



Reprinted
January 17, 2007

SENATE BILL No. 132

DIGEST OF SB 132 (Updated January 16, 2007 2:17 pm - DI 73)

Citations Affected: IC 6-1.1; IC 8-14; IC 8-22; IC 12-29; IC 14-27; IC 20-48; IC 36-3; IC 36-5; IC 36-7; IC 36-9; IC 36-10; noncode.

Synopsis: Petition and remonstrance process. Allows registered voters and owners of real property to participate when a political subdivision conducts a petition and remonstrance process to approve a bond issue or a lease rental. (Current law allows only the owners of real property to sign a petition or a remonstrance.) Requires the petitions to be filed with the county clerk, rather than the county auditor. Specifies that for purposes of the petition and remonstrance process, a registered voter means an individual registered to vote at least 30 business days before a political subdivision publishes notice of a preliminary determination to issue bonds or enter into a lease. Specifies that whenever the name of an individual who signs a petition or remonstrance as a registered voter contains a minor variation from the name of the individual as set forth in the records of the county voter registration office, the signature is presumed to be valid.

Effective: Upon passage.

Kenley, Weatherwax, Mrvan

January 8, 2007, read first time and referred to Committee on Tax and Fiscal Policy.
January 9, 2007, reported favorably — Do Pass.
January 16, 2007, read second time, amended, ordered engrossed.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 132

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 6-1.1-20-1.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 1.8. As used in this chapter,**
4 **"registered voter" means an individual who is registered to vote in**
5 **a political subdivision at least thirty (30) business days before the**
6 **proper officers of the political subdivision publish notice under**
7 **section 3.1(2) of this chapter of a preliminary determination by the**
8 **political subdivision to issue bonds or enter into a lease.**

9 SECTION 2. IC 6-1.1-20-3.1, AS AMENDED BY P.L.2-2006,
10 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 3.1. A political subdivision may not impose
12 property taxes to pay debt service or lease rentals without completing
13 the following procedures:

- 14 (1) The proper officers of a political subdivision shall:
15 (A) publish notice in accordance with IC 5-3-1; and
16 (B) send notice by first class mail to any organization that
17 delivers to the officers, before January 1 of that year, an annual

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1 written request for such notices;
 2 of any meeting to consider adoption of a resolution or an
 3 ordinance making a preliminary determination to issue bonds or
 4 enter into a lease and shall conduct a public hearing on a
 5 preliminary determination before adoption of the resolution or
 6 ordinance.
 7 (2) When the proper officers of a political subdivision make a
 8 preliminary determination to issue bonds or enter into a lease, the
 9 officers shall give notice of the preliminary determination by:
 10 (A) publication in accordance with IC 5-3-1; and
 11 (B) first class mail to the organizations described in
 12 subdivision (1)(B).
 13 (3) A notice under subdivision (2) of the preliminary
 14 determination of the political subdivision to issue bonds or enter
 15 into a lease must include the following information:
 16 (A) The maximum term of the bonds or lease.
 17 (B) The maximum principal amount of the bonds or the
 18 maximum lease rental for the lease.
 19 (C) The estimated interest rates that will be paid and the total
 20 interest costs associated with the bonds or lease.
 21 (D) The purpose of the bonds or lease.
 22 (E) A statement that any owners of real property **within the**
 23 **political subdivision or registered voters residing** within the
 24 political subdivision who want to initiate a petition and
 25 remonstrance process against the proposed debt service or
 26 lease payments must file a petition that complies with
 27 subdivisions (4) and (5) not later than thirty (30) days after
 28 publication in accordance with IC 5-3-1.
 29 (F) With respect to bonds issued or a lease entered into to
 30 open:
 31 (i) a new school facility; or
 32 (ii) an existing facility that has not been used for at least
 33 three (3) years and that is being reopened to provide
 34 additional classroom space;
 35 the estimated costs the school corporation expects to incur
 36 annually to operate the facility.
 37 (G) A statement of whether the school corporation expects to
 38 appeal for a new facility adjustment (as defined in
 39 IC 20-45-1-16) for an increased maximum permissible tuition
 40 support levy to pay the estimated costs described in clause (F).
 41 (4) After notice is given, a petition requesting the application of
 42 a petition and remonstrance process may be filed by the lesser of:

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1 (A) one hundred (100) **persons who are either** owners of real
 2 property **within the political subdivision or registered**
 3 **voters residing** within the political subdivision; or
 4 (B) five percent (5%) of the ~~owners of real property registered~~
 5 **voters residing** within the political subdivision.

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

16 (A) the carrier and signers must be owners of real property **or**
 17 **registered voters;**
 18 (B) the carrier must be a signatory on at least one (1) petition;
 19 (C) after the signatures have been collected, the carrier must
 20 swear or affirm before a notary public that the carrier
 21 witnessed each signature; and
 22 (D) govern the closing date for the petition period.

23 Persons requesting forms may ~~not~~ be required to identify
 24 themselves **as owners of real property or registered voters** and
 25 may be allowed to pick up additional copies to distribute to other
 26 property owners **or registered voters.** **Each person signing a**
 27 **petition must indicate whether the person is signing the**
 28 **petition as a registered voter within the political subdivision**
 29 **or is signing the petition as the owner of real property within**
 30 **the political subdivision. A person who signs a petition as a**
 31 **real property owner must indicate the address of the real**
 32 **property owned by the person in the political subdivision.**

33 (6) Each petition must be verified under oath by at least one (1)
 34 qualified petitioner in a manner prescribed by the state board of
 35 accounts before the petition is filed with the county ~~auditor clerk~~
 36 under subdivision (7).

37 (7) Each petition must be filed with the county ~~auditor clerk~~ not
 38 more than thirty (30) days after publication under subdivision (2)
 39 of the notice of the preliminary determination.

40 **(8) The county clerk shall determine whether each person who**
 41 **signed the petition is a registered voter. The county clerk shall**
 42 **forward a copy of the petition to the county auditor. Not more**

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than five (5) business days after receiving the copy of the petition, the county auditor shall provide to the county clerk a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county clerk, is the owner of real property in the political subdivision; and

(B) whether a person who signed the petition as an owner of real property within the political subdivision does in fact own real property within the political subdivision.

(9) The county clerk shall make the final determination of the number of petitioners that are registered voters in the political subdivision and, based on the statement provided by the county auditor, the number of petitioners that own real property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid.

~~(8)~~ (10) The county auditor clerk must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

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

within ~~fifteen (15)~~ **twenty-five (25)** business days of the filing of the petition requesting a petition and remonstrance process. The certificate must state the number of petitioners that are owners of real property **within the political subdivision and the number of petitioners who are registered voters residing** within the political subdivision.

If a sufficient petition requesting a petition and remonstrance process is not filed by owners of real property **or registered voters** as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

SECTION 3. IC 6-1.1-20-3.2, AS AMENDED BY P.L.2-2006, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. If a sufficient petition requesting the application of a petition and remonstrance process has been filed as set

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1 forth in section 3.1 of this chapter, a political subdivision may not
2 impose property taxes to pay debt service or lease rentals without
3 completing the following procedures:

4 (1) The proper officers of the political subdivision shall give
5 notice of the applicability of the petition and remonstrance
6 process by:

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

8 (B) first class mail to the organizations described in section
9 3.1(1)(B) of this chapter.

10 A notice under this subdivision must include a statement that any
11 owners of real property **within the political subdivision or**
12 **registered voters residing** within the political subdivision who
13 want to petition in favor of or remonstrate against the proposed
14 debt service or lease payments must file petitions and
15 remonstrances in compliance with subdivisions (2) through (4)
16 not earlier than thirty (30) days or later than sixty (60) days after
17 publication in accordance with IC 5-3-1.

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

20 (A) petitions (described in subdivision (3)) in favor of the
21 bonds or lease; and

22 (B) remonstrances (described in subdivision (3)) against the
23 bonds or lease;

24 may be filed by an owner or owners of real property **within the**
25 **political subdivision or a registered voter residing** within the
26 political subdivision. Each signature on a petition must be dated
27 and the date of signature may not be before the date on which the
28 petition and remonstrance forms may be issued under subdivision
29 (3). A petition described in clause (A) or a remonstrance
30 described in clause (B) must be verified in compliance with
31 subdivision (4) before the petition or remonstrance is filed with
32 the county ~~auditor clerk~~ under subdivision (4).

33 (3) The state board of accounts shall design and, upon request by
34 the county ~~auditor;~~ **clerk,** deliver to the county ~~auditor clerk~~ or
35 the county ~~auditor's clerk's~~ designated printer the petition and
36 remonstrance forms to be used solely in the petition and
37 remonstrance process described in this section. The county
38 ~~auditor clerk~~ shall issue to an owner or owners of real property
39 **within the political subdivision or a registered voter residing**
40 within the political subdivision the number of petition or
41 remonstrance forms requested by the owner or owners **or the**
42 **registered voter.** Each form must be accompanied by instructions

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- detailing the requirements that:
 - (A) the carrier and signers must be owners of real property or **registered voters**;
 - (B) the carrier must be a signatory on at least one (1) petition;
 - (C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature;
 - (D) govern the closing date for the petition and remonstrance period; and
 - (E) apply to the carrier under section 10 of this chapter.

Persons requesting forms may **not** be required to identify themselves **as owners of real property or registered voters** and may be allowed to pick up additional copies to distribute to other property owners **or registered voters**. **Each person signing a petition or remonstrance must indicate whether the person is signing the petition or remonstrance as a registered voter within the political subdivision or is signing the petition or remonstrance as the owner of real property within the political subdivision. A person who signs a petition or remonstrance as a real property owner must indicate the address of the real property owned by the person in the political subdivision.** The county **auditor clerk** may not issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county **auditor clerk** shall certify the date of issuance on each petition or remonstrance form that is distributed under this subdivision.

(4) The petitions and remonstrances must be verified in the manner prescribed by the state board of accounts and filed with the county **auditor clerk** within the sixty (60) day period described in subdivision (2) in the manner set forth in section 3.1 of this chapter relating to requests for a petition and remonstrance process.

(5) The county clerk shall determine whether each person who signed the petition or remonstrance is a registered voter. The county clerk shall forward a copy of the petition or remonstrance to the county auditor. Not more than five (5) business days after receiving the copy of the petition or remonstrance, the county auditor shall provide to the county clerk a statement verifying:

- (A) **whether a person who signed the petition or remonstrance as a registered voter but is not a registered voter, as determined by the county clerk, is the owner of**

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real property in the political subdivision; and
(B) whether a person who signed the petition or remonstrance as an owner of real property within the political subdivision does in fact own real property within the political subdivision.

- (6) The county clerk shall make the final determination of:
 - (A) the number of registered voters in the political subdivision that signed a petition and, based on the statement provided by the county auditor, the number of owners of real property within the political subdivision that signed a petition; and
 - (B) the number of registered voters in the political subdivision that signed a remonstrance and, based on the statement provided by the county auditor, the number of owners of real property within the political subdivision that signed a remonstrance.

Whenever the name of an individual who signs a petition or remonstrance as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid.

~~(5)~~ (7) The county ~~auditor~~ clerk must file a certificate and the petition or remonstrance with the body of the political subdivision charged with issuing bonds or entering into leases within ~~fifteen~~ **(+5) twenty-five (25)** business days of the filing of a petition or remonstrance under subdivision (4), whichever applies, containing ten thousand (10,000) signatures or less. The county ~~auditor~~ clerk may take an additional five (5) days to review and certify the petition or remonstrance for each additional five thousand (5,000) signatures up to a maximum of sixty (60) days. The certificate must state the number of petitioners and remonstrators that are owners of real property **within the political subdivision and the number of petitioners who are registered voters residing** within the political subdivision.

~~(6)~~ (8) If a greater number of **persons who are either** owners of real property **within the political subdivision or registered voters residing** within the political subdivision sign a remonstrance than the number that signed a petition, the bonds petitioned for may not be issued or the lease petitioned for may not be entered into. The proper officers of the political subdivision may not make a preliminary determination to issue bonds or enter into a lease for the controlled project defeated by

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1 the petition and remonstrance process under this section or any
 2 other controlled project that is not substantially different within
 3 one (1) year after the date of the county ~~auditor's clerk's~~
 4 certificate under subdivision ~~(5)~~: **(7)**. Withdrawal of a petition
 5 carries the same consequences as a defeat of the petition.
 6 ~~(7)~~ **(9)** After a political subdivision has gone through the petition
 7 and remonstrance process set forth in this section, the political
 8 subdivision is not required to follow any other remonstrance or
 9 objection procedures under any other law (including section 5 of
 10 this chapter) relating to bonds or leases designed to protect
 11 owners of real property within the political subdivision from the
 12 imposition of property taxes to pay debt service or lease rentals.
 13 However, the political subdivision must still receive the approval
 14 of the department of local government finance required by:

- 15 (A) IC 6-1.1-18.5-8; or
- 16 (B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

17 SECTION 4. IC 8-14-9-12 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. All bonds and
 19 interest on bonds issued under this chapter are exempt from taxation as
 20 provided under IC 6-8-5-1. All general laws relating to:

- 21 (1) the filing of a petition requesting the issuance of bonds;
- 22 (2) the right of taxpayers **and voters** to remonstrate against the
- 23 issuance of bonds;
- 24 (3) the appropriation of the proceeds of the bonds and the
- 25 approval of the appropriation by the department of local
- 26 government finance; and
- 27 (4) the sale of bonds at public sale for not less than par value;
- 28 are applicable to proceedings under this chapter.

29 SECTION 5. IC 8-22-3-16 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The board
 31 may issue general obligation bonds of the authority for the purpose of
 32 procuring funds to pay the cost of acquiring real property, or
 33 constructing, enlarging, improving, remodeling, repairing, or equipping
 34 buildings, structures, runways, or other facilities, for use as or in
 35 connection with or for administrative purposes of the airport. The
 36 issuance of the bonds must be authorized by ordinance of the board
 37 providing for the amount, terms, and tenor of the bonds and for the
 38 time and character of notice and the mode of making sale. If one (1)
 39 airport is owned by the authority, an ordinance authorizing the issuance
 40 of bonds for a separate second airport is subject to approval as provided
 41 in this section. The bonds bear interest and are payable at the times and
 42 places that the board determines but running not more than twenty-five

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1 (25) years after the date of their issuance, and they must be executed in
2 the name of the authority by the president of the board and attested by
3 the secretary who shall affix to each of the bonds the official seal of the
4 authority. The interest coupons attached to the bonds may be executed
5 by placing on them the facsimile signature of the president of the
6 board.

7 (b) The issuance of general obligation bonds must be approved by
8 resolution of the following body:

9 (1) When the authority is established by an eligible entity, by its
10 fiscal body.

11 (2) When the authority is established by two (2) or more eligible
12 entities acting jointly, by the fiscal body of each of those entities.

13 (3) When the authority was established under IC 19-6-2, by the
14 mayor of the consolidated city, and if a second airport is to be
15 funded, also by the city-county council.

16 (4) When the authority was established under IC 19-6-3, by the
17 county council.

18 (c) The airport director shall manage and supervise the preparation,
19 advertisement, and sale of the bonds, subject to the authorizing
20 ordinance. Before the sale of the bonds, the airport director shall cause
21 notice of the sale to be published once each week for two (2)
22 consecutive weeks in two (2) newspapers of general circulation
23 published in the district, setting out the time and place where bids will
24 be received, the amount and maturity dates of the issue, the maximum
25 interest rate, and the terms and conditions of sale and delivery of the
26 bonds. The bonds shall be sold to the highest bidder, in accordance
27 with the procedures for selling public bonds. After the bonds have been
28 properly sold and executed, the airport director shall deliver them to the
29 treasurer of the authority and take ~~his~~ a receipt for them, and shall
30 certify to the treasurer the amount which the purchaser is to pay for
31 them, together with the name and address of the purchaser. On payment
32 of the purchase price the treasurer shall deliver the bonds to the
33 purchaser, and the treasurer and airport director or superintendent shall
34 report their actions to the board.

35 (d) The provisions of IC 6-1.1-20 and IC 5-1 relating to the filing of
36 a petition requesting the issuance of bonds and giving notice of them,
37 the giving of notice of determination to issue bonds, the giving of
38 notice of hearing on the appropriation of the proceeds of bonds and the
39 right of taxpayers to appeal and be heard on the proposed
40 appropriation, the approval of the appropriation by the department of
41 local government finance, the right of taxpayers **and voters** to
42 remonstrate against the issuance of bonds, and the sale of bonds at

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1 public sale for not less than par value are applicable to proceedings
2 under this chapter for the issuance of general obligation bonds.

3 (e) Bonds issued under this chapter are not a corporate obligation or
4 indebtedness of any eligible entity but are an indebtedness of the
5 authority as a municipal corporation. An action to question the validity
6 of the bonds issued or to prevent their issue must be instituted not later
7 than the date set for sale of the bonds, and all of the bonds after that
8 date are incontestable.

9 SECTION 6. IC 12-29-1-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. All general
11 Indiana statutes relating to the following apply to the issuance of
12 county bonds under this chapter:

- 13 (1) The filing of a petition requesting the issuance of bonds.
- 14 (2) The giving of notice of the following:
 - 15 (A) The filing of the petition requesting the issuance of the
 - 16 bonds.
 - 17 (B) The determination to issue bonds.
 - 18 (C) A hearing on the appropriation of the proceeds of the
 - 19 bonds.
- 20 (3) The right of taxpayers to appear and be heard on the proposed
- 21 appropriation.
- 22 (4) The approval of the appropriation by the department of local
- 23 government finance.
- 24 (5) The right of taxpayers **and voters** to remonstrate against the
- 25 issuance of bonds.

26 SECTION 7. IC 12-29-2-18 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. All general
28 Indiana statutes relating to the following apply to the issuance of
29 county bonds under this chapter:

- 30 (1) The filing of a petition requesting the issuance of bonds.
- 31 (2) The giving of notice of the following:
 - 32 (A) The filing of the petition requesting the issuance of the
 - 33 bonds.
 - 34 (B) The determination to issue bonds.
 - 35 (C) A hearing on the appropriation of the proceeds of the
 - 36 bonds.
- 37 (3) The right of taxpayers to appear and be heard on the proposed
- 38 appropriation.
- 39 (4) The approval of the appropriation by the department of local
- 40 government finance.
- 41 (5) The right of taxpayers **and voters** to remonstrate against the
- 42 issuance of bonds.

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1 SECTION 8. IC 14-27-6-40 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. The provisions
3 of IC 5-1 and IC 6-1.1-20 relating to the following apply to proceedings
4 under this chapter:

- 5 (1) The filing of a petition requesting the issuance of bonds and
6 giving notice of the petition.
- 7 (2) The giving of notice of determination to issue bonds.
- 8 (3) The giving of notice of hearing on the appropriation of the
9 proceeds of bonds and the right of taxpayers to appeal and be
10 heard on the proposed appropriation.
- 11 (4) The approval of the appropriation by the department of local
12 government finance.
- 13 (5) The right of taxpayers **and voters** to remonstrate against the
14 issuance of bonds.

15 (6) The sale of bonds at public sale for not less than the par value.
16 SECTION 9. IC 20-48-1-8, AS ADDED BY P.L.2-2006, SECTION
17 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
18 PASSAGE]: Sec. 8. The provisions of all general statutes and rules
19 relating to:

- 20 (1) filing petitions requesting the issuance of bonds and giving
21 notice of the issuance of bonds;
- 22 (2) giving notice of determination to issue bonds;
- 23 (3) giving notice of a hearing on the appropriation of the proceeds
24 of the bonds and the right of taxpayers to appear and be heard on
25 the proposed appropriation;
- 26 (4) the approval of the appropriation by the department of local
27 government finance; and
- 28 (5) the right of taxpayers **and voters** to remonstrate against the
29 issuance of bonds;

30 apply to proceedings for the issuance of bonds and the making of an
31 emergency loan under this article and IC 20-26-1 through IC 20-26-5.
32 An action to contest the validity of the bonds or emergency loans may
33 not be brought later than five (5) days after the acceptance of a bid for
34 the sale of the bonds.

35 SECTION 10. IC 36-3-5-8 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section
37 applies whenever a special taxing district of the consolidated city has
38 the power to issue bonds, notes, or warrants.

39 (b) Before any bonds, notes, or warrants of a special taxing district
40 may be issued, the issue must be approved by resolution of the
41 legislative body of the consolidated city.

42 (c) Any bonds of a special taxing district must be issued in the

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1 manner prescribed by statute for that district, and the board of the
2 department having jurisdiction over the district shall:

- 3 (1) hold all required hearings;
- 4 (2) adopt all necessary resolutions; and
- 5 (3) appropriate the proceeds of the bonds;

6 in that manner. However, the legislative body shall levy each year the
7 special tax required to pay the principal of and interest on the bonds
8 and any bank paying charges.

9 (d) Notwithstanding any other statute, bonds of a special taxing
10 district may:

- 11 (1) be dated;
- 12 (2) be issued in any denomination;
- 13 (3) mature at any time or times not exceeding fifty (50) years after
14 their date; and
- 15 (4) be payable at any bank or banks;

16 as determined by the board. The interest rate or rates that the bonds will
17 bear must be determined by bidding, notwithstanding IC 5-1-11-3.

18 (e) Bonds of a special taxing district are subject to the provisions of
19 IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the
20 issuance of bonds and giving notice of the petition, the giving of notice
21 of a hearing on the appropriation of the proceeds of bonds, the right of
22 taxpayers to appear and be heard on the proposed appropriation, the
23 approval of the appropriation by the department of local government
24 finance, the right of taxpayers **and voters** to remonstrate against the
25 issuance of bonds, and the sale of bonds at public sale.

26 SECTION 11. IC 36-5-2-11 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The
28 legislative body may issue bonds for the purpose of procuring money
29 to be used in the exercise of the powers of the town and for the
30 payment of town debts. However, a town may not issue bonds to
31 procure money to pay current expenses.

32 (b) Bonds issued under this section are payable in the amounts and
33 at the times determined by the legislative body.

34 (c) Bonds issued under this section are subject to the provisions of
35 IC 5-1 and IC 6-1.1-20 relating to the filing of a petition requesting the
36 issuance of bonds and giving notice of the petition, the giving of notice
37 of a hearing on the appropriation of the proceeds of bonds, the right of
38 taxpayers to appear and be heard on the proposed appropriation, the
39 approval of the appropriation by the department of local government
40 finance, the right of taxpayers **and voters** to remonstrate against the
41 issuance of bonds, and the sale of bonds at public sale for not less than
42 their par value.

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1 (d) The legislative body may, by ordinance, make loans of money
2 for not more than five (5) years and issue notes for the purpose of
3 refunding those loans. The loans may be made only for the purpose of
4 procuring money to be used in the exercise of the powers of the town,
5 and the total amount of outstanding loans under this subsection may not
6 exceed five percent (5%) of the town's total tax levy in the current year
7 (excluding amounts levied to pay debt service and lease rentals). Loans
8 under this subsection shall be made as follows:

- 9 (1) The ordinance authorizing the loans must pledge to their
10 payment a sufficient amount of tax revenues over the ensuing five
11 (5) years to provide for refunding the loans.
- 12 (2) The loans must be evidenced by notes of the town in terms
13 designating the nature of the consideration, the time and place
14 payable, and the revenues out of which they will be payable.
- 15 (3) The interest accruing on the notes to the date of maturity may
16 be added to and included in their face value or be made payable
17 periodically, as provided in the ordinance.

18 Notes issued under this subsection are not bonded indebtedness for
19 purposes of IC 6-1.1-18.5.

20 SECTION 12. IC 36-7-14-25.1, AS AMENDED BY P.L.185-2005,
21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 25.1. (a) In addition to other methods of
23 raising money for property acquisition or redevelopment in a
24 redevelopment project area, and in anticipation of the special tax to be
25 levied under section 27 of this chapter, the taxes allocated under
26 section 39 of this chapter, or other revenues of the district, or any
27 combination of these sources, the redevelopment commission may, by
28 resolution and subject to subsection (p), issue the bonds of the special
29 taxing district in the name of the unit. The amount of the bonds may
30 not exceed the total, as estimated by the commission, of all expenses
31 reasonably incurred in connection with the acquisition and
32 redevelopment of the property, including:

- 33 (1) the total cost of all land, rights-of-way, and other property to
34 be acquired and redeveloped;
- 35 (2) all reasonable and necessary architectural, engineering, legal,
36 financing, accounting, advertising, bond discount, and
37 supervisory expenses related to the acquisition and redevelopment
38 of the property or the issuance of bonds;
- 39 (3) capitalized interest permitted by this chapter and a debt
40 service reserve for the bonds to the extent the redevelopment
41 commission determines that a reserve is reasonably required; and
42 (4) expenses that the redevelopment commission is required or

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1 permitted to pay under IC 8-23-17.

2 (b) If the redevelopment commission plans to acquire different

3 parcels of land or let different contracts for redevelopment work at

4 approximately the same time, whether under one (1) or more

5 resolutions, the commission may provide for the total cost in one (1)

6 issue of bonds.

7 (c) The bonds must be dated as set forth in the bond resolution and

8 negotiable, subject to the requirements of the bond resolution for

9 registering the bonds. The resolution authorizing the bonds must state:

10 (1) the denominations of the bonds;

11 (2) the place or places at which the bonds are payable; and

12 (3) the term of the bonds, which may not exceed fifty (50) years.

13 The resolution may also state that the bonds are redeemable before

14 maturity with or without a premium, as determined by the

15 redevelopment commission.

16 (d) The redevelopment commission shall certify a copy of the

17 resolution authorizing the bonds to the municipal or county fiscal

18 officer, who shall then prepare the bonds, subject to subsection (p). The

19 seal of the unit must be impressed on the bonds, or a facsimile of the

20 seal must be printed on the bonds.

21 (e) The bonds must be executed by the appropriate officer of the

22 unit, and attested by the municipal or county fiscal officer.

23 (f) The bonds are exempt from taxation for all purposes.

24 (g) The municipal or county fiscal officer shall give notice of the

25 sale of the bonds by publication in accordance with IC 5-3-1. The

26 municipal fiscal officer, or county fiscal officer or executive, shall sell

27 the bonds to the highest bidder, but may not sell them for less than

28 ninety-seven percent (97%) of their par value. However, bonds payable

29 solely or in part from tax proceeds allocated under section 39(b)(2) of

30 this chapter, or other revenues of the district may be sold at a private

31 negotiated sale.

32 (h) Except as provided in subsection (i), a redevelopment

33 commission may not issue the bonds when the total issue, including

34 bonds already issued and to be issued, exceeds two percent (2%) of the

35 adjusted value of the taxable property in the special taxing district, as

36 determined under IC 36-1-15.

37 (i) The bonds are not a corporate obligation of the unit but are an

38 indebtedness of the taxing district. The bonds and interest are payable,

39 as set forth in the bond resolution of the redevelopment commission:

40 (1) from a special tax levied upon all of the property in the taxing

41 district, as provided by section 27 of this chapter;

42 (2) from the tax proceeds allocated under section 39(b)(2) of this

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- 1 chapter;
- 2 (3) from other revenues available to the redevelopment
- 3 commission; or
- 4 (4) from a combination of the methods stated in subdivisions (1)
- 5 through (3).

6 If the bonds are payable solely from the tax proceeds allocated under
 7 section 39(b)(2) of this chapter, other revenues of the redevelopment
 8 commission, or any combination of these sources, they may be issued
 9 in any amount without limitation.

10 (j) Proceeds from the sale of bonds may be used to pay the cost of
 11 interest on the bonds for a period not to exceed five (5) years from the
 12 date of issuance.

13 (k) All laws relating to the giving of notice of the issuance of bonds,
 14 the giving of notice of a hearing on the appropriation of the proceeds
 15 of the bonds, the right of taxpayers to appear and be heard on the
 16 proposed appropriation, and the approval of the appropriation by the
 17 department of local government finance apply to all bonds issued under
 18 this chapter that are payable from the special benefits tax levied
 19 pursuant to section 27 of this chapter or from taxes allocated under
 20 section 39 of this chapter.

21 (l) All laws relating to the filing of petitions requesting the issuance
 22 of bonds and the right of taxpayers **and voters** to remonstrate against
 23 the issuance of bonds apply to bonds issued under this chapter, except
 24 for bonds payable solely from tax proceeds allocated under section
 25 39(b)(2) of this chapter, other revenues of the redevelopment
 26 commission, or any combination of these sources.

27 (m) If a debt service reserve is created from the proceeds of bonds,
 28 the debt service reserve may be used to pay principal and interest on
 29 the bonds as provided in the bond resolution.

30 (n) Any amount remaining in the debt service reserve after all of the
 31 bonds of the issue for which the debt service reserve was established
 32 have matured shall be deposited in the allocation fund established
 33 under section 39(b)(2) of this chapter.

34 (o) If bonds are issued under this chapter that are payable solely or
 35 in part from revenues to the redevelopment commission from a project
 36 or projects, the redevelopment commission may adopt a resolution or
 37 trust indenture or enter into covenants as is customary in the issuance
 38 of revenue bonds. The resolution or trust indenture may pledge or
 39 assign the revenues from the project or projects, but may not convey or
 40 mortgage any project or parts of a project. The resolution or trust
 41 indenture may also contain any provisions for protecting and enforcing
 42 the rights and remedies of the bond owners as may be reasonable and

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1 proper and not in violation of law, including covenants setting forth the
2 duties of the redevelopment commission. The redevelopment
3 commission may establish fees and charges for the use of any project
4 and covenant with the owners of any bonds to set those fees and
5 charges at a rate sufficient to protect the interest of the owners of the
6 bonds. Any revenue bonds issued by the redevelopment commission
7 that are payable solely from revenues of the commission shall contain
8 a statement to that effect in the form of bond.

9 (p) If the total principal amount of bonds authorized by a resolution
10 of the redevelopment commission is equal to or greater than three
11 million dollars (\$3,000,000), the bonds may not be issued without the
12 approval, by resolution, of the legislative body of the unit.

13 SECTION 13. IC 36-7-14.5-12.5, AS AMENDED BY P.L.1-2006,
14 SECTION 567, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) This section applies
16 only to an authority in a county having a United States government
17 military base that is scheduled for closing or is completely or partially
18 inactive or closed.

19 (b) In order to accomplish the purposes set forth in section 11 of this
20 chapter, an authority may create an economic development area:

- 21 (1) by following the procedures set forth in IC 36-7-14-41 for the
22 establishment of an economic development area by a
23 redevelopment commission; and
- 24 (2) with the same effect as if the economic development area was
25 created by a redevelopment commission.

26 The area established under this section shall be established only in the
27 area where a United States government military base that is scheduled
28 for closing or is completely or partially inactive or closed is or was
29 located.

30 (c) In order to accomplish the purposes set forth in section 11 of this
31 chapter, an authority may do the following in a manner that serves an
32 economic development area created under this section:

- 33 (1) Acquire by purchase, exchange, gift, grant, condemnation, or
34 lease, or any combination of methods, any personal property or
35 interest in real property needed for the redevelopment of
36 economic development areas located within the corporate
37 boundaries of the unit.
- 38 (2) Hold, use, sell (by conveyance by deed, land sale contract, or
39 other instrument), exchange, lease, rent, or otherwise dispose of
40 property acquired for use in the redevelopment of economic
41 development areas on the terms and conditions that the authority
42 considers best for the unit and the unit's inhabitants.

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- 1 (3) Sell, lease, or grant interests in all or part of the real property
- 2 acquired for redevelopment purposes to any other department of
- 3 the unit or to any other governmental agency for public ways,
- 4 levees, sewerage, parks, playgrounds, schools, and other public
- 5 purposes on any terms that may be agreed on.
- 6 (4) Clear real property acquired for redevelopment purposes.
- 7 (5) Repair and maintain structures acquired for redevelopment
- 8 purposes.
- 9 (6) Remodel, rebuild, enlarge, or make major structural
- 10 improvements on structures acquired for redevelopment purposes.
- 11 (7) Survey or examine any land to determine whether the land
- 12 should be included within an economic development area to be
- 13 acquired for redevelopment purposes and to determine the value
- 14 of that land.
- 15 (8) Appear before any other department or agency of the unit, or
- 16 before any other governmental agency in respect to any matter
- 17 affecting:
- 18 (A) real property acquired or being acquired for
- 19 redevelopment purposes; or
- 20 (B) any economic development area within the jurisdiction of
- 21 the authority.
- 22 (9) Institute or defend in the name of the unit any civil action, but
- 23 all actions against the authority must be brought in the circuit or
- 24 superior court of the county where the authority is located.
- 25 (10) Use any legal or equitable remedy that is necessary or
- 26 considered proper to protect and enforce the rights of and perform
- 27 the duties of the authority.
- 28 (11) Exercise the power of eminent domain in the name of and
- 29 within the corporate boundaries of the unit subject to the same
- 30 conditions and procedures that apply to the exercise of the power
- 31 of eminent domain by a redevelopment commission under
- 32 IC 36-7-14.
- 33 (12) Appoint an executive director, appraisers, real estate experts,
- 34 engineers, architects, surveyors, and attorneys.
- 35 (13) Appoint clerks, guards, laborers, and other employees the
- 36 authority considers advisable, except that those appointments
- 37 must be made in accordance with the merit system of the unit if
- 38 such a system exists.
- 39 (14) Prescribe the duties and regulate the compensation of
- 40 employees of the authority.
- 41 (15) Provide a pension and retirement system for employees of
- 42 the authority by using the public employees' retirement fund or a

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- 1 retirement plan approved by the United States Department of
- 2 Housing and Urban Development.
- 3 (16) Discharge and appoint successors to employees of the
- 4 authority subject to subdivision (13).
- 5 (17) Rent offices for use of the department or authority, or accept
- 6 the use of offices furnished by the unit.
- 7 (18) Equip the offices of the authority with the necessary
- 8 furniture, furnishings, equipment, records, and supplies.
- 9 (19) Design, order, contract for, and construct, reconstruct,
- 10 improve, or renovate the following:
- 11 (A) Any local public improvement or structure that is
- 12 necessary for redevelopment purposes or economic
- 13 development within the corporate boundaries of the unit.
- 14 (B) Any structure that enhances development or economic
- 15 development.
- 16 (20) Contract for the construction, extension, or improvement of
- 17 pedestrian skyways (as defined in IC 36-7-14-12.2(c)).
- 18 (21) Accept loans, grants, and other forms of financial assistance
- 19 from, or contract with, the federal government, the state
- 20 government, a municipal corporation, a special taxing district, a
- 21 foundation, or any other source.
- 22 (22) Make and enter into all contracts and agreements necessary
- 23 or incidental to the performance of the duties of the authority and
- 24 the execution of the powers of the authority under this chapter.
- 25 (23) Take any action necessary to implement the purpose of the
- 26 authority.
- 27 (24) Provide financial assistance, in the manner that best serves
- 28 the purposes set forth in section 11 of this chapter, including
- 29 grants and loans, to enable private enterprise to develop,
- 30 redevelop, and reuse military base property or otherwise enable
- 31 private enterprise to provide social and economic benefits to the
- 32 citizens of the unit.
- 33 (d) An authority may designate all or a portion of an economic
- 34 development area created under this section as an allocation area by
- 35 following the procedures set forth in IC 36-7-14-39 for the
- 36 establishment of an allocation area by a redevelopment commission.
- 37 The allocation provision may modify the definition of "property taxes"
- 38 under IC 36-7-14-39(a) to include taxes imposed under IC 6-1.1 on the
- 39 depreciable personal property located and taxable on the site of
- 40 operations of designated taxpayers in accordance with the procedures
- 41 applicable to a commission under IC 36-7-14-39.3. IC 36-7-14-39.3
- 42 applies to such a modification. An allocation area established by an

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1 authority under this section is a special taxing district authorized by the
 2 general assembly to enable the unit to provide special benefits to
 3 taxpayers in the allocation area by promoting economic development
 4 that is of public use and benefit. For allocation areas established for an
 5 economic development area created under this section after June 30,
 6 1997, and to the expanded portion of an allocation area for an
 7 economic development area that was established before June 30, 1997,
 8 and that is expanded under this section after June 30, 1997, the net
 9 assessed value of property that is assessed as residential property under
 10 the rules of the department of local government finance, as finally
 11 determined for any assessment date, must be allocated. All of the
 12 provisions of IC 36-7-14-39, IC 36-7-14-39.1, and IC 36-7-14-39.5
 13 apply to an allocation area created under this section, except that the
 14 authority shall be vested with the rights and duties of a commission as
 15 referenced in those sections, and except that, notwithstanding
 16 IC 36-7-14-39(b)(2), property tax proceeds paid into the allocation
 17 fund may be used by the authority only to do one (1) or more of the
 18 following:

- 19 (1) Pay the principal of and interest and redemption premium on
- 20 any obligations incurred by the special taxing district or any other
- 21 entity for the purpose of financing or refinancing military base
- 22 reuse activities in or serving or benefiting that allocation area.
- 23 (2) Establish, augment, or restore the debt service reserve for
- 24 obligations payable solely or in part from allocated tax proceeds
- 25 in that allocation area or from other revenues of the authority
- 26 (including lease rental revenues).
- 27 (3) Make payments on leases payable solely or in part from
- 28 allocated tax proceeds in that allocation area.
- 29 (4) Reimburse any other governmental body for expenditures
- 30 made by it for local public improvements or structures in or
- 31 serving or benefiting that allocation area.
- 32 (5) Pay all or a portion of a property tax replacement credit to
- 33 taxpayers in an allocation area as determined by the authority.
- 34 This credit equals the amount determined under the following
- 35 STEPS for each taxpayer in a taxing district (as defined in
- 36 IC 6-1.1-1-20) that contains all or part of the allocation area:
- 37 STEP ONE: Determine that part of the sum of the amounts
- 38 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
- 39 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
- 40 IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.
- 41 STEP TWO: Divide:
- 42 (A) that part of each county's eligible property tax

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1 replacement amount (as defined in IC 6-1.1-21-2) for that
 2 year as determined under IC 6-1.1-21-4 that is attributable
 3 to the taxing district; by
 4 (B) the STEP ONE sum.
 5 STEP THREE: Multiply:
 6 (A) the STEP TWO quotient; by
 7 (B) the total amount of the taxpayer's taxes (as defined in
 8 IC 6-1.1-21-2) levied in the taxing district that have been
 9 allocated during that year to an allocation fund under this
 10 section.

11 If not all the taxpayers in an allocation area receive the credit in
 12 full, each taxpayer in the allocation area is entitled to receive the
 13 same proportion of the credit. A taxpayer may not receive a credit
 14 under this section and a credit under IC 36-7-14-39.5 in the same
 15 year.

16 (6) Pay expenses incurred by the authority for local public
 17 improvements or structures that are in the allocation area or
 18 serving or benefiting the allocation area.

19 (7) Reimburse public and private entities for expenses incurred in
 20 training employees of industrial facilities that are located:

- 21 (A) in the allocation area; and
- 22 (B) on a parcel of real property that has been classified as
 23 industrial property under the rules of the department of local
 24 government finance.

25 However, the total amount of money spent for this purpose in any
 26 year may not exceed the total amount of money in the allocation
 27 fund that is attributable to property taxes paid by the industrial
 28 facilities described in clause (B). The reimbursements under this
 29 subdivision must be made within three (3) years after the date on
 30 which the investments that are the basis for the increment
 31 financing are made. The allocation fund may not be used for
 32 operating expenses of the authority.

33 (e) In addition to other methods of raising money for property
 34 acquisition, redevelopment, or economic development activities in or
 35 directly serving or benefitting an economic development area created
 36 by an authority under this section, and in anticipation of the taxes
 37 allocated under subsection (d), other revenues of the authority, or any
 38 combination of these sources, the authority may, by resolution, issue
 39 the bonds of the special taxing district in the name of the unit. Bonds
 40 issued under this section may be issued in any amount without
 41 limitation. The following apply if such a resolution is adopted:

- 42 (1) The authority shall certify a copy of the resolution authorizing

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1 the bonds to the municipal or county fiscal officer, who shall then
 2 prepare the bonds. The seal of the unit must be impressed on the
 3 bonds, or a facsimile of the seal must be printed on the bonds.
 4 (2) The bonds must be executed by the appropriate officer of the
 5 unit and attested by the unit's fiscal officer.
 6 (3) The bonds are exempt from taxation for all purposes.
 7 (4) Bonds issued under this section may be sold at public sale in
 8 accordance with IC 5-1-11 or at a negotiated sale.
 9 (5) The bonds are not a corporate obligation of the unit but are an
 10 indebtedness of the taxing district. The bonds and interest are
 11 payable, as set forth in the bond resolution of the authority:
 12 (A) from the tax proceeds allocated under subsection (d);
 13 (B) from other revenues available to the authority; or
 14 (C) from a combination of the methods stated in clauses (A)
 15 and (B).
 16 (6) Proceeds from the sale of bonds may be used to pay the cost
 17 of interest on the bonds for a period not to exceed five (5) years
 18 from the date of issuance.
 19 (7) Laws relating to the filing of petitions requesting the issuance
 20 of bonds and the right of taxpayers **and voters** to remonstrate
 21 against the issuance of bonds do not apply to bonds issued under
 22 this section.
 23 (8) If a debt service reserve is created from the proceeds of bonds,
 24 the debt service reserve may be used to pay principal and interest
 25 on the bonds as provided in the bond resolution.
 26 (9) If bonds are issued under this chapter that are payable solely
 27 or in part from revenues to the authority from a project or
 28 projects, the authority may adopt a resolution or trust indenture or
 29 enter into covenants as is customary in the issuance of revenue
 30 bonds. The resolution or trust indenture may pledge or assign the
 31 revenues from the project or projects. The resolution or trust
 32 indenture may also contain any provisions for protecting and
 33 enforcing the rights and remedies of the bond owners as may be
 34 reasonable and proper and not in violation of law, including
 35 covenants setting forth the duties of the authority. The authority
 36 may establish fees and charges for the use of any project and
 37 covenant with the owners of any bonds to set those fees and
 38 charges at a rate sufficient to protect the interest of the owners of
 39 the bonds. Any revenue bonds issued by the authority that are
 40 payable solely from revenues of the authority shall contain a
 41 statement to that effect in the form of bond.
 42 (f) Notwithstanding section 8(a) of this chapter, an ordinance

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1 adopted under section 11 of this chapter may provide, or be amended
2 to provide, that the board of directors of the authority shall be
3 composed of not fewer than three (3) nor more than eleven (11)
4 members, who must be residents of the unit appointed by the executive
5 of the unit.

6 (g) The acquisition of real and personal property by an authority
7 under this section is not subject to the provisions of IC 5-22,
8 IC 36-1-10.5, IC 36-7-14-19, or any other statutes governing the
9 purchase of property by public bodies or their agencies.

10 (h) An authority may negotiate for the sale, lease, or other
11 disposition of real and personal property without complying with the
12 provisions of IC 5-22-22, IC 36-1-11, IC 36-7-14-22, or any other
13 statute governing the disposition of public property.

14 (i) Notwithstanding any other law, utility services provided within
15 an economic development area established under this section are
16 subject to regulation by the appropriate regulatory agencies unless the
17 utility service is provided by a utility that provides utility service solely
18 within the geographic boundaries of an existing or a closed military
19 installation, in which case the utility service is not subject to regulation
20 for purposes of rate making, regulation, service delivery, or issuance of
21 bonds or other forms of indebtedness. However, this exemption from
22 regulation does not apply to utility service if the service is generated,
23 treated, or produced outside the boundaries of the existing or closed
24 military installation.

25 SECTION 14. IC 36-7-15.1-17, AS AMENDED BY P.L.185-2005,
26 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 17. (a) In addition to other methods of raising
28 money for property acquisition or redevelopment in a redevelopment
29 project area, and in anticipation of the special tax to be levied under
30 section 19 of this chapter, the taxes allocated under section 26 of this
31 chapter, or other revenues of the redevelopment district, the
32 commission may, by resolution, issue the bonds of the redevelopment
33 district in the name of the consolidated city and in accordance with
34 IC 36-3-5-8. The amount of the bonds may not exceed the total, as
35 estimated by the commission, of all expenses reasonably incurred in
36 connection with the acquisition and redevelopment of the property,
37 including:

- 38 (1) the total cost of all land, rights-of-way, and other property to
39 be acquired and redeveloped;
- 40 (2) all reasonable and necessary architectural, engineering, legal,
41 financing, accounting, advertising, bond discount, and
42 supervisory expenses related to the acquisition and redevelopment

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1 of the property or the issuance of bonds;
 2 (3) capitalized interest permitted in this chapter and a debt service
 3 reserve for the bonds, to the extent that the redevelopment
 4 commission determines that a reserve is reasonably required;
 5 (4) the total cost of all clearing and construction work provided
 6 for in the resolution; and
 7 (5) expenses that the commission is required or permitted to pay
 8 under IC 8-23-17.

9 (b) If the commission plans to acquire different parcels of land or let
 10 different contracts for redevelopment work at approximately the same
 11 time, whether under one (1) or more resolutions, the commission may
 12 provide for the total cost in one (1) issue of bonds.

13 (c) The bonds must be dated as set forth in the bond resolution and
 14 negotiable subject to the requirements of the bond resolution for the
 15 registration of the bonds. The resolution authorizing the bonds must
 16 state:

17 (1) the denominations of the bonds;
 18 (2) the place or places at which the bonds are payable; and
 19 (3) the term of the bonds, which may not exceed fifty (50) years.

20 The resolution may also state that the bonds are redeemable before
 21 maturity with or without a premium, as determined by the commission.

22 (d) The commission shall certify a copy of the resolution authorizing
 23 the bonds to the fiscal officer of the consolidated city, who shall then
 24 prepare the bonds. The seal of the unit must be impressed on the bonds,
 25 or a facsimile of the seal must be printed on the bonds.

26 (e) The bonds shall be executed by the city executive and attested
 27 by the fiscal officer. The interest coupons, if any, shall be executed by
 28 the facsimile signature of the fiscal officer.

29 (f) The bonds are exempt from taxation as provided by IC 6-8-5.

30 (g) The city fiscal officer shall sell the bonds according to law.
 31 Notwithstanding IC 36-3-5-8, bonds payable solely or in part from tax
 32 proceeds allocated under section 26(b)(2) of this chapter or other
 33 revenues of the district may be sold at private negotiated sale and at a
 34 price or prices not less than ninety-seven percent (97%) of the par
 35 value.

36 (h) The bonds are not a corporate obligation of the city but are an
 37 indebtedness of the redevelopment district. The bonds and interest are
 38 payable:

39 (1) from a special tax levied upon all of the property in the
 40 redevelopment district, as provided by section 19 of this chapter;
 41 (2) from the tax proceeds allocated under section 26(b)(2) of this
 42 chapter;

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1 (3) from other revenues available to the commission; or
 2 (4) from a combination of the methods stated in subdivisions (1)
 3 through (3);
 4 and from any revenues of the designated project. If the bonds are
 5 payable solely from the tax proceeds allocated under section 26(b)(2)
 6 of this chapter, other revenues of the redevelopment commission, or
 7 any combination of these sources, they may be issued in any amount
 8 without limitation.

9 (i) Proceeds from the sale of the bonds may be used to pay the cost
 10 of interest on the bonds for a period not to exceed five (5) years from
 11 the date of issue.

12 (j) Notwithstanding IC 36-3-5-8, the laws relating to the filing of
 13 petitions requesting the issuance of bonds and the right of taxpayers
 14 **and voters** to remonstrate against the issuance of bonds applicable to
 15 bonds issued under this chapter do not apply to bonds payable solely
 16 or in part from tax proceeds allocated under section 26(b)(2) of this
 17 chapter, other revenues of the commission, or any combination of these
 18 sources.

19 (k) If bonds are issued under this chapter that are payable solely or
 20 in part from revenues to the commission from a project or projects, the
 21 commission may adopt a resolution or trust indenture or enter into
 22 covenants as is customary in the issuance of revenue bonds. The
 23 resolution or trust indenture may pledge or assign the revenues from
 24 the project or projects, but may not convey or mortgage any project or
 25 parts of a project. The resolution or trust indenture may also contain
 26 any provisions for protecting and enforcing the rights and remedies of
 27 the bond owners as may be reasonable and proper and not in violation
 28 of law, including covenants setting forth the duties of the commission.
 29 The commission may establish fees and charges for the use of any
 30 project and covenant with the owners of any bonds to set those fees and
 31 charges at a rate sufficient to protect the interest of the owners of the
 32 bonds. Any revenue bonds issued by the commission that are payable
 33 solely from revenues of the commission must contain a statement to
 34 that effect in the form of bond.

35 SECTION 15. IC 36-7-15.1-45, AS AMENDED BY P.L.185-2005,
 36 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 45. (a) In addition to other methods of raising
 38 money for property acquisition or redevelopment in a redevelopment
 39 project area, and in anticipation of the special tax to be levied under
 40 section 50 of this chapter, the taxes allocated under section 53 of this
 41 chapter, or other revenues of the redevelopment district, a commission
 42 may, by resolution, issue the bonds of its redevelopment district in the

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1 name of the excluded city. The amount of the bonds may not exceed
 2 the total, as estimated by the commission, of all expenses reasonably
 3 incurred in connection with the acquisition and redevelopment of the
 4 property, including:

5 (1) the total cost of all land, rights-of-way, and other property to
 6 be acquired and redeveloped;

7 (2) all reasonable and necessary architectural, engineering, legal,
 8 financing, accounting, advertising, bond discount, and
 9 supervisory expenses related to the acquisition and redevelopment
 10 of the property or the issuance of bonds;

11 (3) capitalized interest permitted in this chapter and a debt service
 12 reserve for the bonds, to the extent that the redevelopment
 13 commission determines that a reserve is reasonably required;

14 (4) the total cost of all clearing and construction work provided
 15 for in the resolution; and

16 (5) expenses that the commission is required or permitted to pay
 17 under IC 8-23-17.

18 (b) If a commission plans to acquire different parcels of land or let
 19 different contracts for redevelopment work at approximately the same
 20 time, whether under one (1) or more resolutions, a commission may
 21 provide for the total cost in one (1) issue of bonds.

22 (c) The bonds must be dated as set forth in the bond resolution and
 23 negotiable subject to the requirements concerning registration of the
 24 bonds. The resolution authorizing the bonds must state:

25 (1) the denominations of the bonds;

26 (2) the place or places at which the bonds are payable; and

27 (3) the term of the bonds, which may not exceed fifty (50) years.

28 The resolution may also state that the bonds are redeemable before
 29 maturity with or without a premium, as determined by the commission.

30 (d) The commission shall certify a copy of the resolution authorizing
 31 the bonds to the fiscal officer of the excluded city, who shall then
 32 prepare the bonds. The seal of the unit must be impressed on the bonds,
 33 or a facsimile of the seal must be printed on the bonds.

34 (e) The bonds shall be executed by the excluded city executive and
 35 attested by the excluded city fiscal officer. The interest coupons, if any,
 36 shall be executed by the facsimile signature of the excluded city fiscal
 37 officer.

38 (f) The bonds are exempt from taxation as provided by IC 6-8-5.

39 (g) The excluded city fiscal officer shall sell the bonds according to
 40 law. Bonds payable solely or in part from tax proceeds allocated under
 41 section 53(b)(2) of this chapter or other revenues of the district may be
 42 sold at private negotiated sale and at a price or prices not less than

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1 ninety-seven percent (97%) of the par value.

2 (h) The bonds are not a corporate obligation of the excluded city but

3 are an indebtedness of the redevelopment district. The bonds and

4 interest are payable:

5 (1) from a special tax levied upon all of the property in the

6 redevelopment district, as provided by section 50 of this chapter;

7 (2) from the tax proceeds allocated under section 53(b)(2) of this

8 chapter;

9 (3) from other revenues available to the commission; or

10 (4) from a combination of the methods described in subdivisions

11 (1) through (3);

12 and from any revenues of the designated project. If the bonds are

13 payable solely from the tax proceeds allocated under section 53(b)(2)

14 of this chapter, other revenues of the redevelopment commission, or

15 any combination of these sources, they may be issued in any amount

16 without limitation.

17 (i) Proceeds from the sale of the bonds may be used to pay the cost

18 of interest on the bonds for a period not to exceed five (5) years from

19 the date of issue.

20 (j) The laws relating to the filing of petitions requesting the issuance

21 of bonds and the right of taxpayers **and voters** to remonstrate against

22 the issuance of bonds applicable to bonds issued under this chapter do

23 not apply to bonds payable solely or in part from tax proceeds allocated

24 under section 53(b)(2) of this chapter, other revenues of the

25 commission, or any combination of these sources.

26 (k) If bonds are issued under this chapter that are payable solely or

27 in part from revenues to a commission from a project or projects, a

28 commission may adopt a resolution or trust indenture or enter into

29 covenants as is customary in the issuance of revenue bonds. The

30 resolution or trust indenture may pledge or assign the revenues from

31 the project or projects but may not convey or mortgage any project or

32 parts of a project. The resolution or trust indenture may also contain

33 any provisions for protecting and enforcing the rights and remedies of

34 the bond owners as may be reasonable and proper and not in violation

35 of law, including covenants setting forth the duties of the commission.

36 The commission may establish fees and charges for the use of any

37 project and covenant with the owners of bonds to set those fees and

38 charges at a rate sufficient to protect the interest of the owners of the

39 bonds. Any revenue bonds issued by the commission that are payable

40 solely from revenues of the commission must contain a statement to

41 that effect in the form of bond.

42 SECTION 16. IC 36-7-30-18 IS AMENDED TO READ AS

SB 132—LS 6549/DI 92+

COPY



1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) In addition
2 to other methods of raising money for property acquisition,
3 redevelopment, or economic development activities in or directly
4 serving or benefiting a military base reuse area, and in anticipation of
5 the taxes allocated under section 25 of this chapter, other revenues of
6 the district, or any combination of these sources, the reuse authority
7 may by resolution issue the bonds of the special taxing district in the
8 name of the unit.

9 (b) The reuse authority shall certify a copy of the resolution
10 authorizing the bonds to the municipal or county fiscal officer, who
11 shall then prepare the bonds. The seal of the unit must be impressed on
12 the bonds or a facsimile of the seal must be printed on the bonds.

13 (c) The bonds must be executed by the appropriate officer of the
14 unit, and attested by the unit's fiscal officer.

15 (d) The bonds are exempt from taxation for all purposes.

16 (e) Bonds issued under this section may be sold at public sale in
17 accordance with IC 5-1-11 or at a negotiated sale.

18 (f) The bonds are not a corporate obligation of the unit but are an
19 indebtedness of the taxing district. The bonds and interest are payable,
20 as set forth in the bond resolution of the reuse authority, from any of
21 the following:

- 22 (1) The tax proceeds allocated under section 25 of this chapter.
- 23 (2) Other revenues available to the reuse authority.
- 24 (3) A combination of the methods stated in subdivisions (1)
- 25 through (2).

26 If the bonds are payable solely from the tax proceeds allocated under
27 section 25 of this chapter, other revenues of the reuse authority, or any
28 combination of these sources, the bonds may be issued in any amount
29 without limitation.

30 (g) Proceeds from the sale of bonds may be used to pay the cost of
31 interest on the bonds for a period not to exceed five (5) years after the
32 date of issuance.

33 (h) All laws relating to the filing of petitions requesting the issuance
34 of bonds and the right of taxpayers **and voters** to remonstrate against
35 the issuance of bonds do not apply to bonds issued under this chapter.

36 (i) If a debt service reserve is created from the proceeds of bonds,
37 the debt service reserve may be used to pay principal and interest on
38 the bonds as provided in the bond resolution.

39 (j) If bonds are issued under this chapter that are payable solely or
40 in part from revenues of the reuse authority, the reuse authority may
41 adopt a resolution or trust indenture or enter into covenants as is
42 customary in the issuance of revenue bonds. The resolution or trust

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1 indenture may pledge or assign revenues of the reuse authority and
 2 properties becoming available to the reuse authority under this chapter.
 3 The resolution or trust indenture may also contain provisions for
 4 protecting and enforcing the rights and remedies of the bond owners as
 5 may be reasonable and proper and not in violation of law, including a
 6 covenant setting forth the duties of the reuse authority. The reuse
 7 authority may establish fees and charges for the use of any project and
 8 covenant with the owners of any bonds to set the fees and charges at a
 9 rate sufficient to protect the interest of the owners of the bonds.
 10 Revenue bonds issued by the reuse authority that are payable solely
 11 from revenues of the reuse authority shall contain a statement to that
 12 effect in the form of the bond.

13 SECTION 17. IC 36-7-30.5-23, AS ADDED BY P.L.203-2005,
 14 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 23. (a) In addition to other methods of raising
 16 money for property acquisition, redevelopment, reuse, or economic
 17 development activities in or directly serving or benefitting a military
 18 base development area, and in anticipation of the taxes allocated under
 19 section 30 of this chapter, other revenues of the district, or any
 20 combination of these sources, the development authority may by
 21 resolution issue the bonds of the development authority.

22 (b) The secretary-treasurer of the development authority shall
 23 prepare the bonds. The seal of the development authority must be
 24 impressed on the bonds or a facsimile of the seal must be printed on the
 25 bonds.

26 (c) The bonds must be executed by the president of the development
 27 authority and attested by the secretary-treasurer.

28 (d) The bonds are exempt from taxation for all purposes.

29 (e) Bonds issued under this section may be sold at public sale in
 30 accordance with IC 5-1-11 or at a negotiated sale.

31 (f) The bonds are not a corporate obligation of a unit but are an
 32 indebtedness of only the development authority. The bonds and interest
 33 are payable, as set forth in the bond resolution of the development
 34 authority, from any of the following:

- 35 (1) The tax proceeds allocated under section 30 of this chapter.
- 36 (2) Other revenues available to the development authority.
- 37 (3) A combination of the methods stated in subdivisions (1)
 38 through (2).

39 The bonds issued under this section may be issued in any amount
 40 without limitation.

41 (g) Proceeds from the sale of bonds may be used to pay the cost of
 42 interest on the bonds for a period not to exceed five (5) years after the

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date of issuance.

(h) All laws relating to the filing of petitions requesting the issuance of bonds and the right of taxpayers **and voters** to remonstrate against the issuance of bonds do not apply to bonds issued under this chapter.

(i) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(j) If bonds are issued under this chapter that are payable solely or in part from revenues of the development authority, the development authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign revenues of the development authority and properties becoming available to the development authority under this chapter. The resolution or trust indenture may also contain provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including a covenant setting forth the duties of the development authority. The development authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set the fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Revenue bonds issued by the development authority that are payable solely from revenues of the development authority shall contain a statement to that effect in the form of the bond.

SECTION 18. IC 36-9-3-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) The authority may issue revenue or general obligation bonds under this section.

(c) The board may issue revenue bonds of the authority for the purpose of procuring money to pay the cost of acquiring real or personal property for the purpose of this chapter. The issuance of bonds must be authorized by resolution of the board and approved by the county fiscal bodies of the counties in the authority before issuance. The resolution must provide for the amount, terms, and tenor of the bonds, and for the time and character of notice and mode of making sale of the bonds.

(d) The bonds are payable at the times and places determined by the board, but they may not run more than thirty (30) years after the date of their issuance and must be executed in the name of the authority by

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1 an authorized officer of the board and attested by the secretary. The
2 interest coupons attached to the bonds may be executed by placing on
3 them the facsimile signature of the authorized officer of the board.

4 (e) The president of the authority shall manage and supervise the
5 preparation, advertisement, and sale of the bonds, subject to the
6 authorizing ordinance. Before the sale of bonds, the president shall
7 cause notice of the sale to be published in accordance with IC 5-3-1,
8 setting out the time and place where bids will be received, the amount
9 and maturity dates of the issue, the maximum interest rate, and the
10 terms and conditions of sale and delivery of the bonds. The bonds shall
11 be sold in accordance with IC 5-1-11. After the bonds have been
12 properly sold and executed, the executive director or president shall
13 deliver them to the controller of the authority and take a receipt for
14 them, and shall certify to the treasurer the amount that the purchaser is
15 to pay, together with the name and address of the purchaser. On
16 payment of the purchase price the controller shall deliver the bonds to
17 the purchaser, and the controller and executive director or president
18 shall report their actions to the board.

19 (f) General obligation bonds issued under this section are subject to
20 the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a
21 petition requesting the issuance of bonds, the appropriation of the
22 proceeds of bonds, the right of taxpayers to appeal and be heard on the
23 proposed appropriation, the approval of the appropriation by the
24 department of local government finance, the right of taxpayers **and**
25 **voters** to remonstrate against the issuance of bonds, and the sale of
26 bonds for not less than their par value.

27 (g) Notice of the filing of a petition requesting the issuance of
28 bonds, notice of determination to issue bonds, and notice of the
29 appropriation of the proceeds of the bonds shall be given by posting in
30 the offices of the authority for a period of one (1) week and by
31 publication in accordance with IC 5-3-1.

32 (h) The bonds are not a corporate indebtedness of any unit, but are
33 an indebtedness of the authority as a municipal corporation. A suit to
34 question the validity of the bonds issued or to prevent their issuance
35 may not be instituted after the date set for sale of the bonds, and after
36 that date the bonds may not be contested for any cause.

37 (i) The bonds issued under this section and the interest on them are
38 exempt from taxation for all purposes except the financial institutions
39 tax imposed under IC 6-5.5 or a state inheritance tax imposed under
40 IC 6-4.1.

41 SECTION 19. IC 36-9-4-45 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) Bonds

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1 issued under this chapter:

2 (1) shall be issued in the denomination;

3 (2) are payable over a period not to exceed thirty (30) years from

4 the date of the bonds; and

5 (3) mature;

6 as determined by the ordinance authorizing the bond issue.

7 (b) All bonds issued under this chapter, the interest on them, and the

8 income from them are exempt from taxation to the extent provided by

9 IC 6-8-5-1.

10 (c) The provisions of IC 6-1.1-20 relating to filing petitions

11 requesting the issuance of bonds and giving notice of those petitions,

12 giving notice of a hearing on the appropriation of the proceeds of the

13 bonds, the right of taxpayers to appear and be heard on the proposed

14 appropriation, the approval of the appropriation by the department of

15 local government finance, and the right of taxpayers **and voters** to

16 remonstrate against the issuance of bonds apply to the issuance of

17 bonds under this chapter.

18 (d) A suit to question the validity of bonds issued under this chapter

19 or to prevent their issue and sale may not be instituted after the date set

20 for the sale of the bonds, and the bonds are incontestable after that date.

21 SECTION 20. IC 36-10-3-24 IS AMENDED TO READ AS

22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) In order to

23 raise money to pay for land to be acquired for any of the purposes

24 named in this chapter, to pay for an improvement authorized by this

25 chapter, or both, and in anticipation of the special benefit tax to be

26 levied as provided in this chapter, the board shall cause to be issued, in

27 the name of the unit, the bonds of the district. The bonds may not

28 exceed in amount the total cost of all land to be acquired and all

29 improvements described in the resolution, including all expenses

30 necessarily incurred in connection with the proceedings, together with

31 a sum sufficient to pay the costs of supervision and inspection during

32 the period of construction of a work. The expenses to be covered in the

33 bond issue include all expenses of every kind actually incurred

34 preliminary to acquiring the land and the construction of the work, such

35 as the cost of the necessary record, engineering expenses, publication

36 of notices, preparation of bonds, and other necessary expenses. If more

37 than one (1) resolution or proceeding of the board under section 23 of

38 this chapter is confirmed whereby different parcels of land are to be

39 acquired, or more than one (1) contract for work is let by the board at

40 approximately the same time, the cost involved under all of the

41 resolutions and proceedings may be included in one (1) issue of bonds.

42 (b) The bonds may be issued in any denomination not less than one

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1 thousand dollars (\$1,000) each, in not less than five (5) nor more than
 2 forty (40) annual series. The bonds are payable one (1) series each
 3 year, beginning at a date after the receipt of taxes from a levy made for
 4 that purpose. The bonds are negotiable. The bonds may bear interest at
 5 any rate, payable semiannually. After adopting a resolution ordering
 6 bonds, the board shall certify a copy of the resolution to the unit's fiscal
 7 officer. The fiscal officer shall prepare the bonds and the unit's
 8 executive shall execute them, attested by the fiscal officer.

9 (c) The bonds and the interest on them are exempt from taxation as
 10 prescribed by IC 6-8-5-1. Bonds issued under this section are subject
 11 to the provisions of IC 5-1 and IC 6-1.1-20 relating to the filing of a
 12 petition requesting the issuance of bonds, the right of taxpayers **and**
 13 **voters** to remonstrate against the issuance of bonds, the appropriation
 14 of the proceeds of the bonds and approval by the department of local
 15 government finance, and the sale of bonds at public sale for not less
 16 than their par value.

17 (d) The board may not have bonds of the district issued under this
 18 section that are payable by special taxation when the total issue for that
 19 purpose, including the bonds already issued or to be issued, exceeds
 20 two percent (2%) of the adjusted value of the taxable property in the
 21 district as determined under IC 36-1-15. All bonds or obligations
 22 issued in violation of this subsection are void. The bonds are not
 23 obligations or indebtedness of the unit, but constitute an indebtedness
 24 of the district as a special taxing district. The bonds and interest are
 25 payable only out of a special tax levied upon all the property of the
 26 district as prescribed by this chapter. The bonds must recite the terms
 27 upon their face, together with the purposes for which they are issued.

28 SECTION 21. IC 36-10-7.5-22 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) To raise
 30 money to pay for land to be acquired for any of the purposes named in
 31 this chapter or to pay for an improvement authorized by this chapter,
 32 and in anticipation of the special benefit tax to be levied as provided in
 33 this chapter, the legislative body shall issue in the name of the
 34 township the bonds of the district. The bonds may not exceed in
 35 amount the total cost of all land to be acquired and all improvements
 36 described in the resolution, including all expenses necessarily incurred
 37 in connection with the proceedings, together with a sum sufficient to
 38 pay the costs of supervision and inspection during the period of
 39 construction of a work. The expenses to be covered in the bond issue
 40 include all expenses of every kind actually incurred preliminary to
 41 acquiring the land and the construction of the work, such as the cost of
 42 the necessary record, engineering expenses, publication of notices,

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1 preparation of bonds, and other necessary expenses. If more than one
2 (1) resolution or proceeding of the legislative body under this chapter
3 is confirmed whereby different parcels of land are to be acquired or
4 more than one (1) contract for work is let by the executive at
5 approximately the same time, the cost involved under all of the
6 resolutions and proceedings may be included in one (1) issue of bonds.

7 (b) The bonds may be issued in any denomination not less than one
8 thousand dollars (\$1,000) each, in not less than five (5) nor more than
9 forty (40) annual series. The bonds are payable one (1) series each
10 year, beginning at a date after the receipt of taxes from a levy made for
11 that purpose. The bonds are negotiable. The bonds may bear interest at
12 any rate, payable semiannually. After adopting a resolution ordering
13 bonds, the legislative body shall certify a copy of the resolution to the
14 township's fiscal officer. The fiscal officer shall prepare the bonds and
15 the executive shall execute the bonds, attested by the fiscal officer.

16 (c) The bonds and the interest on the bonds are exempt from
17 taxation as prescribed by IC 6-8-5-1. Bonds issued under this section
18 are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the
19 filing of a petition requesting the issuance of bonds, the right of
20 taxpayers **and voters** to remonstrate against the issuance of bonds, the
21 appropriation of the proceeds of the bonds with the approval of the
22 department of local government finance, and the sale of bonds at public
23 sale for not less than the par value of the bonds.

24 (d) The legislative body may not have bonds of the district issued
25 under this section that are payable by special taxation when the total
26 issue for that purpose, including the bonds already issued or to be
27 issued, exceeds two percent (2%) of the total adjusted value of the
28 taxable property in the district as determined under IC 36-1-15. All
29 bonds or obligations issued in violation of this subsection are void. The
30 bonds are not obligations or indebtedness of the township but constitute
31 an indebtedness of the district as a special taxing district. The bonds
32 and interest are payable only out of a special tax levied upon all the
33 property of the district as prescribed by this chapter. A bond must
34 recite the terms upon the face of the bond, together with the purposes
35 for which the bond is issued.

36 SECTION 22. IC 36-10-8-16 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A capital
38 improvement may be financed in whole or in part by the issuance of
39 general obligation bonds of the county or, if the authority was created
40 under IC 18-7-18 (before its repeal on February 24, 1982), also of the
41 city, if the board determines that the estimated annual net income of the
42 capital improvement, plus the estimated annual tax revenues to be

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1 derived from any tax revenues made available for this purpose, will not
2 be sufficient to satisfy and pay the principal of and interest on all bonds
3 issued under this chapter, including the bonds then proposed to be
4 issued.

5 (b) If the board desires to finance a capital improvement in whole
6 or in part as provided in this section, it shall have prepared a resolution
7 to be adopted by the county executive authorizing the issuance of
8 general obligation bonds, or, if the authority was created under
9 IC 18-7-18 (before its repeal on February 24, 1982), by the fiscal body
10 of the city authorizing the issuance of general obligation bonds. The
11 resolution must set forth an itemization of the funds and assets received
12 by the board, together with the board's valuation and certification of the
13 cost. The resolution must state the date or dates on which the principal
14 of the bonds is payable, the maximum interest rate to be paid, and the
15 other terms upon which the bonds shall be issued. The board shall
16 submit the proposed resolution to the proper officers, together with a
17 certificate to the effect that the issuance of bonds in accordance with
18 the resolution will be in compliance with this section. The certificate
19 must also state the estimated annual net income of the capital
20 improvement to be financed by the bonds, the estimated annual tax
21 revenues, and the maximum amount payable in any year as principal
22 and interest on the bonds issued under this chapter, including the bonds
23 proposed to be issued, as the maximum interest rate set forth in the
24 resolution. The bonds issued may mature over a period not exceeding
25 forty (40) years from the date of issue.

26 (c) Upon receipt of the resolution and certificate the proper officers
27 may adopt them and take all action necessary to issue the bonds in
28 accordance with the resolution. An action to contest the validity of
29 bonds issued under this section may not be brought after the fifteenth
30 day following the receipt of bids for the bonds.

31 (d) The provisions of all general statutes relating to:
32 (1) the filing of a petition requesting the issuance of bonds and
33 giving notice;
34 (2) the right of taxpayers **and voters** to remonstrate against the
35 issuance of bonds;
36 (3) the giving of notice of the determination to issue bonds;
37 (4) the giving of notice of a hearing on the appropriation of the
38 proceeds of bonds;
39 (5) the right of taxpayers to appear and be heard on the proposed
40 appropriation;
41 (6) the approval of the appropriation by the department of local
42 government finance; and

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(7) the sale of bonds at public sale;
 apply to the issuance of bonds under this section.

SECTION 23. IC 36-10-9-15 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A capital
 improvement may be financed in whole or in part by the issuance of
 general obligation bonds of the county.

(b) If the board desires to finance a capital improvement in whole
 or in part as provided in this section, it shall have prepared a resolution
 to be adopted by the board of commissioners of the county authorizing
 the issuance of general obligation bonds. The resolution must state the
 date or dates on which the principal of the bonds is payable, the
 maximum interest rate to be paid, and the other terms upon which the
 bonds shall be issued. The board shall submit the proposed resolution
 to the board of commissioners of the county, together with a certificate
 to the effect that the issuance of bonds in accordance with the
 resolution will be in compliance with this section. The certificate must
 also state the estimated annual net income of the capital improvement
 to be financed by the bonds, the estimated annual tax revenues, and the
 maximum amount payable in any year as principal and interest on the
 bonds issued under this chapter, including the bonds proposed to be
 issued, at the maximum interest rate set forth in the resolution. The
 bonds issued may mature over a period not exceeding forty (40) years
 from the date of issue.

(c) Upon receipt of the resolution and certificate, the board of
 commissioners of the county may adopt them and take all action
 necessary to issue the bonds in accordance with the resolution. An
 action to contest the validity of bonds issued under this section may not
 be brought after the fifteenth day following the receipt of bids for the
 bonds.

(d) The provisions of all general statutes relating to:

- (1) the filing of a petition requesting the issuance of bonds and
 giving notice;
- (2) the right of taxpayers **and voters** to remonstrate against the
 issuance of bonds;
- (3) the giving of notice of the determination to issue bonds;
- (4) the giving of notice of a hearing on the appropriation of the
 proceeds of bonds;
- (5) the right of taxpayers to appear and be heard on the proposed
 appropriation;
- (6) the approval of the appropriation by the department of local
 government finance; and
- (7) the sale of bonds at public sale for not less than par value;

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1 are applicable to the issuance of bonds under this section.
 2 SECTION 24. [EFFECTIVE UPON PASSAGE] (a) This
 3 SECTION applies to a political subdivision's determination to issue
 4 bonds or enter into a lease rental only to the extent that the law
 5 under which the political subdivision intends to issue the bonds or
 6 enter into the lease rental applies IC 6-1.1-20 to the political
 7 subdivision's determination.
 8 (b) The right of taxpayers to remonstrate against the issuance
 9 of bonds or a lease rental under IC 6-1.1-20-3.1 and
 10 IC 6-1.1-20-3.2, as in effect before their amendment by this act,
 11 applies to a preliminary determination to issue bonds or enter into
 12 a lease rental made before the effective date of this SECTION.
 13 (c) The right of registered voters to remonstrate against the
 14 issuance of bonds or a lease rental under IC 6-1.1-20-3.1 and
 15 IC 6-1.1-20-3.2, both as amended by this act, applies to a
 16 preliminary determination to issue bonds or enter into a lease
 17 rental made on or after the effective date of this SECTION.
 18 (d) This SECTION expires July 1, 2008.
 19 SECTION 25. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 132, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 132 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as second author and Senator Mrvan be added as third author of Senate Bill 132.

KENLEY

SENATE MOTION

Madam President: I move that Senate Bill 132 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 23 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-20-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.8. As used in this chapter, "registered voter" means an individual who is registered to vote in a political subdivision at least thirty (30) business days before the proper officers of the political subdivision publish notice under section 3.1(2) of this chapter of a preliminary determination by the political subdivision to issue bonds or enter into a lease.**"

Page 2, line 14, reset in roman "owners of real property".

Page 2, line 14, after "property" insert "**within the political subdivision or**".

Page 2, line 34, after "(100)" insert "**persons who are either**".

Page 2, line 34, reset in roman "owners of real property".

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Page 2, line 34, after "property" insert **"within the political subdivision or"**.

Page 2, line 42, reset in roman "an owner or owners of real".

Page 3, line 1, reset in roman "property".

Page 3, line 1, after "property" insert **"within the political subdivision or"**.

Page 3, line 2, reset in roman "owner".

Page 3, line 3, reset in roman "or owners."

Page 3, line 3, after "owners" delete "." and insert **"or the"**.

Page 3, line 5, reset in roman "owners of real property;"

Page 3, line 5, after "property" delete ";" and insert **"or"**.

Page 3, line 13, after "as" insert **"owners of real property or"**.

Page 3, line 14, reset in roman "property owners."

Page 3, line 14, after "owners" delete "." and insert **"or"**.

Page 3, line 15, after "voters." insert **"Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of real property within the political subdivision. A person who signs a petition as a real property owner must indicate the address of the real property owned by the person in the political subdivision."**

Page 3, between lines 22 and 23, begin a new line block indented and insert:

"(8) The county clerk shall determine whether each person who signed the petition is a registered voter. The county clerk shall forward a copy of the petition to the county auditor. Not more than five (5) business days after receiving the copy of the petition, the county auditor shall provide to the county clerk a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county clerk, is the owner of real property in the political subdivision; and

(B) whether a person who signed the petition as an owner of real property within the political subdivision does in fact own real property within the political subdivision.

(9) The county clerk shall make the final determination of the number of petitioners that are registered voters in the political subdivision and, based on the statement provided by the county auditor, the number of petitioners that own real property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered

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voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid."

Page 3, line 23, strike "(8)" and insert "**(10)**".

Page 3, line 31, strike "fifteen (15)" and insert "**twenty-five (25)**".

Page 3, line 33, reset in roman "owners of real".

Page 3, line 34, reset in roman "property".

Page 3, line 34, after "property" insert "**within the political subdivision and the number of petitioners who are**".

Page 3, line 37, reset in roman "owners of real property".

Page 3, line 37, after "property" insert "**or**".

Page 4, line 13, reset in roman "owners of real property".

Page 4, line 13, after "property" insert "**within the political subdivision or**".

Page 4, line 26, reset in roman "an owner or owners of real property".

Page 4, line 26, after "property" insert "**within the political subdivision or**".

Page 4, line 40, reset in roman "an owner or owners of real property".

Page 4, line 40, after "property" insert "**within the political subdivision or**".

Page 4, line 42, reset in roman "owner".

Page 5, line 1, reset in roman "or owners."

Page 5, line 1, after "owners" delete "." and insert "**or the**".

Page 5, line 3, reset in roman "owners of real property;"

Page 5, line 3, after "property" delete ";" and insert "**or**".

Page 5, line 13, after "as" insert "**owners of real property or**".

Page 5, line 14, reset in roman "property owners."

Page 5, line 14, after "owners" delete "." and insert "**or**".

Page 5, line 15, after "voters." insert "**Each person signing a petition or remonstrance must indicate whether the person is signing the petition or remonstrance as a registered voter within the political subdivision or is signing the petition or remonstrance as the owner of real property within the political subdivision. A person who signs a petition or remonstrance as a real property owner must indicate the address of the real property owned by the person in the political subdivision.**".

Page 5, between lines 25 and 26, begin a new line block indented and insert:

"(5) The county clerk shall determine whether each person who signed the petition or remonstrance is a registered voter.

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The county clerk shall forward a copy of the petition or remonstrance to the county auditor. Not more than five (5) business days after receiving the copy of the petition or remonstrance, the county auditor shall provide to the county clerk a statement verifying:

- (A) whether a person who signed the petition or remonstrance as a registered voter but is not a registered voter, as determined by the county clerk, is the owner of real property in the political subdivision; and
- (B) whether a person who signed the petition or remonstrance as an owner of real property within the political subdivision does in fact own real property within the political subdivision.

(6) The county clerk shall make the final determination of:

- (A) the number of registered voters in the political subdivision that signed a petition and, based on the statement provided by the county auditor, the number of owners of real property within the political subdivision that signed a petition; and
- (B) the number of registered voters in the political subdivision that signed a remonstrance and, based on the statement provided by the county auditor, the number of owners of real property within the political subdivision that signed a remonstrance.

Whenever the name of an individual who signs a petition or remonstrance as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid."

Page 5, line 26, strike "(5)" and insert "(7)".

Page 5, line 28, strike "fifteen".

Page 5, line 29, strike "(15)" and insert "twenty-five (25)".

Page 5, line 35, reset in roman "owners of real".

Page 5, line 36, reset in roman "property".

Page 5, line 36, after "property" insert "**within the political subdivision and the number of petitioners who are**".

Page 5, line 38, strike "(6)" and insert "(8)".

Page 5, line 38, after "of" insert "**persons who are either**".

Page 5, line 38, reset in roman "owners of real property".

Page 5, line 38, after "property" insert "**within the political subdivision or**".

Page 6, line 6, strike "(5)." and insert "(7)".

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Page 6, line 8, strike "(7)" and insert "(9)".
 Page 6, line 24, reset in roman "taxpayers".
 Page 6, line 24, after "taxpayers" insert "**and**".
 Page 8, line 1, reset in roman "taxpayers".
 Page 8, line 1, after "taxpayers" insert "**and**".
 Page 8, line 26, reset in roman "taxpayers".
 Page 8, line 26, after "taxpayers" insert "**and**".
 Page 9, line 1, reset in roman "taxpayers".
 Page 9, line 1, after "taxpayers" insert "**and**".
 Page 9, line 15, reset in roman "taxpayers".
 Page 9, line 15, after "taxpayers" insert "**and**".
 Page 9, line 30, reset in roman "taxpayers".
 Page 9, line 30, after "taxpayers" insert "**and**".
 Page 10, line 26, reset in roman "taxpayers".
 Page 10, line 26, after "taxpayers" insert "**and**".
 Page 10, line 42, reset in roman "taxpayers".
 Page 10, line 42, after "taxpayers" insert "**and**".
 Page 13, line 24, reset in roman "taxpayers".
 Page 13, line 24, after "taxpayers" insert "**and**".
 Page 19, line 22, reset in roman "taxpayers".
 Page 19, line 22, after "taxpayers" insert "**and**".
 Page 22, line 15, reset in roman "taxpayers".
 Page 22, line 15, after "taxpayers" insert "**and**".
 Page 24, line 22, reset in roman "taxpayers".
 Page 24, line 22, after "taxpayers" insert "**and**".
 Page 25, line 35, reset in roman "taxpayers".
 Page 25, line 35, after "taxpayers" insert "**and**".
 Page 27, line 4, reset in roman "taxpayers".
 Page 27, line 4, after "taxpayers" insert "**and**".
 Page 28, line 25, reset in roman "taxpayers".
 Page 28, line 25, after "taxpayers" insert "**and**".
 Page 29, line 16, reset in roman "taxpayers".
 Page 29, line 16, after "taxpayers" insert "**and**".
 Page 30, line 13, reset in roman "taxpayers".
 Page 30, line 13, after "taxpayers" insert "**and**".
 Page 31, line 21, reset in roman "taxpayers".
 Page 31, line 21, after "taxpayers" insert "**and**".
 Page 32, line 35, reset in roman "taxpayers".
 Page 32, line 35, after "taxpayers" insert "**and**".
 Page 33, line 34, reset in roman "taxpayers".
 Page 33, line 34, after "taxpayers" insert "**and**".
 Page 34, line 12, after "to a" insert "**preliminary**".

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Page 34, line 13, delete "July 1, 2007." and insert "**the effective date of this SECTION.**".

Page 34, line 16, after "to a" insert "**preliminary**".

Page 34, line 17, delete "after" and insert "**on or after the effective date of this SECTION.**".

Page 34, delete line 18.

Page 34, after line 19, begin a new paragraph and insert:
"SECTION 25. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as printed January 10, 2007.)

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