

SENATE MOTION

MADAM PRESIDENT:

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

- 1 Page 2, delete lines 7 through 42.
- 2 Delete page 3.
- 3 Page 4, delete lines 1 through 18.
- 4 Page 4, delete lines 32 through 36, begin a new line block indented
- 5 and insert:
- 6 **"(2) Except as provided in subdivision (3):**
- 7 **(A) the reorganized political subdivision continues to be**
- 8 **responsible after the reorganization for providing**
- 9 **township services in all areas of the township, including**
- 10 **within the territory of a municipality in the township that**
- 11 **does not participate in the reorganization; and**
- 12 **(B) the reorganized political subdivision retains the powers**
- 13 **of a township after the reorganization in order to provide**
- 14 **township services as required by clause (A).**
- 15 **(3) Powers and duties of the reorganized political subdivision**
- 16 **may be transferred as authorized in an interlocal cooperation**
- 17 **agreement approved under IC 36-1-7 or as authorized in a**
- 18 **cooperative agreement approved under IC 36-1.5-5.**
- 19 **(4) If all or part of a municipality in the township is not**
- 20 **participating in the reorganization, not less than ten (10)**
- 21 **township taxpayers who reside within territory that is not**
- 22 **participating in the reorganization may file a petition with the**
- 23 **county auditor protesting the reorganized political**
- 24 **subdivision's township assistance levy. The petition must be**
- 25 **filed not more than thirty (30) days after the reorganized**
- 26 **political subdivision finally adopts the reorganized political**
- 27 **subdivision's township assistance levy. The petition must state**
- 28 **the taxpayers' objections and the reasons why the taxpayers**
- 29 **believe the reorganized political subdivision's township**
- 30 **assistance levy is excessive or unnecessary. The county**

1 auditor shall immediately certify a copy of the petition,
 2 together with other data necessary to present the questions
 3 involved, to the department of local government finance.
 4 Upon receipt of the certified petition and other data, the
 5 department of local government finance shall fix a time and
 6 place for the hearing of the matter. The hearing shall be held
 7 not less than five (5) days and not more than thirty (30) days
 8 after the receipt of the certified documents. The hearing shall
 9 be held in the county where the petition arose. Notice of the
 10 hearing shall be given by the department of local government
 11 finance to the reorganized political subdivision and to the first
 12 ten (10) taxpayer petitioners listed on the petition by letter.
 13 The letter shall be sent to the first ten (10) taxpayer
 14 petitioners at the taxpayer's usual place of residence at least
 15 five (5) days before the date of the hearing. After the hearing,
 16 the department of local government finance may reduce the
 17 reorganized political subdivision's township assistance levy to
 18 the extent that levy is excessive or unnecessary. A taxpayer
 19 who signed a petition under this subdivision or a reorganized
 20 political subdivision against which a petition under this
 21 subdivision is filed may petition for judicial review of the final
 22 determination of the department of local government finance
 23 under this subdivision. The petition must be filed in the tax
 24 court not more than forty-five (45) days after the date of the
 25 department of local government finance's final determination.

26 (5) Section 40 of this chapter applies to the debt service levy
 27 of the reorganized political subdivision and to the department
 28 of local government finance's determination of the new
 29 maximum permissible ad valorem property tax levy for the
 30 reorganized political subdivision.

31 (6) The reorganized political subdivision may not borrow
 32 money under IC 36-6-6-14(b) or IC 36-6-6-14(c).

33 (7) The new maximum permissible ad valorem property tax
 34 levy for the reorganized political subdivision's firefighting
 35 fund under IC 36-8-13-4 is equal to:

36 (A) the result of:

37 (i) the maximum permissible ad valorem property tax
 38 levy for the township's firefighting fund under
 39 IC 36-8-13-4 in the year preceding the year in which the
 40 reorganization is effective; multiplied by

41 (ii) the assessed value growth quotient applicable for
 42 property taxes first due and payable in the year in which
 43 the reorganization is effective; plus

44 (B) any amounts borrowed by the township under
 45 36-6-6-14(b) or IC 36-6-6-14(c) in the year preceding the
 46 year in which the reorganization is effective."

47 Renumber all SECTIONS consecutively.

(Reference is to SB 459 as printed February 13, 2013.)

Senator MILLER PETE