

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1396 be amended to read as follows:

- 1 Page 26, after line 42, begin a new paragraph and insert:
- 2 "SECTION 28. IC 6-1.1-20-1.9 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 1998]: **Sec. 1.9. (a) The definitions in this**
- 5 **section apply only in sections 3.1 through 3.9 of this chapter.**
- 6 **(b) "Owner" refers to a person who satisfies both of the**
- 7 **following:**
- 8 **(1) The person is shown as the owner of real property in the**
- 9 **transfer books under IC 6-1.1-5 on the date determined by**
- 10 **the county auditor under section 3.5(a) of this chapter.**
- 11 **(2) The real property the person owns is located in the**
- 12 **political subdivision proposing to issue bonds or enter into a**
- 13 **lease.**
- 14 **The term includes an individual who is entitled to exercise the**
- 15 **rights of an owner under section 3.9 of this chapter.**
- 16 **(c) "Petition and remonstrance process" refers to the**
- 17 **procedures set forth in sections 3.1 through 3.9 of this chapter.**
- 18 SECTION 29. IC 6-1.1-20-3.1, AS AMENDED BY P.L.56-1997,
- 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 1998]: **Sec. 3.1. (a) A political subdivision may not impose**
- 21 **property taxes to pay debt service or lease rentals without completing**
- 22 **the following procedures:**
- 23 **(1) The proper officers of a political subdivision shall:**
- 24 **(A) publish notice in accordance with IC 5-3-1; and**

- 1 (B) send notice by first class mail to any organization that
 2 delivers to the officers, before January 1 of that year, an
 3 annual written request for such notices;
 4 of any meeting to consider adoption of a resolution or an
 5 ordinance making a preliminary determination to issue bonds or
 6 enter into a lease and shall conduct a public hearing on a
 7 preliminary determination before adoption of the resolution or
 8 ordinance.
- 9 (2) When the proper officers of a political subdivision make a
 10 preliminary determination to issue bonds or enter into a lease,
 11 the officers shall give notice of the preliminary determination by:
 12 (A) publication in accordance with IC 5-3-1; and
 13 (B) first class mail to the organizations described in
 14 subdivision (1)(B).
- 15 (3) A notice under subdivision (2) of the preliminary
 16 determination of the political subdivision to issue bonds or enter
 17 into a lease must include the following information:
 18 (A) The maximum term of the bonds or lease.
 19 (B) The maximum principal amount of the bonds or the
 20 maximum lease rental for the lease.
 21 (C) The estimated interest rates that will be paid and the
 22 total interest costs associated with the bonds or lease.
 23 (D) The purpose of the bonds or lease.
 24 (E) A statement that any owners ~~of real property within the~~
 25 ~~political subdivision~~ who want to initiate a petition and
 26 remonstrance process against the proposed debt service or
 27 lease payments must file a petition that complies with
 28 subdivisions (4) and (5) not later than thirty (30) days after
 29 publication in accordance with IC 5-3-1.
- 30 (4) After notice is given, a petition requesting the application of
 31 a petition and remonstrance process may be filed by the lesser
 32 of:
 33 (A) two hundred fifty (250) owners; ~~of real property within~~
 34 ~~the political subdivision;~~ or
 35 (B) ten percent (10%) of the owners. ~~of real property within~~
 36 ~~the political subdivision.~~
- 37 (5) Each petition must be verified under oath by at least one (1)
 38 qualified petitioner in a manner prescribed by the state board of
 39 accounts before the petition is filed with the county auditor
 40 under subdivision (6).
- 41 (6) Each petition must be filed with the county auditor not more
 42 than thirty (30) days after publication under subdivision (2) of
 43 the notice of the preliminary determination.
- 44 (7) The county auditor must file a certificate and each petition
 45 with:
 46 (A) the township trustee, if the political subdivision is a

1 township, who shall present the petition or petitions to the
2 township board; or

3 (B) the body that has the authority to authorize the issuance
4 of the bonds or the execution of a lease, if the political
5 subdivision is not a township;

6 within fifteen (15) business days of the filing of the petition
7 requesting a petition and remonstrance process. The certificate
8 must state the number of petitioners that are owners. ~~of real
9 property within the political subdivision.~~

10 **(b)** If a sufficient petition requesting a petition and remonstrance
11 process is not filed by owners ~~of real property~~ as set forth in this
12 section, the political subdivision may issue bonds or enter into a lease
13 by following the provisions of law relating to the bonds to be issued or
14 lease to be entered into.

15 SECTION 30. IC 6-1.1-20-3.2, AS AMENDED BY P.L.2-1997,
16 SECTION 20, AND P.L.56-1997, SECTION 2, IS CORRECTED AND
17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
18 1998]: Sec. 3.2. If a sufficient petition requesting the application of a
19 petition and remonstrance process has been filed as set forth in section
20 3.1 of this chapter, a political subdivision may not impose property
21 taxes to pay debt service or lease rentals without completing the
22 following procedures: **petition and remonstrance process.**

23 **(1)** The proper officers of the political subdivision shall give
24 notice of the applicability of the petition and remonstrance
25 process by:

26 **(A)** publication in accordance with IC 5-3-1; and

27 **(B)** first class mail to the organizations described in section
28 3.1(1)(B) of this chapter.

29 A notice under this subdivision must include a statement that
30 any owners of real property within the political subdivision who
31 want to petition in favor of or remonstrate against the proposed
32 debt service or lease payments must file petitions and
33 remonstrances in compliance with subdivisions (2) through (4)
34 not earlier than thirty (30) days or later than sixty (60) days after
35 publication in accordance with IC 5-3-1.

36 **(2)** Not earlier than thirty (30) days or later than sixty (60) days
37 after the notice under subdivision (1) is given:

38 **(A)** petitions (described in subdivision (3)) in favor of the
39 bonds or lease; and

40 **(B)** remonstrances (described in subdivision (3)) against the
41 bonds or lease;

42 may be filed by an owner or owners of real property within the
43 political subdivision. Each signature on a petition must be dated
44 and the date of signature may not be before the date on which the
45 petition and remonstrance forms may be issued under
46 subdivision (3). A petition described in clause (A) or a

1 remonstrance described in clause (B) must be verified in
 2 compliance with subdivision (4) before the petition or
 3 remonstrance is filed with the county auditor under subdivision
 4 (4):

5 (3) The *political subdivision state board of accounts* shall design
 6 and, upon request by the county auditor, deliver to the county
 7 auditor *or the county auditor's designated printer* the petition
 8 and remonstrance forms to be used solely in the petition and
 9 remonstrance process described in this section. The county
 10 auditor shall issue to an owner or owners of real property within
 11 the political subdivision the number of petition *or* remonstrance
 12 forms requested by the owner or owners. Each form must be
 13 accompanied by instructions detailing the requirements that:

14 (A) the carrier and signers must be owners of real property;

15 (B) the carrier must be a signatory on at least one (1)
 16 petition;

17 (C) after the signatures have been collected, the carrier must
 18 swear or affirm before a notary public that the carrier
 19 witnessed each signature; and

20 (D) govern the closing date for the petition and
 21 remonstrance period:

22 Persons requesting forms may not be required to identify
 23 themselves and may be allowed to pick up additional copies to
 24 distribute to other property owners. The county auditor may not
 25 issue a petition or remonstrance form earlier than twenty-nine
 26 (29) days after the notice is given under subdivision (1). The
 27 county auditor shall certify the date of issuance on each petition
 28 or remonstrance form that is distributed under this subdivision.

29 (4) The petitions and remonstrances must be verified in the *same*
 30 *manner as described in section 3.1(5) of this chapter manner*
 31 *prescribed by the state board of accounts* and filed with the
 32 county auditor within the sixty (60) day period described in
 33 subdivision (2) in the manner set forth in section 3.1 of this
 34 chapter relating to requests for a petition and remonstrance
 35 process:

36 (5) The county auditor must file a certificate and the petition or
 37 remonstrance with the body of the political subdivision charged
 38 with issuing bonds or entering into leases within fifteen (15)
 39 business days of the filing of *the a* petition or *the* remonstrance
 40 under subdivision (4), whichever applies, *that states containing*
 41 *ten thousand (10,000) signatures or less. The county auditor*
 42 *may take an additional five (5) days to review and certify the*
 43 *petition or remonstrance for each additional five thousand*
 44 *(5,000) signatures up to a maximum of sixty (60) days. The*
 45 *certificate must state the number of petitioners and*
 46 *remonstrators that are owners of real property within the political*

- 1 subdivision.
- 2 (6) If a greater number of owners of real property within the
- 3 political subdivision sign a remonstrance than the number that
- 4 signed a petition, the bonds petitioned for may not be issued or
- 5 the lease petitioned for may not be entered into. The proper
- 6 officers of the political subdivision may not make a preliminary
- 7 determination to issue bonds or enter into a lease for the
- 8 controlled project defeated by the petition and remonstrance
- 9 process under this section or any other controlled project that is
- 10 not substantially different within one (1) year after the date of
- 11 the county auditor's certificate under subdivision (5). Withdrawal
- 12 of a petition carries the same consequences as a defeat of the
- 13 petition.
- 14 (7) After a political subdivision has gone through the petition
- 15 and remonstrance process set forth in this section, the political
- 16 subdivision is not required to follow any other remonstrance or
- 17 objection procedures under any other law relating to bonds or
- 18 leases designed to protect owners of real property within the
- 19 political subdivision from the imposition of property taxes to pay
- 20 debt service or lease rentals. However, the political subdivision
- 21 must still receive the approval of the state board of tax
- 22 commissioners required by IC 6-1.1-18.5-8 or IC 6-1.1-19-8.
- 23 SECTION 31. IC 6-1.1-20-3.4 IS ADDED TO THE INDIANA
- 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 1998]: **Sec. 3.4. (a) The proper officers of a**
- 26 **political subdivision shall give notice of the applicability of the**
- 27 **petition or remonstrance process by doing all of the following:**
- 28 **(1) Publishing notice in accordance with IC 5-3-1. The notice**
- 29 **must contain the information described in subsection (b).**
- 30 **(2) Mailing the notice by first class mail to the organizations**
- 31 **that deliver to the officers, before January 1 of that year, an**
- 32 **annual written request for such notices.**
- 33 **(3) Placing an advertisement, other than the legal notice**
- 34 **required in subdivision (1), in a publication in which notices**
- 35 **may be published under IC 5-3-1. The advertisement must**
- 36 **contain the information described in subsection (c).**
- 37 **(b) A notice under subsection (a)(1) must include the following**
- 38 **information:**
- 39 **(1) The name of the political subdivision proposing to issue**
- 40 **the debt or enter into the lease.**
- 41 **(2) The maximum principal amount of the debt or the**
- 42 **maximum lease rental for the lease.**
- 43 **(3) A statement that an owner who wants to file the owner's**
- 44 **position on the proposed debt service or lease may do either**
- 45 **of the following:**
- 46 **(A) Sign a petition circulated in the political subdivision**

- 1 under section 3.6 of this chapter in favor of or in
2 opposition to the proposed debt service or lease
3 payment.
- 4 **(B) File the owner's position on the proposed debt**
5 **service or lease payment at either of the following:**
- 6 **(i) In the county auditor's office.**
7 **(ii) At a site other than the county auditor's office**
8 **designated by the county auditor if the appropriate**
9 **records to determine ownership of real property in**
10 **the county can be consulted at the other site. The**
11 **county auditor has discretion regarding whether**
12 **and where an alternate site for owners to file their**
13 **positions is established. The location of an alternate**
14 **site must be included in the notice.**
- 15 **(4) A statement that an owner who wants to file the owner's**
16 **position on the proposed debt service or lease payment must**
17 **sign a petition or file a position as described in subdivision**
18 **(3) during the period set forth in the notice. The period set**
19 **forth in the notice must correspond to the period set under**
20 **section 3.5 of this chapter.**
- 21 **(5) A statement that an owner may file the owner's position**
22 **on the proposed debt service or lease at the county auditor's**
23 **office or at an alternate site established under subdivision**
24 **(3)(B) during the hours stated in the notice. The notice must**
25 **state all of the following hours:**
- 26 **(A) The normal business hours of the site described in**
27 **subdivision (3)(B).**
- 28 **(B) At least three (3) hours (other than the normal**
29 **business hours) on at least two (2) dates that the site**
30 **described in subdivision (3)(B) will remain open to**
31 **receive filings from owners. At least two (2) of the dates**
32 **under this clause must be in different weeks.**
- 33 **(C) At least three (3) hours on at least two (2) Saturdays**
34 **that the site described in subdivision (3)(B) will remain**
35 **open to receive filings from owners.**
- 36 **(6) A statement that under Indiana law an owner's position**
37 **on the proposed debt service or lease payment filed at the site**
38 **described under subdivision (3)(B) cannot be identified with**
39 **the owner.**
- 40 **(7) A statement that if an owner signs a petition under**
41 **subdivision (3)(A) and files the owner's position under**
42 **subdivision (3)(B), the owner's signature on the petition is**
43 **void and will not be counted.**
- 44 **(c) The advertisement placed under subsection (a)(3) must**
45 **satisfy the following:**
- 46 **(1) The advertisement must contain all the information**

- 1 described in subsection (b).
 2 (2) The advertisement must be placed in that part of the
 3 publication containing articles or stories of general interest.
 4 (3) The advertisement may not be placed in that part of the
 5 publication containing legal notices published under
 6 IC 5-3-1.
 7 (4) The size and placement of the advertisement must make
 8 the advertisement easily seen on the page on which it is
 9 placed.
 10 (5) The advertisement must be published one (1) time:
 11 (A) during the week before the date established in
 12 section 3.5(a) of this chapter; and
 13 (B) each week during which petitions may be circulated
 14 and owners file their positions.
- 15 SECTION 32. IC 6-1.1-20-3.5 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 1998]: **Sec. 3.5. (a) The county auditor shall**
 18 **determine the date that both of the following begin:**
 19 (1) Petitions in favor of and in opposition to the proposed
 20 debt service or lease may be circulated under section 3.6 of
 21 this chapter.
 22 (2) Owners may file their positions on the proposed debt
 23 service or lease under section 3.7 of this chapter.
 24 **The date determined by the county auditor is the same date under**
 25 **subdivision (1) and subdivision (2).**
 26 (b) The date determined by the county auditor under
 27 subsection (a) may not be:
 28 (1) earlier than thirty (30) days; or
 29 (2) later than thirty-five (35) days;
 30 **after the notice published under section 3.4(a)(1) of this chapter.**
 31 (c) The last day:
 32 (1) that petitions in favor of and in opposition to the
 33 proposed debt service or lease may be circulated; and
 34 (2) owners may file their positions on the proposed debt
 35 service or lease;
 36 **is thirty (30) days after the beginning date chosen by the county**
 37 **auditor under subsection (a).**
- 38 SECTION 33. IC 6-1.1-20-3.6 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 1998]: **Sec. 3.6. (a) During the period**
 41 **described in section 3.5 of this chapter, petitions in favor of and in**
 42 **opposition to the proposed debt service or lease may be circulated**
 43 **within the political subdivision.**
 44 (b) Each signature on a petition must be dated. The date of
 45 signature may not be:
 46 (1) before the date determined by the county auditor under

- 1 section 3.5(a) of this chapter; and
 2 (2) after the date determined under section 3.5(c) of this
 3 chapter.
 4 (c) A petition must be verified in the manner prescribed by the
 5 state board of accounts before the petition is filed with the county
 6 auditor under subsection (h).
 7 (d) The state board of accounts shall design and, upon request
 8 by the county auditor, deliver to the county auditor or the county
 9 auditor's designated printer the petition forms to be used in the
 10 petition and remonstrance process. The board of accounts shall
 11 design a form for signature by those who support the proposed
 12 debt service or lease and a separate form for those who oppose the
 13 proposed debt service or lease.
 14 (e) The county auditor shall issue to an owner the number and
 15 type of petition form requested by the owner. Each form must be
 16 accompanied by instructions detailing the following requirements:
 17 (1) The carrier and signers must be owners.
 18 (2) The carrier must be a signatory on at least one (1)
 19 petition.
 20 (3) After the signatures are collected, the carrier must swear
 21 or affirm before a notary public that the carrier witnessed
 22 each signature.
 23 (4) The date by which forms must be filed with the county
 24 auditor.
 25 (f) The county auditor:
 26 (1) may not require identification from an individual
 27 requesting forms; and
 28 (2) shall give an individual, on request of the individual,
 29 additional copies of the form.
 30 (g) The county auditor may not issue a form before the date set
 31 under section 3.5(a) of this chapter. The county auditor shall
 32 certify the date of issuance on each form that is distributed under
 33 this section.
 34 (h) Forms must be filed with the county auditor:
 35 (1) not later than the date described in section 3.5 (c) of this
 36 chapter; and
 37 (2) in the manner set forth in section 3.1 of this chapter
 38 relating to requests to begin a petition and remonstrance
 39 process.
 40 SECTION 34. IC 6-1.1-20-3.7 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 1998]: Sec. 3.7. (a) If an individual appears
 43 at the site established under section 3.4(b)(3)(B) of this chapter to
 44 file a position during any time set forth in the notice published
 45 under section 3.4(a)(1) of this chapter, an agent designated by the
 46 county auditor shall do the following:

- 1 **(1) Verify both of the following:**
 2 **(A) The individual's identity.**
 3 **(B) That the individual is entitled to file a position as an**
 4 **owner.**
- 5 **(2) Give the owner a copy of the form described in subsection**
 6 **(b) and an envelope in which the owner can place a**
 7 **completed form.**
- 8 **(3) Make a note in the county auditor's records relating to**
 9 **the petition and remonstrance process that the owner has**
 10 **been given a form to mark.**
- 11 **(4) Instruct the owner to do the following after the owner has**
 12 **marked the form:**
- 13 **(A) Place the form in the envelope provided.**
 14 **(B) Seal the envelope.**
 15 **(C) Return the envelope to the agent.**
- 16 **(5) Provide a place where the owner may mark the form in**
 17 **secret.**
- 18 **(6) After the owner has marked the form, receive the**
 19 **envelope from the owner and maintain the envelope in a**
 20 **secure place as directed by the county auditor until forms**
 21 **may be opened under section 3.8 of this chapter.**
- 22 **(b) A form must contain substantially the following**
 23 **information:**
- 24 **(1) A statement identifying the proposed debt service or lease**
 25 **payment. The statement required by this subdivision must**
 26 **state either of the following:**
- 27 **(A) The maximum principal amount of the debt.**
 28 **(B) The maximum lease rental for the lease.**
- 29 **(2) A place on the form to indicate support for the proposed**
 30 **debt service or lease payment.**
- 31 **(3) A place on the form to indicate opposition to the proposed**
 32 **debt service or lease payment.**
- 33 **(4) An instruction informing the individual marking the form**
 34 **of the following:**
- 35 **(A) That the form may indicate either support for or**
 36 **opposition to the proposed debt service or lease**
 37 **payment.**
 38 **(B) That the form is void if the form indicates both**
 39 **support for and opposition to the proposed debt service**
 40 **or lease payment.**
- 41 **The places to record support for or opposition to the proposed debt**
 42 **service or lease payment must have equal prominence on the form.**
- 43 **(c) A form or an envelope given under this section to an owner**
 44 **may not be marked to indicate the identity of the owner.**
- 45 **(d) Envelopes containing forms marked at sites other than the**
 46 **county auditor's office must be returned unopened to the county**

- 1 auditor's office as directed by the county auditor. All envelopes
- 2 must remain unopened until envelopes may be opened under
- 3 section 3.8 of this chapter.
- 4 (e) Instead of using paper forms as described in subsections (a)
- 5 through (d), the county auditor may, with the agreement of the
- 6 clerk of the circuit court of the county, use any machine or device:
- 7 (1) that is permitted under IC 3-11 to record votes for an
- 8 election held under IC 3; and
- 9 (2) to record the positions of owners.
- 10 (f) The state board of accounts shall prescribe the forms used
- 11 under this section.
- 12 (g) A person may not do any of the following at a site
- 13 established for owners to file their position on the proposed debt
- 14 service or lease under this section:
- 15 (1) Post, distribute, or display any written materials that
- 16 state or urge any position on the proposed debt service or
- 17 lease.
- 18 (2) Otherwise communicate with owners urging any position
- 19 on the proposed debt service or lease.
- 20 A person who knowingly or intentionally violates this subsection
- 21 commits a Class A misdemeanor.
- 22 (h) The county auditor's agent may do any of the following to
- 23 remedy a violation of subsection (g):
- 24 (1) Remove any materials described under subsection (g)(1)
- 25 from the site.
- 26 (2) Summon appropriate law enforcement officers to arrest
- 27 an individual who violates subsection (g)(2) if the individual
- 28 refuses either to:
- 29 (A) stop violating subsection (g)(2); or
- 30 (B) leave the site.
- 31 SECTION 35. IC 6-1.1-20-3.8 IS ADDED TO THE INDIANA
- 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 1998]: Sec. 3.8. (a) On the first business day
- 34 after the last day that petitions may be circulated and owners may
- 35 file positions on the proposed debt service or lease payment, the
- 36 county auditor shall do all of the following:
- 37 (1) Open all the envelopes received under section 3.7 of this
- 38 chapter. The envelopes must be opened so that the position
- 39 on the form cannot be identified with an owner. After the
- 40 envelopes are opened, the county auditor shall determine
- 41 both of the following:
- 42 (A) The number of forms recording support for the
- 43 proposed debt service or lease.
- 44 (B) The number of forms recording opposition to the
- 45 proposed debt service or lease.
- 46 The county auditor shall securely keep all of the forms for

- 1 two (2) years after the date that the envelopes are opened.
- 2 (2) If the machines or devices are used under section 3.7(e) of
- 3 this chapter, the county auditor shall determine both of the
- 4 following:
- 5 (A) The total number from all machines or devices
- 6 recording support for the proposed debt service or lease.
- 7 (B) The total number from all machines or devices
- 8 recording opposition to the proposed debt service or
- 9 lease.
- 10 (3) Determine the following from the petitions filed with the
- 11 county auditor under section 3.6 of this chapter:
- 12 (A) The total number of owners who signed petitions in
- 13 favor of the proposed debt service or lease.
- 14 (B) The total number of owners who signed petitions in
- 15 opposition to the proposed debt service or lease.
- 16 (b) The county auditor may not count the signature of an
- 17 individual on a petition circulated under section 3.6 of this chapter
- 18 if any of the following apply:
- 19 (1) The individual is not an owner.
- 20 (2) The individual's signature does not comply with section
- 21 3.6 of this chapter.
- 22 (3) The individual filed the individual's position under
- 23 section 3.7 of this chapter.
- 24 (c) The county auditor shall do the following:
- 25 (1) Determine the results of the petition and remonstrance
- 26 process not later than sixty (60) days after the last date that
- 27 petitions may be circulated and owners may file positions.
- 28 (2) Certify to the officials of the political subdivision the
- 29 results determined under subdivision (1) not later than five
- 30 (5) business days after determination of the results.
- 31 (d) If the results of the petition and remonstrance process
- 32 show that more owners indicated opposition to the proposed debt
- 33 service or lease than show support for the proposed debt service or
- 34 lease:
- 35 (1) the debt may not be issued or the lease may not be
- 36 entered into; and
- 37 (2) the proper officers of the political subdivision may not
- 38 make a preliminary determination to issue debt or enter into
- 39 a lease for the controlled project or any other controlled
- 40 project that is not substantially different within one (1) year
- 41 after the date of the county auditor's certification under
- 42 subsection (c).
- 43 (e) Withdrawal of a petition filed under section 3.1 of this
- 44 chapter carries the same consequences as a defeat of the petition.
- 45 (f) After a political subdivision completes the petition and
- 46 remonstrance process, the political subdivision is not required to

1 follow any other remonstrance or objection procedures under any
 2 other law relating to bonds or leases designed to protect owners of
 3 real property within the political subdivision from the imposition
 4 of property taxes to pay debt service or lease rentals. However, the
 5 political subdivision must still receive the approval of the state
 6 board of tax commissioners required by IC 6-1.1-18.5-8 or
 7 IC 6-1.1-19-8.

8 (g) Regardless of the results of the petition and remonstrance
 9 process, the political subdivision that proposed the debt service or
 10 lease shall pay all costs incurred by the county auditor in
 11 administering the petition and remonstrance process. The political
 12 subdivision may pay the costs of the petition and remonstrance
 13 process from either of the following, at the discretion of the
 14 political subdivision:

15 (1) The political subdivision's general funds.

16 (2) The proceeds of any bonds or other debt issued that were
 17 the subject of the petition and remonstrance process.

18 The county auditor must document the costs of the petition and
 19 remonstrance process to the political subdivision.

20 SECTION 36. IC 6-1.1-20-3.9 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 1998]: Sec. 3.9. (a) Subject to subsection (b),
 23 the following may exercise the rights of an owner:

24 (1) An individual who holds title to real property.

25 (2) If real property is held in common, in joint tenancy, or by
 26 the entireties, each tenant.

27 (3) If title to real property is held by a partnership, any one
 28 (1) of the partners.

29 (4) If title to real property is held by a corporation, an
 30 individual designated in writing by the board of directors of
 31 the corporation.

32 (5) If title to real property is held by a trust, a trustee of the
 33 trust.

34 (6) If title to real property is held by a person other than a
 35 person described in subdivisions (1) through (5), an
 36 individual who is an agent designated in writing by the
 37 person in the manner that Indiana law permits the person to
 38 designate an agent.

39 (b) An owner may not:

40 (1) sign more than one (1) petition; or

41 (2) file the owner's position under section 3.7 of this chapter;
 42 under the same petition and remonstrance process regardless of
 43 the number of separate parcels of real property located in the
 44 political subdivision that the owner owns or has an interest in.

45 (c) A determination by the county auditor that a person is an
 46 owner or has the right to exercise the rights of an owner is

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presumed valid.

SECTION 37. IC 6-1.1-20-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 10. If a petition and remonstrance process is commenced under section 3.2 of this chapter, during the period described in section 3.5 of this chapter the political subdivision may not promote a position on the petition or remonstrance by doing one (1) or more of the following:**

- (1) Allowing facilities owned by the political subdivision to be used.**
- (2) Making an expenditure of money from a fund controlled by the political subdivision.**
- (3) Using an employee during time that the employee is being paid by the political subdivision."**

Page 39, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 57. [EFFECTIVE UPON PASSAGE] (a) **IC 6-1.1-20-3.1, IC 6-1.1-20-3.2, both as amended by this act, and IC 6-1.1-20-3.4 through IC 6-1.1-20-3.9, all as added by this act, do not apply to imposition of property taxes by a political subdivision to pay debt service or lease rentals if, before July 1, 1998, the political subdivision holds a public hearing on a preliminary determination to issue bonds or enter into a lease under IC 6-1.1-20-3.1, as in effect before July 1, 1998.**

(b) IC 6-1.1-20, as in effect before July 1, 1998, applies to the imposition of property taxes by a political subdivision to pay debt service or lease rentals if, before July 1, 1998, the political subdivision held a public hearing on a preliminary determination to issue bonds or enter into a lease under IC 6-1.1-20-3.1, as in effect before July 1, 1998.

(c) This SECTION expires July 1, 2000."

Renumber all SECTIONS consecutively.

(Reference is to HB 1396 as printed January 29, 1998.)

Representative Turner