

SENATE BILL No. 247

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3.6-6-8.

Synopsis: Distributions of public safety income tax revenue. Provides that, subject to the approval of a county adopting body, a fire protection district or a qualified fire protection territory may apply for distributions of public safety local income tax revenues. Provides that a township that provides fire protection or emergency medical services (other than a township in Marion County) may apply to a county adopting body for a distribution of public safety local income tax revenue. Requires the adopting body to conduct a public hearing to review and approve the application. Specifies the method for determining the amount of the distribution to the qualified township.

Effective: Upon passage.

Niemeyer

January 9, 2020, read first time and referred to Committee on Tax and Fiscal Policy.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 247

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

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

1 SECTION 1. IC 6-3.6-6-8, AS AMENDED BY P.L.247-2017,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 8. (a) This section applies to the allocation of
4 additional revenue from a tax under this chapter to public safety
5 purposes. Funding dedicated for a PSAP under a former tax continues
6 to apply under this chapter until it is rescinded or modified. If funding
7 was not dedicated for a PSAP under a former tax, the adopting body
8 may adopt a resolution providing that all or part of the additional
9 revenue allocated to public safety is to be dedicated for a PSAP. The
10 resolution first applies in the following year and then thereafter until it
11 is rescinded or modified. Funding dedicated for a PSAP shall be
12 allocated and distributed as provided in IC 6-3.6-11-4.

13 **(b) As used in this section, "fire protection district" means a fire**
14 **protection district established under IC 36-8-11.**

15 **(c) As used in this section, "qualified fire protection territory"**
16 **means a fire protection territory established under IC 36-8-19-5**
17 **that is entirely contained within a single county other than Marion**



1 County.

2 (d) As used in this section, "qualified township" of a county
3 means a township that:

4 (1) is located in a county other than Marion County; and

5 (2) operates or contracts with a fire department, a volunteer
6 fire department, or an emergency medical services provider.

7 ~~(b)~~ (e) Except as provided in subsection ~~(e)~~; (f), the amount of the
8 certified distribution that is allocated to public safety purposes, and
9 after making allocations under IC 6-3.6-11, shall be allocated to the
10 county and to each municipality in the county that is carrying out or
11 providing at least one (1) public safety purpose. For purposes of this
12 subsection, in the case of a consolidated city, the total property taxes
13 imposed by the consolidated city include the property taxes imposed by
14 the consolidated city and all special taxing districts (except for a public
15 library district, a public transportation corporation, and a health and
16 hospital corporation), and all special service districts. The amount
17 allocated under this subsection to a county or municipality is equal to
18 the result of:

19 (1) the amount of the remaining certified distribution that is
20 allocated to public safety purposes; multiplied by

21 (2) a fraction equal to:

22 (A) in the case of a county that initially imposed a rate for
23 public safety under IC 6-3.5-6 (repealed), the result of the total
24 property taxes imposed in the county by the county or
25 municipality for the calendar year preceding the distribution
26 year, divided by the sum of the total property taxes imposed in
27 the county by the county and each municipality in the county
28 that is entitled to a distribution under this section for that
29 calendar year; or

30 (B) in the case of a county that initially imposed a rate for
31 public safety under IC 6-3.5-1.1 (repealed) or a county that did
32 not impose a rate for public safety under either IC 6-3.5-1.1
33 (repealed) or IC 6-3.5-6 (repealed), the result of the attributed
34 allocation amount of the county or municipality for the
35 calendar year preceding the distribution year, divided by the
36 sum of the attributed allocation amounts of the county and
37 each municipality in the county that is entitled to a distribution
38 under this section for that calendar year.

39 ~~(e)~~ (f) A fire department, volunteer fire department, **qualified fire**
40 **protection territory, fire protection district**, or emergency medical
41 services provider that:

42 (1) provides fire protection or emergency medical services within



1 the county; and
 2 (2) is operated by or serves a political subdivision that is not
 3 otherwise entitled to receive a distribution of tax revenue under
 4 this section;
 5 may, before July 1 of a year, apply to the adopting body for a
 6 distribution of tax revenue under this section during the following
 7 calendar year. The adopting body shall review an application submitted
 8 under this subsection and may, before September 1 of a year, adopt a
 9 resolution requiring that one (1) or more of the applicants shall receive
 10 a specified amount of the tax revenue to be distributed under this
 11 section during the following calendar year. The adopting body shall
 12 provide a copy of the resolution to the county auditor and the
 13 department of local government finance not ~~more later~~ than fifteen
 14 (15) days after the resolution is adopted. A resolution adopted under
 15 this subsection and provided in a timely manner to the county auditor
 16 and the department applies only to distributions in the following
 17 calendar year. Any amount of tax revenue distributed under this
 18 subsection to a fire department, volunteer fire department, or
 19 emergency medical services provider shall be distributed before the
 20 remainder of the tax revenue is allocated under subsection ~~(b)~~: (e).
 21 **(g) A qualified township may, before July 1, apply to the county**
 22 **adopting body for a distribution of tax revenue from the amount**
 23 **allocated to the county under subsection (e). The county adopting**
 24 **body shall hold a public hearing in reviewing an application**
 25 **submitted by a qualified township under this subsection. Notice of**
 26 **the public hearing must be published in accordance with IC 5-3-1,**
 27 **and the public hearing must be conducted in accordance with**
 28 **IC 5-14-1.5. The county adopting body shall, before September 1,**
 29 **adopt a resolution requiring tax revenue to be distributed to the**
 30 **qualified township under this subsection. The county adopting**
 31 **body shall provide a copy of the resolution to the county auditor**
 32 **and the department of local government finance not later than**
 33 **fifteen (15) days after the resolution is adopted. A resolution**
 34 **adopted under this subsection and provided in a timely manner to**
 35 **the county auditor and the department of local government finance**
 36 **applies to distributions of tax revenue to the qualified township in**
 37 **the following calendar year and each calendar year thereafter until**
 38 **the qualified township rescinds its application under subsection (i).**
 39 **(h) For counties that adopt a public safety local income tax after**
 40 **July 1, 2020, the county auditor shall allocate part of the certified**
 41 **distribution allocated to a county (other than Marion County)**
 42 **under subsection (e) among the qualified townships in the county.**



1 For counties that adopted a public safety local income tax before
 2 July 1, 2020, the county auditor may allocate part of the certified
 3 distribution allocated to a county (other than Marion County)
 4 under subsection (e) among the qualified townships in the county.
 5 An amount allocated under this subsection to each qualified
 6 township is equal to the result of:

7 (1) the amount of the certified distribution that is allocated to
 8 the county under subsection (e); multiplied by

9 (2) a fraction equal to:

10 (A) in the case of a county that initially imposed a rate for
 11 public safety under IC 6-3.5-6 (repealed), the result of the
 12 total property taxes imposed in the county by the qualified
 13 township for the calendar year, divided by the sum of the
 14 total property taxes imposed in the county by the county
 15 and each qualified township in the county; or

16 (B) in the case of a county that initially imposed a rate for
 17 public safety under IC 6-3.5-1.1 (repealed) or a county that
 18 did not impose a rate for public safety under either
 19 IC 6-3.5-1.1 (repealed) or IC 6-3.5-6 (repealed), the result
 20 of the attributed allocation amount of the qualified
 21 township for the calendar year, divided by the sum of the
 22 attributed allocation amounts of the county and each
 23 qualified township in the county.

24 (i) A qualified township that wishes to rescind its application
 25 under subsection (g) must notify the county adopting body in
 26 writing before July 1. If the county adopting body receives a
 27 qualified township's written notice to rescind its application for a
 28 distribution of tax revenue, the county adopting body shall adopt
 29 a resolution rescinding the qualified township's distribution before
 30 September 1. The county adopting body shall provide a copy of the
 31 resolution rescinding the distribution to the county auditor and the
 32 department of local government finance not later than fifteen (15)
 33 days after the resolution is adopted.

34 SECTION 2. An emergency is declared for this act.

