office space that will be used by the county office.

14 (d) Each county that has a rental or lease obligation described in  
15 subsection (c) shall provide to the division a lease or rental payment  
16 schedule showing the date and amount of each payment.

17 SECTION 24. IC 12-19-1-14 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) A county  
19 office may charge the following adoption fees:

20 (1) An adoption placement fee that may not exceed the actual  
21 costs incurred by the county office for medical expenses of  
22 children and mothers.

23 (2) A fee that does not exceed the time and travel costs incurred  
24 by the county office for home study and investigation concerning  
25 a contemplated adoption.

26 (b) Fees charged under this section shall be deposited in a separate  
27 account in the county ~~welfare~~ **family and children** trust clearance fund  
28 established under section 16 of this chapter. Money deposited under  
29 this subsection shall be expended by the county office for the following  
30 purposes without further appropriation:

31 (1) The care of children whose adoption is contemplated.

32 (2) The improvement of adoption services provided by the  
33 county departments.

34 (c) The director of the division may adopt rules governing the  
35 expenditure of money under this section.

36 (d) The division may provide written authorization allowing a  
37 county office to reduce or waive charges authorized under this section  
38 in hardship cases or for other good cause after investigation. The

1 division may adopt forms on which the written authorization is  
2 provided."

3 Page 8, line 10, strike "welfare" and insert "**family and children**".

4 Page 8, line 14, strike "welfare" and insert "**family and children**".

5 Page 9, delete lines 26 through 42, begin a new paragraph and  
6 insert:

7 **"Sec. 1. As used in this chapter, "allocation area" refers to an**  
8 **area that is established under the authority of any of the following**  
9 **statutes and in which tax increment revenues are collected:**

10 (1) IC 6-1.1-39.

11 (2) IC 8-22-3.5.

12 (3) IC 36-7-14.

13 (4) IC 36-7-14.5.

14 (5) IC 36-7-15.1.

15 (6) IC 36-7-30.

16 **Sec. 2. As used in this chapter, "base assessed value" means**  
17 **the base assessed value as that term is defined in IC 6-1.1-39-5(h),**  
18 **IC 8-22-3.5-9(a), IC 36-7-14-39(a), IC 36-7-15.1-26(a),**  
19 **IC 36-7-15.1-35(a), or IC 36-7-30-25(a)(2).**

20 **Sec. 3. As used in this chapter, "governing body" means the**  
21 **following:**

22 (1) For an allocation area created under IC 6-1.1-39, the  
23 fiscal body of the county (as defined in IC 36-1-2-7).

24 (2) For an allocation area created under IC 8-22-3.5, the  
25 commission (as defined in IC 8-22-3.5-2).

26 (3) For an allocation area created under IC 36-7-14, the  
27 redevelopment commission of the unit.

28 (4) For an allocation area created under IC 36-7-14.5, the  
29 authority created by the unit.

30 (5) For an allocation area created under IC 36-7-15.1, the  
31 metropolitan development commission of the consolidated  
32 city.

33 (6) For an allocation area created under IC 36-7-30, the  
34 military base reuse authority.

35 **Sec. 4. As used in this chapter, "obligation" means an**  
36 **obligation to repay:**

37 (1) the principal and interest on bonds;

38 (2) lease rentals on leases; or

1           **(3) any other contractual obligation;**  
2 **payable from tax increment revenues. The term includes a**  
3 **guarantee of repayment from tax increment revenues if other**  
4 **revenues are insufficient to make a payment.**

5           **Sec. 5. As used in this chapter, "property taxes" means:**

6           **(1) property taxes as defined in IC 6-1.1-39-5(g),**  
7 **IC 36-7-14-39(a), IC 36-7-15.1-26(a), IC 36-7-30-25(a)(3);**

8           **or**

9           **(2) for allocation areas created under IC 8-22-3.5, the taxes**  
10 **assessed on taxable tangible property in the allocation**  
11 **area.**

12           **Sec. 6. As used in this chapter, "replacement amount" means**  
13 **the sum of the property taxes imposed on the assessed value of**  
14 **property in the allocation area in excess of the base assessed value**  
15 **in 1999 for:**

16           **(1) the county welfare fund;**

17           **(2) the county welfare administration fund; and**

18           **(3) the county family and children's fund.**

19           **Sec. 7. As used in this chapter, "tax increment revenues"**  
20 **means the property taxes attributable to the assessed value of**  
21 **property in excess of the base assessed value.**

22           **Sec. 8. (a) This chapter applies to an allocation area in which:**

23           **(1) the holders of obligations received a pledge before July**  
24 **1, 1999, of tax increment revenues to repay any part of the**  
25 **obligations due after December 31, 1999; and**

26           **(2) the elimination of a county welfare fund property tax**  
27 **levy, a county welfare administration fund property tax**  
28 **levy, or a county family and children's fund property tax**  
29 **levy adversely affects the ability of the governing body to**  
30 **repay the obligations described in subdivision (1).**

31           **(b) A governing body may use one (1) or more of the**  
32 **procedures described in sections 9 through 11 of this chapter to**  
33 **provide sufficient funds to repay the obligations described in**  
34 **subsection (a). The amount raised each year may not exceed the**  
35 **replacement amount.**

36           **Sec. 9. (a) A governing body may, after a public hearing,**  
37 **impose a special assessment on the owners of property that is**  
38 **located in an allocation area to repay a bond or an obligation**

1 described in section 8 that comes due after December 31, 1999. The  
2 amount of a special assessment for a taxpayer shall be determined  
3 by multiplying the replacement amount by a fraction, the  
4 denominator of which is the total incremental assessed value in the  
5 allocation area, and the numerator of which is the incremental  
6 assessed value of the taxpayer's property in the allocation area.

7 (b) Before a public hearing under subsection (a) may be held,  
8 the governing body must publish notice of the hearing under  
9 IC 5-3-1. The notice must state that the governing body will meet  
10 to consider whether a special assessment should be imposed under  
11 this chapter and whether the special assessment will help the  
12 governing body realize the redevelopment or economic  
13 development objectives for the allocation area or honor its  
14 obligations related to the allocation area. The notice must also  
15 name a date when the governing body will receive and hear  
16 remonstrances and objections from persons affected by the special  
17 assessment. All persons affected by the hearing, including all  
18 taxpayers within the allocation area, shall be considered notified of  
19 the pendency of the hearing and of subsequent acts, hearings, and  
20 orders of the governing body by the notice. At the hearing, which  
21 may be adjourned from time to time, the governing body shall hear  
22 all persons affected by the proceedings and shall consider all  
23 written remonstrances and objections that have been filed. The  
24 only grounds for remonstrance or objection are that the special  
25 assessment will not help the governing body realize the  
26 redevelopment or economic development objectives for the  
27 allocation area or honor its obligations related to the allocation  
28 area. After considering the evidence presented, the governing body  
29 shall take final action concerning the proposed special assessment.  
30 The final action taken by the governing body shall be recorded and  
31 is final and conclusive, except that an appeal may be taken in the  
32 manner prescribed by subsection (c).

33 (c) A person who filed a written remonstrance with a governing  
34 body under subsection (b) and is aggrieved by the final action  
35 taken may, within ten (10) days after that final action, file in the  
36 office of the clerk of the circuit or superior court a copy of the  
37 order of the governing body and the person's remonstrance or  
38 objection against that final action, together with a bond

1       **conditioned to pay the costs of appeal if the appeal is determined**  
 2       **against the person. The only ground of remonstrance or objection**  
 3       **that the court may hear is whether the proposed assessment will**  
 4       **help achieve the redevelopment of economic development**  
 5       **objectives for the allocation area or honor its obligations related to**  
 6       **the allocation area. An appeal under this subsection shall be**  
 7       **promptly heard by the court without a jury. All remonstrances or**  
 8       **objections upon which an appeal has been taken must be**  
 9       **consolidated, heard, and determined within thirty (30) days after**  
 10       **the time of the filing of the appeal. The court shall hear evidence on**  
 11       **the remonstrances or objections, and may confirm the final action**  
 12       **of the governing body or sustain the remonstrances or objections.**  
 13       **The judgment of the court is final and conclusive, unless an appeal**  
 14       **is taken as in other civil actions.**

15       **(d) The maximum amount of a special assessment under this**  
 16       **section may not exceed the replacement amount.**

17       **(e) A special assessment shall be imposed and collected in the**  
 18       **same manner as ad valorem property taxes are imposed and**  
 19       **collected.**

20       **Sec. 10. (a) For purposes of this section, "additional credit"**  
 21       **means:**

22               **(1) for allocation areas created under IC 6-1.1-39, the**  
 23               **additional credit described in IC 6-1.1-39-6(a);**

24               **(2) for allocation areas created under IC 8-22-3.5, the**  
 25               **additional credit described in IC 8-22-3.5-10(a);**

26               **(3) for allocation areas created under IC 36-7-14, the**  
 27               **additional credit described in IC 36-7-14-39.5(c);**

28               **(4) for allocation areas created under IC 36-7-14.5, the**  
 29               **additional credit described in IC 36-7-14.5-12.5(d)(5);**

30               **(5) for allocation areas created under IC 36-7-15.1:**

31                       **(A) the additional credit described in**  
 32                       **IC 36-7-15.1-26.5(e); or**

33                       **(B) the credit described in IC 36-7-15.1-35(d); or**

34               **(6) for allocation areas created under IC 36-7-30, the**  
 35               **additional credit described in IC 36-7-30-25(b)(2)(E).**

36       **(b) In order to raise the replacement amount, the governing**  
 37       **body of each allocation area may deny all or a portion of the**  
 38       **additional credit.**

1           **Sec. 11. If a governing body does not impose a special**  
2 **assessment under section 9 of this chapter or deny all or part of the**  
3 **additional credit under section 10 of this chapter, the governing**  
4 **body may, in order to provide sufficient funds to repay the**  
5 **obligations described in section 8(a) of this chapter, use any tax**  
6 **increment revenues that are in excess of:**

7                   (1) **the amount pledged to pay the principal and interest of**  
8                   **obligations; and**

9                   (2) **any amounts used to provide debt service reserve for**  
10                   **obligations payable solely or in part from tax increment**  
11                   **revenues or from other revenues."**

12           Delete page 10.

13           Page 11, delete lines 1 through 24.

14           Page 11, line 31, delete "." and insert "**, not later than March 1 of**  
15 **each year, for the next state fiscal year."**

16           Page 12, line 8, after "during the" insert "**next**".

17           Page 12, line 30, after "division" delete "." and insert "**not later**  
18 **than April 1 of each year."**

19           Page 12, line 34, after "obligations" insert "**that will be**".

20           Page 13, line 27, after "shall" insert "**make advances to the**  
21 **county family and children's fund to**".

22           Page 13, line 40, after "team" insert "**established under**  
23 **IC 31-33-3**".

24           Page 14, line 42, after "director" insert "**and judges**".

25           Page 15, line 1, after "of the" insert "**courts, the**".

26           Page 15, line 1, after "office" insert ",".

27           Page 15, between lines 30 and 31, begin a new paragraph and  
28 insert:

29           "SECTION 35. IC 12-19-7-35 IS ADDED TO THE INDIANA  
30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JANUARY 1, 2000]: **Sec. 35. This chapter expires**  
32 **June 30, 2001.**

33           SECTION 36. IC 31-9-2-41.2 IS ADDED TO THE INDIANA  
34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
35 [EFFECTIVE JANUARY 1, 2000]: **Sec. 41.2. "Division", for**  
36 **purposes of IC 31-40, means the division of family and children**  
37 **established by IC 12-13-1-1."**

38           Page 16, between lines 14 and 15, begin a new paragraph and

1 insert:

2 "SECTION 39. IC 31-34-19-1 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. The juvenile  
4 court shall hold a dispositional hearing to consider the following:

5 (1) Alternatives for the care, treatment, rehabilitation, or  
6 placement of the child.

7 (2) The necessity, nature, and extent of the participation by a  
8 parent, a guardian, or a custodian in the program of care,  
9 treatment, or rehabilitation for the child.

10 (3) The financial responsibility of the parent or guardian of the  
11 estate for services provided for the parent or guardian or the  
12 child.

13 (4) **Any recommendations from a local coordinating**  
14 **council or its equivalent."**

15 Page 17, line 9, strike "chairperson of the team," and insert  
16 "**county director,**".

17 Page 17, line 13, after "If" delete ",".

18 Page 17, line 13, strike "on January".

19 Page 17, line 14, strike "1, 1998,".

20 Page 17, line 20, after "The" insert "**county**".

21 Page 17, line 21, strike "of the county office".

22 Page 17, line 22, strike "section 4(b)(1), 4(b)(2), 4(b)(3),".

23 Page 17, line 23, strike "4(b)(4), 4(b)(5), and 4(b)(6)" and insert  
24 "**section 4**".

25 Page 17, line 37, after "shall" insert "**before January 25 of each**  
26 **year**".

27 Page 18, between lines 21 and 22, begin a new paragraph and  
28 insert:

29 "SECTION 45. IC 31-34-24-10 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. The team may  
31 adopt as its ~~initial~~ plan an existing plan for provision of family  
32 preservation services, as defined in IC 12-7-2-82.3, that:

33 (1) is in effect in the county;

34 (2) includes services for a child less than eighteen (18) years  
35 of age who reasonably may be expected to face out of home  
36 placement under IC 31-34 or IC 31-37 as a result of:

37 (A) dependency, abuse, or neglect;

38 (B) emotional disturbance; or

- 1 (C) delinquency adjudication; and
- 2 (3) addresses all of the objectives described in this section."
- 3 Page 19, line 1, delete "an early intervention plan" and insert ",
- 4 **review, or revise a strategy**".
- 5 Page 19, line 3, delete "developed" and insert "**provided**".
- 6 Page 20, line 20, after "report" insert ", **in the form prescribed by**
- 7 **the division**".
- 8 Page 20, line 23, delete ", on forms prescribed by" and insert ";".
- 9 Page 20, delete line 24.
- 10 Page 21, line 32, strike "chairperson of the team," and insert
- 11 "**county director**".
- 12 Page 21, line 36, after "If" delete ",".
- 13 Page 21, line 36, strike "on January".
- 14 Page 21, line 37, strike "1, 1998,".
- 15 Page 22, line 1, after "The" insert "**county**".
- 16 Page 22, line 2, strike "of the county office".
- 17 Page 22, line 3, strike "section 4(b)(1), 4(b)(2), 4(b)(3),".
- 18 Page 22, line 4, strike "4(b)(4), 4(b)(5), and 4(b)(6)" and insert
- 19 "**section 4**".
- 20 Page 22, line 18, after "shall" insert "**before January 25 of each**
- 21 **year**".
- 22 Page 23, between lines 2 and 3, begin a new paragraph and insert:
- 23 "SECTION 60. IC 31-37-24-10 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. The team may
- 25 adopt as its ~~initial~~ plan an existing plan for provision of family
- 26 preservation services, as defined in IC 12-7-2-82.3, that:
- 27 (1) is in effect in the county;
- 28 (2) includes services for a child less than eighteen (18) years
- 29 of age who reasonably may be expected to face out of home
- 30 placement under IC 31-34 or IC 31-37 as a result of:
- 31 (A) dependency, abuse, or neglect;
- 32 (B) emotional disturbance; or
- 33 (C) delinquency adjudication; and
- 34 (3) addresses all of the objectives described in this section."
- 35 Page 23, line 24, delete "an early intervention plan" and insert ",
- 36 **review, or revise a strategy**".
- 37 Page 23, line 26, delete "developed" and insert "**provided**".
- 38 Page 25, line 14, after "responsible" insert "**as provided in this**

- 1 **chapter (or IC 31-6-4-18(e) before its repeal)".**
- 2 Page 25, line 15, after "court" insert ".".
- 3 Page 25, line 15, delete "as provided in this chapter".
- 4 Page 25, line 15, strike "(or".
- 5 Page 25, strike line 16.
- 6 Page 26, line 9, delete "family".
- 7 Page 26, line 9, after "foster" insert "**family**".
- 8 Page 26, line 11, strike "of family and".
- 9 Page 26, line 12, strike "children".
- 10 Page 26, line 13, after "guardian." insert "**The court shall notify**
- 11 **the court that:**
- 12 (1) entered the existing support order; or
- 13 (2) had jurisdiction, immediately before the
- 14 placement, to modify or enforce the existing
- 15 support order;
- 16 of the assignment and assumption of jurisdiction by the juvenile
- 17 court under this section.".
- 18 Page 26, line 21, delete "of family and children".
- 19 Page 26, line 22, delete "of family and children" and insert ", or
- 20 confirmation of an assignment that occurs or is required under
- 21 applicable federal law,".
- 22 Page 26, line 26, delete "of family and".
- 23 Page 26, line 27, delete "children".
- 24 Page 26, line 32, delete "justice would not be served by" and insert
- 25 "entry of an order based on the child support guidelines would be
- 26 unjust or inappropriate considering the best interests of the child
- 27 and other necessary obligations of the child's family; or".
- 28 Page 26, delete lines 33 through 34.
- 29 Page 26, line 35, delete "custodian of the child" and insert "**county**
- 30 **office**".
- 31 Page 26, line 35, delete "receive" and insert "**make**".
- 32 Page 26, line 36, after "payments" delete "." and insert "**to the**
- 33 **custodian of the child**".
- 34 Page 27, between lines 3 and 4, begin a new line block indented
- 35 and insert:
- 36 **"(3) If the court:**
- 37 **(A) does not enter a support order; or**
- 38 **(B) enters an order that is not based on the child**

1 support guidelines;  
2 the court shall make findings as required by 45 CFR  
3 302.56(g)."

4 Page 27, line 7, after "county" delete ".".

5 Page 27, line 9, delete "of family".

6 Page 27, line 10, delete "and children".

7 Page 27, line 10, delete "of family and children".

8 Page 27, line 11, strike "for the office of family and".

9 Page 27, line 14, delete "IC 12-127-2" and insert "IC 12-17-2".

10 Page 27, line 14, after "654" delete "," and insert ".".

11 Page 27, delete line 15.

12 Page 27, line 16, delete "children or the division of family and  
13 children."

14 Page 27, line 17, delete "of family and children may" and insert  
15 "shall, if requested,".

16 Page 27, between lines 18 and 19, begin a new paragraph and  
17 insert:

18 "(f) If the juvenile court terminates placement of a child out of  
19 the home of the child's parent or guardian, the court shall:

20 (1) notify the court that:

21 (A) entered a support order assigned to the county  
22 office under subsection (b); or

23 (B) had jurisdiction, immediately before the  
24 placement, to modify or enforce the existing  
25 support order;

26 of the termination of jurisdiction of the juvenile court with  
27 respect to the support order;

28 (2) terminate a support order entered under subsection (c)  
29 that requires payment of support by a custodial parent or  
30 guardian of the child, with respect to support obligations  
31 that accrue after termination of the placement; or

32 (3) continue in effect, subject to modification or  
33 enforcement by a court having jurisdiction over the  
34 obligor, a support order entered under subsection (c) that  
35 requires payment of support by a noncustodial parent or  
36 guardian of the estate of the child."

37 Page 27, line 19, delete "(f)" and insert "(g)".

38 Page 27, line 19, delete "the" and insert "a".

- 1 Page 27, line 21, after "county" insert "**office**".
- 2 Page 27, line 21, delete "of family and".
- 3 Page 27, line 22, delete "children".
- 4 Page 27, line 22, after "expenses" insert "**for services provided to**
- 5 **or for the benefit of the child that are**".
- 6 Page 27, line 24, after "guardian" insert ",".
- 7 Page 27, line 24, delete "excess of" and insert "**addition to**".
- 8 Page 27, line 26, after "section" delete "." and insert ", **subject to**
- 9 **applicable federal law.**".
- 10 Page 27, line 29, delete "of family and children".
- 11 Page 27, line 31, delete "cooperation" and insert "**compensation**".
- 12 Page 27, line 31, after "reimbursement" insert "**of expenses**".
- 13 Page 27, line 34, delete "5(f)" and insert "**5(g)**".
- 14 Page 27, line 35, delete "costs" and insert "**cost**".
- 15 Page 27, line 38, delete "of family and children".
- 16 Page 27, line 40, after "division" insert ".".
- 17 Page 27, delete line 41.
- 18 Page 27, line 42, after "attorney" insert "**licensed**".
- 19 Page 28, line 14, after "7." insert "**(a)**".
- 20 Page 28, line 14, delete "by a county office of".
- 21 Page 28, line 15, delete "family and children or the division of
- 22 family and children".
- 23 Page 28, between lines 26 and 27, begin a new paragraph and
- 24 insert:
- 25 "**(b) Any money deposited in a county family and children's**
- 26 **fund under this section shall be reported to the division, in the form**
- 27 **and manner prescribed by the division, and shall be applied to the**
- 28 **child services budget compiled and adopted by the county director**
- 29 **for the next state fiscal year, in accordance with IC 12-19-7-6.**".
- 30 Page 29, line 18, delete "IC 12-19-1-8;".
- 31 Page 29, line 19, delete "IC 12-19-1-9;".
- 32 Page 29, delete lines 25 through 26.
- 33 Page 30, line 6, delete "the earlier of July 1, 2000, or".
- 34 Page 30, line 8, after "expended." insert "**The final audit of the**
- 35 **county welfare fund shall be completed not later than December**
- 36 **31, 2000. Records of the county welfare fund and related reports**
- 37 **shall be retained as provided in IC 5-15.**".
- 38 Page 30, delete lines 10 through 15.

- 1 Page 30, line 16, delete "July" and insert "**September**".
- 2 Renumber all SECTIONS consecutively.  
(Reference is to HB 1004 as introduced.)

**and when so amended that said bill do pass.**

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Representative Bauer