



Reprinted
February 2, 2010

SENATE BILL No. 239

DIGEST OF SB 239 (Updated February 1, 2010 5:19 pm - DI 73)

Citations Affected: IC 6-1.1; IC 6-1.5; IC 8-22; IC 20-46; IC 33-26; IC 36-1.5; IC 36-2; IC 36-3; IC 36-4; IC 36-5; IC 36-6; IC 36-7; noncode.

Synopsis: Property tax matters. Deletes the statute requiring a general reassessment to begin in 2010. Requires the county assessor of each county to prepare and submit to the department of local government finance (DLGF) a reassessment plan for the county. Specifies that the reassessment plan is subject to approval by the DLGF. Provides that the reassessment plan must divide all parcels of real property in the county into different groups of parcels. Requires that each group of parcels must contain at least 20% of the parcels within each class of real property in the county. Provides that for purposes of the periodic reassessment plans, those parcels inspected within the past five years as a result of sales transactions are not required to be re-inspected in the scheduled group. Specifies that the periodic reassessment plans require inspection of the real property. Specifies that all parcels continue to be revalued annually under the trending rules. Provides that a petition for reassessment of a group of parcels must be signed by not less than 100 real property owners of parcels in the group or 5% of real property owners of parcels in the group and must be filed with the DLGF not later than 45 days after notice of assessment is provided. Provides that the county assessor determines the values of all classes of land in the county. Provides that a petition for the review of the land
(Continued next page)

Effective: Upon passage; January 1, 2008 (retroactive); June 30, 2009 (retroactive); January 1, 2010 (retroactive); July 1, 2010; January 1, 2011.

Hershman, Walker, Buck, Randolph

January 11, 2010, read first time and referred to Committee on Tax and Fiscal Policy.
January 28, 2010, amended, reported favorably — Do Pass.
February 1, 2010, read second time, amended, ordered engrossed.

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values determined by the county assessor may be filed with the DLGF. Provides that the reassessment of the first group of parcels under a county's reassessment plan must begin on July 1, 2011, and must be completed on or before March 1, 2012. Provides that for purposes of the standard deduction and other property tax laws, the term "homestead" includes a deck or patio; a gazebo; or another residential yard structure (other than a swimming pool); that is assessed as real property and that is attached to the dwelling. Provides that the statute passed in the 2009 special session that allowed certain entities to file or refile an application for a charitable property tax exemption for an assessment date occurring after March 1, 2000, and before March 1, 2010, applies only to entities that are owned, occupied, and used as nonprofit entities. Provides that annexations, governmental reorganizations, municipal mergers, town incorporations, municipal dissolutions, governmental name changes, or boundary alterations that would otherwise become effective under current law on January 2 of the year in which a federal decennial census is conducted shall instead become effective on January 1 of the year in which the federal decennial census is conducted. Provides that any action that was effective January 2, 2010, under current law is instead effective on January 1, 2010, without the adoption of an amended ordinance or reorganization plan or any additional action. Provides that if a controlled project of a political subdivision is subject to a referendum vote, the county election board must submit the referendum language to the department of local government finance for review and approval. Requires the department of local government finance to review the referendum language to ensure that the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. Requires a political subdivision to give notice to the circuit court clerk of the applicability of the petition and remonstrance process or the referendum process. Specifies deadlines for certification of the question for a referendum tax levy. Provides for a re-filing of a property tax exemption for 2008 and 2009, if the real property is owned by a taxpayer that filed for the property tax exemption after January 15, 2010, and before January 25, 2010, the real property was leased to the bureau of motor vehicles commission during 2008 and 2009, and the real property received an exemption from real property taxes for the 2006 or 2007 assessment date. Provides that upon request by a county assessor, an employee of the Indiana board of tax review may assist taxpayers and local officials in their attempts to voluntarily resolve disputes in which: (1) a taxpayer has filed written notice to obtain a review by the county property tax assessment board of appeals of an action by a township or county official; and (2) the county property tax assessment board of appeals has not given written notice of its decision on the issues under review. Amends a city budget statute to conform to deadlines changed in 2009.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 239

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 6-1.1-4-4, AS AMENDED BY P.L.182-2009(ss),
2 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 4. (a) ~~A general reassessment, involving a~~
4 ~~physical inspection of all real property in Indiana, shall begin July 1,~~
5 ~~2010; and each fifth year thereafter. Each reassessment under this~~
6 ~~subsection:~~
7 ~~(1) shall be completed on or before March 1 of the year that~~
8 ~~succeeds by two (2) years the year in which the general~~
9 ~~reassessment begins; and~~
10 ~~(2) shall be the basis for taxes payable in the year following the~~
11 ~~year in which the general assessment is to be completed.~~
12 ~~(b) In order to ensure that assessing officials are prepared for a~~
13 ~~general reassessment of real property, the department of local~~
14 ~~government finance shall give adequate advance notice of the general~~
15 ~~reassessment to the assessing officials of each county.~~

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1 (c) For a general reassessment that begins on or after July 1, 2010,
 2 the assessed value of real property shall be based on the estimated true
 3 tax value of the property on the assessment date that is the basis for
 4 taxes payable in the year following the year in which the general
 5 reassessment is to be completed. The county assessor of each county
 6 shall, before January 1, 2011, prepare and submit to the
 7 department of local government finance a reassessment plan for
 8 the county. The following apply to a reassessment plan prepared
 9 and submitted under this section:

10 (1) The reassessment plan is subject to approval by the
 11 department of local government finance.

12 (2) The department of local government finance shall
 13 determine the classes of real property to be used for purposes
 14 of this section.

15 (3) Except as provided in subsection (b), the reassessment plan
 16 must divide all parcels of real property in the county into five
 17 (5) different groups of parcels. Each group of parcels must
 18 contain approximately twenty percent (20%) of the parcels
 19 within each class of real property in the county.

20 (4) Except as provided in subsection (b), all real property in
 21 each group of parcels shall be inspected under the county's
 22 reassessment plan once during each five (5) year cycle. Those
 23 parcels inspected within the past five (5) years as a result of
 24 sales transactions are not required to be reinspected in the
 25 year's scheduled group.

26 (5) The inspection of a group of parcels in a particular class
 27 of real property must begin on July 1 of a year.

28 (6) The reassessment of parcels each year:

29 (A) must include a physical inspection of each parcel of
 30 real property in the group of parcels scheduled for
 31 inspection that year;

32 (B) must be completed on or before March 1 of the year
 33 after the year in which the inspection of the group of
 34 parcels begins; and

35 (C) must be part of an annual reassessment plan that
 36 includes the reassessment of all parcels in the county
 37 through an annual adjustment procedure that maintains
 38 value uniformity throughout the county in accordance with
 39 section 4.5 of this chapter.

40 (7) For real property included in a group of parcels that is
 41 inspected, as well as the balance of parcels not inspected that
 42 year, reassessment by annual adjustment of value is the basis

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for taxes payable in the year following the year for which the reassessment is completed.

(b) A county may submit a reassessment plan that provides for inspecting more than twenty percent (20%) of all parcels of real property in the county in a particular year. The plan shall provide that all parcels in the county are to be analyzed each year and their values adjusted as necessary to maintain assessment uniformity throughout the county. However, a plan must cover a five (5) year period and provide that at least twenty percent (20%) of all parcels will be inspected each year during the five (5) year period. Each group of parcels must contain approximately an equal percentage of the parcels within each class of real property in the county. All real property in each group of parcels must be reassessed under the county's reassessment plan once during each reassessment cycle.

(c) The inspection of the first group of parcels under a county's reassessment plan must begin on July 1, 2011, and must be completed on or before March 1, 2012. The reassessment of all parcels in the county each year shall be in accordance with the annual adjustment rules established by the department of local government finance under section 4.5 of this chapter.

SECTION 2. IC 6-1.1-4-4.5, AS AMENDED BY P.L.136-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4.5. (a) The department of local government finance shall adopt rules establishing a system for annually adjusting the assessed value of real property to account for changes in value in those years since a general reassessment of property last took effect: **under a county's reassessment plan.**

(b) Subject to subsection (e), the system must be applied to adjust assessed values beginning with the 2006 assessment date and each year thereafter. ~~that is not a year in which a reassessment becomes effective.~~

(c) The rules adopted under subsection (a) must include the following characteristics in the system:

- (1) Promote uniform and equal assessment of real property within and across classifications.
- (2) Require that assessing officials:
 - (A) reevaluate the factors that affect value;
 - (B) express the interactions of those factors mathematically;
 - (C) use mass appraisal techniques to estimate updated property values within statistical measures of accuracy; and
 - (D) provide notice to taxpayers of an assessment increase that results from the application of annual adjustments.

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1 (3) Prescribe procedures that permit the application of the
2 adjustment percentages in an efficient manner by assessing
3 officials.

4 (d) The department of local government finance must review and
5 certify each annual adjustment determined under this section.

6 (e) In making the annual determination of the base rate to satisfy the
7 requirement for an annual adjustment under subsection (a), the
8 department of local government finance shall determine the base rate
9 using the methodology reflected in Table 2-18 of Book 1, Chapter 2 of
10 the department of local government finance's Real Property Assessment
11 Guidelines (as in effect on January 1, 2005), except that the department
12 shall adjust the methodology to use a six (6) year rolling average
13 instead of a four (4) year rolling average.

14 (f) For assessment dates after December 31, 2009, an adjustment in
15 the assessed value of real property under this section shall be based on
16 the estimated true tax value of the property on the assessment date that
17 is the basis for taxes payable on that real property.

18 SECTION 3. IC 6-1.1-4-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) A petition
20 for the reassessment of a real property situated within a township
21 **group designated under a county's reassessment plan** may be filed
22 with the department of local government finance ~~on or before March~~
23 ~~31st of any year which is not a general election year and in which no~~
24 ~~general reassessment of real property is made.~~ **not later than**
25 **forty-five (45) days after notice of assessment. A petition for**
26 **reassessment of real property applies only to the most recent real**
27 **property assessment date.**

28 (b) The petition for reassessment must be signed by ~~not less than the~~
29 ~~following percentage of all the owners of taxable the lesser of one~~
30 **hundred (100) real property who reside in the township: owners of**
31 **parcels in the group or five percent (5%) of real property owners**
32 **of parcels in the group.**

33 (1) fifteen percent (15%) for a township which does not contain
34 an incorporated city or town;

35 (2) five percent (5%) for a township containing all or part of an
36 incorporated city or town which has a population of five thousand
37 (5,000) or less;

38 (3) four percent (4%) for a township containing all or part of an
39 incorporated city which has a population of more than five
40 thousand (5,000) but not exceeding ten thousand (10,000);

41 (4) three percent (3%) for a township containing all or part of an
42 incorporated city which has a population of more than ten

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1 thousand (10,000) but not exceeding fifty thousand (50,000);
 2 (5) two percent (2%) for a township containing all or part of an
 3 incorporated city which has a population of more than fifty
 4 thousand (50,000) but not exceeding one hundred fifty thousand
 5 (150,000); or
 6 (6) one percent (1%) for a township containing all or part of an
 7 incorporated city which has a population of more than one
 8 hundred fifty thousand (150,000).

9 The signatures on the petition must be verified by the oath of one (1)
 10 or more of the signers. ~~And;~~ A certificate of the county auditor stating
 11 that the signers constitute the required number of resident owners of
 12 taxable real property ~~of the township in the group of parcels~~ must
 13 accompany the petition.

14 **(c) Upon receipt of a petition under subsection (a), the**
 15 **department of local government finance may order a reassessment**
 16 **under section 9 of this chapter or conduct a reassessment under**
 17 **section 31.5 of this chapter.**

18 SECTION 4. IC 6-1.1-4-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. If the
 20 department of local government finance determines that a petition filed
 21 under section 5 of this chapter has been signed by the required number
 22 of petitioners and that the present assessed value of any real property
 23 is inequitable, the department of local government finance shall order
 24 a reassessment of the real property ~~which has been inequitably~~
 25 ~~assessed:~~ **in the group for which the petition was filed.** The order
 26 shall specify the time within which the reassessment shall be completed
 27 and the date on which the reassessment shall become effective.

28 SECTION 5. IC 6-1.1-4-9 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. In order to
 30 maintain a just and equitable valuation of real property, the department
 31 of local government finance may adopt a resolution declaring its belief
 32 that it is necessary to reassess all or a portion of the real property
 33 located within this state. If the department of local government finance
 34 adopts a reassessment resolution and if ~~either a township or a larger~~
 35 ~~area is~~ **one (1) or more groups of parcels under the county's**
 36 **reassessment plan are** involved, the department shall hold a hearing
 37 concerning the necessity for the reassessment at the courthouse of the
 38 county in which the property is located. The department of local
 39 government finance shall give notice of the time and place of the
 40 hearing in the manner provided in section 10 of this chapter. After the
 41 hearing, or if the area involved is ~~less than a township;~~ **only one (1)**
 42 **group of parcels under the county's reassessment plan,** after the

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1 adoption of the resolution of the department of local government
2 finance, the department may order any reassessment it deems
3 necessary. The order shall specify the time within which the
4 reassessment must be completed and the date the reassessment will
5 become effective.

6 SECTION 6. IC 6-1.1-4-13.6, AS AMENDED BY P.L.136-2009,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2011]: Sec. 13.6. (a) The township assessor, or the
9 county assessor if there is no township assessor for the township, shall
10 determine the values of all classes of commercial, industrial, and
11 residential land (including farm homesites) in the township or county
12 using guidelines determined by the department of local government
13 finance. Not later than November July 1, of the year preceding the year
14 in which a general reassessment becomes effective, 2011, and every
15 fourth year thereafter, the assessor determining the values of land
16 shall submit the values to the county property tax assessment board of
17 appeals. Not later than March 1 of the year in which a general
18 reassessment becomes effective, the county property tax assessment
19 board of appeals shall hold a public hearing in the county concerning
20 those values. The property tax assessment board of appeals shall give
21 notice of the hearing in accordance with IC 5-3-1.

22 (b) The county property tax assessment board of appeals shall
23 review the values submitted under subsection (a) and may make any
24 modifications it considers necessary to provide uniformity and equality.
25 The county property tax assessment board of appeals shall coordinate
26 the valuation of property adjacent to the boundaries of the county with
27 the county property tax assessment boards of appeals of the adjacent
28 counties using the procedures adopted by rule under IC 4-22-2 by the
29 department of local government finance. If the county assessor fails to
30 submit determine land values under subsection (a) to the county
31 property tax assessment board of appeals before November the July 1
32 of the year before the date the general reassessment under section 4 of
33 this chapter becomes effective, deadline, the county property tax
34 assessment board of appeals shall determine the values. If the county
35 property tax assessment board of appeals fails to determine the values
36 before the general reassessment becomes land values become
37 effective, the department of local government finance shall determine
38 the values.

39 (c) The county assessor shall notify all township assessors in the
40 county (if any) of the values. as modified by the county property tax
41 assessment board of appeals. Assessing officials shall use the values
42 determined under this section.

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1 (d) A petition for the review of the land values determined by a
2 county assessor under this section may be filed with the
3 department of local government finance not later than forty-five
4 (45) days after the county assessor makes the determination of the
5 land values. The petition must be signed by at least the lesser of:

- 6 (1) one hundred (100) property owners in the county; or
- 7 (2) five percent (5%) of the property owners in the county.

8 (e) Upon receipt of a petition for review under subsection (d),
9 the department of local government finance:

10 (1) shall review the land values determined by the county
11 assessor; and

12 (2) after a public hearing, shall:

- 13 (A) approve;
- 14 (B) modify; or
- 15 (C) disapprove;

16 the land values.

17 SECTION 7. IC 6-1.1-4-16, AS AMENDED BY P.L.146-2008,
18 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2011]: Sec. 16. (a) For purposes of making a ~~general~~
20 reassessment of real property under a county's reassessment plan or
21 annual adjustments under section 4.5 of this chapter, a township
22 assessor (if any) and a county assessor may employ:

- 23 (1) deputies;
- 24 (2) employees; and
- 25 (3) technical advisors who are:
 - 26 (A) qualified to determine real property values;
 - 27 (B) professional appraisers certified under 50 IAC 15; and
 - 28 (C) employed either on a full-time or a part-time basis, subject
29 to sections 18.5 and 19.5 of this chapter.

30 (b) The county council of each county shall appropriate the funds
31 necessary for the employment of deputies, employees, or technical
32 advisors employed under subsection (a) of this section.

33 SECTION 8. IC 6-1.1-4-17, AS AMENDED BY P.L.182-2009(ss),
34 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2011]: Sec. 17. (a) Subject to the approval of the
36 department of local government finance and the requirements of
37 section 18.5 of this chapter, a county assessor may employ professional
38 appraisers as technical advisors for assessments in all townships in the
39 county. The department of local government finance may approve
40 employment under this subsection only if the department is a party to
41 the employment contract and any addendum to the employment
42 contract.

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1 (b) A decision by a county assessor to not employ a professional
2 appraiser as a technical advisor in a ~~general~~ reassessment **under a**
3 **county's reassessment plan** is subject to approval by the department
4 of local government finance.

5 (c) As used in this chapter, "professional appraiser" means an
6 individual or firm that is certified under IC 6-1.1-31.7.

7 SECTION 9. IC 6-1.1-4-20, AS AMENDED BY P.L.146-2008,
8 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JANUARY 1, 2011]: Sec. 20. The department of local government
10 finance may establish a period, with respect to each ~~general~~
11 reassessment **under a county's reassessment plan**, that is the only
12 time during which a county assessor may enter into a contract with a
13 professional appraiser. ~~The period set by the department of local~~
14 ~~government finance may not begin before January 1 of the year the~~
15 ~~general reassessment begins. If no period is established by the~~
16 ~~department of local government finance, a county assessor may enter~~
17 ~~into such a contract only on or after January 1 and before April 16 of~~
18 ~~the year in which the general reassessment is to commence.~~

19 SECTION 10. IC 6-1.1-4-21, AS AMENDED BY P.L.146-2008,
20 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2011]: Sec. 21. (a) ~~If during a period of general~~
22 ~~reassessment, a county assessor personally makes the real property~~
23 ~~appraisals, The appraisals of the parcels in a group of parcels under~~
24 ~~a county's reassessment plan and~~ subject to taxation must be
25 completed as follows:

26 (1) The appraisal of ~~one-fourth (1/4)~~ **one-third (1/3)** of the
27 parcels shall be completed before ~~December~~ **October** 1 of the
28 year in which the ~~general group's~~ **reassessment under the county**
29 **reassessment plan** begins.

30 (2) The appraisal of ~~one-half (1/2)~~ **two-thirds (2/3)** of the parcels
31 shall be completed before ~~May~~ **January** 1 of the year following
32 the year in which the ~~general group's~~ **reassessment under the**
33 **county reassessment plan** begins.

34 (3) ~~The appraisal of three-fourths (3/4) of the parcels shall be~~
35 ~~completed before October 1 of the year following the year in~~
36 ~~which the general reassessment begins.~~

37 (4) ~~(3)~~ **(3)** The appraisal of all the parcels shall be completed before
38 March 1 of the ~~second~~ year following the year in which the
39 ~~general group's~~ **reassessment under the county reassessment**
40 **plan** begins.

41 (b) If a county assessor employs a professional appraiser or a
42 professional appraisal firm to make real property appraisals ~~during a~~

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1 period of general reassessment, of a group of parcels under a
 2 county's reassessment plan, the professional appraiser or appraisal
 3 firm must file appraisal reports with the county assessor as follows:
 4 (1) The appraisals for one-fourth (1/4) of the parcels shall be
 5 reported before December 1 of the year in which the general
 6 reassessment begins.
 7 (2) The appraisals for one-half (1/2) of the parcels shall be
 8 reported before May 1 of the year following the year in which the
 9 general reassessment begins.
 10 (3) The appraisals for three-fourths (3/4) of the parcels shall be
 11 reported before October 1 of the year following the year in which
 12 the general reassessment begins.
 13 (4) The appraisals for all the parcels shall be reported before
 14 March 1 of the second year following the year in which the
 15 general reassessment begins.
 16 by the dates set forth in subsection (a). However, the reporting
 17 requirements prescribed in this subsection do not apply if the contract
 18 under which the professional appraiser, or appraisal firm, is employed
 19 prescribes different reporting procedures.
 20 SECTION 11. IC 6-1.1-4-22, AS AMENDED BY P.L.136-2009,
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2011]: Sec. 22. (a) If any assessing official assesses or
 23 reassesses any real property under this article, the official shall give
 24 notice to the taxpayer and the county assessor, by mail, of the amount
 25 of the assessment or reassessment.
 26 (b) During a period of general reassessment, each township or
 27 county assessor shall mail the notice required by this section within
 28 ninety (90) days after the assessor:
 29 (1) completes the appraisal of a parcel; or
 30 (2) receives a report for a parcel from a professional appraiser or
 31 professional appraisal firm.
 32 (c) (b) The notice required by this section must include notice to the
 33 person of the opportunity to appeal the assessed valuation under
 34 IC 6-1.1-15-1.
 35 (d) (c) Notice of the opportunity to appeal the assessed valuation
 36 required under subsection (c) (b) must include the following:
 37 (1) The procedure that a taxpayer must follow to appeal the
 38 assessment or reassessment.
 39 (2) The forms that must be filed for an appeal of the assessment
 40 or reassessment.
 41 (3) Notice that an appeal of the assessment or reassessment
 42 requires evidence relevant to the true tax value of the taxpayer's

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1 property as of the assessment date.

2 SECTION 12. IC 6-1.1-4-27.5, AS AMENDED BY P.L.146-2008,
3 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2011]: Sec. 27.5. (a) The auditor of each county shall
5 establish a property reassessment fund. The county treasurer shall
6 deposit all collections resulting from the property taxes that the county
7 levies for the county's property reassessment fund.

8 (b) With respect to the general reassessment of real property that is
9 to commence on July 1, 2009, the county council of each county shall,
10 for property taxes due in 2006, 2007, 2008, and 2009, levy in each year
11 against all the taxable property in the county an amount equal to
12 one-fourth (1/4) of the remainder of:

13 (1) the estimated costs referred to in section 28.5(a) of this
14 chapter; minus

15 (2) the amount levied under this section by the county council for
16 property taxes due in 2004 and 2005.

17 (c) With respect to a ~~general~~ reassessment of real property ~~that is to~~
18 ~~commence on July 1, 2014, and each fifth year thereafter, under a~~
19 **county's reassessment plan after December 31, 2010**, the county
20 council of each county shall, for property taxes due ~~in the year that the~~
21 ~~general reassessment is to commence and the four (4) years preceding~~
22 ~~that each~~ year, levy against all the taxable property in the county an
23 amount equal to ~~one-fifth (1/5)~~ of the estimated costs of the ~~general~~
24 reassessment under section 28.5 of this chapter.

25 (d) The department of local government finance shall give to each
26 county council notice, before January 1 in a year, of the tax levies
27 required by this section for that year.

28 (e) The department of local government finance may raise or lower
29 the property tax levy under this section for a year if the department
30 determines it is appropriate because the estimated cost of:

31 (1) a ~~general~~ **reassessment of a group of parcels under a**
32 **county's reassessment plan;** or

33 (2) making annual adjustments under section 4.5 of this chapter;
34 has changed.

35 (f) The county assessor may petition the county fiscal body to
36 increase the levy under subsection (b) or (c) to pay for the costs of:

37 (1) a ~~general~~ **reassessment of a group of parcels under a**
38 **county's reassessment plan;**

39 (2) verification under 50 IAC 21-3-2 of sales disclosure forms
40 forwarded to the county assessor under IC 6-1.1-5.5-3; or

41 (3) processing annual adjustments under section 4.5 of this
42 chapter.

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1 The assessor must document the needs and reasons for the increased
2 funding.

3 (g) If the county fiscal body denies a petition under subsection (f),
4 the county assessor may appeal to the department of local government
5 finance. The department of local government finance shall:

- 6 (1) hear the appeal; and
- 7 (2) determine whether the additional levy is necessary.

8 SECTION 13. IC 6-1.1-4-28.5, AS AMENDED BY P.L.146-2008,
9 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2011]: Sec. 28.5. (a) Money assigned to a property
11 reassessment fund under section 27.5 of this chapter may be used only
12 to pay the costs of:

- 13 (1) the ~~general~~ reassessment of real property **under a county's**
14 **reassessment plan**, including the computerization of assessment
15 records;
- 16 (2) payments to assessing officials and hearing officers for county
17 property tax assessment boards of appeals under IC 6-1.1-35.2;
- 18 (3) the development or updating of detailed soil survey data by
19 the United States Department of Agriculture or its successor
20 agency;
- 21 (4) the updating of plat books;
- 22 (5) payments for the salary of permanent staff or for the
23 contractual services of temporary staff who are necessary to assist
24 assessing officials;
- 25 (6) making annual adjustments under section 4.5 of this chapter;
26 and
- 27 (7) the verification under 50 IAC 21-3-2 of sales disclosure forms
28 forwarded to:
 - 29 (A) the county assessor; or
 - 30 (B) township assessors (if any);
- 31 under IC 6-1.1-5.5-3.

32 Money in a property tax reassessment fund may not be transferred or
33 reassigned to any other fund and may not be used for any purposes
34 other than those set forth in this section.

35 (b) All counties shall use modern, detailed soil maps in the ~~general~~
36 reassessment of agricultural land.

37 (c) The county treasurer of each county shall, in accordance with
38 IC 5-13-9, invest any money accumulated in the property reassessment
39 fund. Any interest received from investment of the money shall be paid
40 into the property reassessment fund.

41 (d) An appropriation under this section must be approved by the
42 fiscal body of the county after the review and recommendation of the

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1 county assessor. However, in a county with a township assessor in
2 every township, the county assessor does not review an appropriation
3 under this section, and only the fiscal body must approve an
4 appropriation under this section.

5 SECTION 14. IC 6-1.1-4-29, AS AMENDED BY P.L.146-2008,
6 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2011]: Sec. 29. (a) The expenses of a reassessment,
8 except those incurred by the department of local government finance
9 in performing its normal functions, shall be paid by the county in which
10 the reassessed property is situated. These expenses, except for the
11 expenses of a ~~general~~ **reassessment of a group of parcels under a**
12 **county's reassessment plan**, shall be paid from county funds. The
13 county auditor shall issue warrants for the payment of reassessment
14 expenses. No prior appropriations are required in order for the auditor
15 to issue warrants.

16 (b) An order of the department of local government finance
17 directing the reassessment of property shall contain an estimate of the
18 cost of making the reassessment. The assessing officials in the county,
19 the county property tax assessment board of appeals, and the county
20 auditor may not exceed the amount so estimated by the department of
21 local government finance.

22 SECTION 15. IC 6-1.1-4-30 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 30. In making any
24 assessment or reassessment of real property in the interim between
25 ~~general~~ **reassessments of that real property under a county's**
26 **reassessment plan**, the rules, regulations, and standards for assessment
27 are the same as those used **for that real property** in the preceding
28 ~~general~~ **reassessment of that group of parcels under a county's**
29 **reassessment plan**.

30 SECTION 16. IC 6-1.1-4-31, AS AMENDED BY P.L.146-2008,
31 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JANUARY 1, 2011]: Sec. 31. (a) The department of local government
33 finance shall periodically check the conduct of:

- 34 (1) a ~~general~~ **reassessment of property under a county's**
35 **reassessment plan**;
- 36 (2) work required to be performed by local officials under 50
37 IAC 21; and
- 38 (3) other property assessment activities in the county, as
39 determined by the department.

40 The department of local government finance may inform township
41 assessors (if any), county assessors, and the presidents of county
42 councils in writing if its check reveals that ~~the general~~ **a reassessment**

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1 or other property assessment activities are not being properly
2 conducted, work required to be performed by local officials under 50
3 IAC 21 is not being properly conducted, or property assessments are
4 not being properly made.

5 (b) The failure of the department of local government finance to
6 inform local officials under subsection (a) shall not be construed as an
7 indication by the department that:

8 (1) the ~~general~~ reassessment **under a county's reassessment**
9 **plan** or other property assessment activities are being properly
10 conducted;

11 (2) work required to be performed by local officials under 50
12 IAC 21 is being properly conducted; or

13 (3) property assessments are being properly made.

14 (c) If the department of local government finance:

15 (1) determines under subsection (a) that a ~~general~~ reassessment
16 **under a county's reassessment plan** or other assessment
17 activities ~~for a general reassessment year or any other year~~ are not
18 being properly conducted; and

19 (2) informs:

20 (A) the township assessor (if any) of each affected township;

21 (B) the county assessor; and

22 (C) the president of the county council;

23 in writing under subsection (a);

24 the department may order a state conducted assessment or reassessment
25 under section 31.5 of this chapter to begin not less than sixty (60) days
26 after the date of the notice under subdivision (2). ~~If the department~~
27 ~~determines during the period between the date of the notice under~~
28 ~~subdivision (2) and the proposed date for beginning the state conducted~~
29 ~~assessment or reassessment that the general reassessment or other~~
30 ~~assessment activities for the general reassessment are being properly~~
31 ~~conducted, the department may rescind the order.~~

32 (d) If the department of local government finance:

33 (1) determines under subsection (a) that work required to be
34 performed by local officials under 50 IAC 21 is not being
35 properly conducted; and

36 (2) informs:

37 (A) the township assessor of each affected township (if any);

38 (B) the county assessor; and

39 (C) the president of the county council;

40 in writing under subsection (a);

41 the department may conduct the work or contract to have the work
42 conducted to begin not less than sixty (60) days after the date of the

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1 notice under subdivision (2). If the department determines during the
2 period between the date of the notice under subdivision (2) and the
3 proposed date for beginning the work or having the work conducted
4 that work required to be performed by local officials under 50 IAC 21
5 is being properly conducted, the department may rescind the order.

6 (e) If the department of local government finance contracts to have
7 work conducted under subsection (d), the department shall forward the
8 bill for the services to the county and the county shall pay the bill under
9 the same procedures that apply to county payments of bills for
10 assessment or reassessment services under section 31.5 of this chapter.

11 (f) A county council president who is informed by the department
12 of local government finance under subsection (a) shall provide the
13 information to the board of county commissioners. A board of county
14 commissioners that receives information under this subsection may
15 adopt an ordinance to do either or both of the following:

16 (1) Determine that:

- 17 (A) the information indicates that the county assessor has
- 18 failed to perform adequately the duties of county assessor; and
- 19 (B) by that failure the county assessor forfeits the office of
- 20 county assessor and is subject to removal from office by an
- 21 information filed under IC 34-17-2-1(b).

22 (2) Determine that:

- 23 (A) the information indicates that one (1) or more township
- 24 assessors in the county have failed to perform adequately the
- 25 duties of township assessor; and
- 26 (B) by that failure the township assessor or township assessors
- 27 forfeit the office of township assessor and are subject to
- 28 removal from office by an information filed under
- 29 IC 34-17-2-1(b).

30 (g) A city-county council that is informed by the department of local
31 government finance under subsection (a) may adopt an ordinance
32 making the determination or determinations referred to in subsection
33 (f).

34 SECTION 17. IC 6-1.1-4-31.5, AS AMENDED BY P.L.146-2008,
35 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JANUARY 1, 2011]: Sec. 31.5. (a) As used in this section,
37 "department" refers to the department of local government finance.

38 (b) If the department makes a determination and informs local
39 officials under section 31(c) of this chapter, the department may order
40 a state conducted assessment or reassessment in the county subject to
41 the time limitation in that subsection.

42 (c) If the department orders a state conducted assessment or

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1 reassessment in a county, the department shall assume the duties of the
 2 county assessor. Notwithstanding sections 15 and 17 of this chapter, a
 3 county assessor subject to an order issued under this section may not
 4 assess property or have property assessed for the assessment or ~~general~~
 5 reassessment **under a county's reassessment plan**. Until the state
 6 conducted assessment or reassessment is completed under this section,
 7 the assessment or reassessment duties of the county assessor are
 8 limited to providing the department or a contractor of the department
 9 the support and information requested by the department or the
 10 contractor.

11 (d) Before assuming the duties of a county assessor, the department
 12 shall transmit a copy of the department's order requiring a state
 13 conducted assessment or reassessment to the county assessor, the
 14 county fiscal body, the county auditor, and the county treasurer. Notice
 15 of the department's actions must be published one (1) time in a
 16 newspaper of general circulation published in the county. The
 17 department is not required to conduct a public hearing before taking
 18 action under this section.

19 (e) A county assessor subject to an order issued under this section
 20 shall, at the request of the department or the department's contractor,
 21 make available and provide access to all:

- 22 (1) data;
- 23 (2) records;
- 24 (3) maps;
- 25 (4) parcel record cards;
- 26 (5) forms;
- 27 (6) computer software systems;
- 28 (7) computer hardware systems; and
- 29 (8) other information;

30 related to the assessment or reassessment of real property in the county.
 31 The information described in this subsection must be provided at no
 32 cost to the department or the contractor of the department. A failure to
 33 provide information requested under this subsection constitutes a
 34 failure to perform a duty related to an assessment or a ~~general~~
 35 reassessment **under a county's reassessment plan** and is subject to
 36 IC 6-1.1-37-2.

37 (f) The department may enter into a contract with a professional
 38 appraising firm to conduct an assessment or reassessment under this
 39 section. If a county entered into a contract with a professional
 40 appraising firm to conduct the county's assessment or reassessment
 41 before the department orders a state conducted assessment or
 42 reassessment in the county under this section, the contract:

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1 (1) is as valid as if it had been entered into by the department; and
 2 (2) shall be treated as the contract of the department.
 3 (g) After receiving the report of assessed values from the appraisal
 4 firm acting under a contract described in subsection (f), the department
 5 shall give notice to the taxpayer and the county assessor, by mail, of the
 6 amount of the assessment or reassessment. The notice of assessment or
 7 reassessment:
 8 (1) is subject to appeal by the taxpayer under section 31.7 of this
 9 chapter; and
 10 (2) must include a statement of the taxpayer's rights under section
 11 31.7 of this chapter.
 12 (h) The department shall forward a bill for services provided under
 13 a contract described in subsection (f) to the auditor of the county in
 14 which the state conducted reassessment occurs. The county shall pay
 15 the bill under the procedures prescribed by subsection (i).
 16 (i) A county subject to an order issued under this section shall pay
 17 the cost of a contract described in subsection (f), without appropriation,
 18 from the county property reassessment fund. A contractor may
 19 periodically submit bills for partial payment of work performed under
 20 the contract. Notwithstanding any other law, a contractor is entitled to
 21 payment under this subsection for work performed under a contract if
 22 the contractor:
 23 (1) submits to the department a fully itemized, certified bill in the
 24 form required by IC 5-11-10-1 for the costs of the work performed
 25 under the contract;
 26 (2) obtains from the department:
 27 (A) approval of the form and amount of the bill; and
 28 (B) a certification that the billed goods and services have been
 29 received and comply with the contract; and
 30 (3) files with the county auditor:
 31 (A) a duplicate copy of the bill submitted to the department;
 32 (B) proof of the department's approval of the form and amount
 33 of the bill; and
 34 (C) the department's certification that the billed goods and
 35 services have been received and comply with the contract.
 36 The department's approval and certification of a bill under subdivision
 37 (2) shall be treated as conclusively resolving the merits of a contractor's
 38 claim. Upon receipt of the documentation described in subdivision (3),
 39 the county auditor shall immediately certify that the bill is true and
 40 correct without further audit and submit the claim to the county
 41 executive. The county executive shall allow the claim, in full, as
 42 approved by the department, without further examination of the merits

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1 of the claim in a regular or special session that is held not less than
 2 three (3) days and not more than seven (7) days after the date the claim
 3 is certified by the county fiscal officer if the procedures in IC 5-11-10-2
 4 are used to approve the claim or the date the claim is placed on the
 5 claim docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are
 6 used to approve the claim. Upon allowance of the claim by the county
 7 executive, the county auditor shall immediately issue a warrant or
 8 check for the full amount of the claim approved by the department.
 9 Compliance with this subsection constitutes compliance with
 10 IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and
 11 payment of a claim in compliance with this subsection is not subject to
 12 remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply
 13 to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies
 14 to a fiscal officer who pays a claim in compliance with this subsection.

15 (j) Notwithstanding IC 4-13-2, a period of seven (7) days is
 16 permitted for each of the following to review and act under IC 4-13-2
 17 on a contract of the department entered into under this section:

- 18 (1) The commissioner of the Indiana department of
- 19 administration.
- 20 (2) The director of the budget agency.
- 21 (3) The attorney general.

22 (k) If money in the county's property reassessment fund is
 23 insufficient to pay for an assessment or reassessment conducted under
 24 this section, the department may increase the tax rate and tax levy of
 25 the county's property reassessment fund to pay the cost and expenses
 26 related to the assessment or reassessment.

27 (l) The department or the contractor of the department shall use the
 28 land values determined under section 13.6 of this chapter for a county
 29 subject to an order issued under this section to the extent that the
 30 department or the contractor finds that the land values reflect the true
 31 tax value of land, as determined under this article and the rules of the
 32 department. If the department or the contractor finds that the land
 33 values determined for the county under section 13.6 of this chapter do
 34 not reflect the true tax value of land, the department or the contractor
 35 shall determine land values for the county that reflect the true tax value
 36 of land, as determined under this article and the rules of the
 37 department. Land values determined under this subsection shall be
 38 used to the same extent as if the land values had been determined under
 39 section 13.6 of this chapter. The department or the contractor of the
 40 department shall notify the county's assessing officials of the land
 41 values determined under this subsection.

42 (m) A contractor of the department may notify the department if:

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- 1 (1) a county auditor fails to:
- 2 (A) certify the contractor's bill;
- 3 (B) publish the contractor's claim;
- 4 (C) submit the contractor's claim to the county executive; or
- 5 (D) issue a warrant or check for payment of the contractor's
- 6 bill;
- 7 as required by subsection (i) at the county auditor's first legal
- 8 opportunity to do so;
- 9 (2) a county executive fails to allow the contractor's claim as
- 10 legally required by subsection (i) at the county executive's first
- 11 legal opportunity to do so; or
- 12 (3) a person or an entity authorized to act on behalf of the county
- 13 takes or fails to take an action, including failure to request an
- 14 appropriation, and that action or failure to act delays or halts
- 15 progress under this section for payment of the contractor's bill.
- 16 (n) The department, upon receiving notice under subsection (m)
- 17 from a contractor of the department, shall:
- 18 (1) verify the accuracy of the contractor's assertion in the notice
- 19 that:
- 20 (A) a failure occurred as described in subsection (m)(1) or
- 21 (m)(2); or
- 22 (B) a person or an entity acted or failed to act as described in
- 23 subsection (m)(3); and
- 24 (2) provide to the treasurer of state the department's approval
- 25 under subsection (i)(2)(A) of the contractor's bill with respect to
- 26 which the contractor gave notice under subsection (m).
- 27 (o) Upon receipt of the department's approval of a contractor's bill
- 28 under subsection (n), the treasurer of state shall pay the contractor the
- 29 amount of the bill approved by the department from money in the
- 30 possession of the state that would otherwise be available for
- 31 distribution to the county, including distributions of admissions taxes
- 32 or wagering taxes.
- 33 (p) The treasurer of state shall withhold from the money that would
- 34 be distributed under IC 4-33-12-6, IC 4-33-13-5, or any other law to a
- 35 county described in a notice provided under subsection (m) the amount
- 36 of a payment made by the treasurer of state to the contractor of the
- 37 department under subsection (o). Money shall be withheld from any
- 38 source payable to the county.
- 39 (q) Compliance with subsections (m) through (p) constitutes
- 40 compliance with IC 5-11-10.
- 41 (r) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to
- 42 the payment made in compliance with subsections (m) through (p).

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1 This subsection and subsections (m) through (p) must be interpreted
 2 liberally so that the state shall, to the extent legally valid, ensure that
 3 the contractual obligations of a county subject to this section are paid.
 4 Nothing in this section shall be construed to create a debt of the state.

5 (s) The provisions of this section are severable as provided in
 6 IC 1-1-1-8(b).

7 SECTION 18. IC 6-1.1-8.5-8, AS AMENDED BY P.L.154-2006,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2011]: Sec. 8. (a) For purposes of the ~~general~~
 10 reassessment under IC 6-1.1-4-4 **of a group of parcels under a**
 11 **county's reassessment plan** or for purposes of a new assessment, the
 12 department of local government finance shall assess each industrial
 13 facility in a qualifying county.

14 (b) The following may not assess an industrial facility in a
 15 qualifying county:

- 16 (1) A county assessor.
- 17 (2) An assessing official.
- 18 (3) A county property tax assessment board of appeals.

19 SECTION 19. IC 6-1.1-8.7-3, AS AMENDED BY P.L.219-2007,
 20 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2011]: Sec. 3. ~~(a) Before January 1, 2003, Two hundred~~
 22 ~~fifty (250) or more owners of real property in a township may petition~~
 23 ~~the department to assess the real property of an industrial facility in the~~
 24 ~~township for the 2004 assessment date.~~

25 ~~(b) Before January 1 of each year that a general reassessment~~
 26 ~~commences under IC 6-1.1-4-4; (a) Two hundred fifty (250) or more~~
 27 ~~owners of real property in a township may petition the department to~~
 28 ~~assess the real property of an industrial facility in the township. for that~~
 29 ~~general reassessment.~~

30 ~~(c) (b) An industrial company may at any time petition the~~
 31 ~~department to assess the real property of an industrial facility owned or~~
 32 ~~used by the company.~~

33 ~~(d) (c) Before January 1 of any year, the county assessor of the~~
 34 ~~county in which an industrial facility is located may petition the~~
 35 ~~department to assess the real property of the industrial facility for the~~
 36 ~~assessment date in that the following year.~~

37 SECTION 20. IC 6-1.1-8.7-5, AS AMENDED BY P.L.219-2007,
 38 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2011]: Sec. 5. (a) If the department determines to assess
 40 an industrial facility pursuant to a petition filed under section ~~3(a); 3(b)~~
 41 **or 3(c) or 3(d)** of this chapter, the department shall schedule the
 42 assessment not later than six (6) months after receiving the petition.

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1 (b) If the department determines to assess an industrial facility
 2 pursuant to a petition filed under section ~~3(b)~~ 3(a) of this chapter, the
 3 department shall schedule the assessment not later than three (3)
 4 months after the assessment date for which the petition was filed.

5 SECTION 21. IC 6-1.1-12-19 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 19. The deduction
 7 from assessed value provided by section 18 of this chapter is first
 8 available in the year in which the increase in assessed value resulting
 9 from the rehabilitation occurs and shall continue for the following four
 10 (4) years. In the sixth (6th) year, the county auditor shall add the
 11 amount of the deduction to the assessed value of the real property. A
 12 ~~general~~ reassessment of real property **under a county's reassessment**
 13 **plan**, which occurs within the five (5) year period of the deduction,
 14 does not affect the amount of the deduction.

15 SECTION 22. IC 6-1.1-12-23 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 23. The deduction
 17 from assessed value provided by section 22 of this chapter is first
 18 available after the first assessment date following the rehabilitation and
 19 shall continue for the taxes first due and payable in the following five
 20 (5) years. In the sixth (6th) year, the county auditor shall add the
 21 amount of the deduction to the assessed value of the property. Any
 22 ~~general~~ reassessment of real property **under a county's reassessment**
 23 **plan**, which occurs within the five (5) year period of the deduction,
 24 does not affect the amount of the deduction.

25 SECTION 23. IC 6-1.1-12-37, AS AMENDED BY
 26 P.L.182-2009(ss), SECTION 110, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 37. (a) The following
 28 definitions apply throughout this section:

29 (1) "Dwelling" means any of the following:

30 (A) Residential real property improvements that an individual
 31 uses as the individual's residence, including a house or garage.

32 (B) A mobile home that is not assessed as real property that an
 33 individual uses as the individual's residence.

34 (C) A manufactured home that is not assessed as real property
 35 that an individual uses as the individual's residence.

36 (2) "Homestead" means an individual's principal place of
 37 residence:

38 (A) that is located in Indiana;

39 (B) that:

40 (i) the individual owns;

41 (ii) the individual is buying under a contract, recorded in the
 42 county recorder's office, that provides that the individual is

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1 to pay the property taxes on the residence;
 2 (iii) the individual is entitled to occupy as a
 3 tenant-stockholder (as defined in 26 U.S.C. 216) of a
 4 cooperative housing corporation (as defined in 26 U.S.C.
 5 216); or
 6 (iv) is a residence described in section 17.9 of this chapter
 7 that is owned by a trust if the individual is an individual
 8 described in section 17.9 of this chapter; and
 9 (C) that consists of a dwelling and the real estate, not
 10 exceeding one (1) acre, that immediately surrounds that
 11 dwelling.

12 Except as provided in subsection (k), the term does not include
 13 property owned by a corporation, partnership, limited liability
 14 company, or other entity not described in this subdivision.

15 (b) Each year a homestead is eligible for a standard deduction from
 16 the assessed value of the homestead for an assessment date. The
 17 deduction provided by this section applies to property taxes first due
 18 and payable for an assessment date only if an individual has an interest
 19 in the homestead described in subsection (a)(2)(B) on:

- 20 (1) the assessment date; or
 21 (2) any date in the same year after an assessment date that a
 22 statement is filed under subsection (e) or section 44 of this
 23 chapter, if the property consists of real property.

24 Subject to subsection (c), the auditor of the county shall record and
 25 make the deduction for the individual or entity qualifying for the
 26 deduction.

27 (c) Except as provided in section 40.5 of this chapter, the total
 28 amount of the deduction that a person may receive under this section
 29 for a particular year is the lesser of:

- 30 (1) sixty percent (60%) of the assessed value of the real property,
 31 mobile home not assessed as real property, or manufactured home
 32 not assessed as real property; or
 33 (2) forty-five thousand dollars (\$45,000).

34 (d) A person who has sold real property, a mobile home not assessed
 35 as real property, or a manufactured home not assessed as real property
 36 to another person under a contract that provides that the contract buyer
 37 is to pay the property taxes on the real property, mobile home, or
 38 manufactured home may not claim the deduction provided under this
 39 section with respect to that real property, mobile home, or
 40 manufactured home.

41 (e) Except as provided in sections 17.8 and 44 of this chapter and
 42 subject to section 45 of this chapter, an individual who desires to claim

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1 the deduction provided by this section must file a certified statement in
 2 duplicate, on forms prescribed by the department of local government
 3 finance, with the auditor of the county in which the homestead is
 4 located. The statement must include:

5 (1) the parcel number or key number of the property and the name
 6 of the city, town, or township in which the property is located;

7 (2) the name of any other location in which the applicant or the
 8 applicant's spouse owns, is buying, or has a beneficial interest in
 9 residential real property;

10 (3) the names of:

11 (A) the applicant and the applicant's spouse (if any):

12 (i) as the names appear in the records of the United States
 13 Social Security Administration for the purposes of the
 14 issuance of a Social Security card and Social Security
 15 number; or

16 (ii) that they use as their legal names when they sign their
 17 names on legal documents;

18 if the applicant is an individual; or

19 (B) each individual who qualifies property as a homestead
 20 under subsection (a)(2)(B) and the individual's spouse (if any):

21 (i) as the names appear in the records of the United States
 22 Social Security Administration for the purposes of the
 23 issuance of a Social Security card and Social Security
 24 number; or

25 (ii) that they use as their legal names when they sign their
 26 names on legal documents;

27 if the applicant is not an individual; and

28 (4) either:

29 (A) the last five (5) digits of the applicant's Social Security
 30 number and the last five (5) digits of the Social Security
 31 number of the applicant's spouse (if any); or

32 (B) if the applicant or the applicant's spouse (if any) do not
 33 have a Social Security number, any of the following for that
 34 individual:

35 (i) The last five (5) digits of the individual's driver's license
 36 number.

37 (ii) The last five (5) digits of the individual's state
 38 identification card number.

39 (iii) If the individual does not have a driver's license or a
 40 state identification card, the last five (5) digits of a control
 41 number that is on a document issued to the individual by the
 42 federal government and determined by the department of

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1 local government finance to be acceptable.

2 If a form or statement provided to the county auditor under this section,
 3 IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or
 4 part or all of the Social Security number of a party or other number
 5 described in subdivision (4)(B) of a party, the telephone number and
 6 the Social Security number or other number described in subdivision
 7 (4)(B) included are confidential. The statement may be filed in person
 8 or by mail. If the statement is mailed, the mailing must be postmarked
 9 on or before the last day for filing. The statement applies for that first
 10 year and any succeeding year for which the deduction is allowed. With
 11 respect to real property, the statement must be completed and dated in
 12 the calendar year for which the person desires to obtain the deduction
 13 and filed with the county auditor on or before January 5 of the
 14 immediately succeeding calendar year. With respect to a mobile home
 15 that is not assessed as real property, the person must file the statement
 16 during the twelve (12) months before March 31 of the year for which
 17 the person desires to obtain the deduction.

18 (f) If an individual who is receiving the deduction provided by this
 19 section or who otherwise qualifies property for a deduction under this
 20 section:

21 (1) changes the use of the individual's property so that part or all
 22 of the property no longer qualifies for the deduction under this
 23 section; or

24 (2) is no longer eligible for a deduction under this section on
 25 another parcel of property because:

26 (A) the individual would otherwise receive the benefit of more
 27 than one (1) deduction under this chapter; or

28 (B) the individual maintains the individual's principal place of
 29 residence with another individual who receives a deduction
 30 under this section;

31 the individual must file a certified statement with the auditor of the
 32 county, notifying the auditor of the change of use, not more than sixty
 33 (60) days after the date of that change. An individual who fails to file
 34 the statement required by this subsection is liable for any additional
 35 taxes that would have been due on the property if the individual had
 36 filed the statement as required by this subsection plus a civil penalty
 37 equal to ten percent (10%) of the additional taxes due. The civil penalty
 38 imposed under this subsection is in addition to any interest and
 39 penalties for a delinquent payment that might otherwise be due. One
 40 percent (1%) of the total civil penalty collected under this subsection
 41 shall be transferred by the county to the department of local
 42 government finance for use by the department in establishing and

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1 maintaining the homestead property data base under subsection (i) and,
 2 to the extent there is money remaining, for any other purposes of the
 3 department. This amount becomes part of the property tax liability for
 4 purposes of this article.

5 (g) The department of local government finance shall adopt rules or
 6 guidelines concerning the application for a deduction under this
 7 section.

8 (h) This subsection does not apply to property in the first year for
 9 which a deduction is claimed under this section if the sole reason that
 10 a deduction is claimed on other property is that the individual or
 11 married couple maintained a principal residence at the other property
 12 on March 1 in the same year in which an application for a deduction is
 13 filed under this section or, if the application is for a homestead that is
 14 assessed as personal property, on March 1 in the immediately
 15 preceding year and the individual or married couple is moving the
 16 individual's or married couple's principal residence to the property that
 17 is the subject of the application. The county auditor may not grant an
 18 individual or a married couple a deduction under this section if:

19 (1) the individual or married couple, for the same year, claims the
 20 deduction on two (2) or more different applications for the
 21 deduction; and

22 (2) the applications claim the deduction for different property.

23 (i) The department of local government finance shall provide secure
 24 access to county auditors to a homestead property data base that
 25 includes access to the homestead owner's name and the numbers
 26 required from the homestead owner under subsection (e)(4) for the sole
 27 purpose of verifying whether an owner is wrongly claiming a deduction
 28 under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or
 29 IC 6-3.5.

30 (j) The department of local government finance shall work with
 31 county auditors to develop procedures to determine whether a property
 32 owner that is claiming a standard deduction or homestead credit is not
 33 eligible for the standard deduction or homestead credit because the
 34 property owner's principal place of residence is outside Indiana.

35 (k) As used in this section, "homestead" includes property that
 36 satisfies each of the following requirements:

37 (1) The property is located in Indiana and consists of a dwelling
 38 and the real estate, not exceeding one (1) acre, that immediately
 39 surrounds that dwelling.

40 (2) The property is the principal place of residence of an
 41 individual.

42 (3) The property is owned by an entity that is not described in

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1 subsection (a)(2)(B).
 2 (4) The individual residing on the property is a shareholder,
 3 partner, or member of the entity that owns the property.
 4 (5) The property was eligible for the standard deduction under
 5 this section on March 1, 2009.
 6 (l) If a county auditor terminates a deduction for property described
 7 in subsection (k) with respect to property taxes that are:
 8 (1) imposed for an assessment date in 2009; and
 9 (2) first due and payable in 2010;
 10 on the grounds that the property is not owned by an entity described in
 11 subsection (a)(2)(B), the county auditor shall reinstate the deduction if
 12 the taxpayer provides proof that the property is eligible for the
 13 deduction in accordance with subsection (k) and that the individual
 14 residing on the property is not claiming the deduction for any other
 15 property.
 16 **(m) For assessments dates after 2009, the term "homestead"**
 17 **includes:**
 18 **(1) a deck or patio;**
 19 **(2) a gazebo; or**
 20 **(3) another residential yard structure, as defined in rules**
 21 **adopted by the department of local government finance (other**
 22 **than a swimming pool);**
 23 **that is assessed as real property and that is attached to the**
 24 **dwelling.**
 25 SECTION 24. IC 6-1.1-12.1-4, AS AMENDED BY P.L.219-2007,
 26 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2011]: Sec. 4. (a) Except as provided in section 2(i)(4)
 28 of this chapter, and subject to section 15 of this chapter, the amount of
 29 the deduction which the property owner is entitled to receive under
 30 section 3 of this chapter for a particular year equals the product of:
 31 (1) the increase in the assessed value resulting from the
 32 rehabilitation or redevelopment; multiplied by
 33 (2) the percentage prescribed in the table set forth in subsection
 34 (d).
 35 (b) The amount of the deduction determined under subsection (a)
 36 shall be adjusted in accordance with this subsection in the following
 37 circumstances:
 38 (1) If a ~~general~~ reassessment of real property **under a county's**
 39 **reassessment plan** occurs within the particular period of the
 40 deduction, the amount determined under subsection (a)(1) shall
 41 be adjusted to reflect the percentage increase or decrease in
 42 assessed valuation that resulted from the ~~general~~ reassessment.

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1 (2) If an appeal of an assessment is approved that results in a
2 reduction of the assessed value of the redeveloped or rehabilitated
3 property, the amount of any deduction shall be adjusted to reflect
4 the percentage decrease that resulted from the appeal.

5 The department of local government finance shall adopt rules under
6 IC 4-22-2 to implement this subsection.

7 (c) Property owners who had an area designated an urban
8 development area pursuant to an application filed prior to January 1,
9 1979, are only entitled to the deduction for the first through the fifth
10 years as provided in subsection (d)(10). In addition, property owners
11 who are entitled to a deduction under this chapter pursuant to an
12 application filed after December 31, 1978, and before January 1, 1986,
13 are entitled to a deduction for the first through the tenth years, as
14 provided in subsection (d)(10).

15 (d) The percentage to be used in calculating the deduction under
16 subsection (a) is as follows:

- 17 (1) For deductions allowed over a one (1) year period:
- 18 YEAR OF DEDUCTION PERCENTAGE
- 19 1st 100%
- 20 (2) For deductions allowed over a two (2) year period:
- 21 YEAR OF DEDUCTION PERCENTAGE
- 22 1st 100%
- 23 2nd 50%
- 24 (3) For deductions allowed over a three (3) year period:
- 25 YEAR OF DEDUCTION PERCENTAGE
- 26 1st 100%
- 27 2nd 66%
- 28 3rd 33%
- 29 (4) For deductions allowed over a four (4) year period:
- 30 YEAR OF DEDUCTION PERCENTAGE
- 31 1st 100%
- 32 2nd 75%
- 33 3rd 50%
- 34 4th 25%
- 35 (5) For deductions allowed over a five (5) year period:
- 36 YEAR OF DEDUCTION PERCENTAGE
- 37 1st 100%
- 38 2nd 80%
- 39 3rd 60%
- 40 4th 40%
- 41 5th 20%
- 42 (6) For deductions allowed over a six (6) year period:

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1	YEAR OF DEDUCTION	PERCENTAGE
2	1st	100%
3	2nd	85%
4	3rd	66%
5	4th	50%
6	5th	34%
7	6th	17%
8	(7) For deductions allowed over a seven (7) year period:	
9	YEAR OF DEDUCTION	PERCENTAGE
10	1st	100%
11	2nd	85%
12	3rd	71%
13	4th	57%
14	5th	43%
15	6th	29%
16	7th	14%
17	(8) For deductions allowed over an eight (8) year period:	
18	YEAR OF DEDUCTION	PERCENTAGE
19	1st	100%
20	2nd	88%
21	3rd	75%
22	4th	63%
23	5th	50%
24	6th	38%
25	7th	25%
26	8th	13%
27	(9) For deductions allowed over a nine (9) year period:	
28	YEAR OF DEDUCTION	PERCENTAGE
29	1st	100%
30	2nd	88%
31	3rd	77%
32	4th	66%
33	5th	55%
34	6th	44%
35	7th	33%
36	8th	22%
37	9th	11%
38	(10) For deductions allowed over a ten (10) year period:	
39	YEAR OF DEDUCTION	PERCENTAGE
40	1st	100%
41	2nd	95%
42	3rd	80%

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1	4th	65%
2	5th	50%
3	6th	40%
4	7th	30%
5	8th	20%
6	9th	10%
7	10th	5%

8 SECTION 25. IC 6-1.1-12.1-4.8, AS AMENDED BY P.L.219-2007,
9 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2011]: Sec. 4.8. (a) A property owner that is an applicant
11 for a deduction under this section must provide a statement of benefits
12 to the designating body.

13 (b) If the designating body requires information from the property
14 owner for the designating body's use in deciding whether to designate
15 an economic revitalization area, the property owner must provide the
16 completed statement of benefits form to the designating body before
17 the hearing required by section 2.5(c) of this chapter. Otherwise, the
18 property owner must submit the completed statement of benefits form
19 to the designating body before the occupation of the eligible vacant
20 building for which the property owner desires to claim a deduction.

21 (c) The department of local government finance shall prescribe a
22 form for the statement of benefits. The statement of benefits must
23 include the following information:

- 24 (1) A description of the eligible vacant building that the property
25 owner or a tenant of the property owner will occupy.
- 26 (2) An estimate of the number of individuals who will be
27 employed or whose employment will be retained by the property
28 owner or the tenant as a result of the occupation of the eligible
29 vacant building, and an estimate of the annual salaries of those
30 individuals.

31 (3) Information regarding efforts by the owner or a previous
32 owner to sell, lease, or rent the eligible vacant building during the
33 period the eligible vacant building was unoccupied.

34 (4) Information regarding the amount for which the eligible
35 vacant building was offered for sale, lease, or rent by the owner
36 or a previous owner during the period the eligible vacant building
37 was unoccupied.

38 (d) With the approval of the designating body, the statement of
39 benefits may be incorporated in a designation application. A statement
40 of benefits is a public record that may be inspected and copied under
41 IC 5-14-3.

42 (e) The designating body must review the statement of benefits

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1 required by subsection (a). The designating body shall determine
2 whether an area should be designated an economic revitalization area
3 or whether a deduction should be allowed, after the designating body
4 has made the following findings:

5 (1) Whether the estimate of the number of individuals who will be
6 employed or whose employment will be retained can be
7 reasonably expected to result from the proposed occupation of the
8 eligible vacant building.

9 (2) Whether the estimate of the annual salaries of those
10 individuals who will be employed or whose employment will be
11 retained can be reasonably expected to result from the proposed
12 occupation of the eligible vacant building.

13 (3) Whether any other benefits about which information was
14 requested are benefits that can be reasonably expected to result
15 from the proposed occupation of the eligible vacant building.

16 (4) Whether the occupation of the eligible vacant building will
17 increase the tax base and assist in the rehabilitation of the
18 economic revitalization area.

19 (5) Whether the totality of benefits is sufficient to justify the
20 deduction.

21 A designating body may not designate an area an economic
22 revitalization area or approve a deduction under this section unless the
23 findings required by this subsection are made in the affirmative.

24 (f) Except as otherwise provided in this section, the owner of an
25 eligible vacant building located in an economic revitalization area is
26 entitled to a deduction from the assessed value of the building if the
27 property owner or a tenant of the property owner occupies the eligible
28 vacant building and uses it for commercial or industrial purposes. The
29 property owner is entitled to the deduction:

30 (1) for the first year in which the property owner or a tenant of the
31 property owner occupies the eligible vacant building and uses it
32 for commercial or industrial purposes; and

33 (2) for subsequent years determined under subsection (g).

34 (g) The designating body shall determine the number of years for
35 which a property owner is entitled to a deduction under this section.
36 However, subject to section 15 of this chapter, the deduction may not
37 be allowed for more than two (2) years. This determination shall be
38 made:

39 (1) as part of the resolution adopted under section 2.5 of this
40 chapter; or

41 (2) by a resolution adopted not more than sixty (60) days after the
42 designating body receives a copy of the property owner's

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1 deduction application from the county auditor.
 2 A certified copy of a resolution under subdivision (2) shall be sent to
 3 the county auditor, who shall make the deduction as provided in section
 4 5.3 of this chapter. A determination concerning the number of years the
 5 deduction is allowed that is made under subdivision (1) is final and
 6 may not be changed by using the procedure under subdivision (2).
 7 (h) Except as provided in section 2(i)(5) of this chapter and
 8 subsection (k), and subject to section 15 of this chapter, the amount of
 9 the deduction the property owner is entitled to receive under this
 10 section for a particular year equals the product of:
 11 (1) the assessed value of the building or part of the building that
 12 is occupied by the property owner or a tenant of the property
 13 owner; multiplied by
 14 (2) the percentage set forth in the table in subsection (i).
 15 (i) The percentage to be used in calculating the deduction under
 16 subsection (h) is as follows:
 17 (1) For deductions allowed over a one (1) year period:
 18 YEAR OF DEDUCTION PERCENTAGE
 19 1st 100%
 20 (2) For deductions allowed over a two (2) year period:
 21 YEAR OF DEDUCTION PERCENTAGE
 22 1st 100%
 23 2nd 50%
 24 (j) The amount of the deduction determined under subsection (h)
 25 shall be adjusted in accordance with this subsection in the following
 26 circumstances:
 27 (1) If a ~~general~~ reassessment of real property **under a county's**
 28 **reassessment plan** occurs within the period of the deduction, the
 29 amount of the assessed value determined under subsection (h)(1)
 30 shall be adjusted to reflect the percentage increase or decrease in
 31 assessed valuation that resulted from the ~~general~~ reassessment.
 32 (2) If an appeal of an assessment is approved and results in a
 33 reduction of the assessed value of the property, the amount of a
 34 deduction under this section shall be adjusted to reflect the
 35 percentage decrease that resulted from the appeal.
 36 (k) The maximum amount of a deduction under this section may not
 37 exceed the lesser of:
 38 (1) the annual amount for which the eligible vacant building was
 39 offered for lease or rent by the owner or a previous owner during
 40 the period the eligible vacant building was unoccupied; or
 41 (2) an amount, as determined by the designating body in its
 42 discretion, that is equal to the annual amount for which similar

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1 buildings in the county or contiguous counties were leased or
2 rented or offered for lease or rent during the period the eligible
3 vacant building was unoccupied.

4 (l) The department of local government finance may adopt rules
5 under IC 4-22-2 to implement this section.

6 SECTION 26. IC 6-1.1-12.4-2, AS AMENDED BY P.L.146-2008,
7 SECTION 130, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) For purposes of this
9 section, an increase in the assessed value of real property is determined
10 in the same manner that an increase in the assessed value of real
11 property is determined for purposes of IC 6-1.1-12.1.

12 (b) This subsection applies only to a development, redevelopment,
13 or rehabilitation that is first assessed after March 1, 2005, and before
14 March 2, 2007. Except as provided in subsection (h) and sections 4, 5,
15 and 8 of this chapter, an owner of real property that:

- 16 (1) develops, redevelops, or rehabilitates the real property; and
- 17 (2) creates or retains employment from the development,
18 redevelopment, or rehabilitation;

19 is entitled to a deduction from the assessed value of the real property.

20 (c) Subject to section 14 of this chapter, the deduction under this
21 section is first available in the year in which the increase in assessed
22 value resulting from the development, redevelopment, or rehabilitation
23 occurs and continues for the following two (2) years. The amount of the
24 deduction that a property owner may receive with respect to real
25 property located in a county for a particular year equals the lesser of:

- 26 (1) two million dollars (\$2,000,000); or
- 27 (2) the product of:
 - 28 (A) the increase in assessed value resulting from the
 - 29 development, rehabilitation, or redevelopment; multiplied by
 - 30 (B) the percentage from the following table:

31 YEAR OF DEDUCTION	PERCENTAGE
32 1st	75%
33 2nd	50%
34 3rd	25%

35 (d) A property owner that qualifies for the deduction under this
36 section must file a notice to claim the deduction in the manner
37 prescribed by the department of local government finance under rules
38 adopted by the department of local government finance under
39 IC 4-22-2 to implement this chapter. The township assessor, or the
40 county assessor if there is no township assessor for the township, shall:

- 41 (1) inform the county auditor of the real property eligible for the
42 deduction as contained in the notice filed by the taxpayer under

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1 this subsection; and
2 (2) inform the county auditor of the deduction amount.
3 (e) The county auditor shall:
4 (1) make the deductions; and
5 (2) notify the county property tax assessment board of appeals of
6 all deductions approved;
7 under this section.
8 (f) The amount of the deduction determined under subsection (c)(2)
9 is adjusted to reflect the percentage increase or decrease in assessed
10 valuation that results from:
11 (1) a ~~general~~ reassessment of real property **under a county's**
12 **reassessment plan** under IC 6-1.1-4-4; or
13 (2) an annual adjustment under IC 6-1.1-4-4.5.
14 (g) If an appeal of an assessment is approved that results in a
15 reduction of the assessed value of the real property, the amount of the
16 deduction under this section is adjusted to reflect the percentage
17 decrease that results from the appeal.
18 (h) The deduction under this section does not apply to a facility
19 listed in IC 6-1.1-12.1-3(e).
20 SECTION 27. IC 6-1.1-13-6 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. A county
22 assessor shall inquire into the assessment of the classes of tangible
23 property in the ~~various townships of the county~~ **group of parcels**
24 **under a county's reassessment plan** after March 1 in the year in
25 which the ~~general~~ **reassessment of tangible property in that group of**
26 **parcels** becomes effective. The county assessor shall make any
27 changes, whether increases or decreases, in the assessed values which
28 are necessary in order to equalize these values in ~~and between the~~
29 ~~various townships of the county:~~ **that group.** In addition, the county
30 assessor shall determine the percent to be added to or deducted from
31 the assessed values in order to make a just, equitable, and uniform
32 equalization of assessments in ~~and between the townships of the~~
33 ~~county:~~ **that group.**
34 SECTION 28. IC 6-1.1-13-7 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. If a county
36 assessor proposes to change assessments under section 6 of this
37 chapter, the property tax assessment board of appeals shall hold a
38 hearing on the proposed changes before July 15 in the year in which a
39 ~~general assessment~~ **reassessment of a group of parcels under a**
40 **county's reassessment plan** is to commence. It is sufficient notice of
41 the hearing and of any changes in assessments ordered by the board
42 subsequent to the hearing if the board gives notice by publication once

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either in:

- (1) two (2) newspapers which represent different political parties and which are published in the county; or
- (2) one (1) newspaper only, if two (2) newspapers which represent different political parties are not published in the county.

SECTION 29. IC 6-1.1-15-4, AS AMENDED BY P.L.219-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may correct any errors that may have been made and adjust the assessment or exemption in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the county assessor. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing unless the parties agree to a shorter period. With respect to a petition for review filed by a county assessor, the county board that made the determination under review under this section may file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the county board in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment or exemption is under appeal is subject to assessment by that taxing unit.

(c) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(d) After the hearing, the Indiana board shall give the taxpayer, the county assessor, and any entity that filed an amicus curiae brief:

- (1) notice, by mail, of its final determination; and
- (2) for parties entitled to appeal the final determination, notice of

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1 the procedures they must follow in order to obtain court review
2 under section 5 of this chapter.

3 (e) Except as provided in subsection (f), the Indiana board shall
4 conduct a hearing not later than nine (9) months after a petition in
5 proper form is filed with the Indiana board, excluding any time due to
6 a delay reasonably caused by the petitioner.

7 (f) With respect to an appeal of a real property assessment that takes
8 effect on the assessment date on which a ~~general~~ reassessment of real
9 property **under a county's reassessment plan** takes effect under
10 IC 6-1.1-4-4, the Indiana board shall conduct a hearing not later than
11 one (1) year after a petition in proper form is filed with the Indiana
12 board, excluding any time due to a delay reasonably caused by the
13 petitioner.

14 (g) Except as provided in subsection (h), the Indiana board shall
15 make a determination not later than the later of:

- 16 (1) ninety (90) days after the hearing; or
17 (2) the date set in an extension order issued by the Indiana board.

18 (h) With respect to an appeal of a real property assessment that
19 takes effect on the assessment date on which a ~~general~~ reassessment of
20 real property **under a county's reassessment plan** takes effect under
21 IC 6-1.1-4-4, the Indiana board shall make a determination not later
22 than the later of:

- 23 (1) one hundred eighty (180) days after the hearing; or
24 (2) the date set in an extension order issued by the Indiana board.

25 (i) The Indiana board may not extend the final determination date
26 under subsection (g) or (h) by more than one hundred eighty (180)
27 days. If the Indiana board fails to make a final determination within the
28 time allowed by this section, the entity that initiated the petition may:

- 29 (1) take no action and wait for the Indiana board to make a final
30 determination; or
31 (2) petition for judicial review under section 5 of this chapter.

32 (j) A final determination must include separately stated findings of
33 fact for all aspects of the determination. Findings of ultimate fact must
34 be accompanied by a concise statement of the underlying basic facts of
35 record to support the findings. Findings must be based exclusively
36 upon the evidence on the record in the proceeding and on matters
37 officially noticed in the proceeding. Findings must be based upon a
38 preponderance of the evidence.

39 (k) The Indiana board may limit the scope of the appeal to the issues
40 raised in the petition and the evaluation of the evidence presented to
41 the county board in support of those issues only if all parties
42 participating in the hearing required under subsection (a) agree to the

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1 limitation. A party participating in the hearing required under
2 subsection (a) is entitled to introduce evidence that is otherwise proper
3 and admissible without regard to whether that evidence has previously
4 been introduced at a hearing before the county board.

5 (l) The Indiana board may require the parties to the appeal:

6 (1) to file not more than five (5) business days before the date of
7 the hearing required under subsection (a) documentary evidence
8 or summaries of statements of testimonial evidence; and

9 (2) to file not more than fifteen (15) business days before the date
10 of the hearing required under subsection (a) lists of witnesses and
11 exhibits to be introduced at the hearing.

12 (m) A party to a proceeding before the Indiana board shall provide
13 to all other parties to the proceeding the information described in
14 subsection (l) if the other party requests the information in writing at
15 least ten (10) days before the deadline for filing of the information
16 under subsection (l).

17 (n) The Indiana board may base its final determination on a
18 stipulation between the respondent and the petitioner. If the final
19 determination is based on a stipulated assessed valuation of tangible
20 property, the Indiana board may order the placement of a notation on
21 the permanent assessment record of the tangible property that the
22 assessed valuation was determined by stipulation. The Indiana board
23 may:

24 (1) order that a final determination under this subsection has no
25 precedential value; or

26 (2) specify a limited precedential value of a final determination
27 under this subsection.

28 SECTION 30. IC 6-1.1-17-1, AS AMENDED BY P.L.146-2008,
29 SECTION 146, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) On or before August 1
31 of each year, the county auditor shall send a certified statement, under
32 the seal of the board of county commissioners, to the fiscal officer of
33 each political subdivision of the county and the department of local
34 government finance. The statement shall contain:

35 (1) information concerning the assessed valuation in the political
36 subdivision for the next calendar year;

37 (2) an estimate of the taxes to be distributed to the political
38 subdivision during the last six (6) months of the current calendar
39 year;

40 (3) the current assessed valuation as shown on the abstract of
41 charges;

42 (4) the average growth in assessed valuation in the political

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1 subdivision over the preceding three (3) budget years; ~~excluding~~
 2 ~~years in which a general reassessment occurs, determined~~
 3 ~~according to procedures established by the department of local~~
 4 ~~government finance;~~
 5 (5) the amount of the political subdivision's assessed valuation
 6 reduction determined under section 0.5(d) of this chapter;
 7 (6) for counties with taxing units that cross into or intersect with
 8 other counties, the assessed valuation as shown on the most
 9 current abstract of property; and
 10 (7) any other information at the disposal of the county auditor that
 11 might affect the assessed value used in the budget adoption
 12 process.
 13 (b) The estimate of taxes to be distributed shall be based on:
 14 (1) the abstract of taxes levied and collectible for the current
 15 calendar year, less any taxes previously distributed for the
 16 calendar year; and
 17 (2) any other information at the disposal of the county auditor
 18 which might affect the estimate.
 19 (c) The fiscal officer of each political subdivision shall present the
 20 county auditor's statement to the proper officers of the political
 21 subdivision.
 22 (d) Subject to subsection (e) and except as provided in subsection
 23 (f), after the county auditor sends a certified statement under subsection
 24 (a) or an amended certified statement under this subsection with
 25 respect to a political subdivision and before the department of local
 26 government finance certifies its action with respect to the political
 27 subdivision under section 16(f) of this chapter, the county auditor may
 28 amend the information concerning assessed valuation included in the
 29 earlier certified statement. The county auditor shall send a certified
 30 statement amended under this subsection, under the seal of the board
 31 of county commissioners, to:
 32 (1) the fiscal officer of each political subdivision affected by the
 33 amendment; and
 34 (2) the department of local government finance.
 35 (e) Except as provided in subsection (g), before the county auditor
 36 makes an amendment under subsection (d), the county auditor must
 37 provide an opportunity for public comment on the proposed
 38 amendment at a public hearing. The county auditor must give notice of
 39 the hearing under IC 5-3-1. If the county auditor makes the amendment
 40 as a result of information provided to the county auditor by an assessor,
 41 the county auditor shall give notice of the public hearing to the
 42 assessor.

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1 (f) Subsection (d) does not apply to an adjustment of assessed
2 valuation under IC 36-7-15.1-26.9(d) (**repealed**).

3 (g) The county auditor is not required to hold a public hearing under
4 subsection (e) if:

5 (1) the amendment under subsection (d) is proposed to correct a
6 mathematical error made in the determination of the amount of
7 assessed valuation included in the earlier certified statement;

8 (2) the amendment under subsection (d) is proposed to add to the
9 amount of assessed valuation included in the earlier certified
10 statement assessed valuation of omitted property discovered after
11 the county auditor sent the earlier certified statement; or

12 (3) the county auditor determines that the amendment under
13 subsection (d) will not result in an increase in the tax rate or tax
14 rates of the political subdivision.

15 SECTION 31. IC 6-1.1-18-12, AS AMENDED BY P.L.146-2008,
16 SECTION 168, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JANUARY 1, 2011]: Sec. 12. (a) For purposes of this
18 section, "maximum rate" refers to the maximum:

19 (1) property tax rate or rates; or

20 (2) special benefits tax rate or rates;

21 referred to in the statutes listed in subsection (d).

22 (b) The maximum rate for taxes first due and payable after 2003 is
23 the maximum rate that would have been determined under subsection
24 (e) for taxes first due and payable in 2003 if subsection (e) had applied
25 for taxes first due and payable in 2003.

26 (c) The maximum rate must be adjusted each year to account for the
27 change in assessed value of real property that results from:

28 (1) an annual adjustment of the assessed value of real property
29 under IC 6-1.1-4-4.5; or

30 (2) a ~~general~~ reassessment of real property **under a county's**
31 **reassessment plan** under IC 6-1.1-4-4.

32 (d) The statutes to which subsection (a) refers are:

33 (1) IC 8-10-5-17;

34 (2) IC 8-22-3-11;

35 (3) IC 8-22-3-25;

36 (4) IC 12-29-1-1;

37 (5) IC 12-29-1-2;

38 (6) IC 12-29-1-3;

39 (7) IC 12-29-3-6;

40 (8) IC 13-21-3-12;

41 (9) IC 13-21-3-15;

42 (10) IC 14-27-6-30;

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- 1 (11) IC 14-33-7-3;
- 2 (12) IC 14-33-21-5;
- 3 (13) IC 15-14-7-4;
- 4 (14) IC 15-14-9-1;
- 5 (15) IC 15-14-9-2;
- 6 (16) IC 16-20-2-18;
- 7 (17) IC 16-20-4-27;
- 8 (18) IC 16-20-7-2;
- 9 (19) IC 16-22-14;
- 10 (20) IC 16-23-1-29;
- 11 (21) IC 16-23-3-6;
- 12 (22) IC 16-23-4-2;
- 13 (23) IC 16-23-5-6;
- 14 (24) IC 16-23-7-2;
- 15 (25) IC 16-23-8-2;
- 16 (26) IC 16-23-9-2;
- 17 (27) IC 16-41-15-5;
- 18 (28) IC 16-41-33-4;
- 19 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);
- 20 (30) IC 20-46-6-5;
- 21 (31) IC 20-49-2-10;
- 22 (32) IC 36-1-19-1;
- 23 (33) IC 23-14-66-2;
- 24 (34) IC 23-14-67-3;
- 25 (35) IC 36-7-13-4;
- 26 (36) IC 36-7-14-28;
- 27 (37) IC 36-7-15.1-16;
- 28 (38) IC 36-8-19-8.5;
- 29 (39) IC 36-9-6.1-2;
- 30 (40) IC 36-9-17.5-4;
- 31 (41) IC 36-9-27-73;
- 32 (42) IC 36-9-29-31;
- 33 (43) IC 36-9-29.1-15;
- 34 (44) IC 36-10-6-2;
- 35 (45) IC 36-10-7-7;
- 36 (46) IC 36-10-7-8;
- 37 (47) IC 36-10-7.5-19;
- 38 (48) IC 36-10-13-5;
- 39 (49) IC 36-10-13-7;
- 40 (50) IC 36-10-14-4;
- 41 (51) IC 36-12-7-7;
- 42 (52) IC 36-12-7-8;

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- 1 (53) IC 36-12-12-10; and
- 2 (54) any statute enacted after December 31, 2003, that:
 - 3 (A) establishes a maximum rate for any part of the:
 - 4 (i) property taxes; or
 - 5 (ii) special benefits taxes;
 - 6 imposed by a political subdivision; and
 - 7 (B) does not exempt the maximum rate from the adjustment
 - 8 under this section.
- 9 (e) The new maximum rate under a statute listed in subsection (d)
- 10 is the tax rate determined under STEP SEVEN of the following STEPS:
 - 11 STEP ONE: Determine the maximum rate for the political
 - 12 subdivision levying a property tax or special benefits tax under
 - 13 the statute for the year preceding the year in which the annual
 - 14 adjustment or ~~general~~ reassessment **under a county's**
 - 15 **reassessment plan** takes effect.
 - 16 STEP TWO: Determine the actual percentage increase (rounded
 - 17 to the nearest one-hundredth percent (0.01%)) in the assessed
 - 18 value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the
 - 19 taxable property from the year preceding the year the annual
 - 20 adjustment or ~~general~~ reassessment **under a county's**
 - 21 **reassessment plan** takes effect to the year that the annual
 - 22 adjustment or ~~general~~ reassessment takes effect.
 - 23 STEP THREE: Determine the three (3) calendar years that
 - 24 immediately precede the ensuing calendar year. ~~and in which a~~
 - 25 ~~statewide general reassessment of real property does not first take~~
 - 26 ~~effect.~~
 - 27 STEP FOUR: Compute separately, for each of the calendar years
 - 28 determined in STEP THREE, the actual percentage increase
 - 29 (rounded to the nearest one-hundredth percent (0.01%)) in the
 - 30 assessed value (before the adjustment, if any, under
 - 31 IC 6-1.1-4-4.5) of the taxable property from the preceding year.
 - 32 STEP FIVE: Divide the sum of the three (3) quotients computed
 - 33 in STEP FOUR by three (3).
 - 34 STEP SIX: Determine the greater of the following:
 - 35 (A) Zero (0).
 - 36 (B) The result of the STEP TWO percentage minus the STEP
 - 37 FIVE percentage.
 - 38 STEP SEVEN: Determine the quotient of the STEP ONE tax rate
 - 39 divided by the sum of one (1) plus the STEP SIX percentage
 - 40 increase.
 - 41 (f) The department of local government finance shall compute the
 - 42 maximum rate allowed under subsection (e) and provide the rate to

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1 each political subdivision with authority to levy a tax under a statute
2 listed in subsection (d).

3 SECTION 32. IC 6-1.1-18-13, AS AMENDED BY P.L.219-2007,
4 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2011]: Sec. 13. (a) The maximum property tax rate
6 levied under IC 20-46-6 by each school corporation for the school
7 corporation's capital projects fund must be adjusted each year to
8 account for the change in assessed value of real property that results
9 from:

10 (1) an annual adjustment of the assessed value of real property
11 under IC 6-1.1-4-4.5; or

12 (2) a ~~general~~ reassessment of real property **under a county's**
13 **reassessment plan** under IC 6-1.1-4-4.

14 (b) The new maximum rate under this section is the tax rate
15 determined under STEP SEVEN of the following formula:

16 STEP ONE: Determine the maximum rate for the school
17 corporation for the year preceding the year in which the annual
18 adjustment or ~~general~~ reassessment **under a county's**
19 **reassessment plan** takes effect.

20 STEP TWO: Determine the actual percentage increase (rounded
21 to the nearest one-hundredth percent (0.01%)) in the assessed
22 value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the
23 taxable property from the year preceding the year the annual
24 adjustment or ~~general~~ reassessment **under a county's**
25 **reassessment plan** takes effect to the year that the annual
26 adjustment or ~~general~~ reassessment is effective.

27 STEP THREE: Determine the three (3) calendar years that
28 immediately precede the ensuing calendar year. ~~and in which a~~
29 ~~statewide general reassessment of real property does not first~~
30 ~~become effective.~~

31 STEP FOUR: Compute separately, for each of the calendar years
32 determined in STEP THREE, the actual percentage increase
33 (rounded to the nearest one-hundredth percent (0.01%)) in the
34 assessed value (before the adjustment, if any, under
35 IC 6-1.1-4-4.5) of the taxable property from the preceding year.

36 STEP FIVE: Divide the sum of the three (3) quotients computed
37 in STEP FOUR by three (3).

38 STEP SIX: Determine the greater of the following:

39 (A) Zero (0).

40 (B) The result of the STEP TWO percentage minus the STEP
41 FIVE percentage.

42 STEP SEVEN: Determine the quotient of the STEP ONE tax rate

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1 divided by the sum of one (1) plus the STEP SIX percentage
2 increase.

3 (c) The department of local government finance shall compute the
4 maximum rate allowed under subsection (b) and provide the rate to
5 each school corporation.

6 SECTION 33. IC 6-1.1-18.5-1, AS AMENDED BY P.L.154-2006,
7 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2011]: Sec. 1. As used in this chapter:

9 "Ad valorem property tax levy for an ensuing calendar year" means
10 the total property taxes imposed by a civil taxing unit for current
11 property taxes collectible in that ensuing calendar year.

12 "Adopting county" means any county in which the county adjusted
13 gross income tax is in effect.

14 "Civil taxing unit" means any taxing unit except a school
15 corporation.

16 "Maximum permissible ad valorem property tax levy for the
17 preceding calendar year" means the greater of:

18 (1) the remainder of:

19 (A) the civil taxing unit's maximum permissible ad valorem
20 property tax levy for the calendar year immediately preceding
21 the ensuing calendar year, as that levy was determined under
22 section 3 of this chapter; minus

23 (B) one-half (1/2) of the remainder of:

24 (i) the civil taxing unit's maximum permissible ad valorem
25 property tax levy referred to in clause (A); minus

26 (ii) the civil taxing unit's ad valorem property tax levy for
27 the calendar year immediately preceding the ensuing
28 calendar year referred to in subdivision (2); or

29 (2) the civil taxing unit's ad valorem property tax levy for the
30 calendar year immediately preceding the ensuing calendar year,
31 as that levy was determined by the department of local
32 government finance in fixing the civil taxing unit's budget, levy,
33 and rate for that preceding calendar year under IC 6-1.1-17, and
34 after eliminating the effects of temporary excessive levy appeals
35 and temporary adjustments made to the working maximum levy
36 for the calendar year immediately preceding the ensuing calendar
37 year, as determined by the department of local government
38 finance.

39 "Taxable property" means all tangible property that is subject to the
40 tax imposed by this article and is not exempt from the tax under
41 IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this
42 chapter, the term "taxable property" is further defined in section 6 of

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1 this chapter.

2 "Unadjusted assessed value" means the assessed value of a civil
3 taxing unit as determined by local assessing officials and the
4 department of local government finance in a particular calendar year
5 before the application of an annual adjustment under IC 6-1.1-4-4.5 for
6 that particular calendar year or any calendar year since the last ~~generat~~
7 reassessment **under a county's reassessment plan** preceding the
8 particular calendar year.

9 SECTION 34. IC 6-1.1-18.5-9.8, AS AMENDED BY P.L.219-2007,
10 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JANUARY 1, 2011]: Sec. 9.8. (a) For purposes of determining the
12 property tax levy limit imposed on a city, town, or county under section
13 3 of this chapter, the city, town, or county's ad valorem property tax
14 levy for a particular calendar year does not include an amount equal to
15 the lesser of:

16 (1) the amount of ad valorem property taxes that would be first
17 due and payable to the city, town, or county during the ensuing
18 calendar year if the taxing unit imposed the maximum permissible
19 property tax rate per one hundred dollars (\$100) of assessed
20 valuation that the civil taxing unit may impose for the particular
21 calendar year under the authority of IC 36-9-14.5 (in the case of
22 a county) or IC 36-9-15.5 (in the case of a city or town); or

23 (2) the excess, if any, of:

24 (A) the property taxes imposed by the city, town, or county
25 under the authority of:

26 IC 3-11-6-9;
27 IC 8-16-3;
28 IC 8-16-3.1;
29 IC 8-22-3-25;
30 IC 14-27-6-48;
31 IC 14-33-9-3;
32 IC 16-22-8-41;
33 IC 16-22-5-2 through IC 16-22-5-15;
34 IC 16-23-1-40;
35 IC 36-8-14;
36 IC 36-9-4-48;
37 IC 36-9-14;
38 IC 36-9-14.5;
39 IC 36-9-15;
40 IC 36-9-15.5;
41 IC 36-9-16;
42 IC 36-9-16.5;

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1 IC 36-9-17;
 2 IC 36-9-26;
 3 IC 36-9-27-100;
 4 IC 36-10-3-21; or
 5 IC 36-10-4-36;
 6 that are first due and payable during the ensuing calendar year;
 7 over
 8 (B) the property taxes imposed by the city, town, or county
 9 under the authority of the citations listed in clause (A) that
 10 were first due and payable during calendar year 1984.

11 (b) The maximum property tax rate levied under the statutes listed
 12 in subsection (a) must be adjusted each year to account for the change
 13 in assessed value of real property that results from:
 14 (1) an annual adjustment of the assessed value of real property
 15 under IC 6-1.1-4-4.5; or
 16 (2) a ~~general~~ reassessment of real property **under a county's**
 17 **reassessment plan** under IC 6-1.1-4-4.

18 (c) The new maximum rate under a statute listed in subsection (a)
 19 is the tax rate determined under STEP SEVEN of the following
 20 formula:
 21 STEP ONE: Determine the maximum rate for the political
 22 subdivision levying a property tax under the statute for the year
 23 preceding the year in which the annual adjustment or ~~general~~
 24 reassessment **under a county's reassessment plan** takes effect.
 25 STEP TWO: Determine the actual percentage increase (rounded
 26 to the nearest one-hundredth percent (0.01%)) in the assessed
 27 value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the
 28 taxable property from the year preceding the year the annual
 29 adjustment or ~~general~~ reassessment **under a county's**
 30 **reassessment plan** takes effect to the year that the annual
 31 adjustment or ~~general~~ reassessment is effective.
 32 STEP THREE: Determine the three (3) calendar years that
 33 immediately precede the ensuing calendar year. ~~and in which a~~
 34 ~~statewide general reassessment of real property does not first~~
 35 ~~become effective.~~
 36 STEP FOUR: Compute separately, for each of the calendar years
 37 determined in STEP THREE, the actual percentage increase
 38 (rounded to the nearest one-hundredth percent (0.01%)) in the
 39 assessed value (before the adjustment, if any, under
 40 IC 6-1.1-4-4.5) of the taxable property from the preceding year.
 41 STEP FIVE: Divide the sum of the three (3) quotients computed
 42 in STEP FOUR by three (3).

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1 STEP SIX: Determine the greater of the following:
 2 (A) Zero (0).
 3 (B) The result of the STEP TWO percentage minus the STEP
 4 FIVE percentage.
 5 STEP SEVEN: Determine the quotient of the STEP ONE tax rate
 6 divided by the sum of one (1) plus the STEP SIX percentage
 7 increase.

8 (d) The department of local government finance shall compute the
 9 maximum rate allowed under subsection (c) and provide the rate to
 10 each political subdivision with authority to levy a tax under a statute
 11 listed in subsection (a).

12 SECTION 35. IC 6-1.1-18.5-10, AS AMENDED BY
 13 P.L.182-2009(ss), SECTION 128, IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 10. (a) The ad
 15 valorem property tax levy limits imposed by section 3 of this chapter
 16 do not apply to ad valorem property taxes imposed by a civil taxing
 17 unit to be used to fund:

- 18 (1) community mental health centers under:
 19 (A) IC 12-29-2-1.2, for only those civil taxing units that
 20 authorized financial assistance under IC 12-29-1 before 2002
 21 for a community mental health center as long as the tax levy
 22 under this section does not exceed the levy authorized in 2002;
 23 (B) IC 12-29-2-2 through IC 12-29-2-5; and
 24 (C) IC 12-29-2-13; or

25 (2) community mental retardation and other developmental
 26 disabilities centers under IC 12-29-1-1;
 27 to the extent that those property taxes are attributable to any increase
 28 in the assessed value of the civil taxing unit's taxable property caused
 29 by a general reassessment of real property **or reassessment of real**
 30 **property under a county's reassessment plan** that took effect after
 31 February 28, 1979.

32 (b) For purposes of computing the ad valorem property tax levy
 33 limits imposed on a civil taxing unit by section 3 of this chapter, the
 34 civil taxing unit's ad valorem property tax levy for a particular calendar
 35 year does not include that part of the levy described in subsection (a).

36 (c) This subsection applies to property taxes first due and payable
 37 after December 31, 2008. Notwithstanding subsections (a) and (b) or
 38 any other law, any property taxes imposed by a civil taxing unit that are
 39 exempted by this section from the ad valorem property tax levy limits
 40 imposed by section 3 of this chapter may not increase annually by a
 41 percentage greater than the result of:

- 42 (1) the assessed value growth quotient determined under section

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- 1 2 of this chapter; minus
- 2 (2) one (1).
- 3 (d) For a county that:
- 4 (1) did not impose an ad valorem property tax levy in 2008 for the
- 5 county general fund to provide financial assistance under
- 6 IC 12-29-1 (community mental retardation and other
- 7 developmental disabilities center) or IC 12-29-2 (community
- 8 mental health center); and
- 9 (2) determines for 2009 or a later calendar year to impose a levy
- 10 as described in subdivision (1);

11 the ad valorem property tax levy limits imposed under section 3 of this
 12 chapter do not apply to the part of the county's general fund levy that
 13 is used in the first calendar year for which a determination is made
 14 under subdivision (2) to provide financial assistance under IC 12-29-1
 15 or IC 12-29-2. The department of local government finance shall
 16 review a county's proposed budget that is submitted under IC 12-29-1-1
 17 or IC 12-29-2-1.2 and make a final determination of the amount to
 18 which the levy limits do not apply under this subsection for the first
 19 calendar year for which a determination is made under subdivision (2).

20 (e) The ad valorem property tax levy limits imposed under section
 21 3 of this chapter do not apply to the county's general fund levy in the
 22 amount determined by the department of local government finance
 23 under subsection (d) in each calendar year following the calendar year
 24 for which the determination under subsection (b) is made.

25 SECTION 36. IC 6-1.1-18.5-13, AS AMENDED BY
 26 P.L.182-2009(ss), SECTION 131, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. With respect
 28 to an appeal filed under section 12 of this chapter, the department may
 29 find that a civil taxing unit should receive any one (1) or more of the
 30 following types of relief:

- 31 (1) Permission to the civil taxing unit to increase its levy in excess
- 32 of the limitations established under section 3 of this chapter, if in
- 33 the judgment of the department the increase is reasonably
- 34 necessary due to increased costs of the civil taxing unit resulting
- 35 from annexation, consolidation, or other extensions of
- 36 governmental services by the civil taxing unit to additional
- 37 geographic areas or persons. With respect to annexation,
- 38 consolidation, or other extensions of governmental services in a
- 39 calendar year, if those increased costs are incurred by the civil
- 40 taxing unit in that calendar year and more than one (1)
- 41 immediately succeeding calendar year, the unit may appeal under
- 42 section 12 of this chapter for permission to increase its levy under

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1 this subdivision based on those increased costs in any of the
2 following:

3 (A) The first calendar year in which those costs are incurred.

4 (B) One (1) or more of the immediately succeeding four (4)
5 calendar years.

6 (2) A levy increase may not be granted under this subdivision for
7 property taxes first due and payable after December 31, 2008.
8 Permission to the civil taxing unit to increase its levy in excess of
9 the limitations established under section 3 of this chapter, if the
10 local government tax control board finds that the civil taxing unit
11 needs the increase to meet the civil taxing unit's share of the costs
12 of operating a court established by statute enacted after December
13 31, 1973. Before recommending such an increase, the local
14 government tax control board shall consider all other revenues
15 available to the civil taxing unit that could be applied for that
16 purpose. The maximum aggregate levy increases that the local
17 government tax control board may recommend for a particular
18 court equals the civil taxing unit's estimate of the unit's share of
19 the costs of operating a court for the first full calendar year in
20 which it is in existence. For purposes of this subdivision, costs of
21 operating a court include:

22 (A) the cost of personal services (including fringe benefits);

23 (B) the cost of supplies; and

24 (C) any other cost directly related to the operation of the court.

25 (3) Permission to the civil taxing unit to increase its levy in excess
26 of the limitations established under section 3 of this chapter, if the
27 department finds that the quotient determined under STEP SIX of
28 the following formula is equal to or greater than one and
29 two-hundredths (1.02):

30 STEP ONE: Determine the three (3) calendar years that most
31 immediately precede the ensuing calendar year. ~~and in which~~
32 ~~a statewide general reassessment of real property or the initial~~
33 ~~annual adjustment of the assessed value of real property under~~
34 ~~IC 6-1.1-4-4.5 does not first become effective:~~

35 STEP TWO: Compute separately, for each of the calendar
36 years determined in STEP ONE, the quotient (rounded to the
37 nearest ten-thousandth (0.0001)) of the sum of the civil taxing
38 unit's total assessed value of all taxable property and:

39 (i) for a particular calendar year before 2007, the total
40 assessed value of property tax deductions in the unit under
41 IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar
42 year; or

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1 (ii) for a particular calendar year after 2006, the total
 2 assessed value of property tax deductions that applied in the
 3 unit under IC 6-1.1-12-42 in 2006 plus for a particular
 4 calendar year after 2009, the total assessed value of property
 5 tax deductions that applied in the unit under
 6 IC 6-1.1-12-37.5 in 2008;
 7 divided by the sum determined under this STEP for the
 8 calendar year immediately preceding the particular calendar
 9 year.
 10 STEP THREE: Divide the sum of the three (3) quotients
 11 computed in STEP TWO by three (3).
 12 STEP FOUR: Compute separately, for each of the calendar
 13 years determined in STEP ONE, the quotient (rounded to the
 14 nearest ten-thousandth (0.0001)) of the sum of the total
 15 assessed value of all taxable property in all counties and:
 16 (i) for a particular calendar year before 2007, the total
 17 assessed value of property tax deductions in all counties
 18 under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular
 19 calendar year; or
 20 (ii) for a particular calendar year after 2006, the total
 21 assessed value of property tax deductions that applied in all
 22 counties under IC 6-1.1-12-42 in 2006 plus for a particular
 23 calendar year after 2009, the total assessed value of property
 24 tax deductions that applied in the unit under
 25 IC 6-1.1-12-37.5 in 2008;
 26 divided by the sum determined under this STEP for the
 27 calendar year immediately preceding the particular calendar
 28 year.
 29 STEP FIVE: Divide the sum of the three (3) quotients
 30 computed in STEP FOUR by three (3).
 31 STEP SIX: Divide the STEP THREE amount by the STEP
 32 FIVE amount.
 33 The civil taxing unit may increase its levy by a percentage not
 34 greater than the percentage by which the STEP THREE amount
 35 exceeds the percentage by which the civil taxing unit may
 36 increase its levy under section 3 of this chapter based on the
 37 assessed value growth quotient determined under section 2 of this
 38 chapter.
 39 (4) A levy increase may not be granted under this subdivision for
 40 property taxes first due and payable after December 31, 2008.
 41 Permission to the civil taxing unit to increase its levy in excess of
 42 the limitations established under section 3 of this chapter, if the

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1 local government tax control board finds that the civil taxing unit
 2 needs the increase to pay the costs of furnishing fire protection for
 3 the civil taxing unit through a volunteer fire department. For
 4 purposes of determining a township's need for an increased levy,
 5 the local government tax control board shall not consider the
 6 amount of money borrowed under IC 36-6-6-14 during the
 7 immediately preceding calendar year. However, any increase in
 8 the amount of the civil taxing unit's levy recommended by the
 9 local government tax control board under this subdivision for the
 10 ensuing calendar year may not exceed the lesser of:

11 (A) ten thousand dollars (\$10,000); or

12 (B) twenty percent (20%) of:

13 (i) the amount authorized for operating expenses of a
 14 volunteer fire department in the budget of the civil taxing
 15 unit for the immediately preceding calendar year; plus

16 (ii) the amount of any additional appropriations authorized
 17 during that calendar year for the civil taxing unit's use in
 18 paying operating expenses of a volunteer fire department
 19 under this chapter; minus

20 (iii) the amount of money borrowed under IC 36-6-6-14
 21 during that calendar year for the civil taxing unit's use in
 22 paying operating expenses of a volunteer fire department.

23 (5) A levy increase may not be granted under this subdivision for
 24 property taxes first due and payable after December 31, 2008.
 25 Permission to a civil taxing unit to increase its levy in excess of
 26 the limitations established under section 3 of this chapter in order
 27 to raise revenues for pension payments and contributions the civil
 28 taxing unit is required to make under IC 36-8. The maximum
 29 increase in a civil taxing unit's levy that may be recommended
 30 under this subdivision for an ensuing calendar year equals the
 31 amount, if any, by which the pension payments and contributions
 32 the civil taxing unit is required to make under IC 36-8 during the
 33 ensuing calendar year exceeds the product of one and one-tenth
 34 (1.1) multiplied by the pension payments and contributions made
 35 by the civil taxing unit under IC 36-8 during the calendar year that
 36 immediately precedes the ensuing calendar year. For purposes of
 37 this subdivision, "pension payments and contributions made by a
 38 civil taxing unit" does not include that part of the payments or
 39 contributions that are funded by distributions made to a civil
 40 taxing unit by the state.

41 (6) A levy increase may not be granted under this subdivision for
 42 property taxes first due and payable after December 31, 2008.

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Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:
(i) a county having a population of more than one hundred

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- 1 forty-eight thousand (148,000) but less than one hundred
- 2 seventy thousand (170,000);
- 3 (ii) a city having a population of more than fifty-five
- 4 thousand (55,000) but less than fifty-nine thousand (59,000);
- 5 (iii) a city having a population of more than twenty-eight
- 6 thousand seven hundred (28,700) but less than twenty-nine
- 7 thousand (29,000);
- 8 (iv) a city having a population of more than fifteen thousand
- 9 four hundred (15,400) but less than sixteen thousand six
- 10 hundred (16,600); or
- 11 (v) a city having a population of more than seven thousand
- 12 (7,000) but less than seven thousand three hundred (7,300);
- 13 and

14 (B) the increase is necessary to provide funding to undertake
 15 removal (as defined in IC 13-11-2-187) and remedial action
 16 (as defined in IC 13-11-2-185) relating to hazardous
 17 substances (as defined in IC 13-11-2-98) in solid waste
 18 disposal facilities or industrial sites in the civil taxing unit that
 19 have become a menace to the public health and welfare.

20 The maximum increase that the local government tax control
 21 board may recommend for such a civil taxing unit is the levy that
 22 would result from a property tax rate of six and sixty-seven
 23 hundredths cents (\$0.0667) for each one hundred dollars (\$100)
 24 of assessed valuation. For purposes of computing the ad valorem
 25 property tax levy limit imposed on a civil taxing unit under
 26 section 3 of this chapter, the civil taxing unit's ad valorem
 27 property tax levy for a particular year does not include that part of
 28 the levy imposed under this subdivision. In addition, a property
 29 tax increase permitted under this subdivision may be imposed for
 30 only two (2) calendar years.

31 (9) A levy increase may not be granted under this subdivision for
 32 property taxes first due and payable after December 31, 2008.
 33 Permission for a county:

34 (A) having a population of more than eighty thousand (80,000)
 35 but less than ninety thousand (90,000) to increase the county's
 36 levy in excess of the limitations established under section 3 of
 37 this chapter, if the local government tax control board finds
 38 that the county needs the increase to meet the county's share of
 39 the costs of operating a jail or juvenile detention center,
 40 including expansion of the facility, if the jail or juvenile
 41 detention center is opened after December 31, 1991;

42 (B) that operates a county jail or juvenile detention center that

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is subject to an order that:

- (i) was issued by a federal district court; and
- (ii) has not been terminated;

(C) that operates a county jail that fails to meet:

- (i) American Correctional Association Jail Construction Standards; and
- (ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) A levy increase may not be granted under this subdivision for

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1 property taxes first due and payable after December 31, 2008.
 2 Permission for a township to increase its levy in excess of the
 3 limitations established under section 3 of this chapter, if the local
 4 government tax control board finds that the township has been
 5 required, for the three (3) consecutive years preceding the year for
 6 which the appeal under this subdivision is to become effective, to
 7 borrow funds under IC 36-6-6-14 to furnish fire protection for the
 8 township or a part of the township. However, the maximum
 9 increase in a township's levy that may be allowed under this
 10 subdivision is the least of the amounts borrowed under
 11 IC 36-6-6-14 during the preceding three (3) calendar years. A
 12 township may elect to phase in an approved increase in its levy
 13 under this subdivision over a period not to exceed three (3) years.
 14 A particular township may appeal to increase its levy under this
 15 section not more frequently than every fourth calendar year.

16 (12) Permission to a city having a population of more than
 17 twenty-nine thousand (29,000) but less than thirty-one thousand
 18 (31,000) to increase its levy in excess of the limitations
 19 established under section 3 of this chapter if:

20 (A) an appeal was granted to the city under this section to
 21 reallocate property tax replacement credits under IC 6-3.5-1.1
 22 in 1998, 1999, and 2000; and

23 (B) the increase has been approved by the legislative body of
 24 the city, and the legislative body of the city has by resolution
 25 determined that the increase is necessary to pay normal
 26 operating expenses.

27 The maximum amount of the increase is equal to the amount of
 28 property tax replacement credits under IC 6-3.5-1.1 that the city
 29 petitioned under this section to have reallocated in 2001 for a
 30 purpose other than property tax relief.

31 (13) A levy increase may be granted under this subdivision only
 32 for property taxes first due and payable after December 31, 2008.
 33 Permission to a civil taxing unit to increase its levy in excess of
 34 the limitations established under section 3 of this chapter if the
 35 civil taxing unit cannot carry out its governmental functions for
 36 an ensuing calendar year under the levy limitations imposed by
 37 section 3 of this chapter due to a natural disaster, an accident, or
 38 another unanticipated emergency.

39 SECTION 37. IC 6-1.1-20-3.1, AS AMENDED BY
 40 P.L.182-2009(ss), SECTION 143, IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.1. (a) This section
 42 applies only to the following:

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- 1 (1) A controlled project (as defined in section 1.1 of this chapter
- 2 as in effect June 30, 2008) for which the proper officers of a
- 3 political subdivision make a preliminary determination in the
- 4 manner described in subsection (b) before July 1, 2008.
- 5 (2) An elementary school building, middle school building, or
- 6 other school building for academic instruction that:
 - 7 (A) is a controlled project;
 - 8 (B) will be used for any combination of kindergarten through
 - 9 grade 8;
 - 10 (C) will not be used for any combination of grade 9 through
 - 11 grade 12; and
 - 12 (D) will not cost more than ten million dollars (\$10,000,000).
- 13 (3) A high school building or other school building for academic
- 14 instruction that:
 - 15 (A) is a controlled project;
 - 16 (B) will be used for any combination of grade 9 through grade
 - 17 12;
 - 18 (C) will not be used for any combination of kindergarten
 - 19 through grade 8; and
 - 20 (D) will not cost more than twenty million dollars
 - 21 (\$20,000,000).
- 22 (4) Any other controlled project that:
 - 23 (A) is not a controlled project described in subdivision (1), (2),
 - 24 or (3); and
 - 25 (B) will not cost the political subdivision more than the lesser
 - 26 of the following:
 - 27 (i) Twelve million dollars (\$12,000,000).
 - 28 (ii) An amount equal to one percent (1%) of the total gross
 - 29 assessed value of property within the political subdivision
 - 30 on the last assessment date, if that amount is at least one
 - 31 million dollars (\$1,000,000).
- 32 (b) A political subdivision may not impose property taxes to pay
- 33 debt service on bonds or lease rentals on a lease for a controlled project
- 34 without completing the following procedures:
 - 35 (1) The proper officers of a political subdivision shall:
 - 36 (A) publish notice in accordance with IC 5-3-1; and
 - 37 (B) send notice by first class mail to **the circuit court clerk**
 - 38 **and to** any organization that delivers to the officers, before
 - 39 January 1 of that year, an annual written request for such
 - 40 notices;
 - 41 of any meeting to consider adoption of a resolution or an
 - 42 ordinance making a preliminary determination to issue bonds or

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enter into a lease and shall conduct a public hearing on a preliminary determination before adoption of the resolution or ordinance.

(2) When the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease for a controlled project, the officers shall give notice of the preliminary determination by:

- (A) publication in accordance with IC 5-3-1; and
- (B) first class mail to **the circuit court clerk and to the organizations** described in subdivision (1)(B).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease for a controlled project must include the following information:

- (A) The maximum term of the bonds or lease.
- (B) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- (C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
- (D) The purpose of the bonds or lease.
- (E) A statement that any owners of real property within the political subdivision or registered voters residing within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.
- (F) With respect to bonds issued or a lease entered into to open:
 - (i) a new school facility; or
 - (ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;
 the estimated costs the school corporation expects to incur annually to operate the facility.
- (G) A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16 before January 1, 2009) for an increased maximum permissible tuition support levy to pay the estimated costs described in clause (F).
- (H) The political subdivision's current debt service levy and rate and the estimated increase to the political subdivision's

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debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

(4) After notice is given, a petition requesting the application of a petition and remonstrance process may be filed by the lesser of:

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

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of real property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions 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; and
- (D) govern the closing date for the petition period.

Persons requesting forms may 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 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 registered voter must indicate the address at which the person is registered to vote. 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.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter

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registration office under subdivision (7).
(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.
(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office 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 voter registration office, 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 voter registration office shall not more than ten (10) business days after receiving the statement from the county auditor under subdivision (8) 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, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property within the subdivision

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1 and regardless of whether the person is both a registered voter in
2 the political subdivision and the owner of real property within the
3 political subdivision. Notwithstanding any other provision of this
4 section, if a petition is presented to the county voter registration
5 office within forty-five (45) days before an election, the county
6 voter registration office may defer acting on the petition, and the
7 time requirements under this section for action by the county
8 voter registration office do not begin to run until five (5) days
9 after the date of the election.

10 (10) The county voter registration office must file a certificate and
11 each petition with:

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

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

18 within thirty-five (35) business days of the filing of the petition
19 requesting a petition and remonstrance process. The certificate
20 must state the number of petitioners that are owners of real
21 property within the political subdivision and the number of
22 petitioners who are registered voters residing within the political
23 subdivision.

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

29 SECTION 38. IC 6-1.1-20-3.2, AS AMENDED BY
30 P.L.182-2009(ss), SECTION 144, IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.2. (a) This section
32 applies only to controlled projects described in section 3.1(a) of this
33 chapter.

34 (b) If a sufficient petition requesting the application of a petition and
35 remonstrance process has been filed as set forth in section 3.1 of this
36 chapter, a political subdivision may not impose property taxes to pay
37 debt service on bonds or lease rentals on a lease for a controlled project
38 without completing the following procedures:

39 (1) The proper officers of the political subdivision shall give
40 notice of the applicability of the petition and remonstrance
41 process by:

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

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(B) first class mail to **the circuit court clerk and to the** organizations described in section 3.1(b)(1)(B) of this chapter. A notice under this subdivision must include a statement that any owners of real property within the political subdivision or registered voters residing within the political subdivision who want to petition in favor of or remonstrate against the proposed debt service or lease payments must file petitions and remonstrances in compliance with subdivisions (2) through (4) not earlier than thirty (30) days or later than sixty (60) days after publication in accordance with IC 5-3-1.

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

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

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

may be filed by an owner or owners of real property within the political subdivision or a registered voter residing within the political subdivision. Each signature on a petition must be dated, and the date of signature may not be before the date on which the petition and remonstrance forms may be issued under subdivision (3). A petition described in clause (A) or a remonstrance described in clause (B) must be verified in compliance with subdivision (4) before the petition or remonstrance is filed with the county voter registration office under subdivision (4).

(3) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition and remonstrance forms to be used solely in the petition and remonstrance process described in this section. The county voter registration office shall issue to an owner or owners of real property within the political subdivision or a registered voter residing within the political subdivision the number of petition or remonstrance forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions 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;

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(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 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 registered voter must indicate the address at which the person is registered to vote. 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 voter registration office may not issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county voter registration office 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 voter registration office 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 voter registration office shall determine whether each person who signed the petition or remonstrance is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition or remonstrance forward a copy of the petition or remonstrance to the county auditor. Not more than ten (10) business days after receiving the copy of the petition or remonstrance, the county auditor shall provide to the county voter registration office 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 voter registration office, 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

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does in fact own real property within the political subdivision.
(6) The county voter registration office shall not more than ten
(10) business days after receiving the statement from the county
auditor under subdivision (5) 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, and there is a presumption that the individual is entitled to
sign the petition or remonstrance under this section. Except as
otherwise provided in this chapter, in determining whether an
individual is a registered voter, the county voter registration office
shall apply the requirements and procedures used under IC 3 to
determine whether a person is a registered voter for purposes of
voting in an election governed by IC 3. However, an individual is
not required to comply with the provisions concerning providing
proof of identification to be considered a registered voter for
purposes of this chapter. A person is entitled to sign a petition or
remonstrance only one (1) time in a particular petition and
remonstrance process under this chapter, regardless of whether
the person owns more than one (1) parcel of real property within
the subdivision and regardless of whether the person is both a
registered voter in the political subdivision and the owner of real
property within the political subdivision. Notwithstanding any
other provision of this section, if a petition or remonstrance is
presented to the county voter registration office within forty-five
(45) days before an election, the county voter registration office
may defer acting on the petition or remonstrance, and the time
requirements under this section for action by the county voter
registration office do not begin to run until five (5) days after the
date of the election.
(7) The county voter registration office must file a certificate and
the petition or remonstrance with the body of the political

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1 subdivision charged with issuing bonds or entering into leases
 2 within thirty-five (35) business days of the filing of a petition or
 3 remonstrance under subdivision (4), whichever applies,
 4 containing ten thousand (10,000) signatures or less. The county
 5 voter registration office may take an additional five (5) days to
 6 review and certify the petition or remonstrance for each additional
 7 five thousand (5,000) signatures up to a maximum of sixty (60)
 8 days. The certificate must state the number of petitioners and
 9 remonstrators that are owners of real property within the political
 10 subdivision and the number of petitioners who are registered
 11 voters residing within the political subdivision.

12 (8) If a greater number of persons who are either owners of real
 13 property within the political subdivision or registered voters
 14 residing within the political subdivision sign a remonstrance than
 15 the number that signed a petition, the bonds petitioned for may
 16 not be issued or the lease petitioned for may not be entered into.
 17 The proper officers of the political subdivision may not make a
 18 preliminary determination to issue bonds or enter into a lease for
 19 the controlled project defeated by the petition and remonstrance
 20 process under this section or any other controlled project that is
 21 not substantially different within one (1) year after the date of the
 22 county voter registration office's certificate under subdivision (7).
 23 Withdrawal of a petition carries the same consequences as a
 24 defeat of the petition.

25 (9) After a political subdivision has gone through the petition and
 26 remonstrance process set forth in this section, the political
 27 subdivision is not required to follow any other remonstrance or
 28 objection procedures under any other law (including section 5 of
 29 this chapter) relating to bonds or leases designed to protect
 30 owners of real property within the political subdivision from the
 31 imposition of property taxes to pay debt service or lease rentals.
 32 However, the political subdivision must still receive the approval
 33 of the department of local government finance if required by:

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

36 SECTION 39. IC 6-1.1-20-3.5, AS AMENDED BY
 37 P.L.182-2009(ss), SECTION 145, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.5. (a) This section
 39 applies only to a controlled project that meets the following conditions:

- 40 (1) The controlled project is described in one (1) of the following
- 41 categories:
- 42 (A) An elementary school building, middle school building, or

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- 1 other school building for academic instruction that:
- 2 (i) will be used for any combination of kindergarten through
- 3 grade 8;
- 4 (ii) will not be used for any combination of grade 9 through
- 5 grade 12; and
- 6 (iii) will cost more than ten million dollars (\$10,000,000).
- 7 (B) A high school building or other school building for
- 8 academic instruction that:
- 9 (i) will be used for any combination of grade 9 through
- 10 grade 12;
- 11 (ii) will not be used for any combination of kindergarten
- 12 through grade 8; and
- 13 (iii) will cost more than twenty million dollars
- 14 (\$20,000,000).
- 15 (C) Any other controlled project that:
- 16 (i) is not a controlled project described in clause (A) or (B);
- 17 and
- 18 (ii) will cost the political subdivision more than the lesser of
- 19 twelve million dollars (\$12,000,000) or an amount equal to
- 20 one percent (1%) of the total gross assessed value of
- 21 property within the political subdivision on the last
- 22 assessment date (if that amount is at least one million dollars
- 23 (\$1,000,000)).
- 24 (2) The proper officers of the political subdivision make a
- 25 preliminary determination after June 30, 2008, in the manner
- 26 described in subsection (b) to issue bonds or enter into a lease for
- 27 the controlled project.
- 28 (b) A political subdivision may not impose property taxes to pay
- 29 debt service on bonds or lease rentals on a lease for a controlled project
- 30 without completing the following procedures:
- 31 (1) The proper officers of a political subdivision shall publish
- 32 notice in accordance with IC 5-3-1 and send notice by first class
- 33 mail to **the circuit court clerk and to** any organization that
- 34 delivers to the officers, before January 1 of that year, an annual
- 35 written request for notices of any meeting to consider the adoption
- 36 of an ordinance or a resolution making a preliminary
- 37 determination to issue bonds or enter into a lease and shall
- 38 conduct a public hearing on the preliminary determination before
- 39 adoption of the ordinance or resolution. The political subdivision
- 40 must make the following information available to the public at the
- 41 public hearing on the preliminary determination, in addition to
- 42 any other information required by law:

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- 1 (A) The result of the political subdivision's current and
- 2 projected annual debt service payments divided by the net
- 3 assessed value of taxable property within the political
- 4 subdivision.
- 5 (B) The result of:
- 6 (i) the sum of the political subdivision's outstanding long
- 7 term debt plus the outstanding long term debt of other taxing
- 8 units that include any of the territory of the political
- 9 subdivision; divided by
- 10 (ii) the net assessed value of taxable property within the
- 11 political subdivision.
- 12 (C) The information specified in subdivision (3)(A) through
- 13 (3)(G).
- 14 (2) If the proper officers of a political subdivision make a
- 15 preliminary determination to issue bonds or enter into a lease, the
- 16 officers shall give notice of the preliminary determination by:
- 17 (A) publication in accordance with IC 5-3-1; and
- 18 (B) first class mail to **the circuit court clerk and to the**
- 19 **organizations described in subdivision (1).**
- 20 (3) A notice under subdivision (2) of the preliminary
- 21 determination of the political subdivision to issue bonds or enter
- 22 into a lease must include the following information:
- 23 (A) The maximum term of the bonds or lease.
- 24 (B) The maximum principal amount of the bonds or the
- 25 maximum lease rental for the lease.
- 26 (C) The estimated interest rates that will be paid and the total
- 27 interest costs associated with the bonds or lease.
- 28 (D) The purpose of the bonds or lease.
- 29 (E) A statement that the proposed debt service or lease
- 30 payments must be approved in an election on a local public
- 31 question held under section 3.6 of this chapter.
- 32 (F) With respect to bonds issued or a lease entered into to
- 33 open:
- 34 (i) a new school facility; or
- 35 (ii) an existing facility that has not been used for at least
- 36 three (3) years and that is being reopened to provide
- 37 additional classroom space;
- 38 the estimated costs the school corporation expects to annually
- 39 incur to operate the facility.
- 40 (G) The political subdivision's current debt service levy and
- 41 rate and the estimated increase to the political subdivision's
- 42 debt service levy and rate that will result if the political

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1 subdivision issues the bonds or enters into the lease.
 2 (H) The information specified in subdivision (1)(A) through
 3 (1)(B).
 4 (4) After notice is given, a petition requesting the application of
 5 the local public question process under section 3.6 of this chapter
 6 may be filed by the lesser of:
 7 (A) one hundred (100) persons who are either owners of real
 8 property within the political subdivision or registered voters
 9 residing within the political subdivision; or
 10 (B) five percent (5%) of the registered voters residing within
 11 the political subdivision.
 12 (5) The state board of accounts shall design and, upon request by
 13 the county voter registration office, deliver to the county voter
 14 registration office or the county voter registration office's
 15 designated printer the petition forms to be used solely in the
 16 petition process described in this section. The county voter
 17 registration office shall issue to an owner or owners of real
 18 property within the political subdivision or a registered voter
 19 residing within the political subdivision the number of petition
 20 forms requested by the owner or owners or the registered voter.
 21 Each form must be accompanied by instructions detailing the
 22 requirements that:
 23 (A) the carrier and signers must be owners of real property or
 24 registered voters;
 25 (B) the carrier must be a signatory on at least one (1) petition;
 26 (C) after the signatures have been collected, the carrier must
 27 swear or affirm before a notary public that the carrier
 28 witnessed each signature; and
 29 (D) govern the closing date for the petition period.
 30 Persons requesting forms may be required to identify themselves
 31 as owners of real property or registered voters and may be
 32 allowed to pick up additional copies to distribute to other property
 33 owners or registered voters. Each person signing a petition must
 34 indicate whether the person is signing the petition as a registered
 35 voter within the political subdivision or is signing the petition as
 36 the owner of real property within the political subdivision. A
 37 person who signs a petition as a registered voter must indicate the
 38 address at which the person is registered to vote. A person who
 39 signs a petition as a real property owner must indicate the address
 40 of the real property owned by the person in the political
 41 subdivision.
 42 (6) Each petition must be verified under oath by at least one (1)

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qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least one hundred twenty-five (125) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least one hundred twenty-five (125) persons who signed the petition are registered voters, the county voter registration office, not more than fifteen (15) business days after receiving a petition, shall forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office 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 voter registration office, 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 voter registration office, not more than ten (10) business days after determining that at least one hundred twenty-five (125) persons who signed the petition are registered voters or after receiving the statement from the county auditor under subdivision (8) (as applicable), shall make the final determination of whether a sufficient number of persons have signed the petition. 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, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office

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1 shall apply the requirements and procedures used under IC 3 to
 2 determine whether a person is a registered voter for purposes of
 3 voting in an election governed by IC 3. However, an individual is
 4 not required to comply with the provisions concerning providing
 5 proof of identification to be considered a registered voter for
 6 purposes of this chapter. A person is entitled to sign a petition
 7 only one (1) time in a particular referendum process under this
 8 chapter, regardless of whether the person owns more than one (1)
 9 parcel of real property within the political subdivision and
 10 regardless of whether the person is both a registered voter in the
 11 political subdivision and the owner of real property within the
 12 political subdivision. Notwithstanding any other provision of this
 13 section, if a petition is presented to the county voter registration
 14 office within forty-five (45) days before an election, the county
 15 voter registration office may defer acting on the petition, and the
 16 time requirements under this section for action by the county
 17 voter registration office do not begin to run until five (5) days
 18 after the date of the election.

19 (10) The county voter registration office must file a certificate and
 20 each petition with:

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

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

27 within thirty-five (35) business days of the filing of the petition
 28 requesting the referendum process. The certificate must state the
 29 number of petitioners who are owners of real property within the
 30 political subdivision and the number of petitioners who are
 31 registered voters residing within the political subdivision.

32 (11) If a sufficient petition requesting the local public question
 33 process is not filed by owners of real property or registered voters
 34 as set forth in this section, the political subdivision may issue
 35 bonds or enter into a lease by following the provisions of law
 36 relating to the bonds to be issued or lease to be entered into.

37 (c) If the proper officers of a political subdivision make a
 38 preliminary determination to issue bonds or enter into a lease, the
 39 officers shall provide to the county auditor:

- 40 (1) a copy of the notice required by subsection (b)(2); and
- 41 (2) any other information the county auditor requires to fulfill the
- 42 county auditor's duties under section 3.6 of this chapter.

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1 SECTION 40. IC 6-1.1-20-3.6, AS AMENDED BY
 2 P.L.182-2009(ss), SECTION 146, IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.6. (a) Except as
 4 provided in section 3.7 of this chapter, this section applies only to a
 5 controlled project described in section 3.5(a) of this chapter.

6 (b) If a sufficient petition requesting the application of the local
 7 public question process has been filed as set forth in section 3.5 of this
 8 chapter, a political subdivision may not impose property taxes to pay
 9 debt service on bonds or lease rentals on a lease for a controlled project
 10 unless the political subdivision's proposed debt service or lease rental
 11 is approved in an election on a local public question held under this
 12 section.

13 (c) Except as provided in subsection (j), the following question shall
 14 be submitted to the eligible voters at the election conducted under this
 15 section:

16 "Shall _____ (insert the name of the political subdivision)
 17 issue bonds or enter into a lease to finance _____ (insert
 18 a brief description of the controlled project), which is estimated
 19 to cost not more than _____ (insert the total cost of the project)
 20 and is estimated to increase the property tax rate for debt service
 21 by _____ (insert increase in tax rate as determined by the
 22 department of local government finance)?"

23 The public question must appear on the ballot in the form approved by
 24 the county election board. If the political subdivision proposing to issue
 25 bonds or enter into a lease is located in more than one (1) county, the
 26 county election board of each county shall jointly approve the form of
 27 the public question that will appear on the ballot in each county. The
 28 form approved by the county election board may differ from the
 29 language certified to the county election board by the county auditor.

30 **If the county election board approves the language of a public**
 31 **question under this subsection after June 30, 2010, the county**
 32 **election board shall submit the language to the department of local**
 33 **government finance for review and approval. The department of**
 34 **local government finance shall review the language of the public**
 35 **question to ensure that the description of the controlled project is**
 36 **accurate and is not biased against either a vote in favor of the**
 37 **controlled project or a vote against the controlled project. The**
 38 **department of local government finance may approve the ballot**
 39 **language or modify and then approve the ballot language as**
 40 **necessary to ensure that the description of the controlled project**
 41 **is accurate and is not biased. The department of local government**
 42 **finance shall certify the ballot language as approved, or as**

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1 **modified and approved, to the county auditor not more than ten**
2 **(10) days after the language of the public question is submitted to**
3 **the department for review and approval.**

4 (d) **After review and approval of a public question by the**
5 **department of local government finance under subsection (c),** the
6 county auditor shall certify the public question ~~described in subsection~~
7 ~~(c)~~ under IC 3-10-9-3 to the county election board of each county in
8 which the political subdivision is located. The certification must occur
9 not later than noon:

10 (1) sixty (60) days before a primary election if the public question
11 is to be placed on the primary or municipal primary election
12 ballot; or

13 (2) August 1 if the public question is to be placed on the general
14 or municipal election ballot.

15 Subject to the certification requirements and deadlines under this
16 subsection and except as provided in subsection (j), the public question
17 shall be placed on the ballot at the next primary election, general
18 election, or municipal election in which all voters of the political
19 subdivision are entitled to vote. However, if a primary election, general
20 election, or municipal election will not be held during the first year in
21 which the public question is eligible to be placed on the ballot under
22 this section and if the political subdivision requests the public question
23 to be placed on the ballot at a special election, the public question shall
24 be placed on the ballot at a special election to be held on the first
25 Tuesday after the first Monday in May or November of the year. The
26 certification must occur not later than noon sixty (60) days before a
27 special election to be held in May (if the special election is to be held
28 in May) or noon on August 1 (if the special election is to be held in
29 November). However, in 2009, a political subdivision may hold a
30 special election under this section on any date scheduled for the special
31 election if notice of the special election was given before July 1, 2009,
32 to the election division of the secretary of state's office as provided in
33 IC 3-10-8-4. The fiscal body of the political subdivision that requests
34 the special election shall pay the costs of holding the special election.
35 The county election board shall give notice under IC 5-3-1 of a special
36 election conducted under this subsection. A special election conducted
37 under this subsection is under the direction of the county election
38 board. The county election board shall take all steps necessary to carry
39 out the special election.

40 (e) The circuit court clerk shall certify the results of the public
41 question to the following:

42 (1) The county auditor of each county in which the political

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subdivision is located.

(2) The department of local government finance.

(f) Subject to the requirements of IC 6-1.1-18.5-8, the political subdivision may issue the proposed bonds or enter into the proposed lease rental if a majority of the eligible voters voting on the public question vote in favor of the public question.

(g) If a majority of the eligible voters voting on the public question vote in opposition to the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than one (1) year after the date of the election.

(h) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(i) A political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.5 of this chapter.

(j) This subsection applies to a political subdivision for which a petition requesting a public question has been submitted under section 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a controlled project from consideration in a public question. If the legislative body provides a certified copy of the resolution to the county auditor and the county election board not later than forty-nine (49) days before the election at which the public question would be on the ballot, the public question on the controlled project shall not be placed on the ballot and the public question on the controlled project shall not be held, regardless of whether the county auditor has certified the public question to the county election board. If the withdrawal of a public question under this subsection requires the county election board to reprint ballots, the political subdivision withdrawing the public question shall pay the costs of reprinting the ballots. If a political subdivision withdraws a public question under this subsection that would have been held at a special election and the county election board has printed the ballots before the legislative body of the political subdivision provides a certified copy of the withdrawal resolution to the county auditor and the county election board, the political subdivision withdrawing the public question shall pay the costs incurred by the county in printing the ballots. If a public question on a controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially

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1 similar controlled project may not be submitted to the voters earlier
 2 than one (1) year after the date the resolution withdrawing the public
 3 question is adopted.

4 (k) If a public question regarding a controlled project is placed on
 5 the ballot to be voted on at a public question under this section, the
 6 political subdivision shall submit to the department of local
 7 government finance, at least thirty (30) days before the election, the
 8 following information regarding the proposed controlled project for
 9 posting on the department's Internet web site:

10 (1) The cost per square foot of any buildings being constructed as
 11 part of the controlled project.

12 (2) The effect that approval of the controlled project would have
 13 on the political subdivision's property tax rate.

14 (3) The maximum term of the bonds or lease.

15 (4) The maximum principal amount of the bonds or the maximum
 16 lease rental for the lease.

17 (5) The estimated interest rates that will be paid and the total
 18 interest costs associated with the bonds or lease.

19 (6) The purpose of the bonds or lease.

20 (7) In the case of a controlled project proposed by a school
 21 corporation:

22 (A) the current and proposed square footage of school building
 23 space per student;

24 (B) enrollment patterns within the school corporation; and

25 (C) the age and condition of the current school facilities.

26 SECTION 41. IC 6-1.1-22.5-9, AS AMENDED BY P.L.87-2009,
 27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2011]: Sec. 9. (a) Except as provided in subsections (b)
 29 and (c) and section 12 of this chapter, property taxes billed on a
 30 provisional statement are due in two (2) equal installments ~~on May 10~~
 31 ~~and November 10 of in~~ the year following the assessment date covered
 32 by the provisional statement.

33 (b) ~~If in a county the notices of general reassessment under~~
 34 ~~IC 6-1.1-4-4 or notices of assessment under IC 6-1.1-4-4.5 for an~~
 35 ~~assessment date in a calendar year are given to the taxpayers in the~~
 36 ~~county after March 26 of the immediately succeeding calendar year; the~~
 37 ~~property taxes that would otherwise be due under subsection (a) on~~
 38 ~~May 10 of the immediately succeeding calendar year are~~ **The first**
 39 **installment is due on the later of:**

40 (1) **May 10 of the immediately succeeding calendar year**
 41 **following the year of the assessment date covered by the**
 42 **provisional statement; or**

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1 (2) ~~forty-five (45)~~ **thirty (30)** days after the mailing or transmittal
2 of provisional statements.

3 (c) ~~If subsection (b) applies, the property taxes that would otherwise~~
4 ~~be due under subsection (a) on November 10 of the immediately~~
5 ~~succeeding calendar year referred to in subsection (b) are~~ **The second**
6 **installment is** due on the later of:

7 (1) November 10 of the ~~immediately succeeding calendar year~~
8 **following the year of the assessment date covered by the**
9 **provisional statement;** or

10 (2) a date determined by the county treasurer that is not later than
11 December 31 of the ~~immediately succeeding calendar year~~
12 **following the year of the assessment date covered by the**
13 **provisional statement.**

14 (d) This subsection applies only if a provisional statement for
15 payment of property taxes and special assessments by electronic mail
16 is transmitted to a person under IC 6-1.1-22-8.1(h). If a response to the
17 transmission of electronic mail to a person indicates that the electronic
18 mail was not received, the county treasurer shall mail to the person a
19 hard copy of the provisional statement in the manner required by this
20 chapter for persons who do not opt to receive statements by electronic
21 mail. The due date for the property taxes and special assessments under
22 a provisional statement mailed to a person under this subsection is the
23 due date indicated in the statement transmitted to the person by
24 electronic mail.

25 SECTION 42. IC 6-1.1-28-8 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. (a) The county
27 property tax assessment board shall remain in session until the board's
28 duties are complete.

29 (b) All expenses and per diem compensation resulting from a
30 session of a county property tax assessment board that is called by the
31 department of local government finance under subsection (c) shall be
32 paid by the county auditor, who shall, without an appropriation being
33 required, draw warrants on county funds not otherwise appropriated.

34 (c) The department of local government finance may also call a
35 session of the county property tax assessment board after completion
36 of a ~~general~~ reassessment of real property **under a county's**
37 **reassessment plan.** The department of local government finance shall
38 fix the time for and duration of the session.

39 SECTION 43. IC 6-1.1-31-9 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. (a) Except as
41 provided in subsection (b), the department of local government finance
42 may not adopt rules for the appraisal of real property in a ~~general~~

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1 reassessment **under a county's reassessment plan** after July 1 of the
2 year before the year in which the ~~general cycle of~~ reassessment **under**
3 **a county's reassessment plan** is scheduled to begin.

4 (b) If rules for the appraisal of real property in a ~~general~~
5 reassessment **under a county's reassessment plan** are timely adopted
6 under subsection (a) and are then disapproved by the attorney general
7 for any reason under IC 4-22-2-32, the department of local government
8 finance may modify the rules to cure the defect that resulted in
9 disapproval by the attorney general, and may then take all actions
10 necessary under IC 4-22-2 to readopt and to obtain approval of the
11 rules. This process may be repeated as necessary until the rules are
12 approved.

13 SECTION 44. IC 6-1.1-33.5-6 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) With
15 respect to any township or county for any year, the department of local
16 government finance may initiate a review to determine whether to order
17 a special reassessment under this chapter. The review may apply to real
18 property or personal property, or both.

19 (b) If the department of local government finance determines under
20 subsection (a) ~~of this chapter~~ to initiate a review with respect to the real
21 property within a ~~township or county~~, **particular cycle under a**
22 **county's reassessment plan** or a portion of the real property within a
23 ~~township or county~~, **cycle**, the division of data analysis of the
24 department shall determine for the real property under consideration
25 and for ~~the township or county~~ **all groups of parcels within a**
26 **particular cycle**, the variance between:

27 (1) the total assessed valuation of the real property within ~~the~~
28 ~~township or county~~; **all groups of parcels within a particular**
29 **cycle**; and

30 (2) the total assessed valuation that would result if the real
31 property within ~~the township or county~~ **all groups of parcels**
32 **within a particular cycle** were valued in the manner provided by
33 law.

34 (c) If the department of local government finance determines under
35 subsection (a) ~~of this chapter~~ to initiate a review with respect to
36 personal property within a township or county, or a part of the personal
37 property within a township or county, the division of data analysis of
38 the department shall determine for the personal property under
39 consideration and for the township or county the variance between:

40 (1) the total assessed valuation of the personal property within the
41 township or county; and

42 (2) the total assessed valuation that would result if the personal

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- 1 property within the township or county were valued in the manner
2 provided by law.
- 3 (d) The determination of the department of local government
4 finance under section 2 or 3 of this chapter must be based on a
5 statistically valid assessment ratio study.
- 6 (e) If a determination of the department of local government finance
7 to order a special reassessment under this chapter is based on a
8 coefficient of dispersion study, the department shall publish the
9 coefficient of dispersion study for the township or county in accordance
10 with IC 5-3-1-2(j).
- 11 (f) If:
- 12 (1) the variance determined under subsection (b) or (c) exceeds
13 twenty percent (20%); and
14 (2) the department of local government finance determines after
15 holding hearings on the matter that a special reassessment should
16 be conducted;
17 the department shall contract for a special reassessment to be
18 conducted to correct the valuation of the property.
- 19 (g) If the variance determined under subsection (b) or (c) is twenty
20 percent (20%) or less, the department of local government finance shall
21 determine whether to correct the valuation of the property under:
- 22 (1) IC 6-1.1-4-9 and IC 6-1.1-4-10; or
23 (2) IC 6-1.1-14.
- 24 (h) The department of local government finance shall give notice to
25 a taxpayer, by individual notice or by publication at the discretion of
26 the department, of a hearing concerning the department's intent to
27 cause the assessment of the taxpayer's property to be adjusted under
28 this section. The time fixed for the hearing must be at least ten (10)
29 days after the day the notice is mailed or published. The department
30 may conduct a single hearing under this section with respect to
31 multiple properties. The notice must state:
- 32 (1) the time of the hearing;
33 (2) the location of the hearing; and
34 (3) that the purpose of the hearing is to hear taxpayers' comments
35 and objections with respect to the department's intent to adjust the
36 assessment of property under this chapter.
- 37 (i) If the department of local government finance determines after
38 the hearing that the assessment of property should be adjusted under
39 this chapter, the department shall:
- 40 (1) cause the assessment of the property to be adjusted;
41 (2) mail a certified notice of its final determination to the county
42 auditor of the county in which the property is located; and

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1 (3) notify the taxpayer as required under IC 6-1.1-14.
2 (j) A reassessment or adjustment may be made under this section
3 only if the notice of the final determination is given to the taxpayer
4 within the same period prescribed in IC 6-1.1-9-3 or IC 6-1.1-9-4.

5 (k) If the department of local government finance contracts for a
6 special reassessment of property under this chapter, the department
7 shall forward the bill for services of the reassessment contractor to the
8 county auditor, and the county shall pay the bill from the county
9 reassessment fund.

10 SECTION 45. IC 6-1.1-34-1, AS AMENDED BY P.L.182-2009(ss),
11 SECTION 170, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2011]: Sec. 1. In the year after a ~~general~~
13 ~~assessment of real property becomes effective, reassessment cycle of~~
14 **real property under a county's reassessment plan is completed**, the
15 department of local government finance shall compute a new
16 assessment ratio for each school corporation located in a county in
17 which a supplemental county levy is imposed under IC 20-45-7 or
18 IC 20-45-8. In all other years, the department shall compute a new
19 assessment ratio for such a school corporation if the department finds
20 that there has been sufficient reassessment or adjustment of one (1) or
21 more classes of property in the school district. When the department of
22 local government finance computes a new assessment ratio for a school
23 corporation, the department shall publish the new ratio.

24 SECTION 46. IC 6-1.1-34-7, AS AMENDED BY P.L.182-2009(ss),
25 SECTION 171, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) Each year in which the
27 department of local government finance computes a new assessment
28 ratio for a school corporation, the department shall also compute a new
29 adjustment factor for the school corporation. If the school corporation's
30 assessment ratio for a year is more than ninety-nine percent (99%) but
31 less than one hundred one percent (101%) of the state average
32 assessment ratio for that year, the school corporation's adjustment
33 factor is the number one (1). In all other cases, the school corporation's
34 adjustment factor equals (1) the state average assessment ratio for a
35 year, divided by (2) the school corporation's assessment ratio for that
36 year. The department of local government finance shall notify the
37 school corporation of its new adjustment factor before March 2 of the
38 year in which the department calculates the new adjustment factor.

39 (b) This subsection applies in a calendar year after which a ~~general~~
40 ~~reassessment takes effect. cycle under a county's reassessment plan~~
41 **is completed**. If the department of local government finance has not
42 computed a new assessment ratio for a school corporation, the school

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1 corporation's adjustment factor is the number one (1) until the
 2 department of local government finance notifies the school corporation
 3 of the school corporation's new adjustment factor.

4 SECTION 47. IC 6-1.1-39-5, AS AMENDED BY P.L.146-2008,
 5 SECTION 296, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) A declaratory ordinance
 7 adopted under section 2 of this chapter and confirmed under section 3
 8 of this chapter must include a provision with respect to the allocation
 9 and distribution of property taxes for the purposes and in the manner
 10 provided in this section. The allocation provision must apply to the
 11 entire economic development district. The allocation provisions must
 12 require that any property taxes subsequently levied by or for the benefit
 13 of any public body entitled to a distribution of property taxes on taxable
 14 property in the economic development district be allocated and
 15 distributed as follows:

16 (1) Except as otherwise provided in this section, the proceeds of
 17 the taxes attributable to the lesser of:

18 (A) the assessed value of the property for the assessment date
 19 with respect to which the allocation and distribution is made;
 20 or

21 (B) the base assessed value;

22 shall be allocated to and, when collected, paid into the funds of
 23 the respective taxing units. However, if the effective date of the
 24 allocation provision of a declaratory ordinance is after March 1,
 25 1985, and before January 1, 1986, and if an improvement to
 26 property was partially completed on March 1, 1985, the unit may
 27 provide in the declaratory ordinance that the taxes attributable to
 28 the assessed value of the property as finally determined for March
 29 1, 1984, shall be allocated to and, when collected, paid into the
 30 funds of the respective taxing units.

31 (2) Except as otherwise provided in this section, part or all of the
 32 property tax proceeds in excess of those described in subdivision
 33 (1), as specified in the declaratory ordinance, shall be allocated to
 34 the unit for the economic development district and, when
 35 collected, paid into a special fund established by the unit for that
 36 economic development district that may be used only to pay the
 37 principal of and interest on obligations owed by the unit under
 38 IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of
 39 industrial development programs in, or serving, that economic
 40 development district. The amount not paid into the special fund
 41 shall be paid to the respective units in the manner prescribed by
 42 subdivision (1).

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1 (3) When the money in the fund is sufficient to pay all
 2 outstanding principal of and interest (to the earliest date on which
 3 the obligations can be redeemed) on obligations owed by the unit
 4 under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing
 5 of industrial development programs in, or serving, that economic
 6 development district, money in the special fund in excess of that
 7 amount shall be paid to the respective taxing units in the manner
 8 prescribed by subdivision (1).

9 (b) Property tax proceeds allocable to the economic development
 10 district under subsection (a)(2) must, subject to subsection (a)(3), be
 11 irrevocably pledged by the unit for payment as set forth in subsection
 12 (a)(2).

13 (c) For the purpose of allocating taxes levied by or for any taxing
 14 unit or units, the assessed value of taxable property in a territory in the
 15 economic development district that is annexed by any taxing unit after
 16 the effective date of the allocation provision of the declaratory
 17 ordinance is the lesser of:

18 (1) the assessed value of the property for the assessment date with
 19 respect to which the allocation and distribution is made; or

20 (2) the base assessed value.

21 (d) Notwithstanding any other law, each assessor shall, upon
 22 petition of the fiscal body, reassess the taxable property situated upon
 23 or in, or added to, the economic development district effective on the
 24 next assessment date after the petition.

25 (e) Notwithstanding any other law, the assessed value of all taxable
 26 property in the economic development district, for purposes of tax
 27 limitation, property tax replacement, and formulation of the budget, tax
 28 rate, and tax levy for each political subdivision in which the property
 29 is located, is the lesser of:

30 (1) the assessed value of the property as valued without regard to
 31 this section; or

32 (2) the base assessed value.

33 (f) The state board of accounts and department of local government
 34 finance shall make the rules and prescribe the forms and procedures
 35 that they consider expedient for the implementation of this chapter.
 36 After each ~~general~~ reassessment **of a group of parcels under a**
 37 **county's reassessment plan** under IC 6-1.1-4, the department of local
 38 government finance shall adjust the base assessed value one (1) time
 39 to neutralize any effect of the ~~general~~ reassessment on the property tax
 40 proceeds allocated to the district under this section. After each annual
 41 adjustment under IC 6-1.1-4-4.5, the department of local government
 42 finance shall adjust the base assessed value to neutralize any effect of

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1 the annual adjustment on the property tax proceeds allocated to the
 2 district under this section. However, the adjustments under this
 3 subsection may not include the effect of property tax abatements under
 4 IC 6-1.1-12.1.

5 (g) As used in this section, "property taxes" means:

- 6 (1) taxes imposed under this article on real property; and
 7 (2) any part of the taxes imposed under this article on depreciable
 8 personal property that the unit has by ordinance allocated to the
 9 economic development district. However, the ordinance may not
 10 limit the allocation to taxes on depreciable personal property with
 11 any particular useful life or lives.

12 If a unit had, by ordinance adopted before May 8, 1987, allocated to an
 13 economic development district property taxes imposed under IC 6-1.1
 14 on depreciable personal property that has a useful life in excess of eight
 15 (8) years, the ordinance continues in effect until an ordinance is
 16 adopted by the unit under subdivision (2).

17 (h) As used in this section, "base assessed value" means:

- 18 (1) the net assessed value of all the property as finally determined
 19 for the assessment date immediately preceding the effective date
 20 of the allocation provision of the declaratory resolution, as
 21 adjusted under subsection (f); plus
 22 (2) to the extent that it is not included in subdivision (1), the net
 23 assessed value of property that is assessed as residential property
 24 under the rules of the department of local government finance, as
 25 finally determined for any assessment date after the effective date
 26 of the allocation provision.

27 Subdivision (2) applies only to economic development districts
 28 established after June 30, 1997, and to additional areas established
 29 after June 30, 1997.

30 SECTION 48. IC 6-1.1-42-28, AS AMENDED BY P.L.219-2007,
 31 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JANUARY 1, 2011]: Sec. 28. (a) Subject to this section and section 34
 33 of this chapter, the amount of the deduction which the property owner
 34 is entitled to receive under this chapter for a particular year equals the
 35 product of:

- 36 (1) the increase in the assessed value resulting from the
 37 remediation and redevelopment in the zone or the location of
 38 personal property in the zone, or both; multiplied by
 39 (2) the percentage determined under subsection (b).

40 (b) The percentage to be used in calculating the deduction under
 41 subsection (a) is as follows:

- 42 (1) For deductions allowed over a three (3) year period:

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1	YEAR OF DEDUCTION	PERCENTAGE
2	1st	100%
3	2nd	66%
4	3rd	33%

5 (2) For deductions allowed over a six (6) year period:

6	YEAR OF DEDUCTION	PERCENTAGE
7	1st	100%
8	2nd	85%
9	3rd	66%
10	4th	50%
11	5th	34%
12	6th	17%

13 (3) For deductions allowed over a ten (10) year period:

14	YEAR OF DEDUCTION	PERCENTAGE
15	1st	100%
16	2nd	95%
17	3rd	80%
18	4th	65%
19	5th	50%
20	6th	40%
21	7th	30%
22	8th	20%
23	9th	10%
24	10th	5%

25 (c) The amount of the deduction determined under subsection (a)
 26 shall be adjusted in accordance with this subsection in the following
 27 circumstances:

28 (1) If a ~~general~~ reassessment of **the** real property **under a**
 29 **county's reassessment plan** occurs within the particular period
 30 of the deduction, the amount determined under subsection (a)(1)
 31 shall be adjusted to reflect the percentage increase or decrease in
 32 assessed valuation that resulted from the ~~general~~ reassessment.

33 (2) If an appeal of an assessment is approved that results in a
 34 reduction of the assessed value of the redeveloped or rehabilitated
 35 property, the amount of any deduction shall be adjusted to reflect
 36 the percentage decrease that resulted from the appeal.

37 (3) The amount of the deduction may not exceed the limitations
 38 imposed by the designating body under section 23 of this chapter.

39 (4) The amount of the deduction must be proportionally reduced
 40 by the proportionate ownership of the property by a person that:

41 (A) has an ownership interest in an entity that contributed; or

42 (B) has contributed;

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1 a contaminant (as defined in IC 13-11-2-42) that is the subject of
 2 the voluntary remediation, as determined under the written
 3 standards adopted by the department of environmental
 4 management.

5 The department of local government finance shall adopt rules under
 6 IC 4-22-2 to implement this subsection.

7 SECTION 49. IC 6-1.5-3-4 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2010]: **Sec. 4. (a) As used in this section, "county board" means**
 10 **a county property tax assessment board of appeals.**

11 **(b) Upon request by a county assessor, an employee of the**
 12 **Indiana board may assist taxpayers and local officials in their**
 13 **attempts to voluntarily resolve disputes in which:**

14 **(1) a taxpayer has filed written notice to obtain a county**
 15 **board's review of an action by a township or county official;**
 16 **and**

17 **(2) the county board has not given written notice of its**
 18 **decision on the issues under review.**

19 **(c) If an Indiana board employee assists in attempts to**
 20 **voluntarily resolve a dispute as authorized in subsection (b), the**
 21 **employee may not:**

22 **(1) act as an administrative law judge on; or**

23 **(2) participate in a decision relating to;**

24 **a petition for review of the county board's action on that same**
 25 **dispute.**

26 **(d) Notwithstanding any other law, including IC 5-14-1.5, a**
 27 **conference attended by an Indiana board employee acting in the**
 28 **capacity described in subsection (b) is not required to be open to**
 29 **the public. Such a conference may be open to the public only if both**
 30 **the taxpayer and the township or county official from whose action**
 31 **the taxpayer sought review agree to open the conference to the**
 32 **public.**

33 **(e) Notwithstanding any other law, a conference attended by an**
 34 **Indiana board employee acting in the capacity described in**
 35 **subsection (b) is not a proceeding of the Indiana board, and the**
 36 **Indiana board is not required to keep a record of the conference.**

37 SECTION 50. IC 6-1.5-6-3 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2010]: **Sec. 3. (a) As used in this section, "county board" means**
 40 **a county property tax assessment board of appeals.**

41 **(b) The Indiana board may adopt rules under IC 4-22-2,**
 42 **including emergency rules under IC 4-22-2-37.1, to establish**

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procedures for its employees to assist taxpayers and local officials in their attempts to informally resolve disputes in which:

- (1) a taxpayer has filed written notice to obtain a county board's review of an action by a township or county official;**
- and**
- (2) the county board has not given written notice of its decision on the issues under review.**

SECTION 51. IC 8-22-3.5-11, AS AMENDED BY P.L.154-2006, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 11. (a) The state board of accounts and the department of local government finance shall make the rules and prescribe the forms and procedures that the state board of accounts and department consider appropriate for the implementation of this chapter.

(b) After each ~~general~~ reassessment **of a group of parcels under a county's reassessment plan** under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value (as defined in section 9 of this chapter) one (1) time to neutralize any effect of the ~~general~~ reassessment on the property tax proceeds allocated to the airport development zone's special funds under section 9 of this chapter.

(c) After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value (as defined in section 9 of this chapter) to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the airport development zone's special funds under section 9 of this chapter.

SECTION 52. IC 20-46-1-14, AS AMENDED BY P.L.146-2008, SECTION 499, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The referendum shall be held in the next primary ~~or~~ **election**, general election, **or municipal election** in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification of the question under IC 3-10-9-3. **The certification of the question must occur not later than noon:**

- (1) sixty (60) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or**
- (2) August 1 if the question is to be placed on the general or municipal election ballot.**

However, if the referendum would be held at a primary or general election more than six (6) months after certification by the county fiscal body, the referendum shall be held at a special election to be conducted

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1 not less than ninety (90) days after the question is certified to the
 2 circuit court clerk or clerks by the county fiscal body: a primary
 3 election, general election, or municipal election will not be held
 4 during the first year in which the public question is eligible to be
 5 placed on the ballot under this chapter and if the appellant school
 6 corporation requests the public question to be placed on the ballot
 7 at a special election, the public question shall be placed on the
 8 ballot at a special election to be held on the first Tuesday after the
 9 first Monday in May or November of the year. The certification
 10 must occur not later than noon sixty (60) days before a special
 11 election to be held in May (if the special election is to be held in
 12 May) or noon on August 1 (if the special election is to be held in
 13 November).

14 (b) The school corporation shall advise each affected county
 15 election board of the date on which the school corporation desires that
 16 the referendum be held; and, if practicable, the referendum shall be
 17 held on the day specified by the school corporation.

18 (c) The referendum shall be held under the direction of the county
 19 election board, which shall take all steps necessary to carry out the
 20 referendum.

21 (d) If a primary election, general election, or special election is held
 22 during the sixty (60) days preceding or following the special election
 23 described in this section and is held in an election district that includes
 24 some, but not all, of the school corporation, the county election board
 25 may also adopt orders to specify when the registration period for the
 26 elections cease and resume under IC 3-7-13-10.

27 (e) Not less than ten (10) days before the date on which the
 28 referendum is to be held, the county election board shall cause notice
 29 of the question that is to be voted upon at the referendum to be
 30 published in accordance with IC 5-3-1.

31 (f) (b) If the referendum is not conducted at a primary or election,
 32 general election, or municipal election, the appellant school
 33 corporation in which the referendum is to be held shall pay all the costs
 34 of holding the referendum.

35 SECTION 53. IC 33-26-8-1, AS AMENDED BY P.L.1-2007,
 36 SECTION 213, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JANUARY 1, 2011]: Sec. 1. As used in this chapter,
 38 "contractor" means a general reassessment, general reassessment
 39 review, or special reassessment contractor of the department of local
 40 government finance under IC 6-1.1-4-32 (repealed).

41 SECTION 54. IC 33-26-8-3, AS AMENDED BY P.L.1-2007,
 42 SECTION 214, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JANUARY 1, 2011]: Sec. 3. As used in this chapter,
 2 "qualifying official" refers to any of the following:
 3 (1) A county assessor of a qualifying county.
 4 (2) A township assessor of a qualifying county.
 5 (3) The county auditor of a qualifying county.
 6 (4) The treasurer of a qualifying county.
 7 (5) The county surveyor of a qualifying county.
 8 (6) A member of the land valuation committee in a qualifying
 9 county.
 10 (7) Any other township or county official in a qualifying county
 11 who has possession or control of information necessary or useful
 12 for a ~~general~~ reassessment, ~~general~~ reassessment review, or
 13 special reassessment of property to which IC 6-1.1-4-32
 14 (repealed) applies, including information in the possession or
 15 control of an employee or a contractor of the official.
 16 (8) Any county official in a qualifying county who has control,
 17 review, or other responsibilities related to paying claims of a
 18 contractor submitted for payment under IC 6-1.1-4-32 (repealed).
 19 SECTION 55. IC 36-1.5-4-5, AS ADDED BY P.L.186-2006,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2010 (RETROACTIVE)]: Sec. 5. (a) Except as provided
 22 in subsection (b), a reorganization approved under this chapter takes
 23 effect when all of the following have occurred:
 24 (1) The later of:
 25 (A) the date that a copy of a joint certification from the county
 26 election board in each county in which reorganizing political
 27 subdivisions are located that indicates that:
 28 (i) the reorganization has been approved by the voters of
 29 each reorganizing political subdivision; or
 30 (ii) in the case of a reorganization described in section
 31 1(a)(9) of this chapter, the reorganization has been approved
 32 as set forth in section 32(b) of this chapter;
 33 is recorded as required by section 31 of this chapter; or
 34 (B) the date specified in the finally adopted plan of
 35 reorganization.
 36 (2) The appointed or elected officers of the reorganized political
 37 subdivision are elected (as prescribed by section 36 of this
 38 chapter) or appointed and qualified, if:
 39 (A) the reorganized political subdivision is a new political
 40 subdivision and reorganizing political subdivisions are not
 41 being consolidated into one (1) of the reorganizing political
 42 subdivisions;

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- 1 (B) the reorganized political subdivision will have different
- 2 boundaries than any of the reorganizing political subdivisions;
- 3 (C) the reorganized political subdivision will have different
- 4 appointment or election districts than any of the reorganizing
- 5 political subdivisions; or
- 6 (D) the finally adopted plan of reorganization requires new
- 7 appointed or elected officers before the reorganization
- 8 becomes effective.

9 (b) A reorganization approved under this chapter may not take effect
 10 during the year preceding a year in which a federal decennial census is
 11 conducted. A consolidation that would otherwise take effect during the
 12 year preceding a year in which a federal decennial census is conducted
 13 takes effect January 21 of the year in which a federal decennial census
 14 is conducted.

15 **(c) Notwithstanding subsection (b) as that subsection existed on**
 16 **December 31, 2009, a reorganization that took effect January 2,**
 17 **2010, because of the application of subsection (b), as that**
 18 **subsection existed on December 31, 2009, is instead considered to**
 19 **take effect January 1, 2010, without the adoption of an amended**
 20 **reorganization plan.**

21 SECTION 56. IC 36-2-1-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 23 Sec. 2. (a) If the resident voters in a specified territory in two (2) or
 24 more contiguous counties desire to change the boundaries of their
 25 respective counties, they may file a petition with the executives of their
 26 respective counties requesting that the territory be transferred. The
 27 petition must:

- 28 (1) be signed by at least the number of voters resident in the
- 29 territory requested to be transferred required to place a candidate
- 30 on the ballot under IC 3-8-6-3;
- 31 (2) contain a clear, distinct description of the requested boundary
- 32 change; and
- 33 (3) not propose to decrease the area of any county below four
- 34 hundred (400) square miles in compliance with Article 15,
- 35 Section 7 of the Constitution of the State of Indiana.

36 (b) Whenever a petition under subsection (a) is filed with a county
 37 executive, the executive shall determine, at its first meeting after the
 38 petition is filed:

- 39 (1) whether the signatures on the petition are genuine; and
- 40 (2) whether the petition complies with subsection (a).

41 (c) If the determinations under subsection (b) are affirmative, the
 42 executive shall certify the question to the county election board of each

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1 affected county. The county election boards shall jointly order a special
 2 election to be held, scheduling the election so that the election is held
 3 on the same date in each county interested in the change, but not later
 4 than thirty (30) days and not on the same date as a general election. The
 5 election shall be conducted under IC 3-10-8-6. All voters of each
 6 interested county are entitled to vote on the question. The question
 7 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
 8 must state "Shall the boundaries of _____ County and
 9 _____ County change?".

10 (d) After an election under subsection (c), the clerk of each county
 11 shall make a certified copy of the election returns and not later than
 12 five (5) days after the election file the copy with the auditor of the
 13 county. The auditor shall, not later than five (5) days after the filing of
 14 the returns in the auditor's office, make a true and complete copy of the
 15 returns, certified under the auditor's hand and seal, and deposit the copy
 16 with the auditor of every other county interested in the change.

17 (e) After copies have been filed under subsection (d), the auditor of
 18 each county shall call a meeting of the executive of the county, which
 19 shall examine the returns. If a majority of the voters of each interested
 20 county voted in favor of change, the executive shall:

- 21 (1) enter an order declaring their boundaries to be changed as
 22 described in the petition; and
 23 (2) if the county has received territory from the transfer, adopt
 24 revised descriptions of:

- 25 (A) county commissioner districts under IC 36-2-2-4; and
 26 (B) county council districts under IC 36-2-3-4;

27 so that the transferred territory is assigned to at least one (1) county
 28 commissioner district and at least one (1) county council district.

29 (f) The executive of each county shall file a copy of the order
 30 described in subsection (e)(1) with:

- 31 (1) the office of the secretary of state; and
 32 (2) the circuit court clerk of the county.

33 Except as provided in subsection (g), the transfer of territory becomes
 34 effective when the last county order is filed under this subsection.

35 (g) An order declaring county boundaries to be changed may not
 36 take effect during the year preceding a year in which a federal
 37 decennial census is conducted. An order that would otherwise take
 38 effect during the year preceding a year in which a federal decennial
 39 census is conducted takes effect January 21 of the year in which a
 40 federal decennial census is conducted.

41 (h) An election under this section may be held only once every three
 42 (3) years.

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1 (i) **Notwithstanding subsection (g) as that subsection existed on**
 2 **December 31, 2009, a boundary change that took effect January 2,**
 3 **2010, because of the application of subsection (g), as that**
 4 **subsection existed on December 31, 2009, is instead considered to**
 5 **take effect January 1, 2010, without an amended order or any**
 6 **other additional action being required.**

7 SECTION 57. IC 36-2-7-13, AS AMENDED BY P.L.146-2008,
 8 SECTION 691, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JANUARY 1, 2011]: Sec. 13. The county fiscal body
 10 may grant to the county assessor, in addition to the compensation fixed
 11 under IC 36-2-5, a per diem for each day that the assessor is engaged
 12 in ~~general~~ reassessment activities **under a county's reassessment**
 13 **plan.** This section applies regardless of whether professional assessing
 14 services are provided under a contract to one (1) or more townships in
 15 the county.

16 SECTION 58. IC 36-3-2-7 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 18 Sec. 7. (a) This section governs the transfer of territory that is either:

- 19 (1) inside the corporate boundaries of the consolidated city and
 20 contiguous to an excluded city; or
 21 (2) inside the corporate boundaries of an excluded city and
 22 contiguous to the consolidated city.

23 IC 36-4-3 does not apply to such a transfer.

24 (b) If the owners of land located in territory described in subsection
 25 (a) want to have that territory transferred from one (1) municipality to
 26 the other, they must file:

- 27 (1) a petition for annexation of that territory with the legislative
 28 body of the contiguous municipality; and
 29 (2) a petition for disannexation of that territory with the legislative
 30 body of the municipality containing that territory.

31 Each petition must be signed by at least fifty-one percent (51%) of the
 32 owners of land in the territory sought to be transferred. The territory
 33 must be reasonably compact in configuration, and its boundaries must
 34 generally follow streets or natural boundaries.

35 (c) Each legislative body shall, not later than sixty (60) days after a
 36 petition is filed with it under subsection (b), either approve or
 37 disapprove the petition, with the following results:

- 38 (1) Except as provided in subsection (g), if both legislative bodies
 39 approve, the transfer of territory takes effect:
 40 (A) on the effective date of the approval of the latter
 41 legislative body to act; and
 42 (B) when a copy of each transfer approval has been filed under

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- 1 subsection (f).
- 2 (2) If the legislative body of the contiguous municipality
- 3 disapproves or fails to act within the prescribed period, the
- 4 proceedings are terminated.
- 5 (3) If the legislative body of the contiguous municipality approves
- 6 but the legislative body of the other municipality disapproves or
- 7 fails to act within the prescribed period, the proceedings are
- 8 terminated unless there is an appeal under subsection (d).
- 9 (d) In the case described by subsection (c)(3), the petitioners may,
- 10 not later than sixty (60) days after the disapproval or expiration of the
- 11 prescribed period, appeal to the circuit court. The appeal must allege
- 12 that the benefits to be derived by the petitioners from the transfer
- 13 outweigh the detriments to the municipality that has failed to approve,
- 14 which is defendant in the appeal.
- 15 (e) The court shall try an appeal under subsection (d) as other civil
- 16 actions, but without a jury. If the court determines that:
- 17 (1) the requirements of this section have been met; and
- 18 (2) the benefits to be derived by the petitioners outweigh the
- 19 detriments to the municipality;
- 20 it shall order the transfer of territory to take effect on the date its order
- 21 becomes final, subject to subsection (g), and shall file the order under
- 22 subsection (f). However, if the municipality, or a district of it, is
- 23 furnishing sanitary sewer service or municipal water service in the
- 24 territory, or otherwise has expended substantial sums for public
- 25 facilities (other than roads) specially benefiting the territory, the court
- 26 shall deny the transfer.
- 27 (f) A municipal legislative body that approves a transfer of territory
- 28 under subsection (c) or a court that approves a transfer under
- 29 subsection (e) shall file a copy of the approval or order, setting forth a
- 30 legal description of the territory to be transferred, with:
- 31 (1) the office of the secretary of state; and
- 32 (2) the circuit court clerk of each county in which the
- 33 municipality is located.
- 34 (g) A transfer of territory under this section may not take effect
- 35 during the year preceding a year in which a federal decennial census is
- 36 conducted. A transfer of territory that would otherwise take effect
- 37 during the year preceding a year in which a federal decennial census is
- 38 conducted takes effect January 1 of the year in which a federal
- 39 decennial census is conducted.
- 40 (h) A petition for annexation or disannexation under this section
- 41 may not be filed with respect to land as to which a transfer of territory
- 42 has been disapproved or denied within the preceding three (3) years.

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1 (i) The legislative body of a municipality annexing territory under
2 this section shall assign the territory to at least one (1) municipal
3 legislative body district under IC 36-3-4-3 or IC 36-4-6 not later than
4 thirty (30) days after the transfer of territory becomes effective under
5 this section.

6 **(j) Notwithstanding subsection (g) as that subsection existed on**
7 **December 31, 2009, a transfer of territory that took effect January**
8 **2, 2010, because of the application of subsection (g), as that**
9 **subsection existed on December 31, 2009, is instead considered to**
10 **take effect January 1, 2010, without any additional action being**
11 **required.**

12 SECTION 59. IC 36-4-2-9 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
14 Sec. 9. (a) Except as provided in subsection (c), a merger approved
15 under this chapter takes effect when:

- 16 (1) the officers of the new municipality are elected and qualified,
17 as prescribed by section 13 of this chapter; and
- 18 (2) a copy of the agreement under section 2 of this chapter or the
19 certified election results under section 7 of this chapter are filed
20 with:

- 21 (A) the office of the secretary of state; and
- 22 (B) the circuit court clerk of each county in which the
23 municipality is located.

24 (b) On the effective date of the merger, the merging municipalities
25 cease to exist and are merged into a single municipality of the class
26 created by the combined population of the merging municipalities. The
27 new municipality shall be governed by the laws applicable to that class.

28 (c) A merger approved under this chapter may not take effect during
29 the year preceding a year in which a federal decennial census is
30 conducted. A merger that would otherwise take effect during the year
31 preceding a year in which a federal decennial census is conducted takes
32 effect January 2 1 of the year in which a federal decennial census is
33 conducted.

34 **(d) Notwithstanding subsection (c) as that subsection existed on**
35 **December 31, 2009, a merger that took effect January 2, 2010,**
36 **because of the application of subsection (c), as that subsection**
37 **existed on December 31, 2009, is instead considered to take effect**
38 **January 1, 2010, without any additional action being required.**

39 SECTION 60. IC 36-4-3-7 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
41 Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of
42 this chapter, it must be published in the manner prescribed by IC 5-3-1.

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1 Except as provided in subsection (b), (c), or (f), in the absence of
2 remonstrance and appeal under section 11 or 15.5 of this chapter, the
3 ordinance takes effect at least ninety (90) days after its publication and
4 upon the filing required by section 22(a) of this chapter.

5 (b) An ordinance described in subsection (d) or adopted under
6 section 3, 4, 5, or 5.1 of this chapter may not take effect during the year
7 preceding a year in which a federal decennial census is conducted. An
8 ordinance that would otherwise take effect during the year preceding
9 a year in which a federal decennial census is conducted takes effect
10 January 2 1 of the year in which a federal decennial census is
11 conducted.

12 (c) Subsections (d) and (e) apply to fire protection districts that are
13 established after June 14, 1987.

14 (d) Except as provided in subsection (b), whenever a municipality
15 annexes territory, all or part of which lies within a fire protection
16 district (IC 36-8-11), the annexation ordinance (in the absence of
17 remonstrance and appeal under section 11 or 15.5 of this chapter) takes
18 effect the second January 1 that follows the date the ordinance is
19 adopted and upon the filing required by section 22(a) of this chapter.
20 The municipality shall:

- 21 (1) provide fire protection to that territory beginning the date the
- 22 ordinance is effective; and
- 23 (2) send written notice to the fire protection district of the date the
- 24 municipality will begin to provide fire protection to the annexed
- 25 territory within ten (10) days of the date the ordinance is adopted.

26 (e) If the fire protection district from which a municipality annexes
27 territory under subsection (d) is indebted or has outstanding unpaid
28 bonds or other obligations at the time the annexation is effective, the
29 municipality is liable for and shall pay that indebtedness in the same
30 ratio as the assessed valuation of the property in the annexed territory
31 (that is part of the fire protection district) bears to the assessed
32 valuation of all property in the fire protection district, as shown by the
33 most recent assessment for taxation before the annexation, unless the
34 assessed property within the municipality is already liable for the
35 indebtedness. The annexing municipality shall pay its indebtedness
36 under this section to the board of fire trustees. If the indebtedness
37 consists of outstanding unpaid bonds or notes of the fire protection
38 district, the payments to the board of fire trustees shall be made as the
39 principal or interest on the bonds or notes becomes due.

40 (f) This subsection applies to an annexation initiated by property
41 owners under section 5.1 of this chapter in which all property owners
42 within the area to be annexed petition the municipality to be annexed.

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1 Subject to subsections (b) and (d), and in the absence of an appeal
2 under section 15.5 of this chapter, an annexation ordinance takes effect
3 at least thirty (30) days after its publication and upon the filing required
4 by section 22(a) of this chapter.

5 SECTION 61. IC 36-4-3-12 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

7 Sec. 12. (a) The circuit or superior court shall:
8 (1) on the date fixed under section 11 of this chapter, hear and
9 determine the remonstrance without a jury; and
10 (2) without delay, enter judgment on the question of the
11 annexation according to the evidence that either party may
12 introduce.

13 (b) If the court enters judgment in favor of the annexation, the
14 annexation may not take effect during the year preceding the year in
15 which a federal decennial census is conducted. An annexation that
16 would otherwise take effect during the year preceding a year in which
17 a federal decennial census is conducted takes effect January 21 of the
18 year in which a federal decennial census is conducted.

19 SECTION 62. IC 36-4-3-15.5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

21 Sec. 15.5. (a) Except as provided in subsection (b), an owner of land
22 within one-half (1/2) mile of territory proposed to be annexed under
23 this chapter may, not later than sixty (60) days after the publication of
24 the annexation ordinance, appeal that annexation to a circuit court or
25 superior court of a county in which the annexed territory is located. The
26 complaint must state that the reason the annexation should not take
27 place is that the territory sought to be annexed is not contiguous to the
28 annexing municipality.

29 (b) This subsection applies to an annexation initiated by property
30 owners under section 5.1 of this chapter in which all property owners
31 within the area to be annexed petition the municipality to be annexed.
32 An owner of land within one-half (1/2) mile of the territory proposed
33 to be annexed under this chapter may, not later than thirty (30) days
34 after the publication of the annexation ordinance, appeal that
35 annexation to a circuit court or superior court of a county in which the
36 annexed territory is located. The complaint must state that the reason
37 the annexation should not take place is that the territory sought to be
38 annexed is not contiguous to the annexing municipality.

39 (c) Upon the determination of the court that the complaint is
40 sufficient, the judge shall fix a time for a hearing to be held not later
41 than sixty (60) days after the determination. Notice of the proceedings
42 shall be served by summons upon the proper officers of the annexing

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1 municipality. The municipality shall become a defendant in the cause
 2 and be required to appear and answer. The judge of the circuit or
 3 superior court shall, upon the date fixed, proceed to hear and determine
 4 the appeal without a jury, and shall, without delay, give judgment upon
 5 the question of the annexation according to the evidence introduced by
 6 the parties. If the evidence establishes that the territory sought to be
 7 annexed is contiguous to the annexing municipality, the court shall
 8 deny the appeal and dismiss the proceeding. If the evidence does not
 9 establish the foregoing factor, the court shall issue an order to prevent
 10 the proposed annexation from taking effect. The laws providing for
 11 change of venue from the county do not apply, but changes of venue
 12 from the judge may be had. Costs follow judgment. Pending the appeal,
 13 and during the time within which the appeal may be taken, the territory
 14 sought to be annexed is not a part of the annexing municipality.

15 (d) If the court enters a judgment in favor of the municipality, the
 16 annexation may not take effect during the year preceding a year in
 17 which a federal decennial census is conducted. An annexation that
 18 would otherwise take effect during the year preceding a year in which
 19 a federal decennial census is conducted takes effect January 21 of the
 20 year in which a federal decennial census is conducted.

21 SECTION 63. IC 36-4-3-19 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 23 Sec. 19. (a) If disannexation is ordered under this chapter by the works
 24 board of a municipality and no appeal is taken, the clerk of the
 25 municipality shall, without compensation and not later than ten (10)
 26 days after the order is made, make and certify a complete transcript of
 27 the disannexation proceedings to the auditor of each county in which
 28 the disannexed lots or lands lie and to the office of the secretary of
 29 state. The county auditor shall list those lots or lands appropriately for
 30 taxation. The proceedings of the works board shall not be certified to
 31 the county auditor or to the office of the secretary of state if an appeal
 32 to the circuit court has been taken.

33 (b) In all proceedings begun in or appealed to the circuit court, if
 34 vacation or disannexation is ordered, the clerk of the court shall
 35 immediately after the judgment of the court, or after a decision on
 36 appeal to the supreme court or court of appeals if the judgment on
 37 appeal is not reversed, certify the judgment of the circuit court, as
 38 affirmed or modified, to each of the following:

- 39 (1) The auditor of each county in which the lands or lots affected
 40 lie, on receipt of one dollar (\$1) for the making and certifying of
 41 the transcript from the petitioners for the disannexation.
 42 (2) The office of the secretary of state.

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- 1 (3) The circuit court clerk of each county in which the lands or
- 2 lots affected are located.
- 3 (4) The county election board of each county in which the lands
- 4 or lots affected are located.
- 5 (5) If a board of registration exists, the board of each county in
- 6 which the lands or lots affected are located.
- 7 (6) The office of census data established by IC 2-5-1.1-12.2.
- 8 (c) The county auditor shall forward a list of lots or lands
- 9 disannexed under this section to the following:
- 10 (1) The county highway department of each county in which the
- 11 lands or lots affected are located.
- 12 (2) The county surveyor of each county in which the lands or lots
- 13 affected are located.
- 14 (3) Each plan commission, if any, that lost or gained jurisdiction
- 15 over the disannexed territory.
- 16 (4) The township trustee of each township that lost or gained
- 17 jurisdiction over the disannexed territory.
- 18 (5) The sheriff of each county in which the lands or lots affected
- 19 are located.
- 20 (6) The office of the secretary of state.
- 21 (7) The office of census data established by IC 2-5-1.1-12.2.
- 22 The county auditor may require the clerk of the municipality to furnish
- 23 an adequate number of copies of the list of disannexed lots or lands or
- 24 may charge the clerk a fee for photoreproduction of the list.
- 25 (d) A disannexation described by this section takes effect upon the
- 26 clerk of the municipality filing the order with:
- 27 (1) the county auditor of each county in which the annexed
- 28 territory is located; and
- 29 (2) the circuit court clerk, or if a board of registration exists, the
- 30 board of each county in which the annexed territory is located.
- 31 (e) The clerk of the municipality shall notify the office of the
- 32 secretary of state and the office of census data established by
- 33 IC 2-5-1.1-12.2 of the date a disannexation is effective under this
- 34 chapter.
- 35 (f) A disannexation order under this chapter may not take effect
- 36 during the year preceding a year in which a federal decennial census is
- 37 conducted. A disannexation order that would otherwise take effect
- 38 during the year preceding a year in which a federal decennial census is
- 39 conducted takes effect January 2 1 of the year in which a federal
- 40 decennial census is conducted.

41 SECTION 64. IC 36-4-3-23 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

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1 JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 23. Notwithstanding**
2 **sections 7, 12, 15.5, and 19 of this chapter, as those sections existed**
3 **on December 31, 2009, an annexation or disannexation that took**
4 **effect January 2, 2010, because of the application of section 7(b),**
5 **12(b), 15.5(d), or 19(f) of this chapter, as those sections existed on**
6 **December 31, 2009, is instead considered to take effect January 1,**
7 **2010, without the adoption of an amended ordinance or the entry**
8 **of an amended judgment or order under this chapter.**

9 SECTION 65. IC 36-4-7-11, AS AMENDED BY P.L.169-2006,
10 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2010]: Sec. 11. If the city legislative body does not pass the
12 ordinance required by section 7 of this chapter before ~~October 1~~
13 **November 2** of each year, the most recent annual appropriations and
14 annual tax levy are continued for the ensuing budget year.

15 SECTION 66. IC 36-5-1-10.1 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
17 Sec. 10.1. (a) Except as provided in subsection (g), if the county
18 executive makes the findings required by section 8 of this chapter, it
19 may adopt an ordinance incorporating the town. The ordinance must:

20 (1) provide that:

21 (A) all members of the town legislative body are to be elected
22 at large (if the town would have a population of less than three
23 thousand five hundred (3,500)); or

24 (B) divide the town into not less than three (3) nor more than
25 seven (7) districts; and

26 (2) direct the county election board to conduct an election in the
27 town on the date of the next general or municipal election to be
28 held in any precincts in the county.

29 An election conducted under this section must comply with IC 3
30 concerning town elections. If, on the date that an ordinance was
31 adopted under this section, absentee ballots for a general or municipal
32 election have been delivered under IC 3-11-4-15 for voters within a
33 precinct in the town, the election must be conducted on the date of the
34 next general or municipal election held in any precincts in the county
35 after the election for which absentee balloting is being conducted.
36 However, a primary election may not be conducted before an election
37 conducted under this section, regardless of the population of the town.

38 (b) Districts established by an ordinance adopted under this section
39 must comply with IC 3-11-1.5.

40 (c) If any territory in the town is not included in one (1) of the
41 districts established under this section, the territory is included in the
42 district that:

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- 1 (1) is contiguous to that territory; and
 2 (2) contains the least population of all districts contiguous to that
 3 territory.
 4 (d) If any territory in the town is included in more than one (1) of
 5 the districts established under this section, the territory is included in
 6 the district that:
 7 (1) is one (1) of the districts in which the territory is described in
 8 the ordinance adopted under this section;
 9 (2) is contiguous to that territory; and
 10 (3) contains the least population of all districts contiguous to that
 11 territory.
 12 (e) Except as provided in subsection (f), an ordinance adopted under
 13 this section becomes effective when filed with:
 14 (1) the office of the secretary of state; and
 15 (2) the circuit court clerk of each county in which the town is
 16 located.
 17 (f) An ordinance incorporating a town under this section may not
 18 take effect during the year preceding a year in which a federal
 19 decennial census is conducted. An ordinance under this section that
 20 would otherwise take effect during the year preceding a year in which
 21 a federal decennial census is conducted takes effect January 2¹ of the
 22 year in which a federal decennial census is conducted.
 23 (g) Proceedings to incorporate a town across county boundaries
 24 must have the approval of the county executive of each county that
 25 contains a part of the proposed town. Each county that contains a part
 26 of the proposed town must adopt identical ordinances providing for the
 27 incorporation of the town.
 28 **(h) Notwithstanding subsection (f) as that subsection existed on**
 29 **December 31, 2009, an ordinance that took effect January 2, 2010,**
 30 **because of the application of subsection (f), as that subsection**
 31 **existed on December 31, 2009, is instead considered to take effect**
 32 **January 1, 2010, without the adoption of an ordinance or an**
 33 **amended ordinance or any other additional action being required.**
 34 SECTION 67. IC 36-5-1-18 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 36 Sec. 18. (a) If at least two-thirds (2/3) of the votes cast in an election
 37 under section 16 of this chapter are affirmative, and at least four-fifths
 38 (4/5) of all the voters listed in the census voted in the election, the
 39 dissolution or change of name takes effect in the manner prescribed by
 40 this section.
 41 (b) A change of name takes effect thirty (30) days after the filing of
 42 the statement required by section 17 of this chapter.

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1 (c) Except as provided in subsection (d), a dissolution takes effect
 2 six (6) months after the filing of the statement required by section 17
 3 of this chapter. The property owned by the town after payment of debts
 4 and liabilities shall be disposed of in the manner chosen by a majority
 5 of the voters of the town at a special election for that purpose.
 6 Dissolution of a town does not affect the validity of a contract to which
 7 the town is a party.

8 (d) A dissolution under this chapter may not take effect during the
 9 year preceding a year in which a federal decennial census is conducted.
 10 A dissolution that would otherwise take effect during the year
 11 preceding a year in which a federal decennial census is conducted takes
 12 effect January 2 1 of the year in which a federal decennial census is
 13 conducted.

14 **(e) Notwithstanding subsection (d) as that subsection existed on**
 15 **December 31, 2009, a dissolution that took effect January 2, 2010,**
 16 **because of the application of subsection (d), as that subsection**
 17 **existed on December 31, 2009, is instead considered to take effect**
 18 **January 1, 2010, without any additional action being required.**

19 SECTION 68. IC 36-5-1.1-9 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 21 Sec. 9. (a) A person aggrieved by a decision made by the county
 22 executive under section 6 of this chapter may, within thirty (30) days,
 23 appeal that decision or result to the circuit court for the county
 24 containing more than fifty percent (50%) in assessed valuation of the
 25 land in the town. The appeal is instituted by giving written notice to the
 26 clerk of the circuit court and filing with the county executive a bond for
 27 five hundred dollars (\$500), with surety approved by the county
 28 executive. The bond must provide:

- 29 (1) that the appeal will be duly prosecuted; and
 30 (2) that the appellants will pay all costs if the appeal is decided
 31 against them.

32 (b) When an appeal is instituted, the county executive shall file with
 33 the clerk of the circuit court a transcript of all proceedings in the case,
 34 together with all papers filed in the case. The county executive may not
 35 take further action in the case until the appeal is heard and determined.

36 (c) An appeal under this section shall be heard by the circuit court
 37 without a jury. Change of venue from the judge may be granted, but
 38 change of venue from the county may not be granted. If the court orders
 39 the dissolution to take place, the circuit court clerk shall, immediately
 40 after the judgment of the court, certify the judgment of the circuit court
 41 to:

- 42 (1) the clerk of the municipality;

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1 (2) the circuit court clerk of any other county in which the town
 2 is located; and
 3 (3) the office of the secretary of state.
 4 (d) Except as provided in subsection (e), the dissolution takes effect
 5 sixty (60) days after the order is certified.
 6 (e) A dissolution under this section may not take effect during the
 7 year preceding a year in which a federal decennial census is conducted.
 8 A dissolution under this section that would otherwise take effect during
 9 the year preceding the year in which the federal decennial census is
 10 conducted takes effect January 2 1 of the year in which a federal
 11 decennial census is conducted.
 12 **(f) Notwithstanding subsection (e) as that subsection existed on**
 13 **December 31, 2009, a dissolution that took effect January 2, 2010,**
 14 **because of the application of subsection (e), as that subsection**
 15 **existed on December 31, 2009, is instead considered to take effect**
 16 **January 1, 2010, without any additional action being required.**
 17 SECTION 69. IC 36-5-1.1-10 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 19 Sec. 10. (a) If the county executive approves dissolution under section
 20 6 of this chapter, the county executive shall adopt:
 21 (1) an ordinance; or
 22 (2) an order in a county having a consolidated city;
 23 dissolving the town.
 24 (b) Except as provided in subsection (e), a dissolution takes effect:
 25 (1) at least sixty (60) days after the ordinance or order under
 26 subsection (a) is adopted; and
 27 (2) when the county auditor files a copy of the ordinance or order
 28 with:
 29 (A) the circuit court clerk of each county in which the town is
 30 located; and
 31 (B) the office of the secretary of state.
 32 (c) The property owned by the town after payment of debts and
 33 liabilities shall be disposed of by the county executive. Any proceeds
 34 remaining shall be deposited in the county general fund. Dissolution of
 35 a town does not affect the validity of a contract to which the town is a
 36 party.
 37 (d) After dissolution, the books and records of the town become the
 38 property of the county executive for safekeeping.
 39 (e) A dissolution under this section may not take effect during the
 40 year preceding a year in which a federal decennial census is conducted.
 41 A dissolution under this section that would otherwise take effect during
 42 the year preceding a year in which a federal decennial census is

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1 conducted takes effect January 2 1 of the year in which a federal
2 decennial census is conducted.

3 **(f) Notwithstanding subsection (e) as that subsection existed on**
4 **December 31, 2009, a dissolution that took effect January 2, 2010,**
5 **because of the application of subsection (e), as that subsection**
6 **existed on December 31, 2009, is instead considered to take effect**
7 **January 1, 2010, without any additional action being required.**

8 SECTION 70. IC 36-5-1.1-10.5 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
10 Sec. 10.5. (a) This section applies to the dissolution of an included
11 town.

12 (b) The town legislative body may adopt a resolution to consider
13 dissolution of the town under this section. The resolution must state the
14 following:

15 (1) That the town legislative body conduct a public hearing at a
16 stated date, place, and time concerning the dissolution of the
17 town.

18 (2) That the town legislative body will hear all statements
19 presented in favor of or in opposition to dissolution.

20 (3) That the town legislative body may adopt an ordinance to
21 dissolve the town at the conclusion of the public hearing.

22 (c) The town clerk shall publish a notice of the public hearing in
23 accordance with IC 5-3-1.

24 (d) The town legislative body may continue a public hearing under
25 this section. If a hearing is continued, the clerk is not required to
26 publish an additional notice under subsection (c).

27 (e) The town legislative body may adopt an ordinance following the
28 conclusion of the public hearing under subsection (b). The town clerk
29 shall file a copy of the ordinance with:

30 (1) the circuit court clerk of the county; and

31 (2) the office of the secretary of state.

32 (f) Except as provided in subsection (g), the ordinance dissolving
33 the town takes effect:

34 (1) at least sixty (60) days after adoption; and

35 (2) when the ordinance is filed under subsection (e).

36 (g) A dissolution under this section may not take effect during the
37 year preceding a year in which a federal decennial census is conducted.
38 A dissolution under this section that would otherwise take effect during
39 the year preceding a year in which the federal decennial census is
40 conducted takes effect January 2 1 of the year in which a federal
41 decennial census is conducted.

42 (h) When an ordinance dissolving a town becomes effective:

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- 1 (1) the territory included within the town when the ordinance was
- 2 adopted becomes a part of the consolidated city;
- 3 (2) the books and records of the town become the property of the
- 4 county executive;
- 5 (3) the property owned by the town after payment of debts and
- 6 liabilities shall be disposed of by the county executive; and
- 7 (4) the county executive shall deposit any proceeds remaining
- 8 after payment of debts and liabilities into the county general fund.

9 (i) The dissolution of a town under this section does not affect the
10 validity of a contract to which the town is a party.

11 **(j) Notwithstanding subsection (g) as that subsection existed on**
12 **December 31, 2009, a dissolution that took effect January 2, 2010,**
13 **because of the application of subsection (g), as that subsection**
14 **existed on December 31, 2009, is instead considered to take effect**
15 **January 1, 2010, without any additional action being required.**

16 SECTION 71. IC 36-5-1.1-10.6 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
18 Sec. 10.6. (a) This section applies to included towns.

19 (b) The dissolution of a town under this section may be instituted by
20 filing a petition with the county board of registration. The petition must
21 be signed by at least the number of the registered voters of the town
22 required to place a candidate on the ballot under IC 3-8-6-3. The
23 petition must be filed not later than June 1 of a year in which a general
24 or municipal election will be held.

25 (c) If a petition meets the criteria set forth in subsection (b), the
26 county board of registration shall certify the public question to the
27 county election board under IC 3-10-9-3. The county election board
28 shall place the question of dissolution on the ballot provided for voters
29 in the included town at the first general or municipal election following
30 certification. The question shall be placed on the ballot in the form
31 prescribed by IC 3-10-9-4 and must state "Shall the town of _____
32 dissolve?".

33 (d) If the public question is approved by a majority of the voters
34 voting on the question, the county election board shall file a copy of the
35 certification prepared under IC 3-12-4-9 concerning the public question
36 described by this section with the following:

- 37 (1) The circuit court clerk of the county.
- 38 (2) The office of the secretary of state.
- 39 (e) Except as provided in subsection (f), dissolution occurs:
 - 40 (1) at least sixty (60) days after certification under IC 3-12-4-9;
 - 41 and
 - 42 (2) when the certification is filed under subsection (d).

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1 (f) A dissolution under this section may not take effect during the
 2 year preceding a year in which a federal decennial census is conducted.
 3 A dissolution under this section that would otherwise take effect during
 4 the year preceding a year in which the federal decennial census is
 5 conducted takes effect January 2 1 of the year in which a federal
 6 decennial census is conducted.

7 (g) When a town is dissolved under this section:
 8 (1) the territory included within the town when the ordinance was
 9 adopted becomes a part of the consolidated city;
 10 (2) the books and records of the town become the property of the
 11 county executive;
 12 (3) the property owned by the town after payment of debts and
 13 liabilities shall be disposed of by the county executive; and
 14 (4) the county executive shall deposit any proceeds remaining
 15 after payment of debts and liabilities into the county general fund.

16 (h) The dissolution of a town under this section does not affect the
 17 validity of a contract to which the town is a party.

18 **(i) Notwithstanding subsection (f) as that subsection existed on**
 19 **December 31, 2009, a dissolution that took effect January 2, 2010,**
 20 **because of the application of subsection (f), as that subsection**
 21 **existed on December 31, 2009, is instead considered to take effect**
 22 **January 1, 2010, without any additional action being required.**

23 SECTION 72. IC 36-6-1-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 25 Sec. 3. (a) When part of a township is owned by the state or the United
 26 States, devoted to a public use, and withdrawn from taxation for local
 27 purposes, and:

28 (1) less than eighteen (18) square miles of the township remains
 29 subject to taxation; or
 30 (2) the township is divided into two (2) or more separate sections
 31 by the government owned part;

32 the county executive may issue an order to alter the boundaries of the
 33 township and adjoining townships on receipt of a petition signed by at
 34 least thirty-five percent (35%) of the resident freeholders of a part of
 35 the township adjoining another township.

36 (b) Except as provided in subsection (c), a boundary alteration under
 37 this section is effective when a copy of the order is filed with:

38 (1) the circuit court clerk; and
 39 (2) the office of the secretary of state.

40 (c) A boundary alteration under this section may not take effect
 41 during the year preceding a year in which a federal decennial census is
 42 conducted. A boundary alteration that would otherwise take effect

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1 during the year preceding a year in which a federal decennial census is
2 conducted takes effect January 2 1 of the year in which a federal
3 decennial census is conducted.

4 **(d) Notwithstanding subsection (c) as that subsection existed on**
5 **December 31, 2009, a boundary alteration that took effect January**
6 **2, 2010, because of the application of subsection (c), as that**
7 **subsection existed on December 31, 2009, is instead considered to**
8 **take effect January 1, 2010, without any additional action being**
9 **required.**

10 SECTION 73. IC 36-6-8-5, AS AMENDED BY P.L.146-2008,
11 SECTION 717, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) When performing the
13 real property reassessment duties **under a county's reassessment plan**
14 **as** prescribed by IC 6-1.1-4, a township assessor may receive per diem
15 compensation, in addition to salary, at a rate fixed by the county fiscal
16 body, for each day that the assessor is engaged in reassessment
17 activities.

18 (b) Subsection (a) applies regardless of whether professional
19 assessing services are provided to a township under contract.

20 SECTION 74. IC 36-7-14-39, AS AMENDED BY
21 P.L.182-2009(ss), SECTION 404, IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 39. (a) As used
23 in this section:

24 "Allocation area" means that part of a redevelopment project area
25 to which an allocation provision of a declaratory resolution adopted
26 under section 15 of this chapter refers for purposes of distribution and
27 allocation of property taxes.

28 "Base assessed value" means the following:

29 (1) If an allocation provision is adopted after June 30, 1995, in a
30 declaratory resolution or an amendment to a declaratory
31 resolution establishing an economic development area:

32 (A) the net assessed value of all the property as finally
33 determined for the assessment date immediately preceding the
34 effective date of the allocation provision of the declaratory
35 resolution, as adjusted under subsection (h); plus

36 (B) to the extent that it is not included in clause (A), the net
37 assessed value of property that is assessed as residential
38 property under the rules of the department of local government
39 finance, as finally determined for any assessment date after the
40 effective date of the allocation provision.

41 (2) If an allocation provision is adopted after June 30, 1997, in a
42 declaratory resolution or an amendment to a declaratory

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resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight

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1 (8) years, the commission may by resolution determine the percentage
 2 of taxes imposed under IC 6-1.1 on all depreciable personal property
 3 that will be included within the definition of property taxes. However,
 4 the percentage included must not exceed twenty-five percent (25%) of
 5 the taxes imposed under IC 6-1.1 on all depreciable personal property.

6 (b) A declaratory resolution adopted under section 15 of this chapter
 7 on or before the allocation deadline determined under subsection (i)
 8 may include a provision with respect to the allocation and distribution
 9 of property taxes for the purposes and in the manner provided in this
 10 section. A declaratory resolution previously adopted may include an
 11 allocation provision by the amendment of that declaratory resolution on
 12 or before the allocation deadline determined under subsection (i) in
 13 accordance with the procedures required for its original adoption. A
 14 declaratory resolution or an amendment that establishes an allocation
 15 provision after June 30, 1995, must specify an expiration date for the
 16 allocation provision. For an allocation area established before July 1,
 17 2008, the expiration date may not be more than thirty (30) years after
 18 the date on which the allocation provision is established. For an
 19 allocation area established after June 30, 2008, the expiration date may
 20 not be more than twenty-five (25) years after the date on which the first
 21 obligation was incurred to pay principal and interest on bonds or lease
 22 rentals on leases payable from tax increment revenues. However, with
 23 respect to bonds or other obligations that were issued before July 1,
 24 2008, if any of the bonds or other obligations that were scheduled when
 25 issued to mature before the specified expiration date and that are
 26 payable only from allocated tax proceeds with respect to the allocation
 27 area remain outstanding as of the expiration date, the allocation
 28 provision does not expire until all of the bonds or other obligations are
 29 no longer outstanding. The allocation provision may apply to all or part
 30 of the redevelopment project area. The allocation provision must
 31 require that any property taxes subsequently levied by or for the benefit
 32 of any public body entitled to a distribution of property taxes on taxable
 33 property in the allocation area be allocated and distributed as follows:

34 (1) Except as otherwise provided in this section, the proceeds of
 35 the taxes attributable to the lesser of:

36 (A) the assessed value of the property for the assessment date
 37 with respect to which the allocation and distribution is made;
 38 or

39 (B) the base assessed value;

40 shall be allocated to and, when collected, paid into the funds of
 41 the respective taxing units.

42 (2) Except as otherwise provided in this section, property tax

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1 proceeds in excess of those described in subdivision (1) shall be
 2 allocated to the redevelopment district and, when collected, paid
 3 into an allocation fund for that allocation area that may be used by
 4 the redevelopment district only to do one (1) or more of the
 5 following:

6 (A) Pay the principal of and interest on any obligations
 7 payable solely from allocated tax proceeds which are incurred
 8 by the redevelopment district for the purpose of financing or
 9 refinancing the redevelopment of that allocation area.

10 (B) Establish, augment, or restore the debt service reserve for
 11 bonds payable solely or in part from allocated tax proceeds in
 12 that allocation area.

13 (C) Pay the principal of and interest on bonds payable from
 14 allocated tax proceeds in that allocation area and from the
 15 special tax levied under section 27 of this chapter.

16 (D) Pay the principal of and interest on bonds issued by the
 17 unit to pay for local public improvements that are physically
 18 located in or physically connected to that allocation area.

19 (E) Pay premiums on the redemption before maturity of bonds
 20 payable solely or in part from allocated tax proceeds in that
 21 allocation area.

22 (F) Make payments on leases payable from allocated tax
 23 proceeds in that allocation area under section 25.2 of this
 24 chapter.

25 (G) Reimburse the unit for expenditures made by it for local
 26 public improvements (which include buildings, parking
 27 facilities, and other items described in section 25.1(a) of this
 28 chapter) that are physically located in or physically connected
 29 to that allocation area.

30 (H) Reimburse the unit for rentals paid by it for a building or
 31 parking facility that is physically located in or physically
 32 connected to that allocation area under any lease entered into
 33 under IC 36-1-10.

34 (I) For property taxes first due and payable before January 1,
 35 2009, pay all or a part of a property tax replacement credit to
 36 taxpayers in an allocation area as determined by the
 37 redevelopment commission. This credit equals the amount
 38 determined under the following STEPS for each taxpayer in a
 39 taxing district (as defined in IC 6-1.1-1-20) that contains all or
 40 part of the allocation area:

41 STEP ONE: Determine that part of the sum of the amounts
 42 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),

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1 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
 2 IC 6-1.1-21-2(g)(5) **(before their repeal)** that is attributable
 3 to the taxing district.
 4 STEP TWO: Divide:
 5 (i) that part of each county's eligible property tax
 6 replacement amount (as defined in IC 6-1.1-21-2 **repealed**)
 7 for that year as determined under IC 6-1.1-21-4 **(repealed)**
 8 that is attributable to the taxing district; by
 9 (ii) the STEP ONE sum.
 10 STEP THREE: Multiply:
 11 (i) the STEP TWO quotient; times
 12 (ii) the total amount of the taxpayer's taxes (as defined in
 13 IC 6-1.1-21-2 **(repealed)**) levied in the taxing district that
 14 have been allocated during that year to an allocation fund
 15 under this section.
 16 If not all the taxpayers in an allocation area receive the credit
 17 in full, each taxpayer in the allocation area is entitled to
 18 receive the same proportion of the credit. A taxpayer may not
 19 receive a credit under this section and a credit under section
 20 39.5 of this chapter (before its repeal) in the same year.
 21 (J) Pay expenses incurred by the redevelopment commission
 22 for local public improvements that are in the allocation area or
 23 serving the allocation area. Public improvements include
 24 buildings, parking facilities, and other items described in
 25 section 25.1(a) of this chapter.
 26 (K) Reimburse public and private entities for expenses
 27 incurred in training employees of industrial facilities that are
 28 located:
 29 (i) in the allocation area; and
 30 (ii) on a parcel of real property that has been classified as
 31 industrial property under the rules of the department of local
 32 government finance.
 33 However, the total amount of money spent for this purpose in
 34 any year may not exceed the total amount of money in the
 35 allocation fund that is attributable to property taxes paid by the
 36 industrial facilities described in this clause. The
 37 reimbursements under this clause must be made within three
 38 (3) years after the date on which the investments that are the
 39 basis for the increment financing are made.
 40 (L) Pay the costs of carrying out an eligible efficiency project
 41 (as defined in IC 36-9-41-1.5) within the unit that established
 42 the redevelopment commission. However, property tax

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proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

The allocation fund may not be used for operating expenses of the commission.

(3) Except as provided in subsection (g), before July 15 of each year the commission shall do the following:

- (A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).
- (B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:
 - (i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or
 - (ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units

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1 the amount, if any, of excess assessed value determined by the
2 commission. The commission may not authorize an allocation
3 of assessed value to the respective taxing units under this
4 subdivision if to do so would endanger the interests of the
5 holders of bonds described in subdivision (2) or lessors under
6 section 25.3 of this chapter.

7 (c) For the purpose of allocating taxes levied by or for any taxing
8 unit or units, the assessed value of taxable property in a territory in the
9 allocation area that is annexed by any taxing unit after the effective
10 date of the allocation provision of the declaratory resolution is the
11 lesser of:

- 12 (1) the assessed value of the property for the assessment date with
13 respect to which the allocation and distribution is made; or
- 14 (2) the base assessed value.

15 (d) Property tax proceeds allocable to the redevelopment district
16 under subsection (b)(2) may, subject to subsection (b)(3), be
17 irrevocably pledged by the redevelopment district for payment as set
18 forth in subsection (b)(2).

19 (e) Notwithstanding any other law, each assessor shall, upon
20 petition of the redevelopment commission, reassess the taxable
21 property situated upon or in, or added to, the allocation area, effective
22 on the next assessment date after the petition.

23 (f) Notwithstanding any other law, the assessed value of all taxable
24 property in the allocation area, for purposes of tax limitation, property
25 tax replacement, and formulation of the budget, tax rate, and tax levy
26 for each political subdivision in which the property is located is the
27 lesser of:

- 28 (1) the assessed value of the property as valued without regard to
29 this section; or
- 30 (2) the base assessed value.

31 (g) If any part of the allocation area is located in an enterprise zone
32 created under IC 5-28-15, the unit that designated the allocation area
33 shall create funds as specified in this subsection. A unit that has
34 obligations, bonds, or leases payable from allocated tax proceeds under
35 subsection (b)(2) shall establish an allocation fund for the purposes
36 specified in subsection (b)(2) and a special zone fund. Such a unit
37 shall, until the end of the enterprise zone phase out period, deposit each
38 year in the special zone fund any amount in the allocation fund derived
39 from property tax proceeds in excess of those described in subsection
40 (b)(1) from property located in the enterprise zone that exceeds the
41 amount sufficient for the purposes specified in subsection (b)(2) for the
42 year. The amount sufficient for purposes specified in subsection (b)(2)

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1 for the year shall be determined based on the pro rata portion of such
 2 current property tax proceeds from the part of the enterprise zone that
 3 is within the allocation area as compared to all such current property
 4 tax proceeds derived from the allocation area. A unit that has no
 5 obligations, bonds, or leases payable from allocated tax proceeds under
 6 subsection (b)(2) shall establish a special zone fund and deposit all the
 7 property tax proceeds in excess of those described in subsection (b)(1)
 8 in the fund derived from property tax proceeds in excess of those
 9 described in subsection (b)(1) from property located in the enterprise
 10 zone. The unit that creates the special zone fund shall use the fund
 11 (based on the recommendations of the urban enterprise association) for
 12 programs in job training, job enrichment, and basic skill development
 13 that are designed to benefit residents and employers in the enterprise
 14 zone or other purposes specified in subsection (b)(2), except that where
 15 reference is made in subsection (b)(2) to allocation area it shall refer
 16 for purposes of payments from the special zone fund only to that part
 17 of the allocation area that is also located in the enterprise zone. Those
 18 programs shall reserve at least one-half (1/2) of their enrollment in any
 19 session for residents of the enterprise zone.

20 (h) The state board of accounts and department of local government
 21 finance shall make the rules and prescribe the forms and procedures
 22 that they consider expedient for the implementation of this chapter.
 23 After each ~~general~~ **reassessment of real property in an area under a**
 24 **county's reassessment plan** under IC 6-1.1-4, the department of local
 25 government finance shall adjust the base assessed value one (1) time
 26 to neutralize any effect of the ~~general~~ **reassessment of the real**
 27 **property in the area under a county's reassessment plan** on the
 28 property tax proceeds allocated to the redevelopment district under this
 29 section. After each annual adjustment under IC 6-1.1-4-4.5, the
 30 department of local government finance shall adjust the base assessed
 31 value one (1) time to neutralize any effect of the annual adjustment on
 32 the property tax proceeds allocated to the redevelopment district under
 33 this section. However, the adjustments under this subsection may not
 34 include the effect of property tax abatements under IC 6-1.1-12.1, and
 35 these adjustments may not produce less property tax proceeds allocable
 36 to the redevelopment district under subsection (b)(2) than would
 37 otherwise have been received if the ~~general~~ **reassessment under a**
 38 **county's reassessment plan** or annual adjustment had not occurred.
 39 The department of local government finance may prescribe procedures
 40 for county and township officials to follow to assist the department in
 41 making the adjustments.

42 (i) The allocation deadline referred to in subsection (b) is

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1 determined in the following manner:
 2 (1) The initial allocation deadline is December 31, 2011.
 3 (2) Subject to subdivision (3), the initial allocation deadline and
 4 subsequent allocation deadlines are automatically extended in
 5 increments of five (5) years, so that allocation deadlines
 6 subsequent to the initial allocation deadline fall on December 31,
 7 2016, and December 31 of each fifth year thereafter.
 8 (3) At least one (1) year before the date of an allocation deadline
 9 determined under subdivision (2), the general assembly may enact
 10 a law that:

11 (A) terminates the automatic extension of allocation deadlines
 12 under subdivision (2); and

13 (B) specifically designates a particular date as the final
 14 allocation deadline.

15 SECTION 75. IC 36-7-15.1-26, AS AMENDED BY
 16 P.L.182-2009(ss), SECTION 406, IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 26. (a) As used
 18 in this section:

19 "Allocation area" means that part of a redevelopment project area
 20 to which an allocation provision of a resolution adopted under section
 21 8 of this chapter refers for purposes of distribution and allocation of
 22 property taxes.

23 "Base assessed value" means the following:

24 (1) If an allocation provision is adopted after June 30, 1995, in a
 25 declaratory resolution or an amendment to a declaratory
 26 resolution establishing an economic development area:

27 (A) the net assessed value of all the property as finally
 28 determined for the assessment date immediately preceding the
 29 effective date of the allocation provision of the declaratory
 30 resolution, as adjusted under subsection (h); plus

31 (B) to the extent that it is not included in clause (A), the net
 32 assessed value of property that is assessed as residential
 33 property under the rules of the department of local government
 34 finance, as finally determined for any assessment date after the
 35 effective date of the allocation provision.

36 (2) If an allocation provision is adopted after June 30, 1997, in a
 37 declaratory resolution or an amendment to a declaratory
 38 resolution establishing a redevelopment project area:

39 (A) the net assessed value of all the property as finally
 40 determined for the assessment date immediately preceding the
 41 effective date of the allocation provision of the declaratory
 42 resolution, as adjusted under subsection (h); plus

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1 (B) to the extent that it is not included in clause (A), the net
2 assessed value of property that is assessed as residential
3 property under the rules of the department of local government
4 finance, as finally determined for any assessment date after the
5 effective date of the allocation provision.
6 (3) If:
7 (A) an allocation provision adopted before June 30, 1995, in
8 a declaratory resolution or an amendment to a declaratory
9 resolution establishing a redevelopment project area expires
10 after June 30, 1997; and
11 (B) after June 30, 1997, a new allocation provision is included
12 in an amendment to the declaratory resolution;
13 the net assessed value of all the property as finally determined for
14 the assessment date immediately preceding the effective date of
15 the allocation provision adopted after June 30, 1997, as adjusted
16 under subsection (h).
17 (4) Except as provided in subdivision (5), for all other allocation
18 areas, the net assessed value of all the property as finally
19 determined for the assessment date immediately preceding the
20 effective date of the allocation provision of the declaratory
21 resolution, as adjusted under subsection (h).
22 (5) If an allocation area established in an economic development
23 area before July 1, 1995, is expanded after June 30, 1995, the
24 definition in subdivision (1) applies to the expanded part of the
25 area added after June 30, 1995.
26 (6) If an allocation area established in a redevelopment project
27 area before July 1, 1997, is expanded after June 30, 1997, the
28 definition in subdivision (2) applies to the expanded part of the
29 area added after June 30, 1997.
30 Except as provided in section 26.2 of this chapter, "property taxes"
31 means taxes imposed under IC 6-1.1 on real property. However, upon
32 approval by a resolution of the redevelopment commission adopted
33 before June 1, 1987, "property taxes" also includes taxes imposed
34 under IC 6-1.1 on depreciable personal property. If a redevelopment
35 commission adopted before June 1, 1987, a resolution to include within
36 the definition of property taxes taxes imposed under IC 6-1.1 on
37 depreciable personal property that has a useful life in excess of eight
38 (8) years, the commission may by resolution determine the percentage
39 of taxes imposed under IC 6-1.1 on all depreciable personal property
40 that will be included within the definition of property taxes. However,
41 the percentage included must not exceed twenty-five percent (25%) of
42 the taxes imposed under IC 6-1.1 on all depreciable personal property.

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1 (b) A resolution adopted under section 8 of this chapter on or before
 2 the allocation deadline determined under subsection (i) may include a
 3 provision with respect to the allocation and distribution of property
 4 taxes for the purposes and in the manner provided in this section. A
 5 resolution previously adopted may include an allocation provision by
 6 the amendment of that resolution on or before the allocation deadline
 7 determined under subsection (i) in accordance with the procedures
 8 required for its original adoption. A declaratory resolution or an
 9 amendment that establishes an allocation provision after June 30, 1995,
 10 must specify an expiration date for the allocation provision. For an
 11 allocation area established before July 1, 2008, the expiration date may
 12 not be more than thirty (30) years after the date on which the allocation
 13 provision is established. For an allocation area established after June
 14 30, 2008, the expiration date may not be more than twenty-five (25)
 15 years after the date on which the first obligation was incurred to pay
 16 principal and interest on bonds or lease rentals on leases payable from
 17 tax increment revenues. However, with respect to bonds or other
 18 obligations that were issued before July 1, 2008, if any of the bonds or
 19 other obligations that were scheduled when issued to mature before the
 20 specified expiration date and that are payable only from allocated tax
 21 proceeds with respect to the allocation area remain outstanding as of
 22 the expiration date, the allocation provision does not expire until all of
 23 the bonds or other obligations are no longer outstanding. The allocation
 24 provision may apply to all or part of the redevelopment project area.
 25 The allocation provision must require that any property taxes
 26 subsequently levied by or for the benefit of any public body entitled to
 27 a distribution of property taxes on taxable property in the allocation
 28 area be allocated and distributed as follows:

29 (1) Except as otherwise provided in this section, the proceeds of
 30 the taxes attributable to the lesser of:

31 (A) the assessed value of the property for the assessment date
 32 with respect to which the allocation and distribution is made;
 33 or

34 (B) the base assessed value;
 35 shall be allocated to and, when collected, paid into the funds of
 36 the respective taxing units.

37 (2) Except as otherwise provided in this section, property tax
 38 proceeds in excess of those described in subdivision (1) shall be
 39 allocated to the redevelopment district and, when collected, paid
 40 into a special fund for that allocation area that may be used by the
 41 redevelopment district only to do one (1) or more of the
 42 following:

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(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

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

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

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(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

The special fund may not be used for operating expenses of the commission.

(3) Before July 15 of each year, the commission shall do the following:

- (A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection (g).
- (B) Provide a written notice to the county auditor, the legislative body of the consolidated city, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:
 - (i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or
 - (ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective

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1 taxing units in the manner prescribed in subdivision (1).
2 The county auditor shall allocate to the respective taxing units
3 the amount, if any, of excess assessed value determined by the
4 commission. The commission may not authorize an allocation
5 to the respective taxing units under this subdivision if to do so
6 would endanger the interests of the holders of bonds described
7 in subdivision (2).
8 (c) For the purpose of allocating taxes levied by or for any taxing
9 unit or units, the assessed value of taxable property in a territory in the
10 allocation area that is annexed by any taxing unit after the effective
11 date of the allocation provision of the resolution is the lesser of:
12 (1) the assessed value of the property for the assessment date with
13 respect to which the allocation and distribution is made; or
14 (2) the base assessed value.
15 (d) Property tax proceeds allocable to the redevelopment district
16 under subsection (b)(2) may, subject to subsection (b)(3), be
17 irrevocably pledged by the redevelopment district for payment as set
18 forth in subsection (b)(2).
19 (e) Notwithstanding any other law, each assessor shall, upon
20 petition of the commission, reassess the taxable property situated upon
21 or in, or added to, the allocation area, effective on the next assessment
22 date after the petition.
23 (f) Notwithstanding any other law, the assessed value of all taxable
24 property in the allocation area, for purposes of tax limitation, property
25 tax replacement, and formulation of the budget, tax rate, and tax levy
26 for each political subdivision in which the property is located is the
27 lesser of:
28 (1) the assessed value of the property as valued without regard to
29 this section; or
30 (2) the base assessed value.
31 (g) If any part of the allocation area is located in an enterprise zone
32 created under IC 5-28-15, the unit that designated the allocation area
33 shall create funds as specified in this subsection. A unit that has
34 obligations, bonds, or leases payable from allocated tax proceeds under
35 subsection (b)(2) shall establish an allocation fund for the purposes
36 specified in subsection (b)(2) and a special zone fund. Such a unit
37 shall, until the end of the enterprise zone phase out period, deposit each
38 year in the special zone fund the amount in the allocation fund derived
39 from property tax proceeds in excess of those described in subsection
40 (b)(1) from property located in the enterprise zone that exceeds the
41 amount sufficient for the purposes specified in subsection (b)(2) for the
42 year. A unit that has no obligations, bonds, or leases payable from

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1 allocated tax proceeds under subsection (b)(2) shall establish a special
 2 zone fund and deposit all the property tax proceeds in excess of those
 3 described in subsection (b)(1) in the fund derived from property tax
 4 proceeds in excess of those described in subsection (b)(1) from
 5 property located in the enterprise zone. The unit that creates the special
 6 zone fund shall use the fund, based on the recommendations of the
 7 urban enterprise association, for one (1) or more of the following
 8 purposes:

9 (1) To pay for programs in job training, job enrichment, and basic
 10 skill development designed to benefit residents and employers in
 11 the enterprise zone. The programs must reserve at least one-half
 12 (1/2) of the enrollment in any session for residents of the
 13 enterprise zone.

14 (2) To make loans and grants for the purpose of stimulating
 15 business activity in the enterprise zone or providing employment
 16 for enterprise zone residents in the enterprise zone. These loans
 17 and grants may be made to the following:

18 (A) Businesses operating in the enterprise zone.

19 (B) Businesses that will move their operations to the enterprise
 20 zone if such a loan or grant is made.

21 (3) To provide funds to carry out other purposes specified in
 22 subsection (b)(2). However, where reference is made in
 23 subsection (b)(2) to the allocation area, the reference refers for
 24 purposes of payments from the special zone fund only to that part
 25 of the allocation area that is also located in the enterprise zone.

26 (h) The state board of accounts and department of local government
 27 finance shall make the rules and prescribe the forms and procedures
 28 that they consider expedient for the implementation of this chapter.
 29 After each ~~general~~ reassessment of **real property in an area under a**
 30 **county's reassessment plan** under IC 6-1.1-4, the department of local
 31 government finance shall adjust the base assessed value one (1) time
 32 to neutralize any effect of the ~~general~~ reassessment of **the real**
 33 **property in the area under a county's reassessment plan** on the
 34 property tax proceeds allocated to the redevelopment district under this
 35 section. After each annual adjustment under IC 6-1.1-4-4.5, the
 36 department of local government finance shall adjust the base assessed
 37 value to neutralize any effect of the annual adjustment on the property
 38 tax proceeds allocated to the redevelopment district under this section.
 39 However, the adjustments under this subsection may not include the
 40 effect of property tax abatements under IC 6-1.1-12.1, and these
 41 adjustments may not produce less property tax proceeds allocable to
 42 the redevelopment district under subsection (b)(2) than would

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1 otherwise have been received if the ~~general~~ reassessment **under a**
2 **county's reassessment plan** or annual adjustment had not occurred.
3 The department of local government finance may prescribe procedures
4 for county and township officials to follow to assist the department in
5 making the adjustments.

6 (i) The allocation deadline referred to in subsection (b) is
7 determined in the following manner:

8 (1) The initial allocation deadline is December 31, 2011.

9 (2) Subject to subdivision (3), the initial allocation deadline and
10 subsequent allocation deadlines are automatically extended in
11 increments of five (5) years, so that allocation deadlines
12 subsequent to the initial allocation deadline fall on December 31,
13 2016, and December 31 of each fifth year thereafter.

14 (3) At least one (1) year before the date of an allocation deadline
15 determined under subdivision (2), the general assembly may enact
16 a law that:

17 (A) terminates the automatic extension of allocation deadlines
18 under subdivision (2); and

19 (B) specifically designates a particular date as the final
20 allocation deadline.

21 SECTION 76. IC 36-7-15.1-53, AS AMENDED BY
22 P.L.182-2009(ss), SECTION 407, IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 53. (a) As used
24 in this section:

25 "Allocation area" means that part of a redevelopment project area
26 to which an allocation provision of a resolution adopted under section
27 40 of this chapter refers for purposes of distribution and allocation of
28 property taxes.

29 "Base assessed value" means:

30 (1) the net assessed value of all the property as finally determined
31 for the assessment date immediately preceding the effective date
32 of the allocation provision of the declaratory resolution, as
33 adjusted under subsection (h); plus

34 (2) to the extent that it is not included in subdivision (1), the net
35 assessed value of property that is assessed as residential property
36 under the rules of the department of local government finance, as
37 finally determined for any assessment date after the effective date
38 of the allocation provision.

39 Except as provided in section 55 of this chapter, "property taxes"
40 means taxes imposed under IC 6-1.1 on real property.

41 (b) A resolution adopted under section 40 of this chapter on or
42 before the allocation deadline determined under subsection (i) may

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1 include a provision with respect to the allocation and distribution of
 2 property taxes for the purposes and in the manner provided in this
 3 section. A resolution previously adopted may include an allocation
 4 provision by the amendment of that resolution on or before the
 5 allocation deadline determined under subsection (i) in accordance with
 6 the procedures required for its original adoption. A declaratory
 7 resolution or an amendment that establishes an allocation provision
 8 must be approved by resolution of the legislative body of the excluded
 9 city and must specify an expiration date for the allocation provision.
 10 For an allocation area established before July 1, 2008, the expiration
 11 date may not be more than thirty (30) years after the date on which the
 12 allocation provision is established. For an allocation area established
 13 after June 30, 2008, the expiration date may not be more than
 14 twenty-five (25) years after the date on which the first obligation was
 15 incurred to pay principal and interest on bonds or lease rentals on
 16 leases payable from tax increment revenues. However, with respect to
 17 bonds or other obligations that were issued before July 1, 2008, if any
 18 of the bonds or other obligations that were scheduled when issued to
 19 mature before the specified expiration date and that are payable only
 20 from allocated tax proceeds with respect to the allocation area remain
 21 outstanding as of the expiration date, the allocation provision does not
 22 expire until all of the bonds or other obligations are no longer
 23 outstanding. The allocation provision may apply to all or part of the
 24 redevelopment project area. The allocation provision must require that
 25 any property taxes subsequently levied by or for the benefit of any
 26 public body entitled to a distribution of property taxes on taxable
 27 property in the allocation area be allocated and distributed as follows:

28 (1) Except as otherwise provided in this section, the proceeds of
 29 the taxes attributable to the lesser of:

30 (A) the assessed value of the property for the assessment date
 31 with respect to which the allocation and distribution is made;

32 or

33 (B) the base assessed value;

34 shall be allocated to and, when collected, paid into the funds of
 35 the respective taxing units.

36 (2) Except as otherwise provided in this section, property tax
 37 proceeds in excess of those described in subdivision (1) shall be
 38 allocated to the redevelopment district and, when collected, paid
 39 into a special fund for that allocation area that may be used by the
 40 redevelopment district only to do one (1) or more of the
 41 following:

42 (A) Pay the principal of and interest on any obligations

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1 payable solely from allocated tax proceeds that are incurred by
 2 the redevelopment district for the purpose of financing or
 3 refinancing the redevelopment of that allocation area.
 4 (B) Establish, augment, or restore the debt service reserve for
 5 bonds payable solely or in part from allocated tax proceeds in
 6 that allocation area.
 7 (C) Pay the principal of and interest on bonds payable from
 8 allocated tax proceeds in that allocation area and from the
 9 special tax levied under section 50 of this chapter.
 10 (D) Pay the principal of and interest on bonds issued by the
 11 excluded city to pay for local public improvements that are
 12 physically located in or physically connected to that allocation
 13 area.
 14 (E) Pay premiums on the redemption before maturity of bonds
 15 payable solely or in part from allocated tax proceeds in that
 16 allocation area.
 17 (F) Make payments on leases payable from allocated tax
 18 proceeds in that allocation area under section 46 of this
 19 chapter.
 20 (G) Reimburse the excluded city for expenditures for local
 21 public improvements (which include buildings, park facilities,
 22 and other items set forth in section 45 of this chapter) that are
 23 physically located in or physically connected to that allocation
 24 area.
 25 (H) Reimburse the unit for rentals paid by it for a building or
 26 parking facility that is physically located in or physically
 27 connected to that allocation area under any lease entered into
 28 under IC 36-1-10.
 29 (I) Reimburse public and private entities for expenses incurred
 30 in training employees of industrial facilities that are located:
 31 (i) in the allocation area; and
 32 (ii) on a parcel of real property that has been classified as
 33 industrial property under the rules of the department of local
 34 government finance.
 35 However, the total amount of money spent for this purpose in
 36 any year may not exceed the total amount of money in the
 37 allocation fund that is attributable to property taxes paid by the
 38 industrial facilities described in this clause. The
 39 reimbursements under this clause must be made within three
 40 (3) years after the date on which the investments that are the
 41 basis for the increment financing are made.
 42 The special fund may not be used for operating expenses of the

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commission.

(3) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection (g).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

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1 (e) Notwithstanding any other law, each assessor shall, upon
2 petition of the commission, reassess the taxable property situated upon
3 or in, or added to, the allocation area, effective on the next assessment
4 date after the petition.

5 (f) Notwithstanding any other law, the assessed value of all taxable
6 property in the allocation area, for purposes of tax limitation, property
7 tax replacement, and formulation of the budget, tax rate, and tax levy
8 for each political subdivision in which the property is located, is the
9 lesser of:

- 10 (1) the assessed value of the property as valued without regard to
- 11 this section; or
- 12 (2) the base assessed value.

13 (g) If any part of the allocation area is located in an enterprise zone
14 created under IC 5-28-15, the unit that designated the allocation area
15 shall create funds as specified in this subsection. A unit that has
16 obligations, bonds, or leases payable from allocated tax proceeds under
17 subsection (b)(2) shall establish an allocation fund for the purposes
18 specified in subsection (b)(2) and a special zone fund. Such a unit
19 shall, until the end of the enterprise zone phase out period, deposit each
20 year in the special zone fund the amount in the allocation fund derived
21 from property tax proceeds in excess of those described in subsection
22 (b)(1) from property located in the enterprise zone that exceeds the
23 amount sufficient for the purposes specified in subsection (b)(2) for the
24 year. A unit that has no obligations, bonds, or leases payable from
25 allocated tax proceeds under subsection (b)(2) shall establish a special
26 zone fund and deposit all the property tax proceeds in excess of those
27 described in subsection (b)(1) in the fund derived from property tax
28 proceeds in excess of those described in subsection (b)(1) from
29 property located in the enterprise zone. The unit that creates the special
30 zone fund shall use the fund, based on the recommendations of the
31 urban enterprise association, for one (1) or more of the following
32 purposes:

- 33 (1) To pay for programs in job training, job enrichment, and basic
- 34 skill development designed to benefit residents and employers in
- 35 the enterprise zone. The programs must reserve at least one-half
- 36 (1/2) of the enrollment in any session for residents of the
- 37 enterprise zone.
- 38 (2) To make loans and grants for the purpose of stimulating
- 39 business activity in the enterprise zone or providing employment
- 40 for enterprise zone residents in an enterprise zone. These loans
- 41 and grants may be made to the following:
- 42 (A) Businesses operating in the enterprise zone.

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1 (B) Businesses that will move their operations to the enterprise
 2 zone if such a loan or grant is made.
 3 (3) To provide funds to carry out other purposes specified in
 4 subsection (b)(2). However, where reference is made in
 5 subsection (b)(2) to the allocation area, the reference refers, for
 6 purposes of payments from the special zone fund, only to that part
 7 of the allocation area that is also located in the enterprise zone.
 8 (h) The state board of accounts and department of local government
 9 finance shall make the rules and prescribe the forms and procedures
 10 that they consider expedient for the implementation of this chapter.
 11 After each ~~general~~ reassessment of real property in an area under a
 12 county's reassessment plan under IC 6-1.1-4, the department of local
 13 government finance shall adjust the base assessed value one (1) time
 14 to neutralize any effect of the ~~general~~ reassessment of the real
 15 property in the area under a county's reassessment plan on the
 16 property tax proceeds allocated to the redevelopment district under this
 17 section. After each annual adjustment under IC 6-1.1-4-4.5, the
 18 department of local government finance shall adjust the base assessed
 19 value to neutralize any effect of the annual adjustment on the property
 20 tax proceeds allocated to the redevelopment district under this section.
 21 However, the adjustments under this subsection may not include the
 22 effect of property tax abatements under IC 6-1.1-12.1, and these
 23 adjustments may not produce less property tax proceeds allocable to
 24 the redevelopment district under subsection (b)(2) than would
 25 otherwise have been received if the ~~general~~ reassessment under a
 26 county's reassessment plan or annual adjustment had not occurred.
 27 The department of local government finance may prescribe procedures
 28 for county and township officials to follow to assist the department in
 29 making the adjustments.
 30 (i) The allocation deadline referred to in subsection (b) is
 31 determined in the following manner:
 32 (1) The initial allocation deadline is December 31, 2011.
 33 (2) Subject to subdivision (3), the initial allocation deadline and
 34 subsequent allocation deadlines are automatically extended in
 35 increments of five (5) years, so that allocation deadlines
 36 subsequent to the initial allocation deadline fall on December 31,
 37 2016, and December 31 of each fifth year thereafter.
 38 (3) At least one (1) year before the date of an allocation deadline
 39 determined under subdivision (2), the general assembly may enact
 40 a law that:
 41 (A) terminates the automatic extension of allocation deadlines
 42 under subdivision (2); and

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(B) specifically designates a particular date as the final allocation deadline.

SECTION 77. IC 36-7-30-25, AS AMENDED BY P.L.146-2008, SECTION 770, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution

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1 of property taxes on taxable property in the allocation area be allocated
2 and distributed as follows:

3 (1) Except as otherwise provided in this section, the proceeds of
4 the taxes attributable to the lesser of:

5 (A) the assessed value of the property for the assessment date
6 with respect to which the allocation and distribution is made;
7 or

8 (B) the base assessed value;

9 shall be allocated to and, when collected, paid into the funds of
10 the respective taxing units.

11 (2) Except as otherwise provided in this section, property tax
12 proceeds in excess of those described in subdivision (1) shall be
13 allocated to the military base reuse district and, when collected,
14 paid into an allocation fund for that allocation area that may be
15 used by the military base reuse district and only to do one (1) or
16 more of the following:

17 (A) Pay the principal of and interest and redemption premium
18 on any obligations incurred by the military base reuse district
19 or any other entity for the purpose of financing or refinancing
20 military base reuse activities in or directly serving or
21 benefiting that allocation area.

22 (B) Establish, augment, or restore the debt service reserve for
23 bonds payable solely or in part from allocated tax proceeds in
24 that allocation area or from other revenues of the reuse
25 authority, including lease rental revenues.

26 (C) Make payments on leases payable solely or in part from
27 allocated tax proceeds in that allocation area.

28 (D) Reimburse any other governmental body for expenditures
29 made for local public improvements (or structures) in or
30 directly serving or benefiting that allocation area.

31 (E) For property taxes first due and payable before 2009, pay
32 all or a part of a property tax replacement credit to taxpayers
33 in an allocation area as determined by the reuse authority. This
34 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) **(before their repeal)** that is attributable
41 to the taxing district.

42 STEP TWO: Divide:

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1 (i) that part of each county's eligible property tax
2 replacement amount (as defined in IC 6-1.1-21-2
3 **(repealed)**) for that year as determined under IC 6-1.1-21-4
4 that is attributable to the taxing district; by

5 (ii) the STEP ONE sum.

6 STEP THREE: Multiply:

7 (i) the STEP TWO quotient; times

8 (ii) the total amount of the taxpayer's taxes (as defined in
9 IC 6-1.1-21-2 **(repealed)**) levied in the taxing district that
10 have been allocated during that year to an allocation fund
11 under this section.

12 If not all the taxpayers in an allocation area receive the credit
13 in full, each taxpayer in the allocation area is entitled to
14 receive the same proportion of the credit. A taxpayer may not
15 receive a credit under this section and a credit under section
16 27 of this chapter (before its repeal) in the same year.

17 (F) Pay expenses incurred by the reuse authority for local
18 public improvements or structures that were in the allocation
19 area or directly serving or benefiting the allocation area.

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

23 (i) in the allocation area; and

24 (ii) on a parcel of real property that has been classified as
25 industrial property under the rules of the department of local
26 government finance.

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

34 The allocation fund may not be used for operating expenses of the
35 reuse authority.

36 (3) Except as provided in subsection (g), before July 15 of each
37 year the reuse authority shall do the following:

38 (A) Determine the amount, if any, by which property taxes
39 payable to the allocation fund in the following year will exceed
40 the amount of property taxes necessary to make, when due,
41 principal and interest payments on bonds described in
42 subdivision (2) plus the amount necessary for other purposes

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- 1 described in subdivision (2).
 2 (B) Provide a written notice to the county auditor, the fiscal
 3 body of the unit that established the reuse authority, and the
 4 officers who are authorized to fix budgets, tax rates, and tax
 5 levies under IC 6-1.1-17-5 for each of the other taxing units
 6 that is wholly or partly located within the allocation area. The
 7 notice must:
- 8 (i) state the amount, if any, of excess property taxes that the
 9 reuse authority has determined may be paid to the respective
 10 taxing units in the manner prescribed in subdivision (1); or
 - 11 (ii) state that the reuse authority has determined that there
 12 are no excess property tax proceeds that may be allocated to
 13 the respective taxing units in the manner prescribed in
 14 subdivision (1).
- 15 The county auditor shall allocate to the respective taxing units
 16 the amount, if any, of excess property tax proceeds determined
 17 by the reuse authority. The reuse authority may not authorize
 18 a payment to the respective taxing units under this subdivision
 19 if to do so would endanger the interest of the holders of bonds
 20 described in subdivision (2) or lessors under section 19 of this
 21 chapter. Property taxes received by a taxing unit under this
 22 subdivision before 2009 are eligible for the property tax
 23 replacement credit provided under IC 6-1.1-21.
- 24 (c) For the purpose of allocating taxes levied by or for any taxing
 25 unit or units, the assessed value of taxable property in a territory in the
 26 allocation area that is annexed by a taxing unit after the effective date
 27 of the allocation provision of the declaratory resolution is the lesser of:
 28 (1) the assessed value of the property for the assessment date with
 29 respect to which the allocation and distribution is made; or
 30 (2) the base assessed value.
 - 31 (d) Property tax proceeds allocable to the military base reuse district
 32 under subsection (b)(2) may, subject to subsection (b)(3), be
 33 irrevocably pledged by the military base reuse district for payment as
 34 set forth in subsection (b)(2).
 - 35 (e) Notwithstanding any other law, each assessor shall, upon
 36 petition of the reuse authority, reassess the taxable property situated
 37 upon or in or added to the allocation area, effective on the next
 38 assessment date after the petition.
 - 39 (f) Notwithstanding any other law, the assessed value of all taxable
 40 property in the allocation area, for purposes of tax limitation, property
 41 tax replacement, and the making of the budget, tax rate, and tax levy
 42 for each political subdivision in which the property is located is the

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- 1 lesser of:
- 2 (1) the assessed value of the property as valued without regard to
- 3 this section; or
- 4 (2) the base assessed value.
- 5 (g) If any part of the allocation area is located in an enterprise zone
- 6 created under IC 5-28-15, the unit that designated the allocation area
- 7 shall create funds as specified in this subsection. A unit that has
- 8 obligations, bonds, or leases payable from allocated tax proceeds under
- 9 subsection (b)(2) shall establish an allocation fund for the purposes
- 10 specified in subsection (b)(2) and a special zone fund. Such a unit
- 11 shall, until the end of the enterprise zone phase out period, deposit each
- 12 year in the special zone fund any amount in the allocation fund derived
- 13 from property tax proceeds in excess of those described in subsection
- 14 (b)(1) from property located in the enterprise zone that exceeds the
- 15 amount sufficient for the purposes specified in subsection (b)(2) for the
- 16 year. The amount sufficient for purposes specified in subsection (b)(2)
- 17 for the year shall be determined based on the pro rata part of such
- 18 current property tax proceeds from the part of the enterprise zone that
- 19 is within the allocation area as compared to all such current property
- 20 tax proceeds derived from the allocation area. A unit that does not have
- 21 obligations, bonds, or leases payable from allocated tax proceeds under
- 22 subsection (b)(2) shall establish a special zone fund and deposit all the
- 23 property tax proceeds in excess of those described in subsection (b)(1)
- 24 that are derived from property in the enterprise zone in the fund. The
- 25 unit that creates the special zone fund shall use the fund (based on the
- 26 recommendations of the urban enterprise association) for programs in
- 27 job training, job enrichment, and basic skill development that are
- 28 designed to benefit residents and employers in the enterprise zone or
- 29 other purposes specified in subsection (b)(2), except that where
- 30 reference is made in subsection (b)(2) to allocation area it shall refer
- 31 for purposes of payments from the special zone fund only to that part
- 32 of the allocation area that is also located in the enterprise zone. The
- 33 programs shall reserve at least one-half (1/2) of their enrollment in any
- 34 session for residents of the enterprise zone.
- 35 (h) After each ~~general~~ reassessment of **real property in an area**
- 36 **under a county's reassessment plan** under IC 6-1.1-4, the department
- 37 of local government finance shall adjust the base assessed value one (1)
- 38 time to neutralize any effect of the ~~general~~ reassessment of **the real**
- 39 **property in the area under a county's reassessment plan** on the
- 40 property tax proceeds allocated to the military base reuse district under
- 41 this section. After each annual adjustment under IC 6-1.1-4-4.5, the
- 42 department of local government finance shall adjust the base assessed

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1 value to neutralize any effect of the annual adjustment on the property
 2 tax proceeds allocated to the military base reuse district under this
 3 section. However, the adjustments under this subsection may not
 4 include the effect of property tax abatements under IC 6-1.1-12.1, and
 5 these adjustments may not produce less property tax proceeds allocable
 6 to the military base reuse district under subsection (b)(2) than would
 7 otherwise have been received if the ~~general~~ reassessment **under a**
 8 **county's reassessment plan** or annual adjustment had not occurred.
 9 The department of local government finance may prescribe procedures
 10 for county and township officials to follow to assist the department in
 11 making the adjustments.

12 SECTION 78. IC 36-7-30.5-30, AS AMENDED BY P.L.146-2008,
 13 SECTION 772, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JANUARY 1, 2011]: Sec. 30. (a) The following
 15 definitions apply throughout this section:

16 (1) "Allocation area" means that part of a military base
 17 development area to which an allocation provision of a
 18 declaratory resolution adopted under section 16 of this chapter
 19 refers for purposes of distribution and allocation of property taxes.

20 (2) "Base assessed value" means:

21 (A) the net assessed value of all the property as finally
 22 determined for the assessment date immediately preceding the
 23 adoption date of the allocation provision of the declaratory
 24 resolution, as adjusted under subsection (h); plus

25 (B) to the extent that it is not included in clause (A) or (C), the
 26 net assessed value of any and all parcels or classes of parcels
 27 identified as part of the base assessed value in the declaratory
 28 resolution or an amendment to the declaratory resolution, as
 29 finally determined for any subsequent assessment date; plus

30 (C) to the extent that it is not included in clause (A) or (B), the
 31 net assessed value of property that is assessed as residential
 32 property under the rules of the department of local government
 33 finance, as finally determined for any assessment date after the
 34 effective date of the allocation provision.

35 (3) "Property taxes" means taxes imposed under IC 6-1.1 on real
 36 property.

37 (b) A declaratory resolution adopted under section 16 of this chapter
 38 before the date set forth in IC 36-7-14-39(b) pertaining to declaratory
 39 resolutions adopted under IC 36-7-14-15 may include a provision with
 40 respect to the allocation and distribution of property taxes for the
 41 purposes and in the manner provided in this section. A declaratory
 42 resolution previously adopted may include an allocation provision by

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1 the amendment of that declaratory resolution in accordance with the
2 procedures set forth in section 18 of this chapter. The allocation
3 provision may apply to all or part of the military base development
4 area. The allocation provision must require that any property taxes
5 subsequently levied by or for the benefit of any public body entitled to
6 a distribution of property taxes on taxable property in the allocation
7 area be allocated and distributed as follows:

8 (1) Except as otherwise provided in this section, the proceeds of
9 the taxes attributable to the lesser of:

10 (A) the assessed value of the property for the assessment date
11 with respect to which the allocation and distribution is made;
12 or

13 (B) the base assessed value;

14 shall be allocated to and, when collected, paid into the funds of
15 the respective taxing units.

16 (2) Except as otherwise provided in this section, property tax
17 proceeds in excess of those described in subdivision (1) shall be
18 allocated to the development authority and, when collected, paid
19 into an allocation fund for that allocation area that may be used by
20 the development authority and only to do one (1) or more of the
21 following:

22 (A) Pay the principal of and interest and redemption premium
23 on any obligations incurred by the development authority or
24 any other entity for the purpose of financing or refinancing
25 military base development or reuse activities in or directly
26 serving or ~~benefitting~~ **benefiting** that allocation area.

27 (B) Establish, augment, or restore the debt service reserve for
28 bonds payable solely or in part from allocated tax proceeds in
29 that allocation area or from other revenues of the development
30 authority, including lease rental revenues.

31 (C) Make payments on leases payable solely or in part from
32 allocated tax proceeds in that allocation area.

33 (D) Reimburse any other governmental body for expenditures
34 made for local public improvements (or structures) in or
35 directly serving or ~~benefitting~~ **benefiting** that allocation area.

36 (E) For property taxes first due and payable before 2009, pay
37 all or a part of a property tax replacement credit to taxpayers
38 in an allocation area as determined by the development
39 authority. This credit equals the amount determined under the
40 following STEPS for each taxpayer in a taxing district (as
41 defined in IC 6-1.1-1-20) that contains all or part of the
42 allocation area:

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1 STEP ONE: Determine that part of the sum of the amounts
2 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
3 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
4 IC 6-1.1-21-2(g)(5) **(before their repeal)** that is attributable
5 to the taxing district.

6 STEP TWO: Divide:
7 (i) that part of each county's eligible property tax
8 replacement amount (as defined in IC 6-1.1-21-2
9 **(repealed)**) for that year as determined under IC 6-1.1-21-4
10 that is attributable to the taxing district; by
11 (ii) the STEP ONE sum.

12 STEP THREE: Multiply:
13 (i) the STEP TWO quotient; by
14 (ii) the total amount of the taxpayer's taxes (as defined in
15 IC 6-1.1-21-2 **(repealed)**) levied in the taxing district that
16 have been allocated during that year to an allocation fund
17 under this section.

18 If not all the taxpayers in an allocation area receive the credit
19 in full, each taxpayer in the allocation area is entitled to
20 receive the same proportion of the credit. A taxpayer may not
21 receive a credit under this section and a credit under section
22 32 of this chapter (before its repeal) in the same year.

23 (F) Pay expenses incurred by the development authority for
24 local public improvements or structures that were in the
25 allocation area or directly serving or ~~benefitting~~ **benefitting** the
26 allocation area.

27 (G) Reimburse public and private entities for expenses
28 incurred in training employees of industrial facilities that are
29 located:

- 30 (i) in the allocation area; and
- 31 (ii) on a parcel of real property that has been classified as
32 industrial property under the rules of the department of local
33 government finance.

34 However, the total amount of money spent for this purpose in
35 any year may not exceed the total amount of money in the
36 allocation fund that is attributable to property taxes paid by the
37 industrial facilities described in this clause. The
38 reimbursements under this clause must be made not more than
39 three (3) years after the date on which the investments that are
40 the basis for the increment financing are made.

41 The allocation fund may not be used for operating expenses of the
42 development authority.

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1 (3) Except as provided in subsection (g), before July 15 of each
2 year the development authority shall do the following:

3 (A) Determine the amount, if any, by which property taxes
4 payable to the allocation fund in the following year will exceed
5 the amount of property taxes necessary to make, when due,
6 principal and interest payments on bonds described in
7 subdivision (2) plus the amount necessary for other purposes
8 described in subdivision (2).

9 (B) Provide a written notice to the appropriate county auditors
10 and the fiscal bodies and other officers who are authorized to
11 fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for
12 each of the other taxing units that is wholly or partly located
13 within the allocation area. The notice must:

14 (i) state the amount, if any, of the excess property taxes that
15 the development authority has determined may be paid to
16 the respective taxing units in the manner prescribed in
17 subdivision (1); or

18 (ii) state that the development authority has determined that
19 there is no excess assessed value that may be allocated to the
20 respective taxing units in the manner prescribed in
21 subdivision (1).

22 The county auditors shall allocate to the respective taxing units
23 the amount, if any, of excess assessed value determined by the
24 development authority. The development authority may not
25 authorize a payment to the respective taxing units under this
26 subdivision if to do so would endanger the interest of the
27 holders of bonds described in subdivision (2) or lessors under
28 section 24 of this chapter. Property taxes received by a taxing
29 unit under this subdivision before 2009 are eligible for the
30 property tax replacement credit provided under IC 6-1.1-21.

31 (c) For the purpose of allocating taxes levied by or for any taxing
32 unit or units, the assessed value of taxable property in a territory in the
33 allocation area that is annexed by a taxing unit after the effective date
34 of the allocation provision of the declaratory resolution is the lesser of:

35 (1) the assessed value of the property for the assessment date with
36 respect to which the allocation and distribution is made; or

37 (2) the base assessed value.

38 (d) Property tax proceeds allocable to the military base development
39 district under subsection (b)(2) may, subject to subsection (b)(3), be
40 irrevocably pledged by the military base development district for
41 payment as set forth in subsection (b)(2).

42 (e) Notwithstanding any other law, each assessor shall, upon

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1 petition of the development authority, reassess the taxable property
 2 situated upon or in or added to the allocation area, effective on the next
 3 assessment date after the petition.
 4 (f) Notwithstanding any other law, the assessed value of all taxable
 5 property in the allocation area, for purposes of tax limitation, property
 6 tax replacement, and the making of the budget, tax rate, and tax levy
 7 for each political subdivision in which the property is located is the
 8 lesser of:
 9 (1) the assessed value of the property as valued without regard to
 10 this section; or
 11 (2) the base assessed value.
 12 (g) If any part of the allocation area is located in an enterprise zone
 13 created under IC 5-28-15, the development authority shall create funds
 14 as specified in this subsection. A development authority that has
 15 obligations, bonds, or leases payable from allocated tax proceeds under
 16 subsection (b)(2) shall establish an allocation fund for the purposes
 17 specified in subsection (b)(2) and a special zone fund. The
 18 development authority shall, until the end of the enterprise zone phase
 19 out period, deposit each year in the special zone fund any amount in the
 20 allocation fund derived from property tax proceeds in excess of those
 21 described in subsection (b)(1) from property located in the enterprise
 22 zone that exceeds the amount sufficient for the purposes specified in
 23 subsection (b)(2) for the year. The amount sufficient for purposes
 24 specified in subsection (b)(2) for the year shall be determined based on
 25 the pro rata part of such current property tax proceeds from the part of
 26 the enterprise zone that is within the allocation area as compared to all
 27 such current property tax proceeds derived from the allocation area. A
 28 development authority that does not have obligations, bonds, or leases
 29 payable from allocated tax proceeds under subsection (b)(2) shall
 30 establish a special zone fund and deposit all the property tax proceeds
 31 in excess of those described in subsection (b)(1) that are derived from
 32 property in the enterprise zone in the fund. The development authority
 33 that creates the special zone fund shall use the fund (based on the
 34 recommendations of the urban enterprise association) for programs in
 35 job training, job enrichment, and basic skill development that are
 36 designed to benefit residents and employers in the enterprise zone or
 37 for other purposes specified in subsection (b)(2), except that where
 38 reference is made in subsection (b)(2) to an allocation area it shall refer
 39 for purposes of payments from the special zone fund only to that part
 40 of the allocation area that is also located in the enterprise zone. The
 41 programs shall reserve at least one-half (1/2) of their enrollment in any
 42 session for residents of the enterprise zone.

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1 (h) After each ~~general~~ **reassessment of real property in an area**
 2 **under a county's reassessment plan** under IC 6-1.1-4, the department
 3 of local government finance shall adjust the base assessed value one (1)
 4 time to neutralize any effect of the ~~general~~ **reassessment of the real**
 5 **property in the area under a county's reassessment plan** on the
 6 property tax proceeds allocated to the military base development
 7 district under this section. After each annual adjustment under
 8 IC 6-1.1-4-4.5, the department of local government finance shall adjust
 9 the base assessed value to neutralize any effect of the annual
 10 adjustment on the property tax proceeds allocated to the military base
 11 development district under this section. However, the adjustments
 12 under this subsection may not include the effect of property tax
 13 abatements under IC 6-1.1-12.1, and these adjustments may not
 14 produce less property tax proceeds allocable to the military base
 15 development district under subsection (b)(2) than would otherwise
 16 have been received if the ~~general~~ **reassessment under a county's**
 17 **reassessment plan** or annual adjustment had not occurred. The
 18 department of local government finance may prescribe procedures for
 19 county and township officials to follow to assist the department in
 20 making the adjustments.

21 SECTION 79. IC 36-7-32-19, AS AMENDED BY P.L.154-2006,
 22 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2011]: Sec. 19. (a) The state board of accounts and
 24 department of local government finance shall make the rules and
 25 prescribe the forms and procedures that the state board of accounts and
 26 department of local government finance consider appropriate for the
 27 implementation of an allocation area under this chapter.

28 (b) After each ~~general~~ **reassessment of real property in an area**
 29 **under a county's reassessment plan** under IC 6-1.1-4, the department
 30 of local government finance shall adjust the base assessed value one (1)
 31 time to neutralize any effect of the ~~general~~ **reassessment of the real**
 32 **property in the area under a county's reassessment plan** on the
 33 property tax proceeds allocated to the certified technology park fund
 34 under section 17 of this chapter. After each annual adjustment under
 35 IC 6-1.1-4-4.5, the department of local government finance shall adjust
 36 the base assessed value to neutralize any effect of the annual
 37 adjustment on the property tax proceeds allocated to the certified
 38 technology park fund under section 17 of this chapter.

39 SECTION 80. [EFFECTIVE UPON PASSAGE] **IC 6-1.1-10-16, as**
 40 **amended by this act, applies to assessment dates after January 15,**
 41 **2010.**

42 SECTION 81. P.L.182-2009(ss), SECTION 479, IS AMENDED TO



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1 READ AS FOLLOWS [EFFECTIVE JUNE 30, 2009
 2 (RETROACTIVE)]; SECTION 479. **(a) IC 1-1-5-10 does not apply
 3 to this SECTION.**

4 ~~(a)~~ **(b)** This SECTION applies to:

5 (1) an entity that:

6 **(A) is owned, occupied, and used as a nonprofit entity (as
 7 described in IC 23); and**

8 **(B) failed, for an assessment date after March 1, 2000, to:**

9 ~~(A)~~ **(i)** file a timely application under IC 6-1.1-11 for an
 10 exemption under IC 6-1.1-10-16; or

11 ~~(B)~~ **(ii)** accompany a timely filed application for an
 12 exemption under IC 6-1.1-10-16 with sufficient information
 13 for the county property tax assessment board of appeals to
 14 determine whether the applicant was eligible for an
 15 exemption under IC 6-1.1-10-16, as specified on a response
 16 from the county assessor or property tax assessment board
 17 of appeals; and

18 (2) any part of the entity's property that would have qualified for
 19 an exemption under IC 6-1.1-10-16 as property owned, occupied,
 20 and predominately used for a charitable purpose, if the omissions
 21 described in subdivision (1) had not occurred.

22 ~~(b)~~ **(c)** Notwithstanding IC 6-1.1-11 or any other law, an entity
 23 described in subsection ~~(a)~~ **(b)** may, before September 1, 2009, file or
 24 refile with the county assessor an application for a property tax
 25 exemption under IC 6-1.1-10-16 for an assessment date occurring after
 26 March 1, 2000, and before March 1, 2010.

27 ~~(c)~~ **(d)** Notwithstanding IC 6-1.1-11 or any other law, an application
 28 for a property tax exemption that is filed under subsection ~~(b)~~ **(c)** is
 29 considered to be timely filed for the assessment date for which it is
 30 filed, and the county assessor shall forward the application to the
 31 county property tax assessment board of appeals for review or
 32 reconsideration. The board shall grant an exemption claimed under this
 33 SECTION for the assessment date covered by the application if, after
 34 reviewing all of the information submitted by the applicant, the board
 35 determines that:

36 (1) the entity's application for a property tax exemption satisfies
 37 the requirements of this SECTION; and

38 (2) except for the omissions described in subsection ~~(a)~~ **(b)**, part
 39 or all of the entity's property would otherwise have qualified for
 40 an exemption under IC 6-1.1-10-16 for the assessment date
 41 covered by the application.

42 IC 6-1.1-11-7 and IC 6-1.1-15-3 apply to a determination under this

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1 SECTION.

2 ~~(d)~~ (e) Notwithstanding IC 6-1.1-22-9 or any other law, if an
 3 exemption application is filed or refiled under this SECTION and an
 4 exemption under IC 6-1.1-10 had been granted for the property for
 5 property taxes first due and payable for any year after 1999, any unpaid
 6 taxes imposed on property and for a year covered by an exemption
 7 application are not due until thirty (30) days after the date the
 8 applicant's eligibility for the exemption under this SECTION is finally
 9 adjudicated and determined and a revised tax statement under
 10 IC 6-1.1-22-8.1 that reflects the final determination concerning the
 11 exemption application is delivered to the owner. During the pendency
 12 of the proceedings concerning an exemption application under this
 13 SECTION, no action under IC 6-1.1-24 or another law may be taken to
 14 collect the unpaid taxes for a year covered by the exemption
 15 application, including any action to sell the property at a tax sale. If an
 16 entity is granted an exemption or a partial exemption under this
 17 SECTION, any unpaid property tax liability, including interest, for the
 18 entity's property shall be canceled by the county auditor and the county
 19 treasurer to the extent of the exemption, and, notwithstanding
 20 IC 6-1.1-26-1, if the entity has previously paid the tax liability for
 21 property with respect to the assessment date covered by the application,
 22 the county auditor shall issue a refund of the property tax paid by the
 23 entity to the extent of the exemption. No interest or penalty shall be
 24 imposed on any tax liability remaining after the application of the
 25 exemption for any period before the taxes are due as provided in this
 26 subsection. An entity is not required to apply for any refund due under
 27 this SECTION. The county auditor shall, without an appropriation
 28 being required, issue a warrant to the entity payable from the county
 29 general fund for the amount of the refund, if any, due the entity. No
 30 interest is payable on the refund.

31 ~~(e)~~ (f) This SECTION expires January 1, 2010.

32 SECTION 82. [EFFECTIVE JANUARY 1, 2008
 33 (RETROACTIVE)] (a) **This SECTION applies to a taxpayer
 34 notwithstanding IC 6-1.1-11 or any other law or administrative
 35 rule or provision.**

36 (b) **This SECTION applies to an assessment date, as defined in
 37 IC 6-1.1-1-2, occurring after December 31, 2007, and before
 38 January 1, 2010.**

39 (c) **As used in this SECTION, "taxpayer" refers to a person, as
 40 defined in IC 6-1.1-1-10, that:**

41 (1) **after January 15, 2010, and before January 25, 2010, filed
 42 or refiled, in a manner consistent with IC 6-1.1-36-1.5, a Form**

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1 **136 property tax exemption application, along with any**
2 **supporting documents, schedules, or attachments, claiming an**
3 **exemption from real property taxes under IC 36-1-10-18 for**
4 **any assessment date described in subsection (b); and**
5 **(2) leased real property to the bureau of motor vehicles**
6 **commission during 2008 and 2009, and the real property**
7 **identified in the property tax exemption application referred**
8 **to in subdivision (1) received a full or partial exemption from**
9 **real property taxes for the 2006 or 2007 assessment date.**
10 **(d) A property tax exemption application referred to in**
11 **subsection (c)(1):**
12 **(1) is allowed; and**
13 **(2) is considered to have been timely filed.**
14 **(e) A taxpayer is entitled to the exemptions from real property**
15 **taxes as claimed on the property tax exemption applications**
16 **referred to in subsection (c)(1) and is not required to pay property**
17 **taxes, penalties or interest with respect to the exempt property.**
18 **(f) This SECTION expires July 1, 2011.**
19 **SECTION 83. 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. 239, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 19, delete lines 34 through 42.

Delete pages 20 through 22.

Page 23, delete lines 1 through 35.

Page 70, between lines 37 and 38, begin a new paragraph and insert:
 "SECTION 52. IC 36-1.5-4-5, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 5. (a) Except as provided in subsection (b), a reorganization approved under this chapter takes effect when all of the following have occurred:

(1) The later of:

(A) the date that a copy of a joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that:

(i) the reorganization has been approved by the voters of each reorganizing political subdivision; or

(ii) in the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization has been approved as set forth in section 32(b) of this chapter;

is recorded as required by section 31 of this chapter; or

(B) the date specified in the finally adopted plan of reorganization.

(2) The appointed or elected officers of the reorganized political subdivision are elected (as prescribed by section 36 of this chapter) or appointed and qualified, if:

(A) the reorganized political subdivision is a new political subdivision and reorganizing political subdivisions are not being consolidated into one (1) of the reorganizing political subdivisions;

(B) the reorganized political subdivision will have different boundaries than any of the reorganizing political subdivisions;

(C) the reorganized political subdivision will have different appointment or election districts than any of the reorganizing political subdivisions; or

(D) the finally adopted plan of reorganization requires new appointed or elected officers before the reorganization becomes effective.

(b) A reorganization approved under this chapter may not take effect

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during the year preceding a year in which a federal decennial census is conducted. A consolidation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 21 of the year in which a federal decennial census is conducted.

(c) Notwithstanding subsection (b) as that subsection existed on December 31, 2009, a reorganization that took effect January 2, 2010, because of the application of subsection (b), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without the adoption of an amended reorganization plan.

SECTION 53. IC 36-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 2. (a) If the resident voters in a specified territory in two (2) or more contiguous counties desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

- (1) be signed by at least the number of voters resident in the territory requested to be transferred required to place a candidate on the ballot under IC 3-8-6-3;
- (2) contain a clear, distinct description of the requested boundary change; and
- (3) not propose to decrease the area of any county below four hundred (400) square miles in compliance with Article 15, Section 7 of the Constitution of the State of Indiana.

(b) Whenever a petition under subsection (a) is filed with a county executive, the executive shall determine, at its first meeting after the petition is filed:

- (1) whether the signatures on the petition are genuine; and
- (2) whether the petition complies with subsection (a).

(c) If the determinations under subsection (b) are affirmative, the executive shall certify the question to the county election board of each affected county. The county election boards shall jointly order a special election to be held, scheduling the election so that the election is held on the same date in each county interested in the change, but not later than thirty (30) days and not on the same date as a general election. The election shall be conducted under IC 3-10-8-6. All voters of each interested county are entitled to vote on the question. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the boundaries of _____ County and _____ County change?".

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(d) After an election under subsection (c), the clerk of each county shall make a certified copy of the election returns and not later than five (5) days after the election file the copy with the auditor of the county. The auditor shall, not later than five (5) days after the filing of the returns in the auditor's office, make a true and complete copy of the returns, certified under the auditor's hand and seal, and deposit the copy with the auditor of every other county interested in the change.

(e) After copies have been filed under subsection (d), the auditor of each county shall call a meeting of the executive of the county, which shall examine the returns. If a majority of the voters of each interested county voted in favor of change, the executive shall:

- (1) enter an order declaring their boundaries to be changed as described in the petition; and
- (2) if the county has received territory from the transfer, adopt revised descriptions of:

(A) county commissioner districts under IC 36-2-2-4; and

(B) county council districts under IC 36-2-3-4;

so that the transferred territory is assigned to at least one (1) county commissioner district and at least one (1) county council district.

(f) The executive of each county shall file a copy of the order described in subsection (e)(1) with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of the county.

Except as provided in subsection (g), the transfer of territory becomes effective when the last county order is filed under this subsection.

(g) An order declaring county boundaries to be changed may not take effect during the year preceding a year in which a federal decennial census is conducted. An order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(h) An election under this section may be held only once every three (3) years.

(i) Notwithstanding subsection (g) as that subsection existed on December 31, 2009, a boundary change that took effect January 2, 2010, because of the application of subsection (g), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without an amended order or any other additional action being required."

Page 71, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 55. IC 36-3-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

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- Sec. 7. (a) This section governs the transfer of territory that is either:
- (1) inside the corporate boundaries of the consolidated city and contiguous to an excluded city; or
 - (2) inside the corporate boundaries of an excluded city and contiguous to the consolidated city.

IC 36-4-3 does not apply to such a transfer.

(b) If the owners of land located in territory described in subsection (a) want to have that territory transferred from one (1) municipality to the other, they must file:

- (1) a petition for annexation of that territory with the legislative body of the contiguous municipality; and
- (2) a petition for disannexation of that territory with the legislative body of the municipality containing that territory.

Each petition must be signed by at least fifty-one percent (51%) of the owners of land in the territory sought to be transferred. The territory must be reasonably compact in configuration, and its boundaries must generally follow streets or natural boundaries.

(c) Each legislative body shall, not later than sixty (60) days after a petition is filed with it under subsection (b), either approve or disapprove the petition, with the following results:

- (1) Except as provided in subsection (g), if both legislative bodies approve, the transfer of territory takes effect:
 - (A) on the effective date of the approval of the latter legislative body to act; and
 - (B) when a copy of each transfer approval has been filed under subsection (f).
- (2) If the legislative body of the contiguous municipality disapproves or fails to act within the prescribed period, the proceedings are terminated.
- (3) If the legislative body of the contiguous municipality approves but the legislative body of the other municipality disapproves or fails to act within the prescribed period, the proceedings are terminated unless there is an appeal under subsection (d).

(d) In the case described by subsection (c)(3), the petitioners may, not later than sixty (60) days after the disapproval or expiration of the prescribed period, appeal to the circuit court. The appeal must allege that the benefits to be derived by the petitioners from the transfer outweigh the detriments to the municipality that has failed to approve, which is defendant in the appeal.

(e) The court shall try an appeal under subsection (d) as other civil actions, but without a jury. If the court determines that:

- (1) the requirements of this section have been met; and

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(2) the benefits to be derived by the petitioners outweigh the detriments to the municipality;

it shall order the transfer of territory to take effect on the date its order becomes final, subject to subsection (g), and shall file the order under subsection (f). However, if the municipality, or a district of it, is furnishing sanitary sewer service or municipal water service in the territory, or otherwise has expended substantial sums for public facilities (other than roads) specially benefiting the territory, the court shall deny the transfer.

(f) A municipal legislative body that approves a transfer of territory under subsection (c) or a court that approves a transfer under subsection (e) shall file a copy of the approval or order, setting forth a legal description of the territory to be transferred, with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of each county in which the municipality is located.

(g) A transfer of territory under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A transfer of territory that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(h) A petition for annexation or disannexation under this section may not be filed with respect to land as to which a transfer of territory has been disapproved or denied within the preceding three (3) years.

(i) The legislative body of a municipality annexing territory under this section shall assign the territory to at least one (1) municipal legislative body district under IC 36-3-4-3 or IC 36-4-6 not later than thirty (30) days after the transfer of territory becomes effective under this section.

(j) Notwithstanding subsection (g) as that subsection existed on December 31, 2009, a transfer of territory that took effect January 2, 2010, because of the application of subsection (g), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 56. IC 36-4-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 9. (a) Except as provided in subsection (c), a merger approved under this chapter takes effect when:

- (1) the officers of the new municipality are elected and qualified, as prescribed by section 13 of this chapter; and

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(2) a copy of the agreement under section 2 of this chapter or the certified election results under section 7 of this chapter are filed with:

- (A) the office of the secretary of state; and
- (B) the circuit court clerk of each county in which the municipality is located.

(b) On the effective date of the merger, the merging municipalities cease to exist and are merged into a single municipality of the class created by the combined population of the merging municipalities. The new municipality shall be governed by the laws applicable to that class.

(c) A merger approved under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A merger that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(d) Notwithstanding subsection (c) as that subsection existed on December 31, 2009, a merger that took effect January 2, 2010, because of the application of subsection (c), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 57. IC 36-4-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), (c), or (f), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An ordinance described in subsection (d) or adopted under section 3, 4, 5, or 5.1 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(c) Subsections (d) and (e) apply to fire protection districts that are established after June 14, 1987.

(d) Except as provided in subsection (b), whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) takes

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effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

- (1) provide fire protection to that territory beginning the date the ordinance is effective; and
- (2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) If the fire protection district from which a municipality annexes territory under subsection (d) is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

(f) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.

SECTION 58. IC 36-4-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 12. (a) The circuit or superior court shall:

- (1) on the date fixed under section 11 of this chapter, hear and determine the remonstrance without a jury; and
- (2) without delay, enter judgment on the question of the annexation according to the evidence that either party may introduce.

(b) If the court enters judgment in favor of the annexation, the annexation may not take effect during the year preceding the year in which a federal decennial census is conducted. An annexation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 21 of the

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year in which a federal decennial census is conducted.

SECTION 59. IC 36-4-3-15.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 Sec. 15.5. (a) Except as provided in subsection (b), an owner of land within one-half (1/2) mile of territory proposed to be annexed under this chapter may, not later than sixty (60) days after the publication of the annexation ordinance, appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located. The complaint must state that the reason the annexation should not take place is that the territory sought to be annexed is not contiguous to the annexing municipality.

(b) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. An owner of land within one-half (1/2) mile of the territory proposed to be annexed under this chapter may, not later than thirty (30) days after the publication of the annexation ordinance, appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located. The complaint must state that the reason the annexation should not take place is that the territory sought to be annexed is not contiguous to the annexing municipality.

(c) Upon the determination of the court that the complaint is sufficient, the judge shall fix a time for a hearing to be held not later than sixty (60) days after the determination. Notice of the proceedings shall be served by summons upon the proper officers of the annexing municipality. The municipality shall become a defendant in the cause and be required to appear and answer. The judge of the circuit or superior court shall, upon the date fixed, proceed to hear and determine the appeal without a jury, and shall, without delay, give judgment upon the question of the annexation according to the evidence introduced by the parties. If the evidence establishes that the territory sought to be annexed is contiguous to the annexing municipality, the court shall deny the appeal and dismiss the proceeding. If the evidence does not establish the foregoing factor, the court shall issue an order to prevent the proposed annexation from taking effect. The laws providing for change of venue from the county do not apply, but changes of venue from the judge may be had. Costs follow judgment. Pending the appeal, and during the time within which the appeal may be taken, the territory sought to be annexed is not a part of the annexing municipality.

(d) If the court enters a judgment in favor of the municipality, the annexation may not take effect during the year preceding a year in which a federal decennial census is conducted. An annexation that

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would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 21 of the year in which a federal decennial census is conducted.

SECTION 60. IC 36-4-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 Sec. 19. (a) If disannexation is ordered under this chapter by the works board of a municipality and no appeal is taken, the clerk of the municipality shall, without compensation and not later than ten (10) days after the order is made, make and certify a complete transcript of the disannexation proceedings to the auditor of each county in which the disannexed lots or lands lie and to the office of the secretary of state. The county auditor shall list those lots or lands appropriately for taxation. The proceedings of the works board shall not be certified to the county auditor or to the office of the secretary of state if an appeal to the circuit court has been taken.

(b) In all proceedings begun in or appealed to the circuit court, if vacation or disannexation is ordered, the clerk of the court shall immediately after the judgment of the court, or after a decision on appeal to the supreme court or court of appeals if the judgment on appeal is not reversed, certify the judgment of the circuit court, as affirmed or modified, to each of the following:

- (1) The auditor of each county in which the lands or lots affected lie, on receipt of one dollar (\$1) for the making and certifying of the transcript from the petitioners for the disannexation.
- (2) The office of the secretary of state.
- (3) The circuit court clerk of each county in which the lands or lots affected are located.
- (4) The county election board of each county in which the lands or lots affected are located.
- (5) If a board of registration exists, the board of each county in which the lands or lots affected are located.
- (6) The office of census data established by IC 2-5-1.1-12.2.

(c) The county auditor shall forward a list of lots or lands disannexed under this section to the following:

- (1) The county highway department of each county in which the lands or lots affected are located.
- (2) The county surveyor of each county in which the lands or lots affected are located.
- (3) Each plan commission, if any, that lost or gained jurisdiction over the disannexed territory.
- (4) The township trustee of each township that lost or gained jurisdiction over the disannexed territory.

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- (5) The sheriff of each county in which the lands or lots affected are located.
- (6) The office of the secretary of state.
- (7) The office of census data established by IC 2-5-1.1-12.2.

The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the list of disannexed lots or lands or may charge the clerk a fee for photoreproduction of the list.

(d) A disannexation described by this section takes effect upon the clerk of the municipality filing the order with:

- (1) the county auditor of each county in which the annexed territory is located; and
- (2) the circuit court clerk, or if a board of registration exists, the board of each county in which the annexed territory is located.

(e) The clerk of the municipality shall notify the office of the secretary of state and the office of census data established by IC 2-5-1.1-12.2 of the date a disannexation is effective under this chapter.

(f) A disannexation order under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A disannexation order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 21 of the year in which a federal decennial census is conducted.

SECTION 61. IC 36-4-3-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 23. Notwithstanding sections 7, 12, 15.5, and 19 of this chapter, as those sections existed on December 31, 2009, an annexation or disannexation that took effect January 2, 2010, because of the application of section 7(b), 12(b), 15.5(d), or 19(f) of this chapter, as those sections existed on December 31, 2009, is instead considered to take effect January 1, 2010, without the adoption of an amended ordinance or the entry of an amended judgment or order under this chapter."

Page 71, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 63. IC 36-5-1-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

Sec. 10.1. (a) Except as provided in subsection (g), if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

- (1) provide that:
 - (A) all members of the town legislative body are to be elected at large (if the town would have a population of less than three

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thousand five hundred (3,500); or

(B) divide the town into not less than three (3) nor more than seven (7) districts; and

(2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. If, on the date that an ordinance was adopted under this section, absentee ballots for a general or municipal election have been delivered under IC 3-11-4-15 for voters within a precinct in the town, the election must be conducted on the date of the next general or municipal election held in any precincts in the county after the election for which absentee balloting is being conducted. However, a primary election may not be conducted before an election conducted under this section, regardless of the population of the town.

(b) Districts established by an ordinance adopted under this section must comply with IC 3-11-1.5.

(c) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(d) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

(e) Except as provided in subsection (f), an ordinance adopted under this section becomes effective when filed with:

(1) the office of the secretary of state; and

(2) the circuit court clerk of each county in which the town is located.

(f) An ordinance incorporating a town under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 21 of the year in which a federal decennial census is conducted.

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(g) Proceedings to incorporate a town across county boundaries must have the approval of the county executive of each county that contains a part of the proposed town. Each county that contains a part of the proposed town must adopt identical ordinances providing for the incorporation of the town.

(h) Notwithstanding subsection (f) as that subsection existed on December 31, 2009, an ordinance that took effect January 2, 2010, because of the application of subsection (f), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without the adoption of an ordinance or an amended ordinance or any other additional action being required.

SECTION 64. IC 36-5-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 18. (a) If at least two-thirds (2/3) of the votes cast in an election under section 16 of this chapter are affirmative, and at least four-fifths (4/5) of all the voters listed in the census voted in the election, the dissolution or change of name takes effect in the manner prescribed by this section.

(b) A change of name takes effect thirty (30) days after the filing of the statement required by section 17 of this chapter.

(c) Except as provided in subsection (d), a dissolution takes effect six (6) months after the filing of the statement required by section 17 of this chapter. The property owned by the town after payment of debts and liabilities shall be disposed of in the manner chosen by a majority of the voters of the town at a special election for that purpose. Dissolution of a town does not affect the validity of a contract to which the town is a party.

(d) A dissolution under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(e) Notwithstanding subsection (d) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (d), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 65. IC 36-5-1.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 9. (a) A person aggrieved by a decision made by the county executive under section 6 of this chapter may, within thirty (30) days,

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appeal that decision or result to the circuit court for the county containing more than fifty percent (50%) in assessed valuation of the land in the town. The appeal is instituted by giving written notice to the clerk of the circuit court and filing with the county executive a bond for five hundred dollars (\$500), with surety approved by the county executive. The bond must provide:

- (1) that the appeal will be duly prosecuted; and
- (2) that the appellants will pay all costs if the appeal is decided against them.

(b) When an appeal is instituted, the county executive shall file with the clerk of the circuit court a transcript of all proceedings in the case, together with all papers filed in the case. The county executive may not take further action in the case until the appeal is heard and determined.

(c) An appeal under this section shall be heard by the circuit court without a jury. Change of venue from the judge may be granted, but change of venue from the county may not be granted. If the court orders the dissolution to take place, the circuit court clerk shall, immediately after the judgment of the court, certify the judgment of the circuit court to:

- (1) the clerk of the municipality;
- (2) the circuit court clerk of any other county in which the town is located; and
- (3) the office of the secretary of state.

(d) Except as provided in subsection (e), the dissolution takes effect sixty (60) days after the order is certified.

(e) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding the year in which the federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(f) Notwithstanding subsection (e) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (e), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 66. IC 36-5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 10. (a) If the county executive approves dissolution under section 6 of this chapter, the county executive shall adopt:

- (1) an ordinance; or
- (2) an order in a county having a consolidated city;

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dissolving the town.

(b) Except as provided in subsection (e), a dissolution takes effect:

(1) at least sixty (60) days after the ordinance or order under subsection (a) is adopted; and

(2) when the county auditor files a copy of the ordinance or order with:

(A) the circuit court clerk of each county in which the town is located; and

(B) the office of the secretary of state.

(c) The property owned by the town after payment of debts and liabilities shall be disposed of by the county executive. Any proceeds remaining shall be deposited in the county general fund. Dissolution of a town does not affect the validity of a contract to which the town is a party.

(d) After dissolution, the books and records of the town become the property of the county executive for safekeeping.

(e) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2nd of the year in which a federal decennial census is conducted.

(f) Notwithstanding subsection (e) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (e), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 67. IC 36-5-1.1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 10.5. (a) This section applies to the dissolution of an included town.

(b) The town legislative body may adopt a resolution to consider dissolution of the town under this section. The resolution must state the following:

(1) That the town legislative body conduct a public hearing at a stated date, place, and time concerning the dissolution of the town.

(2) That the town legislative body will hear all statements presented in favor of or in opposition to dissolution.

(3) That the town legislative body may adopt an ordinance to dissolve the town at the conclusion of the public hearing.

(c) The town clerk shall publish a notice of the public hearing in

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accordance with IC 5-3-1.

(d) The town legislative body may continue a public hearing under this section. If a hearing is continued, the clerk is not required to publish an additional notice under subsection (c).

(e) The town legislative body may adopt an ordinance following the conclusion of the public hearing under subsection (b). The town clerk shall file a copy of the ordinance with:

- (1) the circuit court clerk of the county; and
- (2) the office of the secretary of state.

(f) Except as provided in subsection (g), the ordinance dissolving the town takes effect:

- (1) at least sixty (60) days after adoption; and
- (2) when the ordinance is filed under subsection (e).

(g) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which the federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(h) When an ordinance dissolving a town becomes effective:

- (1) the territory included within the town when the ordinance was adopted becomes a part of the consolidated city;
- (2) the books and records of the town become the property of the county executive;
- (3) the property owned by the town after payment of debts and liabilities shall be disposed of by the county executive; and
- (4) the county executive shall deposit any proceeds remaining after payment of debts and liabilities into the county general fund.

(i) The dissolution of a town under this section does not affect the validity of a contract to which the town is a party.

(j) Notwithstanding subsection (g) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (g), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 68. IC 36-5-1.1-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 10.6. (a) This section applies to included towns.

(b) The dissolution of a town under this section may be instituted by filing a petition with the county board of registration. The petition must be signed by at least the number of the registered voters of the town required to place a candidate on the ballot under IC 3-8-6-3. The

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petition must be filed not later than June 1 of a year in which a general or municipal election will be held.

(c) If a petition meets the criteria set forth in subsection (b), the county board of registration shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall place the question of dissolution on the ballot provided for voters in the included town at the first general or municipal election following certification. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the town of _____ dissolve?".

(d) If the public question is approved by a majority of the voters voting on the question, the county election board shall file a copy of the certification prepared under IC 3-12-4-9 concerning the public question described by this section with the following:

- (1) The circuit court clerk of the county.
- (2) The office of the secretary of state.

(e) Except as provided in subsection (f), dissolution occurs:

- (1) at least sixty (60) days after certification under IC 3-12-4-9; and
- (2) when the certification is filed under subsection (d).

(f) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which the federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(g) When a town is dissolved under this section:

- (1) the territory included within the town when the ordinance was adopted becomes a part of the consolidated city;
- (2) the books and records of the town become the property of the county executive;
- (3) the property owned by the town after payment of debts and liabilities shall be disposed of by the county executive; and
- (4) the county executive shall deposit any proceeds remaining after payment of debts and liabilities into the county general fund.

(h) The dissolution of a town under this section does not affect the validity of a contract to which the town is a party.

(i) Notwithstanding subsection (f) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (f), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

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SECTION 69. IC 36-6-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 Sec. 3. (a) When part of a township is owned by the state or the United States, devoted to a public use, and withdrawn from taxation for local purposes, and:

- (1) less than eighteen (18) square miles of the township remains subject to taxation; or
- (2) the township is divided into two (2) or more separate sections by the government owned part;

the county executive may issue an order to alter the boundaries of the township and adjoining townships on receipt of a petition signed by at least thirty-five percent (35%) of the resident freeholders of a part of the township adjoining another township.

(b) Except as provided in subsection (c), a boundary alteration under this section is effective when a copy of the order is filed with:

- (1) the circuit court clerk; and
- (2) the office of the secretary of state.

(c) A boundary alteration under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A boundary alteration that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2nd 1 of the year in which a federal decennial census is conducted.

(d) Notwithstanding subsection (c) as that subsection existed on December 31, 2009, a boundary alteration that took effect January 2, 2010, because of the application of subsection (c), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required."

Page 102, after line 42, begin a new paragraph and insert:

"SECTION 77. P.L.182-2009(ss), SECTION 479, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2009 (RETROACTIVE)]: SECTION 479. **(a) IC 1-1-5-10 does not apply to this SECTION.**

~~(a)~~ **(b)** This SECTION applies to:

- (1) an entity that:

(A) is operated as a nonprofit entity; and

(B) failed, for an assessment date after March 1, 2000, to:

~~(A)~~ **(i)** file a timely application under IC 6-1.1-11 for an exemption under IC 6-1.1-10-16; or

~~(B)~~ **(ii)** accompany a timely filed application for an exemption under IC 6-1.1-10-16 with sufficient information

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for the county property tax assessment board of appeals to determine whether the applicant was eligible for an exemption under IC 6-1.1-10-16, as specified on a response from the county assessor or property tax assessment board of appeals; and

(2) any part of the entity's property that would have qualified for an exemption under IC 6-1.1-10-16 as property owned, occupied, and predominately used for a charitable purpose, if the omissions described in subdivision (1) had not occurred.

~~(b)~~ (c) Notwithstanding IC 6-1.1-11 or any other law, an entity described in subsection ~~(a)~~ (b) may, before September 1, 2009, file or refile with the county assessor an application for a property tax exemption under IC 6-1.1-10-16 for an assessment date occurring after March 1, 2000, and before March 1, 2010.

~~(c)~~ (d) Notwithstanding IC 6-1.1-11 or any other law, an application for a property tax exemption that is filed under subsection ~~(b)~~ (c) is considered to be timely filed for the assessment date for which it is filed, and the county assessor shall forward the application to the county property tax assessment board of appeals for review or reconsideration. The board shall grant an exemption claimed under this SECTION for the assessment date covered by the application if, after reviewing all of the information submitted by the applicant, the board determines that:

- (1) the entity's application for a property tax exemption satisfies the requirements of this SECTION; and
- (2) except for the omissions described in subsection ~~(a)~~ (b), part or all of the entity's property would otherwise have qualified for an exemption under IC 6-1.1-10-16 for the assessment date covered by the application.

IC 6-1.1-11-7 and IC 6-1.1-15-3 apply to a determination under this SECTION.

~~(d)~~ (e) Notwithstanding IC 6-1.1-22-9 or any other law, if an exemption application is filed or refiled under this SECTION and an exemption under IC 6-1.1-10 had been granted for the property for property taxes first due and payable for any year after 1999, any unpaid taxes imposed on property and for a year covered by an exemption application are not due until thirty (30) days after the date the applicant's eligibility for the exemption under this SECTION is finally adjudicated and determined and a revised tax statement under IC 6-1.1-22-8.1 that reflects the final determination concerning the exemption application is delivered to the owner. During the pendency of the proceedings concerning an exemption application under this

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SECTION, no action under IC 6-1.1-24 or another law may be taken to collect the unpaid taxes for a year covered by the exemption application, including any action to sell the property at a tax sale. If an entity is granted an exemption or a partial exemption under this SECTION, any unpaid property tax liability, including interest, for the entity's property shall be canceled by the county auditor and the county treasurer to the extent of the exemption, and, notwithstanding IC 6-1.1-26-1, if the entity has previously paid the tax liability for property with respect to the assessment date covered by the application, the county auditor shall issue a refund of the property tax paid by the entity to the extent of the exemption. No interest or penalty shall be imposed on any tax liability remaining after the application of the exemption for any period before the taxes are due as provided in this subsection. An entity is not required to apply for any refund due under this SECTION. The county auditor shall, without an appropriation being required, issue a warrant to the entity payable from the county general fund for the amount of the refund, if any, due the entity. No interest is payable on the refund.

~~(e)~~ (f) This SECTION expires January 1, 2010."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 239 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 239 be amended to read as follows:

Page 2, line 21, delete "reassessed" and insert "**inspected**".

Page 2, line 22, after "cycle." insert "**Those parcels inspected within the past five (5) years as a result of sales transactions are not required to be reinspected in the year's scheduled group.**".

Page 2, line 23, delete "reassessment" and insert "**inspection**".

Page 2, line 25, after "parcels" delete ":" and insert "**each year:**".

Page 2, line 27, delete "that is being" and insert "**scheduled for inspection that year;**".

Page 2, delete line 28.

Page 2, line 30, delete "reassessment" and insert "**inspection**".

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Page 2, line 31, after "begins" delete "." and insert "; and
(C) must be part of an annual reassessment plan that includes the reassessment of all parcels in the county through an annual adjustment procedure that maintains value uniformity throughout the county in accordance with section 4.5 of this chapter.".

Page 2, line 33, delete "reassessed, the reassessment" and insert **"inspected, as well as the balance of parcels not inspected that year, reassessment by annual adjustment of value"**.

Page 2, line 34, delete "in" and insert **"for"**.

Page 2, line 34, delete "to be".

Page 2, line 37, delete "reassessing" and insert **"inspecting"**.

Page 2, line 38, delete "A" and insert **"The"**.

Page 2, line 38, delete "may" and insert **"shall"**.

Page 2, line 39, after "parcels" insert **"in the county"**.

Page 2, line 39, delete "reassessed in one (1) year." and insert **"analyzed each year and their values adjusted as necessary to maintain assessment uniformity throughout the county."**.

Page 2, line 41, delete "reassessed" and insert **"inspected"**.

Page 3, line 5, delete "reassessment" and insert **"inspection"**.

Page 3, line 7, after "2012." insert **"The reassessment of all parcels in the county each year shall be in accordance with the annual adjustment rules established by the department of local government finance under section 4.5 of this chapter."**.

Page 3, line 12, after "value" strike "in".

Page 3, line 13, strike "those years since a".

Page 3, line 13, strike "reassessment".

Page 3, line 13, delete "under a county's".

Page 3, line 14, delete "reassessment plan for the".

Page 3, line 14, strike "property last took effect." and insert **"under a county's reassessment plan."**.

Page 3, line 17, after "thereafter" insert ".".

Page 3, line 17, strike "that is not a year in which a reassessment".

Page 3, line 17, delete "under the".

Page 3, line 18, delete "county's reassessment plan for the property".

Page 3, line 18, strike "becomes effective".

Page 52, between lines 25 and 26, begin a new paragraph and insert:
"SECTION 37. IC 6-1.1-20-3.1, AS AMENDED BY P.L.182-2009(ss), SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.1. (a) This section applies only to the following:

(1) A controlled project (as defined in section 1.1 of this chapter

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as in effect June 30, 2008) for which the proper officers of a political subdivision make a preliminary determination in the manner described in subsection (b) before July 1, 2008.

(2) An elementary school building, middle school building, or other school building for academic instruction that:

- (A) is a controlled project;
- (B) will be used for any combination of kindergarten through grade 8;
- (C) will not be used for any combination of grade 9 through grade 12; and
- (D) will not cost more than ten million dollars (\$10,000,000).

(3) A high school building or other school building for academic instruction that:

- (A) is a controlled project;
- (B) will be used for any combination of grade 9 through grade 12;
- (C) will not be used for any combination of kindergarten through grade 8; and
- (D) will not cost more than twenty million dollars (\$20,000,000).

(4) Any other controlled project that:

- (A) is not a controlled project described in subdivision (1), (2), or (3); and
- (B) will not cost the political subdivision more than the lesser of the following:
 - (i) Twelve million dollars (\$12,000,000).
 - (ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that amount is at least one million dollars (\$1,000,000).

(b) A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

- (1) The proper officers of a political subdivision shall:
 - (A) publish notice in accordance with IC 5-3-1; and
 - (B) send notice by first class mail to **the circuit court clerk and to** any organization that delivers to the officers, before January 1 of that year, an annual written request for such notices;

of any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on a

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preliminary determination before adoption of the resolution or ordinance.

(2) When the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease for a controlled project, the officers shall give notice of the preliminary determination by:

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

(B) first class mail to **the circuit court clerk and to the organizations described in subdivision (1)(B).**

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease for a controlled project must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that any owners of real property within the political subdivision or registered voters residing within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to incur annually to operate the facility.

(G) A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16 before January 1, 2009) for an increased maximum permissible tuition support levy to pay the estimated costs described in clause (F).

(H) The political subdivision's current debt service levy and rate and the estimated increase to the political subdivision's debt service levy and rate that will result if the political

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subdivision issues the bonds or enters into the lease.

(4) After notice is given, a petition requesting the application of a petition and remonstrance process may be filed by the lesser of:

(A) one hundred (100) persons who are either owners of real property within the political subdivision or registered voters residing within the political subdivision; or

(B) five percent (5%) of the registered voters residing within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of real property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions 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; and

(D) govern the closing date for the petition period.

Persons requesting forms may 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 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 registered voter must indicate the address at which the person is registered to vote. 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.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

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(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office 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 voter registration office, 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 voter registration office shall not more than ten (10) business days after receiving the statement from the county auditor under subdivision (8) 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, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property within the subdivision and regardless of whether the person is both a registered voter in

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the political subdivision and the owner of real property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office 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 thirty-five (35) 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 38. IC 6-1.1-20-3.2, AS AMENDED BY P.L.182-2009(ss), SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.2. (a) This section applies only to controlled projects described in section 3.1(a) of this chapter.

(b) If a sufficient petition requesting the application of a petition and remonstrance process has been filed as set forth in section 3.1 of this chapter, a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

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

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

(B) first class mail to **the circuit court clerk and to the**

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organizations described in section 3.1(b)(1)(B) of this chapter. A notice under this subdivision must include a statement that any owners of real property within the political subdivision or registered voters residing within the political subdivision who want to petition in favor of or remonstrate against the proposed debt service or lease payments must file petitions and remonstrances in compliance with subdivisions (2) through (4) not earlier than thirty (30) days or later than sixty (60) days after publication in accordance with IC 5-3-1.

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

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

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

may be filed by an owner or owners of real property within the political subdivision or a registered voter residing within the political subdivision. Each signature on a petition must be dated, and the date of signature may not be before the date on which the petition and remonstrance forms may be issued under subdivision (3). A petition described in clause (A) or a remonstrance described in clause (B) must be verified in compliance with subdivision (4) before the petition or remonstrance is filed with the county voter registration office under subdivision (4).

(3) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition and remonstrance forms to be used solely in the petition and remonstrance process described in this section. The county voter registration office shall issue to an owner or owners of real property within the political subdivision or a registered voter residing within the political subdivision the number of petition or remonstrance forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions 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

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period; and

(E) apply to the carrier under section 10 of this chapter.

Persons requesting forms may 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 registered voter must indicate the address at which the person is registered to vote. 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 voter registration office may not issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county voter registration office 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 voter registration office 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 voter registration office shall determine whether each person who signed the petition or remonstrance is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition or remonstrance forward a copy of the petition or remonstrance to the county auditor. Not more than ten (10) business days after receiving the copy of the petition or remonstrance, the county auditor shall provide to the county voter registration office 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 voter registration office, 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.

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(6) The county voter registration office shall not more than ten (10) business days after receiving the statement from the county auditor under subdivision (5) 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, and there is a presumption that the individual is entitled to sign the petition or remonstrance under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition or remonstrance only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of real property within the political subdivision. Notwithstanding any other provision of this section, if a petition or remonstrance is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition or remonstrance, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(7) The county voter registration office must file a certificate and the petition or remonstrance with the body of the political subdivision charged with issuing bonds or entering into leases

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within thirty-five (35) 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 voter registration office 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.

(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 the petition and remonstrance process under this section or any other controlled project that is not substantially different within one (1) year after the date of the county voter registration office's certificate under subdivision (7). Withdrawal of a petition carries the same consequences as a defeat of the petition.

(9) After a political subdivision has gone through the petition and remonstrance process set forth in this section, the political subdivision is not required to follow any other remonstrance or objection procedures under any other law (including section 5 of this chapter) relating to bonds or leases designed to protect owners of real property within the political subdivision from the imposition of property taxes to pay debt service or lease rentals. However, the political subdivision must still receive the approval of the department of local government finance if required by:

(A) IC 6-1.1-18.5-8; or

(B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

SECTION 39. IC 6-1.1-20-3.5, AS AMENDED BY P.L.182-2009(ss), SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.5. (a) This section applies only to a controlled project that meets the following conditions:

(1) The controlled project is described in one (1) of the following categories:

(A) An elementary school building, middle school building, or other school building for academic instruction that:

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- (i) will be used for any combination of kindergarten through grade 8;
- (ii) will not be used for any combination of grade 9 through grade 12; and
- (iii) will cost more than ten million dollars (\$10,000,000).

(B) A high school building or other school building for academic instruction that:

- (i) will be used for any combination of grade 9 through grade 12;
- (ii) will not be used for any combination of kindergarten through grade 8; and
- (iii) will cost more than twenty million dollars (\$20,000,000).

(C) Any other controlled project that:

- (i) is not a controlled project described in clause (A) or (B); and
- (ii) will cost the political subdivision more than the lesser of twelve million dollars (\$12,000,000) or an amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date (if that amount is at least one million dollars (\$1,000,000)).

(2) The proper officers of the political subdivision make a preliminary determination after June 30, 2008, in the manner described in subsection (b) to issue bonds or enter into a lease for the controlled project.

(b) A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

(1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to **the circuit court clerk and to** any organization that delivers to the officers, before January 1 of that year, an annual written request for notices of any meeting to consider the adoption of an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on the preliminary determination before adoption of the ordinance or resolution. The political subdivision must make the following information available to the public at the public hearing on the preliminary determination, in addition to any other information required by law:

(A) The result of the political subdivision's current and

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projected annual debt service payments divided by the net assessed value of taxable property within the political subdivision.

(B) The result of:

(i) the sum of the political subdivision's outstanding long term debt plus the outstanding long term debt of other taxing units that include any of the territory of the political subdivision; divided by

(ii) the net assessed value of taxable property within the political subdivision.

(C) The information specified in subdivision (3)(A) through (3)(G).

(2) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

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

(B) first class mail to **the circuit court clerk and to the organizations described in subdivision (1).**

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that the proposed debt service or lease payments must be approved in an election on a local public question held under section 3.6 of this chapter.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to annually incur to operate the facility.

(G) The political subdivision's current debt service levy and rate and the estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

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(H) The information specified in subdivision (1)(A) through (1)(B).

(4) After notice is given, a petition requesting the application of the local public question process under section 3.6 of this chapter may be filed by the lesser of:

(A) one hundred (100) persons who are either owners of real property within the political subdivision or registered voters residing within the political subdivision; or

(B) five percent (5%) of the registered voters residing within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of real property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions 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; and

(D) govern the closing date for the petition period.

Persons requesting forms may 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 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 registered voter must indicate the address at which the person is registered to vote. 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.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of

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accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least one hundred twenty-five (125) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least one hundred twenty-five (125) persons who signed the petition are registered voters, the county voter registration office, not more than fifteen (15) business days after receiving a petition, shall forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office 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 voter registration office, 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 voter registration office, not more than ten (10) business days after determining that at least one hundred twenty-five (125) persons who signed the petition are registered voters or after receiving the statement from the county auditor under subdivision (8) (as applicable), shall make the final determination of whether a sufficient number of persons have signed the petition. 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, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to

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determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular referendum process under this chapter, regardless of whether the person owns more than one (1) parcel of real property within the political subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of real property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office 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 thirty-five (35) business days of the filing of the petition requesting the referendum process. The certificate must state the number of petitioners who are owners of real property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

(11) If a sufficient petition requesting the local public question 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.

(c) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall provide to the county auditor:

(1) a copy of the notice required by subsection (b)(2); and

(2) any other information the county auditor requires to fulfill the county auditor's duties under section 3.6 of this chapter."

Page 66, between lines 9 and 10, begin a new paragraph and insert:

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"SECTION 52. IC 20-46-1-14, AS AMENDED BY P.L.146-2008, SECTION 499, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The referendum shall be held in the next primary ~~or election~~, general election, ~~or municipal election~~ in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification of the question under IC 3-10-9-3. **The certification of the question must occur not later than noon:**

- (1) sixty (60) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or**
- (2) August 1 if the question is to be placed on the general or municipal election ballot.**

However, if the referendum would be held at a primary or general election more than six (6) months after certification by the county fiscal body, the referendum shall be held at a special election to be conducted not less than ninety (90) days after the question is certified to the circuit court clerk or clerks by the county fiscal body. ~~a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the appellant school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon sixty (60) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November).~~

(b) The school corporation shall advise each affected county election board of the date on which the school corporation desires that the referendum be held; and, if practicable, the referendum shall be held on the day specified by the school corporation.

(c) The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum.

(d) If a primary election, general election, or special election is held during the sixty (60) days preceding or following the special election described in this section and is held in an election district that includes some, but not all, of the school corporation, the county election board may also adopt orders to specify when the registration period for the elections cease and resume under IC 3-7-13-10.

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(e) ~~Not less than ten (10) days before the date on which the referendum is to be held; the county election board shall cause notice of the question that is to be voted upon at the referendum to be published in accordance with IC 5-3-1.~~

(f) ~~(b) If the referendum is not conducted at a primary or election, general election, or municipal election, the appellant school corporation in which the referendum is to be held shall pay all the costs of holding the referendum."~~

Page 115, line 23, delete "operated" and insert "**owned, occupied, and used**".

Page 115, line 23, after "entity" delete ";" and insert "**(as described in IC 23);**".

Re-number all SECTIONS consecutively.

(Reference is to SB 239 as printed January 29, 2010.)

HERSHMAN

SENATE MOTION

Madam President: I move that Senate Bill 239 be amended to read as follows:

Page 117, between lines 5 and 6, begin a new paragraph and insert: "SECTION 78. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] **(a) This SECTION applies to a taxpayer notwithstanding IC 6-1.1-11 or any other law or administrative rule or provision.**

(b) This SECTION applies to an assessment date, as defined in IC 6-1.1-1-2, occurring after December 31, 2007, and before January 1, 2010.

(c) As used in this SECTION, "taxpayer" refers to a person, as defined in IC 6-1.1-1-10, that:

- (1) after January 15, 2010, and before January 25, 2010, filed or refiled, in a manner consistent with IC 6-1.1-36-1.5, a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes under IC 36-1-10-18 for any assessment date described in subsection (b); and**
- (2) leased real property to the bureau of motor vehicles commission during 2008 and 2009, and the real property identified in the property tax exemption application referred to in subdivision (1) received a full or partial exemption from**



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real property taxes for the 2006 or 2007 assessment date.

(d) A property tax exemption application referred to in subsection (c)(1):

(1) is allowed; and

(2) is considered to have been timely filed.

(e) A taxpayer is entitled to the exemptions from real property taxes as claimed on the property tax exemption applications referred to in subsection (c)(1) and is not required to pay property taxes, penalties or interest with respect to the exempt property.

(f) This SECTION expires July 1, 2011."

Renumber all SECTIONS consecutively.

(Reference is to SB 239 as printed January 29, 2010.)

YOUNG R MICHAEL

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