

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 287 be amended to read as follows:

- 1 Page 20, between lines 38 and 39, begin a new paragraph and insert:
- 2 "SECTION 29. IC 6-1.1-11-9 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:
- 4 Sec. 9. (a) Except as provided in subsection (b) of this section, all
- 5 property otherwise subject to assessment under this article shall be
- 6 assessed in the usual manner, whether or not it is exempt from taxation.
- 7 (b) No assessment shall be made of property which is owned by the
- 8 government of the United States, this state, an agency of this state, or
- 9 a political subdivision of this state if the property is used, and in the
- 10 case of real property occupied, by the owner. **However, a claim for a**
- 11 **payment in lieu of property taxes may be made as provided in**
- 12 **IC 6-1.1-21.3."**
- 13 Page 71, between lines 22 and 23, begin a new paragraph and insert:
- 14 "SECTION 60. IC 6-1.1-21.3 IS ADDED TO THE INDIANA
- 15 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
- 16 [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:
- 17 **Chapter 21.3. Payments in Lieu of Property Taxes**
- 18 **Sec. 1. As used in this chapter, "department" refers to the**
- 19 **department of natural resources.**
- 20 **Sec. 2. As used in this chapter, "land" refers to land described**
- 21 **in section 5 of this chapter.**
- 22 **Sec. 3. As used in this chapter, "fund" refers to the PILOT**
- 23 **transfer fund established by section 11 of this chapter.**
- 24 **Sec. 4. As used in this chapter, "PILOT" refers to a distribution**

1 to a county under this chapter that is in lieu of property taxes on
2 land located in the county.

3 **Sec. 5. Upon the submission of a claim under section 10 of this**
4 **chapter, a county in which land:**

5 (1) owned or leased by the department on March 1 of the
6 previous year; and

7 (2) exempt from the payment of property taxes;

8 is located is entitled to receive a PILOT under this chapter.

9 **Sec. 6. Subject to section 13 of this chapter, the PILOT required**
10 **to be paid to a county for a year is equal to the amount determined**
11 **under STEP SIX of the following formula:**

12 **STEP ONE: For each taxing district in the county, determine**
13 **the number of acres of land that are located in the taxing**
14 **district.**

15 **STEP TWO: Multiply the STEP ONE amount by the base**
16 **rate determined for the assessment date in the previous year.**

17 **STEP THREE: Divide the STEP TWO result by one hundred**
18 **(100).**

19 **STEP FOUR: Multiply the STEP THREE result by the**
20 **property tax rate in the taxing district in which the land is**
21 **located for property taxes first due and payable in the year.**

22 **STEP FIVE: Subtract from the STEP FOUR result the**
23 **property tax replacement credit under IC 6-1.1-21-5 that**
24 **would apply to the land in the taxing district if a property tax**
25 **equal to the STEP FOUR amount were imposed on the land.**

26 **STEP SIX: Determine the sum of the STEP FIVE amounts for**
27 **all land located in the county.**

28 **Sec. 7. (a) Not later than September 1 of the year preceding the**
29 **year in which a PILOT is due, the auditor of state shall provide the**
30 **county assessor of each county in which land is located with a**
31 **report of:**

32 (1) the number of acres of land that are located in each taxing
33 district in the county on the assessment date in that year;

34 (2) the parcel numbers or key numbers of the land referred to
35 in subdivision (1); and

36 (3) any other information specified by the department of local
37 government finance.

38 (b) The auditor of state shall provide the report required by
39 subsection (a):

40 (1) on a form prescribed by the department of local
41 government finance; or

42 (2) with the consent of the department of local government
43 finance, in an electronic format.

44 **Sec. 8. The department of local government finance:**

45 (1) shall prescribe a form for the report required under
46 section 7 of this chapter; and

47 (2) may adopt standards for the reporting of information

1 under section 7 of this chapter that are necessary to assist
2 counties, conservancy districts, and other political
3 subdivisions with the implementation of this chapter.

4 **Sec. 9.** A county assessor shall annually provide the county
5 auditor and the county treasurer with the information from the
6 report provided under section 7 of this chapter that is necessary
7 for the county assessor and county treasurer to prepare a claim for
8 a PILOT. The information must be delivered on the schedule
9 specified by the county auditor and the county treasurer.

10 **Sec. 10.** The county treasurer shall submit to the auditor of state
11 a claim for a PILOT for a particular year at the same time that the
12 county treasurer issues property tax statements under
13 IC 6-1.1-22-8. The claim shall be computed in accordance with the
14 formula in section 6 of this chapter. A county treasurer may
15 submit an amended claim for a PILOT in accordance with the
16 policies prescribed by the auditor of state.

17 **Sec. 11. (a)** The PILOT transfer fund is established to provide
18 money for the distributions of PILOTS to counties. The auditor of
19 state shall administer the fund.

20 (b) The expenses of administering the fund shall be paid from
21 money in the fund.

22 (c) The treasurer of state shall invest the money in the fund not
23 currently needed to meet the obligations of the fund in the same
24 manner as other public money may be invested.

25 (d) Money in the fund at the end of a state fiscal year does not
26 revert to the state general fund. However, if the fund at the end of
27 a state fiscal year exceeds seven million dollars (\$7,000,000), the
28 auditor of state shall transfer the excess from the fund as follows:

29 (1) Sixty-five and forty-two hundredths percent (65.42%) in
30 the state forestry fund for purposes of the state forestry fund.

31 (2) One and twenty-five hundredths percent (1.25%) in the
32 general fund for purposes of the department of local
33 government finance data base management.

34 (3) Thirty-three and thirty-three hundredths percent
35 (33.33%) in the state fair fund for purposes of the state fair
36 fund.

37 The amount transferred is continuously appropriated for the
38 purposes to which the money is transferred.

39 **Sec. 12.** The auditor of state shall pay PILOTS from the fund.
40 The maximum amount payable to a county for a particular year is
41 the least of the following:

42 (1) The amount determined for the county under section 6 of
43 this chapter.

44 (2) The amount determined under section 13 of this chapter.

45 **Sec. 13. (a)** This section applies only if the total amount of
46 PILOTS payable in a year to all counties under section 6 of this
47 chapter is greater than the amount available in the fund.

1 **(b) If the amount in the fund is less than the amount necessary**
 2 **to pay all claims for PILOTS for a particular year, the amount of**
 3 **the PILOT payable to a county in which land is located is reduced**
 4 **to the amount determined under STEP FOUR of the following**
 5 **formula:**

6 **STEP ONE: Determine the amount of the PILOT that**
 7 **otherwise would be payable to the county under section 6 of**
 8 **this chapter.**

9 **STEP TWO: Determine the sum of the STEP ONE amounts**
 10 **for all counties in which land is located.**

11 **STEP THREE: Divide the STEP ONE amount by the STEP**
 12 **TWO amount, rounded to the nearest ten thousandth**
 13 **(0.0001).**

14 **STEP FOUR: Multiply the amount available for distribution**
 15 **from the fund for the particular year by the STEP THREE**
 16 **result.**

17 **Sec. 14. The budget agency shall establish the schedule on which**
 18 **distributions are made under this chapter. To the extent possible,**
 19 **distributions shall be made in equal installments not later than**
 20 **fifteen (15) regular business days after each semiannual settlement**
 21 **date under IC 6-1.1-27-3.**

22 **Sec. 15. There is continuously appropriated from the fund the**
 23 **amount necessary to make the distributions required by this**
 24 **chapter.**

25 **Sec. 16. A PILOT for a county shall be distributed to the county**
 26 **treasurer. The county treasurer shall distribute the amount of a**
 27 **PILOT to each taxing unit in the county in which land is located in**
 28 **proportion to the tax rate imposed by each taxing unit on the land**
 29 **not later than the next settlement date after the money is received**
 30 **by the county treasurer. A taxing unit shall treat money received**
 31 **under this section as a levy excess and deposit the money in the**
 32 **taxing unit's levy excess fund under IC 6-1.1-18.5-17 or**
 33 **IC 6-1.1-19-1.7 for the purpose of reducing property tax levies in**
 34 **the year following the year in which the PILOT is imposed."**

35 Page 92, between lines 28 and 29, begin a new paragraph and insert:
 36 "SECTION 85. IC 14-23-3-3 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:
 38 Sec. 3. **(a)** Annually there shall be levied and collected as other state
 39 taxes are levied and collected the amount of sixteen hundredths of one
 40 cent (\$0.0016) upon each one hundred dollars (\$100) worth of taxable
 41 property in Indiana.

42 **(b) The money collected shall be deposited as follows:**

43 **(1) An amount equal to the levy** resulting from one hundred
 44 **fifty-seven thousandths of one cent (\$0.00157) of the rate**
 45 **imposed for property taxes first due and payable in 2006 shall**
 46 **be paid deposited into the fund. The money collected**

47 **(2) An amount equal to the levy** resulting from three

1 thousandths of one cent (\$0.00003) **imposed for property taxes**
 2 **first due and payable in 2006** is appropriated to the budget
 3 agency for purposes of department of local government finance
 4 data base management.

5 **(3) The amount not deposited under subdivisions (1) and (2)**
 6 **shall be deposited into the PILOT transfer fund established by**
 7 **IC 6-1.1-21.3-11.**

8 SECTION 86. IC 15-1.5-8-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:
 10 Sec. 4. The auditor of state shall deposit revenue from the tax as
 11 **follows:**

12 **(1) An amount equal to the amount of the tax levy that was**
 13 **first due and payable in 2006 shall be deposited** into the fund.

14 **(2) The excess over the amount described in subdivision (1)**
 15 **shall be deposited into the PILOT transfer fund established by**
 16 **IC 6-1.1-21.3-11."**

17 Page 124, between lines 17 and 18, begin a new paragraph and
 18 insert:

19 "SECTION 131. [EFFECTIVE JANUARY 1, 2007
 20 (RETROACTIVE)] **(a) IC 6-1.1-21.3, as added by this act, applies to**
 21 **assessment dates after February 28, 2006.**

22 **(b) In cooperation with the auditor of state, the department of**
 23 **local government finance shall, not later than August 1, 2007,**
 24 **prescribe a form for the auditor of state to report the information**
 25 **needed to carry out IC 6-1.1-21.3-7, as added by this act. The form**
 26 **shall be used for the determination of payments in lieu of property**
 27 **taxes payable in 2007 and 2008. Notwithstanding IC 6-1.1-21.3, as**
 28 **added by this act, a county auditor may bill a PILOT that is due**
 29 **for 2007 not later than the later of the following:**

30 **(1) October 1, 2007.**

31 **(2) Thirty (30) days after the county auditor receives the**
 32 **information described in IC 6-1.1-21.3-7, as added by this act,**
 33 **for the assessment date in 2006.**

34 **(c) This SECTION expires January 1, 2009."**

35 Re-number all SECTIONS consecutively.

(Reference is to ESB 287 as printed April 6, 2007.)

Representative Walorski