

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1011 be amended to read as follows:

- 1 Page 23, line 24, after "IC 36-9.1-2-2" insert "**or IC 36-9.1-2-3**".
- 2 Page 23, line 41, delete "IC 36-9.1-2-2." and insert "**IC 36-9.1-2-2**
- 3 **or IC 36-9.1-2-3**".
- 4 Page 24, between lines 13 and 14, begin a new line block indented
- 5 and insert:
- 6 "**(5) A county economic development income tax rate imposed**
- 7 **in an eligible county under subsection (a) applies only in those**
- 8 **townships of the county that are included in the territory of**
- 9 **the metropolitan transit district under IC 36-9.1-2-7.**
- 10 **(c) If a border township (as defined in IC 36-9.1-1-6) of an**
- 11 **eligible county:**
- 12 **(1) is not included in the territory of the metropolitan transit**
- 13 **district at the time a county economic development income tax**
- 14 **rate is imposed in the eligible county under subsection (a);**
- 15 **and**
- 16 **(2) the border township afterwards approves a local public**
- 17 **question under IC 36-9.1-2-4;**
- 18 **a county taxpayer of the border township is subject to the county**
- 19 **economic development income tax rate imposed under subsection**
- 20 **(a) in the eligible county beginning on January 1 of the year**
- 21 **following the year in which the border township approves the local**
- 22 **public question."**
- 23 Page 38, delete lines 7 through 42, begin a new paragraph and
- 24 insert:

- 1 **"Chapter 1. Purpose of Article; Definitions**
- 2 **Sec. 1. The purpose of this article is to provide for the planning,**
- 3 **designing, acquiring, constructing, enlarging, improving,**
- 4 **renovating, maintaining, equipping, financing, operating, and**
- 5 **supporting of public transportation systems in central Indiana.**
- 6 **Sec. 2. The definitions in this chapter apply throughout this**
- 7 **article.**
- 8 **Sec. 3. "Authorizing body" means the following:**
- 9 **(1) For a county containing a consolidated city, the**
- 10 **city-county council.**
- 11 **(2) For a county (other than a county containing a**
- 12 **consolidated city) in which the county option income tax is in**
- 13 **effect, the county income tax council (as defined in**
- 14 **IC 6-3.5-6-1).**
- 15 **(3) For a county in which the county adjusted gross income**
- 16 **tax is in effect, the county council.**
- 17 **(4) For a border township, the legislative body of the border**
- 18 **township.**
- 19 **Sec. 4. "Authorizing county" means a county that has approved**
- 20 **a local public question under IC 36-9.1-2-2.**
- 21 **Sec. 5. "Bonds" means, except as otherwise provided, bonds,**
- 22 **notes, or other evidences of indebtedness. The term includes**
- 23 **obligations (as defined in IC 8-9.5-9-3) and swap agreements (as**
- 24 **defined in IC 8-9.5-9-4).**
- 25 **Sec. 6. "Border township" means a township with the following**
- 26 **characteristics:**
- 27 **(1) The township is located in an eligible county.**
- 28 **(2) The boundary of the township is contiguous along any part**
- 29 **of its boundary to a county that is not an eligible county.**
- 30 **(3) The territory of the township does not intersect with the**
- 31 **territory of the county seat of the eligible county in which the**
- 32 **township is located.**
- 33 **Sec. 7. "District" means, except as otherwise provided, a**
- 34 **metropolitan transit district established under IC 36-9.1-2-6.**
- 35 **Sec. 8. "Eligible county" means any of the following counties:**
- 36 **(1) Boone County.**
- 37 **(2) Delaware County.**
- 38 **(3) Hamilton County.**
- 39 **(4) Hancock County.**
- 40 **(5) Hendricks County.**
- 41 **(6) Johnson County.**
- 42 **(7) Madison County.**
- 43 **(8) Marion County.**
- 44 **(9) Morgan County.**
- 45 **(10) Shelby County.**
- 46 **Sec. 9. "Interior township" means a township in an eligible**
- 47 **county that is not a border township.**

1 **Sec. 10. "Project" refers to an action taken to:**
 2 **(1) plan;**
 3 **(2) design;**
 4 **(3) acquire;**
 5 **(4) construct;**
 6 **(5) enlarge;**
 7 **(6) improve;**
 8 **(7) renovate;**
 9 **(8) maintain;**
 10 **(9) equip; or**
 11 **(10) operate;**
 12 **a public transportation system.**

13 **Sec. 11. "Public transportation agency" has the meaning set**
 14 **forth in IC 36-9-1-5.5.**

15 **Sec. 12. "Public transportation system" means a common**
 16 **carrier of passengers for hire.**

17 **Chapter 2. Establishment of the Metropolitan Transit District**

18 **Sec. 1. Subject to the requirements of this article, a metropolitan**
 19 **transit district may be established as provided in this chapter.**

20 **Sec. 2. (a) This section applies only to Marion County.**

21 **(b) The authorizing body of Marion County may adopt an**
 22 **ordinance to place on the ballot a local public question concerning**
 23 **the authority to become a member of a metropolitan transit**
 24 **district. The authorizing body shall include in the ordinance a**
 25 **maximum county economic development income tax rate that will**
 26 **be dedicated to pay the county's contribution to the funding of the**
 27 **metropolitan transit district. The maximum tax rate may not**
 28 **exceed a rate of three-tenths of one percent (0.3%). The**
 29 **authorizing body must take final action under this subsection not**
 30 **later than December 31, 2013.**

31 **(c) If the authorizing body adopts an ordinance under**
 32 **subsection (b), the county auditor shall certify the ordinance to the**
 33 **county election board, and the county election board shall place the**
 34 **following question on the election ballot in accordance with**
 35 **IC 3-10-9:**

36 **"Shall Marion County become a member of a metropolitan**
 37 **transit district and have the ability to impose a county**
 38 **economic development income tax rate, not to exceed a rate of**
 39 **_____ (insert recommended rate included in the**
 40 **ordinance under subsection (b)), the proceeds of which will be**
 41 **dedicated to the metropolitan transit district to provide**
 42 **improved transit service in the county, including increased**
 43 **local bus service, express buses, and rapid transit lines?"**

44 **(d) Except as provided in subsection (g), if the county auditor**
 45 **certifies the ordinance as provided in subsection (c), the county**
 46 **election board shall place the local public question on the ballot at**
 47 **the next general election for which the question may be certified**

1 under IC 3-10-9-3 and for which all voters of the county are
2 entitled to vote.

3 (e) After an election on the local public question, the circuit
4 court clerk of the county shall:

5 (1) make a certified copy of the election returns; and

6 (2) not later than five (5) days after the election, file the copy
7 with:

8 (A) the department of state revenue; and

9 (B) the authorizing body of the county.

10 (f) The local public question is approved by a county if a
11 majority of the county voters voting on the local public question
12 vote "yes". The local public question is defeated by a county if a
13 majority of the county voters voting on the local public question
14 vote "no".

15 (g) If the local public question is defeated in a county, the
16 authorizing body may adopt an ordinance under this section to
17 place another local public question on the ballot as provided in this
18 section at a subsequent general election in the county. However, a
19 local public question under this section may not be placed on the
20 ballot more than two (2) times in any seven (7) year period.

21 **Sec. 3. (a) This section applies only to an eligible county other
22 than Marion County.**

23 (b) The authorizing body of an eligible county to which this
24 section applies may adopt an ordinance to place on the ballot a
25 local public question concerning the authority to become a member
26 of a metropolitan transit district. The authorizing body shall
27 include in the ordinance a maximum county economic development
28 income tax rate that will be dedicated to pay the county's
29 contribution to the funding of the metropolitan transit district. The
30 maximum tax rate may not exceed a rate of three-tenths of one
31 percent (0.3%). The authorizing body must take final action under
32 this subsection not later than December 31, 2013.

33 (c) If the authorizing body adopts an ordinance under
34 subsection (b), the county auditor shall certify the ordinance to the
35 county election board, and the county election board shall place the
36 following question on the election ballot in accordance with
37 IC 3-10-9:

38 "Shall _____ County become a member of a
39 metropolitan transit district, the territory of _____
40 Townships (list the interior townships of the eligible county)
41 of _____ County be included in the metropolitan
42 transit district, and _____ County and have the
43 ability to impose a county economic development income tax
44 rate, not to exceed a rate of _____ (insert recommended
45 rate included in the ordinance under subsection (b)), the
46 proceeds of which will be dedicated to the metropolitan
47 transit district to provide improved transit service in the part

1 of the county included in the territory of the metropolitan
2 transit district, including increased local bus service, express
3 buses, and rapid transit lines?"

4 (d) Except as provided in subsection (g), if the county auditor
5 certifies the ordinance as provided in subsection (c), the county
6 election board shall place the local public question on the ballot in
7 the interior townships of the eligible county at the next general
8 election for which the question may be certified under IC 3-10-9-3
9 and for which all voters of the interior townships of the eligible
10 county are entitled to vote.

11 (e) After an election on the local public question, the circuit
12 court clerk of the county shall:

13 (1) make a certified copy of the election returns; and
14 (2) not later than five (5) days after the election, file the copy
15 with:

16 (A) the department of state revenue; and
17 (B) the authorizing body of the county.

18 (f) The local public question is approved by a county with
19 respect to the interior townships of the county if a majority of the
20 county voters in the interior townships of the county voting on the
21 local public question vote "yes". The local public question is
22 defeated by a county if a majority of the county voters in the
23 interior townships of the county voting on the local public question
24 vote "no".

25 (g) If the local public question submitted to the voters of the
26 interior townships of a county is defeated in a referendum under
27 this section, the authorizing body may adopt an ordinance under
28 this section to place another local public question on the ballot in
29 the interior townships of the county as provided in this section at
30 a subsequent general election in the county. However, a local
31 public question under this section may not be placed on the ballot
32 more than two (2) times in any seven (7) year period.

33 Sec. 4. (a) The authorizing body of the border township may
34 adopt a resolution to place on the ballot a local public question
35 concerning whether the territory of the border township shall be
36 included in territory of the metropolitan transit district.

37 (b) If the authorizing body adopts a resolution under subsection
38 (a), the county auditor shall certify the resolution to the county
39 election board, and the county election board shall place the
40 following question on the election ballot in accordance with
41 IC 3-10-9:

42 "Shall the territory of _____ Township of _____
43 County be included in the territory of the metropolitan transit
44 district and the taxpayers of _____ Township of
45 _____ County be subject to a county economic
46 development income tax rate, not to exceed a rate of
47 _____ (insert recommended rate included in the

1 ordinance adopted under section (3)(b) of this chapter by the
 2 authorizing body of the county in which the township is
 3 located), the proceeds of which will be dedicated to the
 4 metropolitan transit district to provide improved transit
 5 service in the township, including increased local bus service,
 6 express buses, and rapid transit lines?".

7 (c) Except as provided in subsection (f), if the county auditor
 8 certifies the resolution as provided in subsection (b), the county
 9 election board shall place the local public question on the ballot at
 10 the next general election for which the question may be certified
 11 under IC 3-10-9-3 and for which all voters of the border township
 12 are entitled to vote.

13 (d) After an election on the local public question, the circuit
 14 court clerk of the county shall:

- 15 (1) make a certified copy of the election returns; and
 16 (2) not later than five (5) days after the election, file the copy
 17 with:
 18 (A) the department of state revenue;
 19 (B) the authorizing body of the township; and
 20 (C) the authorizing body of the county.

21 (e) The local public question is approved by a border township
 22 if a majority of the border township voters voting on the local
 23 public question vote "yes". The local public question is defeated by
 24 a border township if a majority of the border township voters
 25 voting on the local public question vote "no".

26 (f) If the local public question is defeated in a border township,
 27 the authorizing body may adopt a resolution under this section to
 28 place another local public question on the ballot as provided in this
 29 section at a subsequent general election in the township. However,
 30 a local public question under this section may not be placed on the
 31 ballot more than two (2) times in any seven (7) year period.

32 (g) If the voters of a border township approve a local public
 33 question under this section, the territory of the border township is
 34 not included in the territory of the metropolitan transit district
 35 until the eligible county in which the border township is located
 36 becomes a member of the metropolitan transit district.

37 **Sec. 5.** A political subdivision may not expend public funds (as
 38 defined in IC 5-13-4-20) to support or oppose the approval of the
 39 local public question under this chapter.

40 **Sec. 6. (a)** A metropolitan transit district is established on
 41 January 1 of the year following the year in which a local public
 42 question is approved in one (1) or more of the following
 43 combination of counties under section 2 of this chapter, or sections
 44 2 and 3 of this chapter:

- 45 (1) By the voters in Marion County only.
 46 (2) By the voters in Marion County and by the voters of the
 47 interior townships of at least one (1) county that is contiguous

- 1 to Marion County.
- 2 (3) By the voters in Marion County, the voters of the interior
- 3 townships of Madison County, and the voters of the interior
- 4 townships of at least one (1) county that is contiguous to both
- 5 Marion County and Madison County.
- 6 (b) Except as provided in subsections (c) and (d), the
- 7 membership of the metropolitan transit district consists of the
- 8 counties in which a local public question under section 2 or 3 of this
- 9 chapter is approved.
- 10 (c) If the voters of the interior townships in Madison County
- 11 approve a local public question under section 3 of this chapter:
- 12 (1) Madison County is not included in a metropolitan transit
- 13 district; and
- 14 (2) the territory of the interior townships of Madison County
- 15 is not included in the territory of the metropolitan transit
- 16 district;
- 17 until the combination of approvals described in subsection (a)(3)
- 18 occurs.
- 19 (d) If the voters of the interior townships in Delaware County
- 20 approve a local public question under section 3 of this chapter:
- 21 (1) Delaware County is not included in a metropolitan transit
- 22 district; and
- 23 (2) the territory of the interior townships of Delaware County
- 24 is not included in the territory of the metropolitan transit
- 25 district;
- 26 until the combination of approvals described in subsection (a)(3)
- 27 occurs.
- 28 (e) The approval of voters in a combination of counties required
- 29 by this section to establish a metropolitan transit district may
- 30 occur in separate elections.
- 31 Sec. 7. (a) The territory of the metropolitan transit district must
- 32 be connected.
- 33 (b) Subject to section 8 of this chapter, the territory of the
- 34 metropolitan transit district consists of the territories of:
- 35 (1) Marion County;
- 36 (2) the interior townships of eligible counties other than
- 37 Marion County that have become members of the
- 38 metropolitan transit district; and
- 39 (3) the border townships:
- 40 (A) that have approved a local public question under
- 41 section 4 of this chapter; and
- 42 (B) are located in an eligible county that is member of the
- 43 metropolitan transit district.
- 44 Sec. 8. The following apply if a metropolitan transit district is
- 45 established under section 6 of this chapter:
- 46 (1) An eligible county other than Marion County that does not
- 47 become a member of the metropolitan transit district at the

1 time the metropolitan transit district is established may
 2 become a member of the metropolitan transit district at a
 3 later date if a local public question under section 3 of this
 4 chapter is approved in the county at a subsequent general
 5 election. If a local public question under section 3 of this
 6 chapter is approved in a county, the county becomes a
 7 member of the metropolitan transit district on January 1 of
 8 the following year.

9 **(2) If a local public question under section 4 of this chapter is**
 10 **approved in a border township, the territory of the**
 11 **metropolitan transit district is enlarged to include the**
 12 **territory of the border township on January 1 of the following**
 13 **year.**

14 **(3) A county that is not an eligible county may not become a**
 15 **member of the metropolitan transit district."**

16 Delete pages 39 through 40.
 17 Page 41, delete lines 1 through 33.
 18 Page 43, line 2, delete "county." and insert "**territory of the county**
 19 **included in the district."**

(Reference is to HB 1011 as printed February 18, 2013.)

Representative Turner