

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 459 be amended to read as follows:

- 1 Page 7, between lines 20 and 21, begin a new paragraph and insert:
- 2 "SECTION 8. IC 36-1.5-4-34.5 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2013]: **Sec. 34.5. (a) This section applies to a**
- 5 **reorganization under this chapter that:**
- 6 (1) occurs after June 30, 2006; and
- 7 (2) involves one (1) or more municipalities and one (1) or
- 8 more townships, all of which are participating units in a fire
- 9 protection territory on the date the reorganization is
- 10 approved by voters.
- 11 (b) The fiscal body of a reorganized political subdivision that
- 12 results from a reorganization described in subsection (a) may:
- 13 (1) establish an equipment replacement fund under
- 14 IC 36-8-19-8.5 and impose a property tax for the fund as
- 15 provided in IC 36-8-19-8.5; and
- 16 (2) take any other action under IC 36-8-19-8.5 that may be
- 17 taken under that section by a participating unit in a fire
- 18 protection territory.
- 19 (c) If a reorganized political subdivision establishes an
- 20 equipment replacement fund under IC 36-8-19-8.5 as authorized
- 21 by this section, the department of local government finance may
- 22 adjust the maximum permissible ad valorem property tax levy that
- 23 would otherwise apply to the reorganized political subdivision in
- 24 the same manner in which the department may adjust the

1 **maximum permissible ad valorem property tax levy of a civil**
 2 **taxing unit under IC 6-1.1-18.5-10.5 to meet the civil taxing unit's**
 3 **obligations to a fire protection territory established under**
 4 **IC 36-8-19."**

5 Page 10, line 26, delete "." and insert "**to pay for, or make**
 6 **improvements to, services within the area of the new township**
 7 **government."**

8 Page 10, line 27, delete "any fire department" and insert "**fire**
 9 **protection services within"**.

10 Page 10, line 28, delete "that serves".

11 Page 14, between lines 3 and 4, begin a new paragraph and insert:
 12 "SECTION 17. IC 36-8-19-8.5, AS AMENDED BY P.L.47-2007,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 8.5. (a) Participating units may agree to
 15 establish an equipment replacement fund under this section to be used
 16 to purchase fire protection equipment, including housing, that will be
 17 used to serve the entire territory. To establish the fund, the legislative
 18 bodies of each participating unit must adopt an ordinance (if the unit
 19 is a county or municipality) or a resolution (if the unit is a township),
 20 **and that meets** the following requirements **must be met:**

21 (1) The ordinance or resolution is identical to the ordinances and
 22 resolutions adopted by the other participating units under this
 23 section.

24 (2) ~~The ordinance or resolution is adopted after January 1 but~~
 25 ~~before April 1.~~

26 **(2) Before adopting the ordinance or resolution, each**
 27 **participating unit must comply with the notice and hearing**
 28 **requirements of IC 6-1.1-41-3.**

29 (3) The ordinance or resolution authorizes the provider unit to
 30 establish the fund.

31 (4) The ordinance or resolution includes at least the following:

32 (A) The name of each participating unit and the provider unit.

33 (B) An agreement to impose a uniform tax rate upon all of the
 34 taxable property within the territory for the equipment
 35 replacement fund.

36 (C) The contents of the agreement to establish the fund.

37 An ordinance or a resolution adopted under this section takes effect
 38 ~~July 1 of the year the ordinance or resolution is adopted.~~ **as provided**
 39 **in IC 6-1.1-41.**

40 (b) If a fund is established, the participating units may agree to:

41 (1) impose a property tax to provide for the accumulation of
 42 money in the fund to purchase fire protection equipment;

43 (2) incur debt to purchase fire protection equipment and impose
 44 a property tax to retire the loan; or

45 (3) transfer an amount from the fire protection territory fund to
 46 the fire equipment replacement fund not to exceed five percent

1 (5%) of the levy for the fire protection territory fund for that year;
 2 or any combination of these options. The property tax rate for the levy
 3 imposed under this section may not exceed three and thirty-three
 4 hundredths cents (\$0.0333) per one hundred dollars (\$100) of assessed
 5 value. Before debt may be incurred, the fiscal body of a participating
 6 unit must adopt an ordinance (if the unit is a county or municipality) or
 7 a resolution (if the unit is a township) that specifies the amount and
 8 purpose of the debt. The ordinance or resolution must be identical to
 9 the other ordinances and resolutions adopted by the participating units.
 10 In addition, the department of local government finance must approve
 11 the incurrence of the debt using the same standards as applied to the
 12 incurrence of debt by civil taxing units.

13 (c) Money in the fund may be used by the provider unit only for
 14 those purposes set forth in the agreement among the participating units
 15 that permits the establishment of the fund.

16 **(d) The requirements and procedures specified in IC 6-1.1-41**
 17 **concerning the establishment or reestablishment of a cumulative**
 18 **fund, the imposing of a property tax for a cumulative fund, and the**
 19 **increasing of a property tax rate for a cumulative fund apply to:**

- 20 (1) the establishment or reestablishment of a fund under this
- 21 section;
- 22 (2) the imposing of a property tax for a fund under this
- 23 section; and
- 24 (3) the increasing of a property tax rate for a fund under this
- 25 section.

26 **(e) Notwithstanding IC 6-1.1-18-12, if a fund established under**
 27 **this section is reestablished in the manner provided in IC 6-1.1-41,**
 28 **the property tax rate imposed for the fund in the first year after**
 29 **the fund is reestablished may not exceed three and thirty-three**
 30 **hundredths cents (\$0.0333) per one hundred dollars (\$100) of**
 31 **assessed value."**

32 Renumber all SECTIONS consecutively.
 (Reference is to ESB 459 as printed April 2, 2013.)

Representative Thompson