
HOUSE BILL No. 1006

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-30-17-3.5; IC 6-1.1; IC 6-3.5; IC 6-5.5-8-2; IC 12; IC 31; IC 36-2-6-3.

Synopsis: Welfare funding. Eliminates the authority of a county to impose a property tax levy for the county family and children's fund, beginning in 2004. Transfers responsibility for funding children's services from the county family and children's funds to the state. Eliminates the authority of a county to borrow for welfare purposes. Provides that, beginning in 2000, the auditor of state shall annually transfer \$50,000,000 from the lottery and gaming surplus account to the state welfare replacement fund for purposes of funding children's services. Provides that any additional necessary funding is appropriated from the state general fund. Makes certain conforming amendments.

Effective: July 1, 2000; July 1, 2003; January 1, 2004.

Bauer, Kuzman

January 10, 2000, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE BILL No. 1006

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-30-17-3.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3.5. (a) Two (2)
3 segregated accounts shall be established within the build Indiana fund
4 as follows:

5 (1) The state and local capital projects account.

6 (2) The lottery and gaming surplus account.

7 (b) Upon receiving surplus lottery revenue distributions from the
8 state lottery commission and surplus gaming revenue distributions from
9 the state gaming commission, the treasurer of state shall credit the
10 surplus lottery revenue and surplus gaming revenue to the lottery and
11 gaming surplus account. All money remaining in the lottery and
12 gaming surplus account after the ~~transfer~~ **transfers** required by
13 ~~subsection~~ **subsections** (c) **and** (e) shall be transferred to the state and
14 local capital projects account.

15 (c) Before the twenty-fifth day of the month, the auditor of state
16 shall transfer from the lottery and gaming surplus account to the state
17 general fund motor vehicle excise tax replacement account an amount

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1 equal to the following:

2 (1) In calendar year 1996, eleven million six hundred twenty-five
3 thousand dollars (\$11,625,000) per month.

4 (2) In calendar year 1997, twelve million nine hundred
5 twenty-five thousand twenty dollars (\$12,925,020) per month.

6 (3) In calendar year 1998, fifteen million ten thousand dollars
7 (\$15,010,000) per month.

8 (4) In calendar year 1999, seventeen million one hundred
9 ninety-two thousand dollars (\$17,192,000) per month.

10 (5) In calendar year 2000 nineteen million four hundred
11 thirty-five thousand two hundred ten dollars (\$19,435,210) per
12 month.

13 (6) In calendar year 2001 and each year thereafter, nineteen
14 million six hundred eighty-four thousand three hundred seventy
15 dollars (\$19,684,370) per month.

16 (d) This subsection applies only if insufficient money is available in
17 the lottery and gaming surplus account of the build Indiana fund to
18 make the distributions to the state general fund motor vehicle excise
19 tax replacement account that are required under subsection (c). Before
20 the twenty-fifth day of each month, the auditor of state shall transfer
21 from the state general fund to the state general fund motor vehicle
22 excise tax replacement account the difference between:

23 (1) the amount that subsection (c) requires the auditor of state to
24 distribute from the lottery and gaming surplus account of the
25 build Indiana fund to the state general fund motor vehicle excise
26 tax replacement account; and

27 (2) the amount that is available for distribution from the lottery
28 and gaming surplus account in the build Indiana fund to the state
29 general fund motor vehicle excise tax replacement account.

30 The transfers required under this subsection are annually appropriated
31 from the state general fund.

32 **(e) Before the end of each state fiscal year, the auditor of state**
33 **shall transfer fifty million dollars (\$50,000,000) from the lottery**
34 **and gaming surplus account to the state welfare replacement fund.**

35 SECTION 2. IC 6-1.1-18-3, AS AMENDED BY P.L.273-1999,
36 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JANUARY 1, 2004]: Sec. 3. (a) Except as provided in subsection (b),
38 the sum of all tax rates for all political subdivisions imposed on
39 tangible property within a political subdivision may not exceed:

40 (1) forty-one and sixty-seven hundredths cents (\$0.4167) on each
41 one hundred dollars (\$100) of assessed valuation in territory
42 outside the corporate limits of a city or town; or

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1 (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each
 2 one hundred dollars (\$100) of assessed valuation in territory
 3 inside the corporate limits of a city or town.

4 (b) The proper officers of a political subdivision shall fix tax rates
 5 which are sufficient to provide funds for the purposes itemized in this
 6 subsection. The portion of a tax rate fixed by a political subdivision
 7 shall not be considered in computing the tax rate limits prescribed in
 8 subsection (a) if that portion is to be used for one (1) of the following
 9 purposes:

10 (1) To pay the principal or interest on a funding, refunding, or
 11 judgment funding obligation of the political subdivision.

12 (2) To pay the principal or interest on an outstanding obligation
 13 issued by the political subdivision if notice of the sale of the
 14 obligation was published before March 9, 1937.

15 (3) To pay the principal or interest upon:

16 (A) an obligation issued by the political subdivision to meet an
 17 emergency which results from a flood, fire, pestilence, war, or
 18 any other major disaster; or

19 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22,
 20 IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county
 21 to acquire necessary equipment or facilities for municipal or
 22 county government.

23 (4) To pay the principal or interest upon an obligation issued in
 24 the manner provided in IC 6-1.1-20-3 (before its repeal) or
 25 IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.

26 (5) To pay a judgment rendered against the political subdivision.

27 ~~(6) To meet the requirements of the family and children's fund for~~
 28 ~~child services (as defined in IC 12-19-7-1).~~

29 ~~(7)~~ (6) To meet the requirements of the county hospital care for
 30 the indigent fund.

31 (c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a
 32 county board of tax adjustment, a county auditor, or the state board of
 33 tax commissioners may review the portion of a tax rate described in
 34 subsection (b) only to determine if it exceeds the portion actually
 35 needed to provide for one (1) of the purposes itemized in that
 36 subsection.

37 SECTION 3. IC 6-1.1-18.5-9.7, AS AMENDED BY P.L.273-1999,
 38 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2004]: Sec. 9.7. (a) The ad valorem property tax levy
 40 limits imposed by section 3 of this chapter do not apply to ad valorem
 41 property taxes imposed under: ~~any of the following~~:

42 (1) IC 12-16, except IC 12-16-1; or

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- 1 ~~(2) IC 12-19-5.~~
 2 ~~(3) IC 12-19-7.~~
 3 ~~(4) (2) IC 12-20-24.~~

4 (b) For purposes of computing the ad valorem property tax levy
 5 limits imposed under section 3 of this chapter, a county's or township's
 6 ad valorem property tax levy for a particular calendar year does not
 7 include that part of the levy imposed under the citations listed in
 8 subsection (a).

9 (c) Section 8(b) of this chapter does not apply to bonded
 10 indebtedness that will be repaid through property taxes imposed under
 11 IC 12-19.

12 SECTION 4. IC 6-1.1-21-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 2. As used in this
 14 chapter:

15 (a) "Taxpayer" means a person who is liable for taxes on property
 16 assessed under this article.

17 (b) "Taxes" means taxes payable in respect to property assessed
 18 under this article. The term does not include special assessments,
 19 penalties, or interest, but does include any special charges which a
 20 county treasurer combines with all other taxes in the preparation and
 21 delivery of the tax statements required under IC 6-1.1-22-8(a).

22 (c) "Department" means the department of state revenue.

23 (d) "Auditor's abstract" means the annual report prepared by each
 24 county auditor which under IC 6-1.1-22-5, is to be filed on or before
 25 March 1 of each year with the auditor of state.

26 (e) "Mobile home assessments" means the assessments of mobile
 27 homes made under IC 6-1.1-7.

28 (f) "Postabstract adjustments" means adjustments in taxes made
 29 subsequent to the filing of an auditor's abstract which change
 30 assessments therein or add assessments of omitted property affecting
 31 taxes for such assessment year.

32 (g) "Total county tax levy" means the sum of:

33 (1) the remainder of:

34 (A) the aggregate levy of all taxes for all taxing units in a
 35 county which are to be paid in the county for a stated
 36 assessment year as reflected by the auditor's abstract for the
 37 assessment year, adjusted, however, for any postabstract
 38 adjustments which change the amount of the aggregate levy;
 39 minus

40 (B) the sum of any increases in property tax levies of taxing
 41 units of the county that result from appeals described in:

42 (i) IC 6-1.1-18.5-13(5) and IC 6-1.1-18.5-13(6) filed after

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1 December 31, 1982; plus
 2 (ii) the sum of any increases in property tax levies of taxing
 3 units of the county that result from any other appeals
 4 described in IC 6-1.1-18.5-13 filed after December 31,
 5 1983; plus
 6 (iii) ~~IC 6-1.1-18.6-3 (children in need of services and~~
 7 ~~delinquent children who are wards of the county)~~; minus
 8 (C) the total amount of property taxes imposed for the stated
 9 assessment year by the taxing units of the county under the
 10 authority of ~~IC 12-1-11.5 (repealed)~~, IC 12-2-4.5 (repealed),
 11 IC 12-19-5 (**before its repeal**), or IC 12-20-24; minus
 12 (D) the total amount of property taxes to be paid during the
 13 stated assessment year that will be used to pay for interest or
 14 principal due on debt that:
 15 (i) is entered into after December 31, 1983;
 16 (ii) is not debt that is issued under IC 5-1-5 to refund debt
 17 incurred before January 1, 1984; and
 18 (iii) does not constitute debt entered into for the purpose of
 19 building, repairing, or altering school buildings for which
 20 the requirements of IC 20-5-52 were satisfied prior to
 21 January 1, 1984; minus
 22 (E) the amount of property taxes imposed in the county for the
 23 stated assessment year under the authority of IC 21-2-6
 24 (**repealed**) or any citation listed in IC 6-1.1-18.5-9.8 for a
 25 cumulative building fund whose property tax rate was initially
 26 established or reestablished for a stated assessment year that
 27 succeeds the 1983 stated assessment year; minus
 28 (F) the remainder of:
 29 (i) the total property taxes imposed in the county for the
 30 stated assessment year under authority of IC 21-2-6
 31 (**repealed**) or any citation listed in IC 6-1.1-18.5-9.8 for a
 32 cumulative building fund whose property tax rate was not
 33 initially established or reestablished for a stated assessment
 34 year that succeeds the 1983 stated assessment year; minus
 35 (ii) the total property taxes imposed in the county for the
 36 1984 stated assessment year under the authority of IC 21-2-6
 37 (**repealed**) or any citation listed in IC 6-1.1-18.5-9.8 for a
 38 cumulative building fund whose property tax rate was not
 39 initially established or reestablished for a stated assessment
 40 year that succeeds the 1983 stated assessment year; minus
 41 (G) the amount of property taxes imposed in the county for the
 42 stated assessment year under:

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- 1 (i) IC 21-2-15 for a capital projects fund; plus
 2 (ii) IC 6-1.1-19-10 for a racial balance fund; plus
 3 (iii) IC 20-14-13 for a library capital projects fund; plus
 4 (iv) IC 20-5-17.5-3 for an art association fund; plus
 5 (v) IC 21-2-17 for a special education preschool fund; plus
 6 (vi) an appeal filed under IC 6-1.1-19-5.1 for an increase in
 7 a school corporation's maximum permissible general fund
 8 levy for certain transfer tuition costs; plus
 9 (vii) an appeal filed under IC 6-1.1-19-5.4 for an increase in
 10 a school corporation's maximum permissible general fund
 11 levy for transportation operating costs; minus
 12 (H) the amount of property taxes imposed by a school
 13 corporation that is attributable to the passage, after 1983, of a
 14 referendum for an excessive tax levy under IC 6-1.1-19,
 15 including any increases in these property taxes that are
 16 attributable to the adjustment set forth in ~~IC 6-1.1-19-1.5(a)~~
 17 ~~STEP ONE~~ or any other law; minus
 18 (I) for each township in the county, the lesser of:
 19 (i) the sum of the amount determined in IC 6-1.1-18.5-19(a)
 20 ~~STEP THREE~~ or IC 6-1.1-18.5-19(b) ~~STEP THREE~~,
 21 whichever is applicable, plus the part, if any, of the
 22 township's ad valorem property tax levy for calendar year
 23 1989 that represents increases in that levy that resulted from
 24 an appeal described in IC 6-1.1-18.5-13(5) filed after
 25 December 31, 1982; or
 26 (ii) the amount of property taxes imposed in the township for
 27 the stated assessment year under the authority of
 28 IC 36-8-13-4; minus
 29 (J) for each participating unit in a fire protection territory
 30 established under IC 36-8-19-1, the amount of property taxes
 31 levied by each participating unit under IC 36-8-19-8 and
 32 IC 36-8-19-8.5 less the maximum levy limit for each of the
 33 participating units that would have otherwise been available
 34 for fire protection services under IC 6-1.1-18.5-3 and
 35 IC 6-1.1-18.5-19 for that same year; minus
 36 ~~(K) for each county, the sum of:~~
 37 ~~(i) the amount of property taxes imposed in the county for~~
 38 ~~the repayment of loans under IC 12-19-5-6 that is included~~
 39 ~~in the amount determined under IC 12-19-7-4(a) STEP~~
 40 ~~SEVEN for property taxes payable in 1995; or for property~~
 41 ~~taxes payable in each year after 1995, the amount~~
 42 ~~determined under IC 12-19-7-4(b); and~~

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1 (ii) the amount of property taxes imposed in the county
 2 attributable to appeals granted under IC 6-1.1-18.6-3 that is
 3 included in the amount determined under IC ~~12-19-7-4(a)~~
 4 STEP SEVEN for property taxes payable in 1995; or the
 5 amount determined under IC ~~12-19-7-4(b)~~ for property taxes
 6 payable in each year after 1995; plus

7 (2) all taxes to be paid in the county in respect to mobile home
 8 assessments currently assessed for the year in which the taxes
 9 stated in the abstract are to be paid; plus

10 (3) the amounts, if any, of county adjusted gross income taxes that
 11 were applied by the taxing units in the county as property tax
 12 replacement credits to reduce the individual levies of the taxing
 13 units for the assessment year, as provided in IC 6-3.5-1.1; plus

14 (4) the amounts, if any, by which the maximum permissible ad
 15 valorem property tax levies of the taxing units of the county were
 16 reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated
 17 assessment year; plus

18 (5) the difference between:

19 (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR;
 20 minus

21 (B) the amount the civil taxing units' levies were increased
 22 because of the reduction in the civil taxing units' base year
 23 certified shares under IC 6-1.1-18.5-3(e).

24 (h) "December settlement sheet" means the certificate of settlement
 25 filed by the county auditor with the auditor of state, as required under
 26 IC 6-1.1-27-3.

27 (i) "Tax duplicate" means the roll of property taxes which each
 28 county auditor is required to prepare on or before March 1 of each year
 29 under IC 6-1.1-22-3.

30 SECTION 5. IC 6-1.1-29-9, AS AMENDED BY P.L.273-1999,
 31 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JANUARY 1, 2004]: Sec. 9. (a) A county council may adopt an
 33 ordinance to abolish the county board of tax adjustment. This ordinance
 34 must be adopted by July 1 and may not be rescinded in the year it is
 35 adopted. Notwithstanding IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-19,
 36 ~~IC 12-19-7~~, IC 21-2-14, IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-11,
 37 IC 36-9-3, IC 36-9-4, and IC 36-9-13, if such an ordinance is adopted,
 38 this section governs the treatment of tax rates, tax levies, and budgets
 39 that would otherwise be reviewed by a county board of tax adjustment
 40 under IC 6-1.1-17.

41 (b) The time requirements set forth in IC 6-1.1-17 govern all filings
 42 and notices.



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1 (c) A tax rate, tax levy, or budget that otherwise would be reviewed
 2 by the county board of tax adjustment is considered and must be treated
 3 for all purposes as if the county board of tax adjustment approved the
 4 tax rate, tax levy, or budget. This includes the notice of tax rates that is
 5 required under IC 6-1.1-17-12.

6 SECTION 6. IC 6-3.5-1.1-15, AS AMENDED BY P.L.273-1999,
 7 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2004]: Sec. 15. (a) As used in this section, "attributed
 9 levy" of a civil taxing unit means the sum of:

10 (1) the ad valorem property tax levy of the civil taxing unit that is
 11 currently being collected at the time the allocation is made; plus

12 (2) the current ad valorem property tax levy of any special taxing
 13 district, authority, board, or other entity formed to discharge
 14 governmental services or functions on behalf of or ordinarily
 15 attributable to the civil taxing unit; plus

16 (3) the amount of federal revenue sharing funds and certified
 17 shares that were used by the civil taxing unit (or any special
 18 taxing district, authority, board, or other entity formed to
 19 discharge governmental services or functions on behalf of or
 20 ordinarily attributable to the civil taxing unit) to reduce its ad
 21 valorem property tax levies below the limits imposed by
 22 IC 6-1.1-18.5; plus

23 (4) in the case of a county, an amount equal to the property taxes
 24 imposed by the county in 1999 for the county's welfare fund and
 25 welfare administration fund; plus

26 **(5) in the case of a county, an amount equal to the property**
 27 **taxes imposed by the county in 2003 for the county's family**
 28 **and children's fund.**

29 (b) The part of a county's certified distribution that is to be used as
 30 certified shares shall be allocated only among the county's civil taxing
 31 units. Each civil taxing unit of a county is entitled to receive a
 32 percentage of the certified shares to be distributed in the county equal
 33 to the ratio of its attributed levy to the total attributed levies of all civil
 34 taxing units of the county.

35 (c) The local government tax control board established by
 36 IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing
 37 units that are entitled to receive certified shares during a calendar year.
 38 If the ad valorem property tax levy of any special taxing district,
 39 authority, board, or other entity is attributed to another civil taxing unit
 40 under subsection (b)(2), then the special taxing district, authority,
 41 board, or other entity shall not be treated as having an attributed levy
 42 of its own. The local government tax control board shall certify the

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1 attributed levy amounts to the appropriate county auditor. The county
2 auditor shall then allocate the certified shares among the civil taxing
3 units of his county.

4 (d) Certified shares received by a civil taxing unit shall be treated
5 as additional revenue for the purpose of fixing its budget for the
6 calendar year during which the certified shares will be received. The
7 certified shares may be allocated to or appropriated for any purpose,
8 including property tax relief or a transfer of funds to another civil
9 taxing unit whose levy was attributed to the civil taxing unit in the
10 determination of its attributed levy.

11 SECTION 7. IC 6-3.5-6-17.6, AS AMENDED BY P.L.273-1999,
12 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2004]: Sec. 17.6. (a) This section applies to a county
14 containing a consolidated city.

15 (b) On or before July 15 of each year, the budget agency shall make
16 the following calculation:

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

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

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

24 STEP FOUR: Subtract the amount determined in STEP THREE
25 from the amount determined in STEP ONE.

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

32 (d) After 1995, the STEP FOUR amount shall be distributed to the
33 county auditor in January of the ensuing calendar year. The STEP
34 FOUR amount shall be distributed by the county auditor to the civil
35 taxing units within thirty (30) days after the county auditor receives the
36 distribution. Each civil taxing unit's share equals the STEP FOUR
37 amount multiplied by the quotient of:

38 (1) the maximum permissible property tax levy under
39 IC 6-1.1-18.5 for the civil taxing unit, plus, for a county, an
40 amount equal to the property taxes imposed by the county in 1999
41 for the county's welfare administration fund **and an amount**
42 **equal to the property taxes imposed by the county in 2003 for**

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1 **the county's family and children's fund;** divided by
 2 (2) the sum of the maximum permissible property tax levies under
 3 IC 6-1.1-18.5 for all civil taxing units of the county, plus an
 4 amount equal to the property taxes imposed by the county in 1999
 5 for the county's welfare administration fund **and an amount**
 6 **equal to the property taxes imposed by the county in 2003 for**
 7 **the county's family and children's fund.**

8 SECTION 8. IC 6-3.5-6-18, AS AMENDED BY P.L.273-1999,
 9 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2004]: Sec. 18. (a) The revenue a county auditor
 11 receives under this chapter shall be used to:

- 12 (1) replace the amount, if any, of property tax revenue lost due to
 13 the allowance of an increased homestead credit within the county;
 14 (2) fund the operation of a public communications system and
 15 computer facilities district as provided in an election, if any, made
 16 by the county fiscal body under IC 36-8-15-19(b);
 17 (3) fund the operation of a public transportation corporation as
 18 provided in an election, if any, made by the county fiscal body
 19 under IC 36-9-4-42;
 20 (4) make payments permitted under IC 36-7-15.1-17.5;
 21 (5) make payments permitted under subsection ~~(f)~~; **(i)**; and
 22 (6) make distributions of distributive shares to the civil taxing
 23 units of a county.

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

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

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

40 (e) The amount of distributive shares that each civil taxing unit in
 41 a county is entitled to receive during a month equals the product of the
 42 following:



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- 1 (1) The amount of revenue that is to be distributed as distributive
 2 shares during that month; multiplied by
- 3 (2) A fraction. The numerator of the fraction equals the total
 4 property taxes that are first due and payable to the civil taxing
 5 unit during the calendar year in which the month falls, plus, for a
 6 county, an amount equal to the property taxes imposed by the
 7 county in 1999 for the county's welfare fund and welfare
 8 administration fund **and an amount equal to the property taxes**
 9 **imposed by the county in 2003 for the county's family and**
 10 **children's fund.** The denominator of the fraction equals the sum
 11 of the total property taxes that are first due and payable to all civil
 12 taxing units of the county during the calendar year in which the
 13 month falls, plus an amount equal to the property taxes imposed
 14 by the county in 1999 for the county's welfare fund and welfare
 15 administration fund **and an amount equal to the property taxes**
 16 **imposed by the county in 2003 for the county's family and**
 17 **children's fund.**
- 18 (f) The state board of tax commissioners shall provide each county
 19 auditor with the fractional amount of distributive shares that each civil
 20 taxing unit in the auditor's county is entitled to receive monthly under
 21 this section.
- 22 (g) Notwithstanding subsection (e), if a civil taxing unit of an
 23 adopting county does not impose a property tax levy that is first due
 24 and payable in a calendar year in which distributive shares are being
 25 distributed under this section, that civil taxing unit is entitled to receive
 26 a part of the revenue to be distributed as distributive shares under this
 27 section within the county. The fractional amount such a civil taxing
 28 unit is entitled to receive each month during that calendar year equals
 29 the product of the following:
- 30 (1) The amount to be distributed as distributive shares during that
 31 month; multiplied by
- 32 (2) A fraction. The numerator of the fraction equals the budget of
 33 that civil taxing unit for that calendar year. The denominator of
 34 the fraction equals the aggregate budgets of all civil taxing units
 35 of that county for that calendar year.
- 36 (h) If for a calendar year a civil taxing unit is allocated a part of a
 37 county's distributive shares by subsection (g), then the formula used in
 38 subsection (e) to determine all other civil taxing units' distributive
 39 shares shall be changed each month for that same year by reducing the
 40 amount to be distributed as distributive shares under subsection (e) by
 41 the amount of distributive shares allocated under subsection (g) for that
 42 same month. The state board of tax commissioners shall make any

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1 adjustments required by this subsection and provide them to the
2 appropriate county auditors.

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

10 SECTION 9. IC 6-3.5-6-18.5, AS AMENDED BY P.L.273-1999,
11 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2004]: Sec. 18.5. (a) This section applies to a county
13 containing a consolidated city.

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

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

20	Center Township	.0251
21	Decatur Township	.00217
22	Franklin Township	.0023
23	Lawrence Township	.01177
24	Perry Township	.01130
25	Pike Township	.01865
26	Warren Township	.01359
27	Washington Township	.01346
28	Wayne Township	.01307
29	Lawrence-City	.00858
30	Beech Grove	.00845
31	Southport	.00025
32	Speedway	.00722
33	Indianapolis/Marion County	.86409

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

38	Center Township	\$1,898,145
39	Decatur Township	\$164,103
40	Franklin Township	\$173,934
41	Lawrence Township	\$890,086
42	Perry Township	\$854,544

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- 1 Pike Township \$1,410,375
- 2 Warren Township \$1,027,721
- 3 Washington Township \$1,017,890
- 4 Wayne Township \$988,397
- 5 Lawrence-City \$648,848
- 6 Beech Grove \$639,017
- 7 Southport \$18,906
- 8 Speedway \$546,000
- 9 (3) For each year after 1995, calculate the total amount of
- 10 revenues that are to be distributed as distributive shares during
- 11 that month as follows:
- 12 STEP ONE: Determine the total amount of revenues that were
- 13 distributed as distributive shares during that month in calendar
- 14 year 1995.
- 15 STEP TWO: Determine the total amount of revenue that the
- 16 department has certified as distributive shares for that month
- 17 under section 17 of this chapter for the calendar year.
- 18 STEP THREE: Subtract the STEP ONE result from the STEP
- 19 TWO result.
- 20 STEP FOUR: If the STEP THREE result is less than or equal
- 21 to zero (0), multiply the STEP TWO result by the ratio
- 22 established under subdivision (1).
- 23 STEP FIVE: Determine the ratio of:
- 24 (A) the maximum permissible property tax levy under IC
- 25 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for each civil taxing unit for
- 26 the calendar year in which the month falls, plus, for a
- 27 county, an amount equal to the property taxes imposed by
- 28 the county in 1999 for the county's welfare fund and welfare
- 29 administration fund **plus the property taxes imposed by**
- 30 **the county in 2003 for the county's family and children's**
- 31 **fund;** divided by
- 32 (B) the sum of the maximum permissible property tax levies
- 33 under IC 6-1.1-18.5 ~~and IC 6-1.1-18.6~~ for all civil taxing
- 34 units of the county during the calendar year in which the
- 35 month falls, and an amount equal to the property taxes
- 36 imposed by the county in 1999 for the county's welfare fund
- 37 and welfare administration fund **plus the property taxes**
- 38 **imposed by the county in 2003 for the county's family**
- 39 **and children's fund.**
- 40 STEP SIX: If the STEP THREE result is greater than zero (0),
- 41 the STEP ONE amount shall be distributed by multiplying the
- 42 STEP ONE amount by the ratio established under subdivision

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(1).
 STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.
 STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).
 STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:
 (A) the maximum permissible property tax levy under IC 6-1.1-18.5 and ~~IC 6-1.1-18.6~~ for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund **plus the property taxes imposed by the county in 2003 for the county's family and children's fund**; divided by
 (B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and ~~IC 6-1.1-18.6~~ for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund **plus the property taxes imposed by the county in 2003 for the county's family and children's fund**.
 SECTION 10. IC 6-3.5-7-12, AS AMENDED BY P.L.124-1999, SECTION 1, AND AS AMENDED BY P.L.273-1999, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 12. (a) The county auditor shall distribute in the manner specified in this section the certified distribution to the county.
 (b) Except as provided in subsections (c) and (h) and section 15 of this chapter, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of the following:
 (1) The amount of the certified distribution for that month; multiplied by
 (2) A fraction. The numerator of the fraction equals the sum of the following:

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

4 (B) For a county, an amount equal to the property taxes
 5 imposed by the county in 1999 for the county's welfare fund
 6 and welfare administration fund **and an amount equal to the**
 7 **property taxes imposed by the county in 2003 for the**
 8 **county's family and children's fund.**

9 The denominator of the fraction equals the sum of the total
 10 property taxes that are first due and payable to the county and all
 11 cities and towns of the county during the calendar year in which
 12 the month falls, plus an amount equal to the property taxes
 13 imposed by the county in 1999 for the county's welfare fund and
 14 welfare administration fund **and an amount equal to the**
 15 **property taxes imposed by the county in 2003 for the county's**
 16 **family and children's fund.**

17 (c) This subsection applies to a county council or county income tax
 18 council that imposes a tax under this chapter after June 1, 1992. The
 19 body imposing the tax may adopt an ordinance before July 1 of a year
 20 to provide for the distribution of certified distributions under this
 21 subsection instead of a distribution under subsection (b). The following
 22 apply if an ordinance is adopted under this subsection:

- 23 (1) The ordinance is effective January 1 of the following year.
 24 (2) The amount of the certified distribution that the county and
 25 each city and town in the county is entitled to receive during May
 26 and November of each year equals the product of:

27 (A) the amount of the certified distribution for the month;
 28 multiplied by

29 (B) a fraction. For a city or town, the numerator of the fraction
 30 equals the population of the city or the town. For a county, the
 31 numerator of the fraction equals the population of the part of
 32 the county that is not located in a city or town. The
 33 denominator of the fraction equals the sum of the population
 34 of all cities and towns located in the county and the population
 35 of the part of the county that is not located in a city or town.

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

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

- 42 (1) The county.

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1 (2) A city or town in the county.
 2 (3) A commission, a board, a department, or an authority that is
 3 authorized by statute to pledge the county economic development
 4 income tax.
 5 (e) The state board of tax commissioners shall provide each county
 6 auditor with the fractional amount of the certified distribution that the
 7 county and each city or town in the county is entitled to receive under
 8 this section.
 9 (f) Money received by a county, city, or town under this section
 10 shall be deposited in the unit's economic development income tax fund.
 11 (g) Except as provided in subsection (b)(2)(B), in determining the
 12 fractional amount of the certified distribution the county and its cities
 13 and towns are entitled to receive under subsection (b) during a calendar
 14 year, the state board of tax commissioners shall consider only property
 15 taxes imposed on tangible property subject to assessment in that
 16 county.
 17 (h) In a county having a consolidated city, only the consolidated city
 18 is entitled to the certified distribution, subject to the requirements of
 19 section 15 of this chapter.
 20 SECTION 11. IC 6-5.5-8-2, AS AMENDED BY P.L.273-1999,
 21 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2004]: Sec. 2. (a) On or before February 1, May 1,
 23 August 1, and December 1 of each year the auditor of state shall
 24 transfer to each county auditor for distribution to the taxing units (as
 25 defined in IC 6-1.1-1-21) in the county, an amount equal to one-fourth
 26 (1/4) of the sum of the guaranteed amounts for all the taxing units of
 27 the county. On or before August 1 of each year the auditor of state shall
 28 transfer to each county auditor the supplemental distribution for the
 29 county for the year. For purposes of determining distributions under
 30 subsection (b), the state board of tax commissioners shall determine a
 31 state welfare allocation for each county calculated as follows:
 32 (1) For ~~2000~~ **2004** and each year thereafter, the state welfare
 33 allocation for each county equals the greater of zero (0) or the
 34 amount determined under the following formula:
 35 STEP ONE: For 1997, 1998, and 1999, determine the result
 36 of:
 37 (A) the amounts appropriated by the county in the year for
 38 the county's county welfare fund, ~~and~~ county welfare
 39 administration fund, **and county family and children's**
 40 **fund;** divided by
 41 (B) the amounts appropriated by all the taxing units in the
 42 county in the year.

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- 1 STEP TWO: Determine the sum of the results determined in
- 2 STEP ONE.
- 3 STEP THREE: Divide the STEP TWO result by three (3).
- 4 STEP FOUR: Determine the amount that would otherwise be
- 5 distributed to all the taxing units in the county under
- 6 subsection (b) without regard to this subdivision.
- 7 STEP FIVE: Determine the result of:
- 8 (A) the STEP FOUR amount; multiplied by
- 9 (B) the STEP THREE result.
- 10 (2) The state welfare allocation shall be deducted from the
- 11 distributions otherwise payable under subsection (b) to the taxing
- 12 unit that is a county and shall be deposited in a special account
- 13 within the state general fund.
- 14 (b) A taxing unit's guaranteed distribution for a year is the greater
- 15 of zero (0) or an amount equal to:
- 16 (1) the amount received by the taxing unit under IC 6-5-10 and
- 17 IC 6-5-11 in 1989; minus
- 18 (2) the amount to be received by the taxing unit in the year of the
- 19 distribution, as determined by the state board of tax
- 20 commissioners, from property taxes attributable to the personal
- 21 property of banks, exclusive of the property taxes attributable to
- 22 personal property leased by banks as the lessor where the
- 23 possession of the personal property is transferred to the lessee;
- 24 minus
- 25 (3) in the case of a taxing unit that is a county, the amount that
- 26 would have been received by the taxing unit in the year of the
- 27 distribution, as determined by the state board of tax
- 28 commissioners, from property taxes that:
- 29 (A) were calculated for the county's county welfare fund and
- 30 county welfare administration fund for 2000 but were not
- 31 imposed because of the repeal of IC 12-19-3 and IC 12-19-4
- 32 **plus property taxes that were calculated for the county's**
- 33 **family and children's fund for 2004 but were not imposed**
- 34 **because of the repeal of the authority to levy a property tax**
- 35 **under IC 12-19-7; and**
- 36 (B) would have been attributable to the personal property of
- 37 banks, exclusive of the property taxes attributable to personal
- 38 property leased by banks as the lessor where the possession of
- 39 the personal property is transferred to the lessee.
- 40 (c) The amount of the supplemental distribution for a county for a
- 41 year shall be determined using the following formula:
- 42 STEP ONE: Determine the greater of zero (0) or the difference

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between:
(A) one-half (1/2) of the taxes that the department estimates will be paid under this article during the year; minus
(B) the sum of all the guaranteed distributions, before the subtraction of all state welfare allocations under subsection (a), for all taxing units in all counties plus the bank personal property taxes to be received by all taxing units in all counties, as determined under subsection (b)(2) for the year.

STEP TWO: Determine the quotient of:
(A) the amount received under IC 6-5-10 and IC 6-5-11 in 1989 by all taxing units in the county; divided by
(B) the sum of the amounts received under IC 6-5-10 and IC 6-5-11 in 1989 by all taxing units in all counties.

STEP THREE: Determine the product of:
(A) the amount determined in STEP ONE; multiplied by
(B) the amount determined in STEP TWO.

STEP FOUR: Determine the greater of zero (0) or the difference between:
(A) the amount of supplemental distribution determined in STEP THREE for the county; minus
(B) the amount of refunds granted under IC 6-5-10-7 that have yet to be reimbursed to the state by the county treasurer under IC 6-5-10-13.

For the supplemental distribution made on or before August 1 of each year, the department shall adjust the amount of each county's supplemental distribution to reflect the actual taxes paid under this article for the preceding year.

(d) Except as provided in subsection (f), the amount of the supplemental distribution for each taxing unit shall be determined using the following formula:

STEP ONE: Determine the quotient of:
(A) the amount received by the taxing unit under IC 6-5-10 and IC 6-5-11 in 1989; divided by
(B) the sum of the amounts used in STEP ONE (A) for all taxing units located in the county.

STEP TWO: Determine the product of:
(A) the amount determined in STEP ONE; multiplied by
(B) the supplemental distribution for the county, as determined in subsection (c), STEP FOUR.

(e) The county auditor shall distribute the guaranteed and supplemental distributions received under subsection (a) to the taxing units in the county at the same time that the county auditor makes the

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1 semiannual distribution of real property taxes to the taxing units.

2 (f) The amount of a supplemental distribution paid to a taxing unit
3 that is a county shall be reduced by an amount equal to:

4 (1) the amount the county would receive under subsection (d)
5 without regard to this subsection; minus

6 (2) an amount equal to:

7 (A) the amount under subdivision (1); multiplied by

8 (B) the result of the following:

9 ~~(i)~~ (i) Determine the amounts appropriated by the county in
10 1997, 1998, and 1999, from the county's county welfare
11 fund, ~~and~~ county welfare administration fund, **and county**
12 **family and children's fund**, divided by the total amounts
13 appropriated by all the taxing units in the county in the year.

14 (ii) Divide the amount determined in item ~~(i)~~ (i) by three (3).

15 SECTION 12. IC 12-13-5-5, AS AMENDED BY P.L.273-1999,
16 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2004]: Sec. 5. (a) Each county auditor shall keep records
18 and make reports relating to the county welfare fund (before July 1,
19 2001), the family and children's fund (**before July 1, 2005**), and other
20 financial transactions as required under IC 12-13 through IC 12-19 and
21 as required by the division.

22 (b) All records provided for in IC 12-13 through IC 12-19 shall be
23 kept, prepared, and submitted in the form required by the division and
24 the state board of accounts.

25 SECTION 13. IC 12-17-3-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 2. (a) This section
27 does not apply to a county department's:

28 (1) administrative expenses; or

29 (2) expenses regarding facilities, supplies, and equipment.

30 (b) Necessary expenses incurred in the administration of the child
31 welfare services under section 1 of this chapter shall be paid out of the
32 ~~county welfare fund or the~~ county family and children's fund.
33 (~~whichever is appropriate~~):

34 SECTION 14. IC 12-19-1-21, AS ADDED BY P.L.273-1999,
35 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JANUARY 1, 2004]: Sec. 21. (a) Notwithstanding any other law, after
37 December 31, 1999, a county may not impose any of the following:

38 (1) A property tax levy for a county welfare fund.

39 (2) A property tax levy for a county welfare administration fund.

40 (b) **Notwithstanding any other law, after December 31, 2003, a**
41 **county may not impose a property tax levy for the county's family**
42 **and children's fund.**



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1 SECTION 15. IC 12-19-1-22, AS ADDED BY P.L.273-1999,
 2 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2004]: Sec. 22. (a) All bonds issued and loans made
 4 under IC 12-1-11 (before its repeal) or this article:

5 (1) before January 1, 2000, that are payable from property taxes
 6 imposed under IC 12-19-3 (before its repeal); or

7 (2) before January 1, 2004, that are payable from property
 8 taxes imposed under IC 12-19-7-3 (before its amendment to
 9 eliminate the authority to impose a property tax levy);

10 (†) are direct general obligations of the county issuing the bonds or
 11 making the loans and (‡) are payable out of unlimited ad valorem taxes
 12 that shall be levied and collected on all taxable property within the
 13 county.

14 (b) Each official and body responsible for the levying of taxes for
 15 the county must ensure that sufficient levies are made to meet the
 16 principal and interest on the bonds and loans at the time fixed for the
 17 payment of the principal and interest, without regard to any other
 18 statute. If an official or a body fails or refuses to make or allow a
 19 sufficient levy required by this section, the bonds and loans and the
 20 interest on the bonds and loans shall be payable out of the county
 21 general fund without appropriation.

22 SECTION 16. IC 12-19-1-23 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JANUARY 1, 2004]: Sec. 23. (a) **The division may
 25 establish a children's services incentive program to provide
 26 incentives for county offices to improve children's services and
 27 contain costs relating to expenditures from the family and
 28 children's fund under IC 12-19-7.**

29 (b) **Any financial incentives under the program are subject to
 30 amounts appropriated to the division for the program.**

31 (c) **Any financial incentives provided to a county office under
 32 this section shall be appropriated, with the approval of the
 33 director, for the county's early intervention plan in accordance
 34 with IC 31-34-24 and IC 31-37-24.**

35 (d) **The division shall adopt rules under IC 4-22-2 to carry out
 36 this section.**

37 SECTION 17. IC 12-19-1.5-6, AS ADDED BY P.L.273-1999,
 38 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2003]: Sec. 6. As used in this chapter, "replacement amount"
 40 means the sum of:

41 (1) the property taxes imposed on the assessed value of property
 42 in the allocation area in excess of the base assessed value in 1999

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1 for:

2 ~~(1)~~ (A) the county welfare fund; and

3 ~~(2)~~ (B) the county welfare administration fund; **and**

4 **(2) the property taxes imposed on the assessed value of**
 5 **property in the allocation area in excess of the base assessed**
 6 **value in 2003 for the county family and children's fund.**

7 SECTION 18. IC 12-19-1.5-8, AS ADDED BY P.L.273-1999,
 8 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2003]: Sec. 8. (a) This chapter applies to an allocation area:

10 (1) in which:

11 ~~(1)~~ (A) the holders of obligations received a pledge before July
 12 1, 1999, of tax increment revenues to repay any part of the
 13 obligations due after December 31, 1999; and

14 ~~(2)~~ (B) the elimination of a county welfare fund property tax
 15 levy or a county welfare administration fund property tax levy
 16 adversely affects the ability of the governing body to repay the
 17 obligations described in ~~subdivision (1)~~: **clause (A); or**

18 **(2) in which:**

19 **(A) the holders of obligations received a pledge before July**
 20 **1, 2003, of tax increment revenues to repay any part of the**
 21 **obligations due after December 31, 2003; and**

22 **(B) the elimination of a county family and children's fund**
 23 **property tax levy adversely affects the ability of the**
 24 **governing body to repay the obligations described in clause**
 25 **(A).**

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

30 SECTION 19. IC 12-19-1.5-9, AS ADDED BY P.L.273-1999,
 31 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JANUARY 1, 2004]: Sec. 9. (a) A governing body may, after a public
 33 hearing, impose a special assessment on the owners of property that is
 34 located in an allocation area to repay:

35 (1) a bond or an obligation described in ~~section 8~~ **section 8(a)(1)**
 36 of this chapter that comes due after December 31, 1999; **or**

37 **(2) a bond or an obligation described in section 8(a)(2) of this**
 38 **chapter that comes due after December 31, 2003.**

39 The amount of a special assessment for a taxpayer shall be determined
 40 by multiplying the replacement amount by a fraction, the denominator
 41 of which is the total incremental assessed value in the allocation area,
 42 and the numerator of which is the incremental assessed value of the



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1 taxpayer's property in the allocation area.

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

26 (c) A person who filed a written remonstrance with a governing
27 body under subsection (b) and is aggrieved by the final action taken
28 may, within ten (10) days after that final action, file in the office of the
29 clerk of the circuit or superior court a copy of the order of the
30 governing body and the person's remonstrance or objection against that
31 final action, together with a bond conditioned to pay the costs of appeal
32 if the appeal is determined against the person. The only ground of
33 remonstrance or objection that the court may hear is whether the
34 proposed assessment will help achieve the redevelopment of economic
35 development objectives for the allocation area or honor its obligations
36 related to the allocation area. An appeal under this subsection shall be
37 promptly heard by the court without a jury. All remonstrances or
38 objections upon which an appeal has been taken must be consolidated,
39 heard, and determined within thirty (30) days after the time of the filing
40 of the appeal. The court shall hear evidence on the remonstrances or
41 objections, and may confirm the final action of the governing body or
42 sustain the remonstrances or objections. The judgment of the court is

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1 final and conclusive, unless an appeal is taken as in other civil actions.

2 (d) The maximum amount of a special assessment under this section
3 may not exceed the replacement amount.

4 (e) A special assessment shall be imposed and collected in the same
5 manner as ad valorem property taxes are imposed and collected.

6 SECTION 20. IC 12-19-7-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 3. (a) A family
8 and children's fund is established in each county. ~~The fund shall be~~
9 ~~raised by a separate tax levy (the county family and children property~~
10 ~~tax levy) that:~~

11 ~~(1) is in addition to all other tax levies authorized; and~~

12 ~~(2) shall be levied annually by the county fiscal body on all~~
13 ~~taxable property in the county in the amount necessary to raise the~~
14 ~~part of the fund that the county must raise to pay the items;~~
15 ~~awards; claims; allowances; assistance; and other expenses set~~
16 ~~forth in the annual budget under section 6 of this chapter.~~

17 (b) ~~The tax imposed under this section shall be collected as other~~
18 ~~state and county ad valorem taxes are collected. **Notwithstanding any**~~
19 ~~**other law, after December 31, 2003, a county may not impose a**~~
20 ~~**property tax levy for the family and children's fund.**~~

21 (c) The following shall be paid into the county treasury and
22 constitute the family and children's fund:

23 ~~(1) All receipts from the tax imposed under this section.~~

24 ~~(2) (1) All grants-in-aid; money allocated by the division to the~~
25 ~~county whether received from the federal government or state~~
26 ~~government.~~

27 ~~(3) (2) Any other money required by law to be placed in the fund.~~

28 (d) The fund is available for the purpose of paying expenses and
29 obligations set forth in the annual budget that is submitted and
30 approved.

31 SECTION 21. IC 12-19-7-6 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 6. (a) ~~The judges~~
33 ~~of the courts with juvenile jurisdiction in the county shall annually~~
34 ~~compile and submit a proposed budget for children served by the~~
35 ~~probation department of the county. The judges shall submit the~~
36 ~~proposed budget to the county director on forms prescribed by the~~
37 ~~division, not later than March 1 of each year, for the next state~~
38 ~~fiscal year.~~

39 (b) ~~The budget for children served by the probation department~~
40 ~~must contain an estimate of the amount of money that will be~~
41 ~~needed by the county office during the state fiscal year to defray~~
42 ~~the expenses and obligations of the fund in the payment of:~~



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1 (1) services for children adjudicated to be delinquent or
 2 children for whom a program of informal adjustment has
 3 been implemented under IC 31-37; and

4 (2) other services related to the services described in
 5 subdivision (1);

6 but not including the payment of Title IV-A assistance.

7 (c) The county director upon the advice of the judges of the courts
 8 with juvenile jurisdiction in the county; shall annually compile and
 9 adopt a child services budget, which **must include the budget**
 10 **submitted by the judges under subsection (a). The budget**
 11 **submitted by the county director under this subsection** must be in
 12 a form prescribed by the state board of accounts. The budget may not
 13 exceed the levy limitation set forth in IC 6-1.1-18.6: **division.**

14 (b) (d) The **child services** budget must contain an estimate of the
 15 amount of money that will be needed by the county office during the
 16 **next state** fiscal year to defray the expenses and obligations incurred
 17 by the county office in the payment of services for children adjudicated
 18 to be children in need of services or delinquent children and other
 19 related services, **including amounts necessary to implement the**
 20 **county's early intervention plan approved under IC 31-34-24 and**
 21 **IC 31-37-24**, but not including the payment of ~~AFDC~~: **Title IV-A**
 22 **assistance.**

23 SECTION 22. IC 12-19-7-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 7. (a) ~~The county~~
 25 ~~director shall; with the assistance of the judges of courts with juvenile~~
 26 ~~jurisdiction in the county and at the same time the budget is compiled~~
 27 ~~and adopted; recommend to the division the tax levy that the director~~
 28 ~~and judges determine will be required to raise the amount of revenue~~
 29 ~~necessary to pay the expenses and obligations of the county office set~~
 30 ~~forth in the budget under section 6 of this chapter. However, the tax~~
 31 ~~levy may not exceed the maximum permissible levy set forth in~~
 32 ~~IC 6-1.1-18.6 and the budget may not exceed the levy limitation set~~
 33 ~~forth in IC 6-1.1-18.~~

34 (b) After the county budget has been compiled, the county director
 35 shall submit a copy of the budget and the tax levy recommended by the
 36 county director; and the judges of courts with juvenile jurisdiction in
 37 the county; to the division **not later than April 1 of each year.** The
 38 division shall examine the budget and the tax levy for the purpose of
 39 determining whether, in the judgment of the division,

40 (†) the appropriations requested in the budget will be adequate to
 41 defray the expenses and obligations **that will be** incurred by the
 42 county office in the payment of child services for the next fiscal

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1 year. ~~and~~

2 (2) the tax levy recommended will yield the amount of the
3 appropriation set forth in the budget.

4 **The budget submitted under this section is not subject to**
5 **IC 6-1.1-17 and IC 6-1.1-18.**

6 SECTION 23. IC 12-19-7-8 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 8. (a) The
8 division may do **any of** the following after examining a budget
9 submitted by the county ~~office:~~ **director:**

10 (1) Increase or decrease the amount of the budget or an item of
11 the budget. ~~subject to the maximum levy set forth in~~
12 ~~IC 6-1.1-18.6.~~

13 (2) Approve the budget as compiled by the county director. ~~and~~
14 ~~judges of courts with juvenile jurisdiction in the county.~~

15 (3) Recommend the increase or decrease of the tax levy; subject
16 to the maximum levy set forth in IC 6-1.1-18.6.

17 (4) Approve the tax levy as recommended by the county director
18 and judges of courts with juvenile jurisdiction in the county.

19 **(b) The total amount of all approved child services budgets may**
20 **not exceed the total amount appropriated for child services for the**
21 **applicable state fiscal year.**

22 SECTION 24. IC 12-19-7-11 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 11. (a) ~~In~~
24 ~~September of each year, at the time provided by law, The county fiscal~~
25 ~~body shall do the following:~~

26 (1) make the appropriations out of the family and children's fund
27 that are:

28 (A) (1) based on the budget as ~~submitted;~~ **approved by the**
29 **division;** and

30 (B) (2) necessary to maintain the child services of the county
31 for the next **state** fiscal year. ~~subject to the maximum levy set~~
32 ~~forth in IC 6-1.1-18.6.~~

33 (2) Levy a tax in an amount necessary to produce the appropriated
34 money:

35 **(b) The division shall make advances to the county family and**
36 **children's fund to ensure that the amounts deposited in the county**
37 **family and children's fund are adequate to meet the expenses that**
38 **are to be paid from the fund. Amounts necessary to make the**
39 **advances under this subsection are appropriated from the state**
40 **welfare replacement fund and, as needed, from the state general**
41 **fund.**

42 **(c) The provisions of IC 6-1.1-18 concerning appropriations do**



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1 **not apply to appropriations of money from a county family and**
 2 **children's fund.**

3 **(d) Notwithstanding IC 36, a county is not required to publish**
 4 **notice of any claim or allowance that will be paid from the county**
 5 **family and children's fund.**

6 SECTION 25. IC 12-19-7-11.1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 11.1. (a) The
 8 judges of the courts with juvenile jurisdiction in the county and the
 9 county director shall meet with the ~~county fiscal body~~ **county's child**
 10 **protection team established under IC 31-33-3** at a public meeting

11 ~~(1) in April; and~~

12 ~~(2) after June 30 and before October 1;~~
 13 **in before April 1 of each year.**

14 (b) At a meeting required in subsection (a), the county director **and**
 15 **judges with juvenile jurisdiction** shall present to the ~~county fiscal~~
 16 ~~body and the judges~~ the following reports: **information:**

17 (1) Expenditures made

18 ~~(A) during the immediately preceding calendar quarter~~
 19 **current state fiscal year** from the family and children's fund
 20 in comparison to ~~one-fourth (1/4) of~~ the budget and
 21 appropriations approved by the ~~county fiscal body~~ **division** for
 22 the ~~calendar year.~~ **and**

23 ~~(B) from the fund in the corresponding calendar quarter of~~
 24 ~~each of the two (2) preceding calendar years.~~

25 (2) Obligations incurred ~~through the end of the immediately~~
 26 ~~preceding calendar quarter~~ **during the current state fiscal year**
 27 that will be payable from the family and children's fund during the
 28 remainder of the ~~calendar~~ **current state fiscal year.** ~~or in any~~
 29 ~~subsequent calendar year.~~

30 (3) The number of children, by category, for whom the family and
 31 children's fund was required to provide funds for services during
 32 the ~~immediately preceding calendar quarter,~~ **current state fiscal**
 33 **year,** in comparison to the ~~corresponding calendar quarter of each~~
 34 ~~of the two (2) preceding calendar years~~ **preceding the current**
 35 **state fiscal year.**

36 (4) The number and type of out-of-home placements, by category,
 37 for which the family and children's fund was required to provide
 38 funds for foster home care or institutional placement, and the
 39 average daily, weekly or monthly cost of out of home placement
 40 care and services by category, during the ~~immediately preceding~~
 41 ~~calendar quarter,~~ **current state fiscal year,** in comparison to the
 42 ~~corresponding calendar quarter of each of the two (2) preceding~~



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1 **calendar years preceding the current state fiscal year.**

2 (5) The number of children, by category, for whom the family and
3 children's fund was required to provide funds for services for
4 children residing with the child's parent, guardian or custodian
5 (other than foster home or institutional placement), and the
6 average monthly cost of those services, during the ~~immediately~~
7 ~~preceding calendar quarter;~~ **current state fiscal year,** in
8 comparison to ~~the corresponding calendar quarter~~ for each of the
9 two (2) ~~preceding calendar years~~ **preceding the current state**
10 **fiscal year.**

11 (c) In preparing the ~~reports~~ **information** described in subsection (b),
12 the county director **and judges** may use the best ~~information~~ **data**
13 reasonably available from the records of the ~~courts,~~ the county office,
14 and the ~~county family and children's fund for calendar years before~~
15 ~~1998:~~ **division.**

16 (d) At ~~each the~~ meeting described in subsection (a), the ~~county~~
17 ~~fiscal body,~~ judges and county director may

18 ~~(1)~~ discuss and suggest procedures to provide child welfare
19 services in the most effective and cost-efficient manner. ~~and~~

20 ~~(2)~~ consider actions needed, including revision of budgeting
21 procedures; to eliminate or minimize any anticipated need for
22 short term borrowing for the family and children's fund under any
23 provisions of this chapter or ~~IC 12-19-5.~~

24 SECTION 26. IC 12-19-7-11.3 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2000]: **Sec. 11.3. (a) The state welfare**
27 **replacement fund is established for the purposes of paying the costs**
28 **of children's services incurred under this chapter. The fund shall**
29 **be administered by the budget agency. The expenses of**
30 **administering the fund shall be paid from money in the fund.**

31 (b) **The treasurer of state shall invest the money in the fund that**
32 **is not needed to meet the obligations of the fund in the same**
33 **manner as other public funds are invested. Money in the fund at**
34 **the end of a state fiscal year does not revert to the state general**
35 **fund.**

36 (c) **The money in the fund is appropriated for purposes of**
37 **paying the costs of children's services incurred under this chapter.**

38 SECTION 27. IC 12-19-7-15 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 15. (a) If at any**
40 **time the county director determines that the family and children's fund**
41 **is exhausted or will be exhausted before the close of a state fiscal year,**
42 **the county director shall prepare an estimate and statement showing the**



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1 amount of money, in addition to the money already made available, that
 2 will be necessary to defray the expenses of the county office and pay
 3 the obligations of the county office, excluding administrative expenses
 4 and facilities, supplies, and equipment expenses for the county office,
 5 in the administration of the county office's activities for the unexpired
 6 part of the **state** fiscal year.

7 (b) The county director shall do the following:

8 (1) Certify the estimate and statement to the ~~county executive~~
 9 **director**.

10 (2) File ~~the estimate and a~~ statement with the ~~county auditor~~
 11 **director concerning:**

12 (A) **the reasons the family and children's fund is exhausted**
 13 **or will be exhausted; and**

14 (B) **what actions have been taken by the county office to**
 15 **avoid the exhaustion of the fund.**

16 SECTION 28. IC 12-19-7-21.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JANUARY 1, 2004]: **Sec. 21.5. Notwithstanding any**
 19 **other law, after December 31, 2003, the state shall fund one**
 20 **hundred percent (100%) of the programs, services, and activities**
 21 **paid from county family and children's fund property tax levies**
 22 **before January 1, 2004.**

23 SECTION 29. IC 31-34-24-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 4. (a) Before
 25 March 1, 1998, each county shall establish a team to develop a plan as
 26 described in this chapter.

27 (b) The team is composed of the following members, each of whom
 28 serves at the pleasure of the member's appointing authority:

29 (1) Two (2) members appointed by the judge or judges of the
 30 juvenile court, one (1) of whom is a representative of the
 31 probation department.

32 (2) Two (2) members appointed by the director of the county
 33 office as follows:

34 (A) One (1) is a member of the child welfare staff of the
 35 county office.

36 (B) One (1) is either:

37 (i) an interested resident of the county; or

38 (ii) a representative of a social service agency;

39 who knows of child welfare needs and services available to
 40 residents of the county.

41 (3) One (1) member appointed by the superintendent of the largest
 42 school corporation in the county.

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1 (4) If:

2 (A) two (2) school corporations are located within the county,
3 one (1) member appointed by the superintendent of the second
4 largest school corporation in the county; or

5 (B) more than two (2) school corporations are located within
6 the county, one (1) member appointed by the county fiscal
7 body as a representative of school corporations other than the
8 largest school corporation in the county.

9 ~~(5) One (1) member appointed by the county fiscal body.~~

10 ~~(6)~~ (5) One (1) member representing the community mental
11 health center (as defined under IC 12-7-2-38) serving the county,
12 appointed by the director of the community mental health center.
13 However, if more than one (1) community mental health center
14 serves the county, the member shall be appointed by the county
15 fiscal body.

16 ~~(7)~~ (6) One (1) or more additional members appointed by the
17 ~~chairperson of the team, county director,~~ from among interested
18 or knowledgeable residents of the community or representatives
19 of agencies providing social services to or for children in the
20 county.

21 SECTION 30. IC 31-34-24-11, AS AMENDED BY P.L.273-1999,
22 SECTION 103, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JANUARY 1, 2004]: Sec. 11. The ~~director or the~~ state
24 superintendent of public instruction may, not later than thirty (30) days
25 after receiving the plan, transmit to the team and the ~~county fiscal body~~
26 **director** any comments, including recommendations for modification
27 of the plan, that the ~~director or the~~ state superintendent of public
28 instruction considers appropriate.

29 SECTION 31. IC 31-34-24-12, AS AMENDED BY P.L.273-1999,
30 SECTION 104, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JANUARY 1, 2004]: Sec. 12. Not later than sixty (60)
32 days after receiving the plan, the ~~county fiscal body~~ **director** shall do
33 one (1) of the following:

34 (1) Approve the plan as submitted by the team.

35 ~~(2) Approve the plan with amendments, modifications, or~~
36 ~~revisions adopted by the county fiscal body.~~

37 ~~(3)~~ (2) Return the plan to the team with directions concerning:

38 (A) subjects for further study and reconsideration; and

39 (B) resubmission of a revised plan.

40 SECTION 32. IC 31-34-24-14, AS AMENDED BY P.L.273-1999,
41 SECTION 105, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JANUARY 1, 2004]: Sec. 14. (a) The team shall meet at



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- 1 least one (1) time each year to do the following:
- 2 (1) Develop, review, or revise a strategy that identifies:
- 3 (A) the manner in which prevention and early intervention
- 4 services will be provided or improved;
- 5 (B) how local collaboration will improve children's services;
- 6 and
- 7 (C) how different funds can be used to serve children and
- 8 families more effectively.
- 9 (2) Reorganize as needed and select its vice chairperson for the
- 10 ensuing year.
- 11 (3) Review the implementation of the plan and prepare revisions,
- 12 additions, or updates of the plan that the team considers necessary
- 13 or appropriate to improve the quality and efficiency of early
- 14 intervention child welfare services provided in accordance with
- 15 the plan.
- 16 (4) Prepare and submit to the ~~county fiscal body~~ **director and the**
- 17 **superintendent of public instruction** a report on the operations
- 18 of the plan during the preceding year and a revised and updated
- 19 plan for the ensuing year.
- 20 (b) The chairperson or vice chairperson of the team ~~or the county~~
- 21 ~~fiscal body~~ may convene any additional meetings of the team that are,
- 22 in the chairperson's or vice chairperson's opinion, necessary or
- 23 appropriate.
- 24 SECTION 33. IC 31-34-24-15, AS AMENDED BY P.L.273-1999,
- 25 SECTION 106, IS AMENDED TO READ AS FOLLOWS
- 26 [EFFECTIVE JANUARY 1, 2004]: Sec. 15. The team ~~or the county~~
- 27 ~~fiscal body~~ shall transmit copies of the plan, each annual report, and
- 28 each revised plan to the following:
- 29 (1) The director.
- 30 (2) The state superintendent of public instruction.
- 31 (3) The county office.
- 32 (4) The juvenile court.
- 33 (5) The superintendent of each public school corporation in the
- 34 county.
- 35 (6) The local step ahead council.
- 36 (7) Any public or private agency that:
- 37 (A) provides services to families and children in the county
- 38 that requests information about the plan; or
- 39 (B) the team has identified as a provider of services relevant
- 40 to the plan.

41 SECTION 34. IC 31-34-24-16 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 16. The team ~~or~~

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1 ~~the county fiscal body~~ shall publicize to residents of the county the
 2 existence and availability of the plan.

3 SECTION 35. IC 31-37-24-4 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 4. (a) Before
 5 March 1, 1998, each county shall establish a team to develop a plan as
 6 described in this chapter.

7 (b) The team is composed of the following members, each of whom
 8 serves at the pleasure of the member's appointing authority:

9 (1) Two (2) members appointed by the judge or judges of the
 10 juvenile court, one (1) of whom is a representative of the
 11 probation department.

12 (2) Two (2) members appointed by the director of the county
 13 office as follows:

14 (A) One (1) is a member of the child welfare staff of the
 15 county office.

16 (B) One (1) is either:

17 (i) an interested resident of the county; or

18 (ii) a representative of a social service agency;

19 who knows of child welfare needs and services available to
 20 residents of the county.

21 (3) One (1) member appointed by the superintendent of the largest
 22 school corporation in the county.

23 (4) If:

24 (A) two (2) school corporations are located within the county,
 25 one (1) member appointed by the superintendent of the second
 26 largest school corporation in the county; or

27 (B) more than two (2) school corporations are located within
 28 the county, one (1) member appointed by the county fiscal
 29 body as a representative of school corporations other than the
 30 largest school corporation in the county.

31 ~~(5) One (1) member appointed by the county fiscal body.~~

32 ~~(6)~~ (5) One (1) member representing the community mental
 33 health center (as defined under IC 12-7-2-38) serving the county,
 34 appointed by the director of the community mental health center.
 35 However, if more than one (1) community mental health center
 36 serves the county, the member shall be appointed by the county
 37 ~~fiscal body.~~ **director.**

38 ~~(7)~~ (6) One (1) or more additional members appointed by the
 39 ~~chairperson of the team,~~ **county director,** from among interested
 40 or knowledgeable residents of the community or representatives
 41 of agencies providing social services to or for children in the
 42 county.

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1 SECTION 36. IC 31-37-24-5, AS AMENDED BY P.L.273-1999,
 2 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JANUARY 1, 2004]: Sec. 5. If a county has in existence
 4 a committee, council, or other organized group that includes
 5 representatives of all of the appointing authorities described in section
 6 4 of this chapter, the ~~county fiscal body~~ **director** may elect to designate
 7 that existing organization as the county's team for purposes of this
 8 chapter.

9 SECTION 37. IC 31-37-24-11, AS AMENDED BY P.L.273-1999,
 10 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JANUARY 1, 2004]: Sec. 11. The ~~director or the~~ state
 12 superintendent of public instruction may, not later than thirty (30) days
 13 after receiving the plan, transmit to the team and the ~~county fiscal body~~
 14 **director** any comments, including recommendations for modification
 15 of the plan, that the ~~director or the~~ state superintendent of public
 16 instruction considers appropriate.

17 SECTION 38. IC 31-37-24-12, AS AMENDED BY P.L.273-1999,
 18 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JANUARY 1, 2004]: Sec. 12. Not later than sixty (60)
 20 days after receiving the plan, the ~~county fiscal body~~ **director** shall do
 21 one (1) of the following:

- 22 (1) Approve the plan as submitted by the team.
 23 ~~(2) Approve the plan with amendments, modifications, or~~
 24 ~~revisions adopted by the county fiscal body.~~
 25 ~~(3) (2) Return the plan to the team with directions concerning:~~
 26 (A) subjects for further study and reconsideration; and
 27 (B) resubmission of a revised plan.

28 SECTION 39. IC 31-37-24-14, AS AMENDED BY P.L.273-1999,
 29 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JANUARY 1, 2004]: Sec. 14. (a) The team shall meet at
 31 least one (1) time each year to do the following:

- 32 (1) Develop, review, or revise a strategy that identifies:
 33 (A) the manner in which prevention and early intervention
 34 services will be provided or improved;
 35 (B) how local collaboration will improve children's services;
 36 and
 37 (C) how different funds can be used to serve children and
 38 families more effectively.
 39 (2) Reorganize as needed and select its vice chairperson for the
 40 ensuing year.
 41 (3) Review the implementation of the plan and prepare revisions,
 42 additions, or updates of the plan that the team considers necessary



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1 or appropriate to improve the quality and efficiency of early
2 intervention child welfare services provided in accordance with
3 the plan.

4 (4) Prepare and submit to the ~~county fiscal body~~ **director and the**
5 **superintendent of public instruction** a report on the operations
6 of the plan during the preceding year and a revised and updated
7 plan for the ensuing year.

8 (b) The chairperson or vice chairperson of the team ~~or the county~~
9 ~~fiscal body~~ may convene any additional meetings of the team that are,
10 in the chairperson's or vice chairperson's opinion, necessary or
11 appropriate.

12 SECTION 40. IC 31-37-24-15 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 15. The team ~~or~~
14 ~~the county fiscal body~~ shall transmit copies of the initial plan, each
15 annual report, and each revised plan to the following:

- 16 (1) The director.
- 17 (2) The state superintendent of public instruction.
- 18 (3) The county office.
- 19 (4) The juvenile court.
- 20 (5) The superintendent of each public school corporation in the
21 county.
- 22 (6) The local step ahead council.
- 23 (7) Any public or private agency that:
 - 24 (A) provides services to families and children in the county
25 that requests information about the plan; or
 - 26 (B) the team has identified as a provider of services relevant
27 to the plan.

28 SECTION 41. IC 31-37-24-16 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 16. The team ~~or~~
30 ~~the county fiscal body~~ shall publicize to residents of the county the
31 existence and availability of the plan.

32 SECTION 42. IC 31-40-1-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1. This article
34 applies to a financial burden sustained by a county ~~or the division~~ as
35 the result of costs paid by the county ~~or the division~~ under section 2 of
36 this chapter, including costs resulting from the institutional placement
37 of a child adjudicated a delinquent child or a child in need of services.

38 SECTION 43. IC 31-40-1-2, AS AMENDED BY P.L.273-1999,
39 SECTION 119, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JANUARY 1, 2004]: Sec. 2. (a) The county shall pay
41 from the county family and children's fund the cost of:

- 42 (1) any services ordered by the juvenile court for any child or the

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1 child's parent, guardian, or custodian, other than secure detention;
2 and

3 (2) returning a child under IC 31-37-23.

4 (b) The ~~county fiscal body~~ **division** shall provide sufficient money
5 to meet the court's requirements.

6 SECTION 44. IC 31-40-1-3, AS AMENDED BY P.L.273-1999,
7 SECTION 120, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JANUARY 1, 2004]: Sec. 3. (a) A parent or guardian of
9 the estate of a child adjudicated a delinquent child or a child in need of
10 services is financially responsible as provided in this chapter (or
11 IC 31-6-4-18(e) before its repeal) for any services ordered by the court.

12 (b) Each parent of a child alleged to be a child in need of services
13 or alleged to be a delinquent child shall, before a dispositional hearing,
14 furnish the court with an accurately completed and current child
15 support obligation worksheet on the same form that is prescribed by the
16 Indiana supreme court for child support orders.

17 (c) At:

18 (1) a detention hearing;

19 (2) a hearing that is held after the payment of costs by a county
20 under section 2 of this chapter (or IC 31-6-4-18(b) before its
21 repeal);

22 (3) the dispositional hearing; or

23 (4) any other hearing to consider modification of a dispositional
24 decree;

25 the juvenile court shall order the child's parents or the guardian of the
26 child's estate to pay for, or reimburse the county **or the division** for the
27 cost of, services provided to the child or the parent or guardian unless
28 the court finds that the parent or guardian is unable to pay or that
29 justice would not be served by ordering payment from the parent or
30 guardian.

31 SECTION 45. IC 31-40-1-5, AS AMENDED BY P.L.273-1999,
32 SECTION 121, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JANUARY 1, 2004]: Sec. 5. (a) This section applies
34 whenever the court orders or approves removal of a child from the
35 home of a child's parent or guardian and placement of the child in a
36 child caring institution (as defined in IC 12-7-2-29), a foster family
37 home (as defined in IC 12-7-2-90), or the home of a relative of the
38 child that is not a foster family home.

39 (b) If an existing support order is in effect, the court shall order the
40 support payments to be assigned to the county office **or the division**
41 for the duration of the placement out of the home of the child's parent
42 or guardian. The court shall notify the court that:



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1 (1) entered the existing support order; or
 2 (2) had jurisdiction, immediately before the placement, to modify
 3 or enforce the existing support order;
 4 of the assignment and assumption of jurisdiction by the juvenile court
 5 under this section.

6 (c) If an existing support order is not in effect, the court shall do the
 7 following:

8 (1) Include in the order for removal or placement of the child an
 9 assignment to the county office **or the division**, or confirmation
 10 of an assignment that occurs or is required under applicable
 11 federal law, of any rights to support, including support for the cost
 12 of any medical care payable by the state under IC 12-15, from any
 13 parent or guardian who has a legal obligation to support the child.

14 (2) Order support paid to the county office **or the division** by
 15 each of the child's parents or the guardians of the child's estate to
 16 be based on child support guidelines adopted by the Indiana
 17 supreme court and for the duration of the placement of the child
 18 out of the home of the child's parent or guardian, unless:

19 (A) the court finds that entry of an order based on the child
 20 support guidelines would be unjust or inappropriate
 21 considering the best interests of the child and other necessary
 22 obligations of the child's family; or

23 (B) the county office does not make foster care maintenance
 24 payments to the custodian of the child. For purposes of this
 25 clause, "foster care maintenance payments" means any
 26 payments for the cost of (in whole or in part) and the cost of
 27 providing food, clothing, shelter, daily supervision, school
 28 supplies, a child's personal incidentals, liability insurance with
 29 respect to a child, and reasonable amounts for travel to the
 30 child's home for visitation. In the case of a child caring
 31 institution, the term also includes the reasonable costs of
 32 administration and operation of the institution as are necessary
 33 to provide the items described in this clause.

34 (3) If the court:

35 (A) does not enter a support order; or

36 (B) enters an order that is not based on the child support
 37 guidelines;

38 the court shall make findings as required by 45 CFR 302.56(g).

39 (d) Payments in accordance with a support order assigned under
 40 subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f)
 41 before its repeal) shall be paid through the clerk of the circuit court as
 42 trustee for remittance to the county office.

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1 (e) The Title IV-D agency shall establish, modify, or enforce a
 2 support order assigned or entered by a court under this section in
 3 accordance with IC 12-17-2 and 42 U.S.C. 654. The county office shall,
 4 if requested, assist the Title IV-D agency in performing its duties under
 5 this subsection.

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

8 (1) notify the court that:

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

11 (B) had jurisdiction, immediately before the placement, to
 12 modify or enforce the existing support order;

13 of the termination of jurisdiction of the juvenile court with respect
 14 to the support order;

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

19 (3) continue in effect, subject to modification or enforcement by
 20 a court having jurisdiction over the obligor, a support order
 21 entered under subsection (c) that requires payment of support by
 22 a noncustodial parent or guardian of the estate of the child.

23 (g) The court may at or after a hearing described in section 3 of this
 24 chapter order the child's parent or the guardian of the child's estate to
 25 reimburse the county office **or the division** for all or any portion of the
 26 expenses for services provided to or for the benefit of the child that are
 27 paid from the county family and children's fund during the placement
 28 of the child out of the home of the parent or guardian, in addition to
 29 amounts reimbursed through payments in accordance with a support
 30 order assigned or entered as provided in this section, subject to
 31 applicable federal law.

32 SECTION 46. IC 36-2-6-3 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 3. (a) This section
 34 does not apply to **the following**:

35 (1) Claims for salaries fixed in a definite amount by ordinance or
 36 statute, per diem of jurors, and salaries of officers of a court.

37 (2) **Claims that will be paid from a county family and**
 38 **children's fund.**

39 (b) The county auditor shall publish all claims that have been filed
 40 for the consideration of the county executive and shall publish all
 41 allowances made by courts of the county. Claims filed for the
 42 consideration of the executive shall be published at least three (3) days

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1 before each session of the executive, and court allowances shall be
 2 published at least three (3) days before the issuance of warrants in
 3 payment of those allowances. In publication of itemized statements
 4 filed by assistant highway supervisors for consideration of the
 5 executive, the auditor shall publish the name of each party and the total
 6 amount due each party named in the itemized statements. Notice of
 7 claims filed for consideration of the county executive must state their
 8 amounts and to whom they are made. Claims and allowances subject
 9 to this section shall be published as prescribed by IC 5-3-1, except that
 10 only one (1) publication in two (2) newspapers is required.

11 (c) A member of the county executive who considers or allows a
 12 claim, or a county auditor who issues warrants in payment of
 13 allowances made by the county executive or a court of the county,
 14 before compliance with subsection (b), commits a Class C infraction.

15 (d) A county auditor shall publish one (1) time in accordance with
 16 IC 5-3-1 a notice of all allowances made by a circuit or superior court.
 17 The notice must be published within sixty (60) days after the
 18 allowances are made and must state their amount, to whom they are
 19 made, and for what purpose they are made.

20 SECTION 47. THE FOLLOWING ARE REPEALED [EFFECTIVE
 21 JANUARY 1, 2004]: IC 6-1.1-18.6; IC 12-19-5; IC 12-19-7-4;
 22 IC 12-19-7-5; IC 12-19-7-9; IC 12-19-7-10; IC 12-19-7-16;
 23 IC 12-19-7-17; IC 12-19-7-18; IC 12-19-7-19; IC 12-19-7-20;
 24 IC 12-19-7-21; IC 12-19-7-22; IC 12-19-7-23; IC 12-19-7-24;
 25 IC 12-19-7-25; IC 12-19-7-26; IC 12-19-7-27; IC 12-19-7-28;
 26 IC 12-19-7-29; IC 12-19-7-30; IC 12-19-7-31; IC 12-19-7-32;
 27 IC 12-19-7-33; IC 31-34-24-13; IC 31-37-24-13.

28 SECTION 48. [EFFECTIVE JANUARY 1, 2004] (a) **The division
 29 of family and children shall reimburse each county for one
 30 hundred percent (100%) of the proportionate share of operating
 31 costs of the county auditor and county treasurer for the support of
 32 the county family and children's fund, based upon an approved
 33 indirect cost plan.**

34 (b) **This SECTION expires July 1, 2005.**

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