

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	2

MR. SPEAKER:

*Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1096, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 3, line 13, after "in the" insert "**participating**".
- 2 Page 3, between lines 21 and 22, begin a new paragraph and insert:
- 3 "SECTION 2. IC 36-8-19-6, AS AMENDED BY P.L.47-2007,
- 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2011]: Sec. 6. (a) To establish a fire protection territory, the
- 6 legislative bodies of each unit desiring to become a part of the
- 7 proposed territory must adopt an ordinance (if the unit is a county or
- 8 municipality) or a resolution (if the unit is a township) that meets the
- 9 following requirements:
- 10 (1) The ordinance or resolution is identical to the ordinances and
- 11 resolutions adopted by the other units desiring to become a part
- 12 of the proposed territory.
- 13 (2) The ordinance or resolution is adopted after January 1 but
- 14 before April 1.

- 1 (3) The ordinance or resolution authorizes the unit to become a
 2 party to an agreement for the establishment of a fire protection
 3 territory.
- 4 (4) The ordinance or resolution is adopted after the legislative
 5 body **does the following:**
- 6 (A) Holds a public hearing **at least thirty (30) days before**
 7 **adopting the ordinance or resolution at which the**
 8 **legislative body makes available to the public the**
 9 **information required by subsection (e) concerning the**
 10 **fiscal impact of the proposed fire protection territory.**
- 11 (B) **Holds at least one (1) additional public hearing** to
 12 receive public comment on the proposed ordinance or
 13 resolution. The legislative body must give notice of the
 14 hearing under IC 5-3-1.
- 15 (b) The notice required under this section shall include all of the
 16 following:
- 17 (1) A list of the provider unit and all participating units in the
 18 proposed territory.
- 19 (2) The date, time, and location of the hearing.
- 20 (3) The location where the public can inspect the proposed
 21 ordinance or resolution.
- 22 (4) A statement as to whether the proposed ordinance or
 23 resolution requires uniform tax rates or different tax rates within
 24 the territory **and the proposed levies and tax rates for each**
 25 **participating unit.**
- 26 (5) The name and telephone number of a representative of the unit
 27 who may be contacted for further information.
- 28 (c) The ordinance or resolution adopted under this section shall
 29 include at least the following:
- 30 (1) The boundaries of the proposed territory.
- 31 (2) The identity of the provider unit and all other participating
 32 units desiring to be included within the territory.
- 33 (3) An agreement to impose **the following:**
- 34 (A) **For property taxes first due and payable before**
 35 **January 1, 2012:**
- 36 (i) a uniform tax rate upon all of the taxable property within
 37 the territory for fire protection services; or
 38 ~~(B)~~ (ii) different tax rates for fire protection services for the

1 **participating** units desiring to be included within the
2 territory, so long as a tax rate applies uniformly to all of a
3 unit's taxable property within the ~~territory~~: **unit**.

4 **(B) For property taxes first due and payable after**
5 **December 31, 2011, a property tax levy for fire protection**
6 **services within each participating unit. The maximum**
7 **property tax levy for fire protection services for a**
8 **particular unit may not exceed the amount determined for**
9 **the unit under IC 6-1.1-18.5-10.5.**

10 (4) The contents of the agreement to establish the territory.

11 (d) **Except as provided in subsection (e)**, an ordinance or a
12 resolution adopted under this section takes effect July 1 of the year the
13 ordinance or resolution is adopted.

14 **(e) A legislative body of a participating unit that desires to adopt**
15 **an ordinance or a resolution under this section must make the**
16 **following information available to the public at the meeting**
17 **required by subsection (a)(4)(A):**

18 (1) **The property tax levy, property tax rate, and budget to be**
19 **imposed or adopted during the first year of the territory for**
20 **each of the units that would participate in the proposed fire**
21 **protection territory.**

22 (2) **The estimated effect of the proposed reorganization in**
23 **following years on taxpayers in each of the units that would**
24 **participate in the proposed fire protection territory, including**
25 **the expected property tax rates, property tax levies,**
26 **expenditure levels, and service levels, and annual debt service**
27 **payments.**

28 (3) **A description of the planned services and staffing levels to**
29 **be provided in the proposed fire protection territory.**

30 (4) **A description of any capital improvements to be provided**
31 **in the proposed fire protection territory."**

32 Page 3, delete lines 22 through 42.

33 Delete pages 4 through 5.

34 Page 6, delete lines 1 through 13.

35 Page 6, delete lines 24 through 42.

36 Delete page 7.

37 Page 8, delete lines 1 through 10.

38 Page 8, line 18, after "for the" insert "**participating**".

- 1 Page 8, line 19, strike "of a".
- 2 Page 8, line 20, strike "unit's".
- 3 Page 8, line 20, strike "territory." and insert "**unit**".
- 4 Page 8, line 29, delete "and (in the case of ordinances or".
- 5 Page 8, delete lines 30 through 32.
- 6 Page 8, line 33, delete "chapter,".
- 7 Page 9, line 9, strike "assistance" and insert "**approval**".
- 8 Page 9, line 12, delete "balance," and insert "balance.".
- 9 Page 9, line 12, strike "not".
- 10 Page 9, line 13, strike "to exceed twenty percent (20%) of the
- 11 budgeted expenses.".
- 12 Page 9, line 15, strike "establish" and insert "**adopt**".
- 13 Page 9, line 22, strike "In".
- 14 Page 9, strike lines 23 through 28.
- 15 Page 9, after line 41, begin a new paragraph and insert:
- 16 "SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) The**
- 17 **department of local government finance shall review the tax rates**
- 18 **levies for fire protection territories established before July 1, 2011,**
- 19 **that have a uniform tax rate throughout the territory and shall**
- 20 **reconsider whether different tax rates for fire protection services**
- 21 **should be applied for the participating units included within the**
- 22 **territory consistent with this act.**
- 23 **(b) This SECTION expires January 1, 2015."**
- 24 Renumber all SECTIONS consecutively.
(Reference is to HB 1096 as introduced.)

and when so amended that said bill do pass.

Representative Borders