

SENATE BILL No. 444

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-9-4.

Synopsis: Countywide public transit. Allows the county commissioners and a public transportation corporation (corporation) to expand the corporation's taxing district to include all of the county by adopting substantially identical ordinances. Provides that the corporation's maximum permissible general fund property tax levy may not be increased by more than 50% of the corporation's maximum permissible general fund property tax levy for the previous year. Provides that the county council must approve a proposed levy increase for the first year that the taxing district includes the entire county.

Effective: July 1, 2013.

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January 10, 2013, read first time and referred to Committee on Appropriations.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 444



A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

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

1 SECTION 1. IC 36-9-4-13 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) ~~After the~~
3 ~~creation of a public transportation corporation, Except as provided in~~
4 ~~section 13.5 or 13.7 of this chapter,~~ territory may be added to the
5 taxing district of ~~the~~ **a public transportation** corporation only in
6 accordance with this section.

7 (b) If the municipality finalizes an annexation or disannexation of
8 territory, the boundaries of the taxing district of the corporation change
9 so as to remain coterminous with the new boundaries of the
10 municipality. Such a change takes effect when the annexation or
11 disannexation takes effect.

12 (c) Upon written request by a majority of:
13 (1) the resident freeholders in a platted subdivision; or
14 (2) the owners of any unplatted lands;
15 in the same county as a public transportation corporation but not within
16 a municipality, the board of directors of the corporation may, by
17 resolution, incorporate all or part of the platted subdivision or unplatted



1 lands into the taxing district. Such a request must be signed and
 2 certified as correct by the resident freeholders or landowners making
 3 the request, and the original must be preserved in the records of the
 4 board. The resolution of the board incorporating an area into the taxing
 5 district must be in writing and must include an accurate description of
 6 that area. A certified copy of the resolution, signed by the chairman and
 7 secretary of the board, together with a map showing the boundaries of
 8 the taxing district and the location of the additional areas, shall be
 9 delivered to the auditor of the county within which the corporation is
 10 located and shall be properly indexed and kept in the permanent
 11 records of the offices of the auditor.

12 (d) Upon written request by ten (10) or more resident freeholders of
 13 a platted subdivision or unplatted territory in the same county as a
 14 public transportation corporation but not within a municipality, the
 15 board of directors of the corporation may define the limits of an area
 16 that:

- 17 (1) is within the county;
- 18 (2) includes the property of the freeholders; and
- 19 (3) is to be considered for incorporation into the taxing district.

20 Notice of the defining of the area by the board, and notice of the
 21 location and limits of the area, must be given by publication in
 22 accordance with IC 5-3-1. The area may then be incorporated into the
 23 taxing district upon request, in the manner prescribed by subsection (c).

24 (e) Property in territory added to the taxing district under subsection
 25 (c) or (d) is, as a condition of the special benefits it subsequently
 26 receives, liable for its proportion of all taxes subsequently levied by the
 27 public transportation corporation. The proportion of taxation shall be
 28 determined in the same manner as when territory is annexed by a
 29 municipality.

30 SECTION 2. IC 36-9-4-13.7 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2013]: **Sec. 13.7. (a) The taxing district of a public transportation
 33 corporation may be expanded under this section to include all the
 34 territory inside the boundaries of the county in which the taxing
 35 district is located upon the adoption of substantially identical
 36 ordinances approving the expansion of the taxing district by both:**

- 37 (1) the public transportation corporation incorporating the
 38 additional territory; and
- 39 (2) the legislative body of the county containing the territory
 40 being added to the taxing district of the public transportation
 41 corporation.

42 (b) If the territory of the county becomes a part of the public

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1 transportation corporation's taxing district, two (2) additional
 2 directors representing the county must be appointed to the board
 3 of directors of the corporation. The directors must be residents of
 4 that county and are entitled to all the rights, privileges, powers,
 5 and duties of directors under this chapter. The executive and the
 6 fiscal body of that county shall each appoint one (1) director. The
 7 two (2) additional directors may not be of the same political party.
 8 The director appointed by the fiscal body shall serve for a term of
 9 one (1) year, and the director appointed by the executive shall
 10 serve for a term of two (2) years. Upon the expiration of the
 11 respective terms, successors must be appointed in accordance with
 12 section 18 of this chapter.

13 (c) The taxing district of a public transportation corporation is
 14 expanded under this section effective:

15 (1) January 1 of the following calendar year, if the ordinances
 16 required by subsection (a) are adopted before June 1 in a
 17 particular calendar year; or

18 (2) January 1 of the calendar year following the calendar year
 19 that immediately follows the calendar year in which the
 20 ordinances required by subsection (a) are adopted, if the
 21 ordinances are adopted after May 31 in a particular calendar
 22 year.

23 (d) The public transportation corporation may impose a general
 24 fund property tax rate applicable to the taxing district of the public
 25 transportation corporation, including the territory of the county
 26 added to the taxing district under this section. Notwithstanding any
 27 other law, the public transportation corporation's maximum
 28 permissible general fund property tax levy under IC 6-1.1-18.5 for
 29 the ensuing calendar year may be increased to provide services in
 30 the territory added to the taxing district. However, the amount of
 31 the increase may not exceed the product of:

32 (1) the maximum permissible general fund property tax levy
 33 of the public transportation corporation for the previous
 34 calendar year; multiplied by

35 (2) fifty percent (50%).

36 (e) Notwithstanding any other law, the county fiscal body must
 37 approve the amount by which the public transportation
 38 corporation proposes to increase its general fund property tax levy
 39 under this section for the first calendar year in which the public
 40 transportation corporation's taxing district includes the entire
 41 county.

42 (f) The public transportation corporation's tax rate and

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1 **maximum permissible general fund property tax levy for a**
2 **calendar year beginning after December 31 of the first calendar**
3 **year in which the public transportation corporation's taxing**
4 **district includes the entire county must be computed in accordance**
5 **with IC 6-1.1-17 and IC 6-1.1-18.5.**

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