

# HOUSE BILL No. 1132

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-20.

**Synopsis:** Controlled projects. Adds a definition of "cost to be financed" to the controlled projects statute. Defines the term as meaning the cost of a project minus the cash balances of the political subdivision committed to payment for the project. Restates the thresholds in current law differentiating between controlled projects that are subject to the petition and remonstrance process and those that are subject to the referendum process in terms of the controlled project's cost to be financed instead of the controlled project's cost. Makes a technical correction.

**Effective:** July 1, 2012.

---

---

**McNamara, Richardson,  
Steuerwald**

---

---

January 9, 2012, read first time and referred to Committee on Ways and Means.

---

---

C  
o  
p  
y



Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C  
o  
p  
y

# HOUSE BILL No. 1132



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

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

1 SECTION 1. IC 6-1.1-20-0.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. As used in this chapter, "cost**  
4 **to be financed" means:**

- 5 (1) **the cost of a project; minus**
- 6 (2) **the cash balances of a political subdivision reserved**
- 7 **exclusively for expenditure on the project's costs in a**
- 8 **resolution or ordinance adopted by the proper officers of the**
- 9 **political subdivision, if any.**

10 SECTION 2. IC 6-1.1-20-1.1, AS AMENDED BY P.L.146-2008,  
11 SECTION 188, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2012]: Sec. 1.1. As used in this chapter,  
13 "controlled project" means any project financed by bonds or a lease,  
14 except for the following:

- 15 (1) A project for which the political subdivision reasonably  
16 expects to pay:
  - 17 (A) debt service; or



- 1 (B) lease rentals;  
 2 from funds other than property taxes that are exempt from the  
 3 levy limitations of IC 6-1.1-18.5 or (before January 1, 2009)  
 4 IC 20-45-3. A project is not a controlled project even though the  
 5 political subdivision has pledged to levy property taxes to pay the  
 6 debt service or lease rentals if those other funds are insufficient.  
 7 (2) A project ~~that will not cost~~ of the political subdivision ~~more~~  
 8 ~~than whose cost to be financed will not exceed~~ the lesser of the  
 9 following:  
 10 (A) Two million dollars (\$2,000,000).  
 11 (B) An amount equal to one percent (1%) of the total gross  
 12 assessed value of property within the political subdivision on  
 13 the last assessment date, if that amount is at least one million  
 14 dollars (\$1,000,000).  
 15 (3) A project that is being refinanced for the purpose of providing  
 16 gross or net present value savings to taxpayers.  
 17 (4) A project for which bonds were issued or leases were entered  
 18 into before January 1, 1996, or where the state board of tax  
 19 commissioners has approved the issuance of bonds or the  
 20 execution of leases before January 1, 1996.  
 21 (5) A project that is required by a court order holding that a  
 22 federal law mandates the project.  
 23 (6) A project that:  
 24 (A) is in response to:  
 25 (i) a natural disaster;  
 26 (ii) an accident; or  
 27 (iii) an emergency;  
 28 in the political subdivision that makes a building or facility  
 29 unavailable for its intended use; and  
 30 (B) is approved by the county council of each county in which  
 31 the political subdivision is located.  
 32 (7) A project that was not a controlled project under this section  
 33 as in effect on June 30, 2008, and for which:  
 34 (A) the bonds or lease for the project were issued or entered  
 35 into before July 1, 2008; or  
 36 (B) the issuance of the bonds or the execution of the lease for  
 37 the project was approved by the department of local  
 38 government finance before July 1, 2008.  
 39 SECTION 3. IC 6-1.1-20-3.1, AS AMENDED BY P.L.198-2011,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2012]: Sec. 3.1. (a) This section applies only to the following:  
 42 (1) A controlled project (as defined in section 1.1 of this chapter

C  
O  
P  
Y

1 as in effect June 30, 2008) for which the proper officers of a  
 2 political subdivision make a preliminary determination in the  
 3 manner described in subsection (b) before July 1, 2008.

4 (2) An elementary school building, middle school building, or  
 5 other school building for academic instruction: ~~that:~~

6 (A) ~~that~~ is a controlled project;

7 (B) ~~that~~ will be used for any combination of kindergarten  
 8 through grade 8;

9 (C) ~~that~~ will not be used for any combination of grade 9  
 10 through grade 12; and

11 (D) ~~will not whose cost to be financed more than will not~~  
 12 ~~exceed~~ ten million dollars (\$10,000,000).

13 (3) A high school building or other school building for academic  
 14 instruction: ~~that:~~

15 (A) ~~that~~ is a controlled project;

16 (B) ~~that~~ will be used for any combination of grade 9 through  
 17 grade 12;

18 (C) ~~that~~ will not be used for any combination of kindergarten  
 19 through grade 8; and

20 (D) ~~will not whose cost to be financed more than will not~~  
 21 ~~exceed~~ twenty million dollars (\$20,000,000).

22 (4) Any other controlled project of a political subdivision: ~~that:~~

23 (A) ~~that~~ is not a controlled project described in subdivision  
 24 (1), (2), or (3); and

25 (B) ~~will not whose cost the political subdivision more than to~~  
 26 ~~be financed will not exceed~~ the lesser 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 and  
 38 to any organization that delivers to the officers, before January  
 39 1 of that year, an annual written request for such notices;

40 of any meeting to consider adoption of a resolution or an  
 41 ordinance making a preliminary determination to issue bonds or  
 42 enter into a lease and shall conduct a public hearing on a

C  
O  
P  
Y



1 preliminary determination before adoption of the resolution or  
 2 ordinance. **The resolution or ordinance making a preliminary**  
 3 **determination to issue bonds or enter into a lease must include**  
 4 **a provision that specifies the amounts of the political**  
 5 **subdivision's cash balances the political subdivision is**  
 6 **reserving exclusively for expenditure on the controlled**  
 7 **project, if any.**

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

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

13 (B) first class mail to the circuit court clerk and to the  
 14 organizations described in subdivision (1)(B).

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

19 (A) The maximum term of the bonds or lease.

20 (B) The maximum principal amount of the bonds or the  
 21 maximum lease rental for the lease.

22 (C) The estimated interest rates that will be paid and the total  
 23 interest costs associated with the bonds or lease.

24 **(D) The amounts of the political subdivision's cash**  
 25 **balances reserved exclusively for expenditure on the**  
 26 **controlled project, if any.**

27 ~~(D)~~ (E) The purpose of the bonds or lease.

28 ~~(E)~~ (F) A statement that any owners of property within the  
 29 political subdivision or registered voters residing within the  
 30 political subdivision who want to initiate a petition and  
 31 remonstrance process against the proposed debt service or  
 32 lease payments must file a petition that complies with  
 33 subdivisions (4) and (5) not later than thirty (30) days after  
 34 publication in accordance with IC 5-3-1.

35 ~~(F)~~ (G) With respect to bonds issued or a lease entered into to  
 36 open:

37 (i) a new school facility; or

38 (ii) an existing facility that has not been used for at least  
 39 three (3) years and that is being reopened to provide  
 40 additional classroom space;

41 the estimated costs the school corporation expects to incur  
 42 annually to operate the facility.

C  
O  
P  
Y



- 1           ~~(G)~~ **(H)** A statement of whether the school corporation expects  
 2           to appeal for a new facility adjustment (as defined in  
 3           IC 20-45-1-16 (repealed) before January 1, 2009) for an  
 4           increased maximum permissible tuition support levy to pay the  
 5           estimated costs described in clause ~~(F)~~: **(G)**.  
 6           ~~(H)~~ **(I)** The political subdivision's current debt service levy and  
 7           rate and the estimated increase to the political subdivision's  
 8           debt service levy and rate that will result if the political  
 9           subdivision issues the bonds or enters into the lease.
- 10          (4) After notice is given, a petition requesting the application of  
 11          a petition and remonstrance process may be filed by the lesser of:  
 12                (A) one hundred (100) persons who are either owners of  
 13                property within the political subdivision or registered voters  
 14                residing within the political subdivision; or  
 15                (B) five percent (5%) of the registered voters residing within  
 16                the political subdivision.
- 17          (5) The state board of accounts shall design and, upon request by  
 18          the county voter registration office, deliver to the county voter  
 19          registration office or the county voter registration office's  
 20          designated printer the petition forms to be used solely in the  
 21          petition process described in this section. The county voter  
 22          registration office shall issue to an owner or owners of property  
 23          within the political subdivision or a registered voter residing  
 24          within the political subdivision the number of petition forms  
 25          requested by the owner or owners or the registered voter. Each  
 26          form must be accompanied by instructions detailing the  
 27          requirements that:  
 28                (A) the carrier and signers must be owners of property or  
 29                registered voters;  
 30                (B) the carrier must be a signatory on at least one (1) petition;  
 31                (C) after the signatures have been collected, the carrier must  
 32                swear or affirm before a notary public that the carrier  
 33                witnessed each signature; and  
 34                (D) govern the closing date for the petition period.
- 35          Persons requesting forms may be required to identify themselves  
 36          as owners of property or registered voters and may be allowed to  
 37          pick up additional copies to distribute to other owners of property  
 38          or registered voters. Each person signing a petition must indicate  
 39          whether the person is signing the petition as a registered voter  
 40          within the political subdivision or is signing the petition as the  
 41          owner of property within the political subdivision. A person who  
 42          signs a petition as a registered voter must indicate the address at

C  
o  
p  
y

1 which the person is registered to vote. A person who signs a  
 2 petition as an owner of property must indicate the address of the  
 3 property owned by the person in the political subdivision.

4 (6) Each petition must be verified under oath by at least one (1)  
 5 qualified petitioner in a manner prescribed by the state board of  
 6 accounts before the petition is filed with the county voter  
 7 registration office under subdivision (7).

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

11 (8) The county voter registration office shall determine whether  
 12 each person who signed the petition is a registered voter. The  
 13 county voter registration office shall, not more than fifteen (15)  
 14 business days after receiving a petition, forward a copy of the  
 15 petition to the county auditor. Not more than ten (10) business  
 16 days after receiving the copy of the petition, the county auditor  
 17 shall provide to the county voter registration office a statement  
 18 verifying:

19 (A) whether a person who signed the petition as a registered  
 20 voter but is not a registered voter, as determined by the county  
 21 voter registration office, is the owner of property in the  
 22 political subdivision; and

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

26 (9) The county voter registration office shall, not more than ten  
 27 (10) business days after receiving the statement from the county  
 28 auditor under subdivision (8), make the final determination of the  
 29 number of petitioners that are registered voters in the political  
 30 subdivision and, based on the statement provided by the county  
 31 auditor, the number of petitioners that own property within the  
 32 political subdivision. Whenever the name of an individual who  
 33 signs a petition form as a registered voter contains a minor  
 34 variation from the name of the registered voter as set forth in the  
 35 records of the county voter registration office, the signature is  
 36 presumed to be valid, and there is a presumption that the  
 37 individual is entitled to sign the petition under this section. Except  
 38 as otherwise provided in this chapter, in determining whether an  
 39 individual is a registered voter, the county voter registration office  
 40 shall apply the requirements and procedures used under IC 3 to  
 41 determine whether a person is a registered voter for purposes of  
 42 voting in an election governed by IC 3. However, an individual is

C  
 O  
 P  
 Y



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

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

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

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

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

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

36 (c) This subsection applies only to a political subdivision that, after  
 37 April 30, 2011, adopts an ordinance or a resolution making a  
 38 preliminary determination to issue bonds or enter into a lease subject  
 39 to this section and section 3.2 of this chapter. A political subdivision  
 40 may not artificially divide a capital project into multiple capital  
 41 projects in order to avoid the requirements of this section and section  
 42 3.2 of this chapter.

C  
o  
p  
y



1 SECTION 4. IC 6-1.1-20-3.5, AS AMENDED BY P.L.113-2010,  
 2 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2012]: Sec. 3.5. (a) This section applies only to a controlled  
 4 project that meets the following conditions:

5 (1) The controlled project is described in one (1) of the following  
 6 categories:

7 (A) An elementary school building, middle school building, or  
 8 other school building for academic instruction: ~~that:~~

9 (i) ~~that~~ will be used for any combination of kindergarten  
 10 through grade 8;

11 (ii) ~~that~~ will not be used for any combination of grade 9  
 12 through grade 12; and

13 (iii) ~~will whose cost more than to be financed will exceed~~  
 14 ten million dollars (\$10,000,000).

15 (B) A high school building or other school building for  
 16 academic instruction: ~~that:~~

17 (i) ~~that~~ will be used for any combination of grade 9 through  
 18 grade 12;

19 (ii) ~~that~~ will not be used for any combination of  
 20 kindergarten through grade 8; and

21 (iii) ~~will whose cost more than to be financed will exceed~~  
 22 twenty million dollars (\$20,000,000).

23 (C) Any other controlled project **of a political subdivision:**  
 24 ~~that:~~

25 (i) ~~that~~ is not a controlled project described in clause (A) or  
 26 (B); and

27 (ii) ~~will whose cost the political subdivision more than to be~~  
 28 **financed will exceed** the lesser of twelve million dollars  
 29 (\$12,000,000) or an amount equal to one percent (1%) of the  
 30 total gross assessed value of property within the political  
 31 subdivision on the last assessment date (if that amount is at  
 32 least one million dollars (\$1,000,000)).

33 (2) The proper officers of the political subdivision make a  
 34 preliminary determination after June 30, 2008, in the manner  
 35 described in subsection (b) to issue bonds or enter into a lease for  
 36 the controlled project.

37 (b) A political subdivision may not impose property taxes to pay  
 38 debt service on bonds or lease rentals on a lease for a controlled project  
 39 without completing the following procedures:

40 (1) The proper officers of a political subdivision shall publish  
 41 notice in accordance with IC 5-3-1 and send notice by first class  
 42 mail to the circuit court clerk and to any organization that delivers

C  
O  
P  
Y



1 to the officers, before January 1 of that year, an annual written  
2 request for notices of any meeting to consider the adoption of an  
3 ordinance or a resolution making a preliminary determination to  
4 issue bonds or enter into a lease and shall conduct a public  
5 hearing on the preliminary determination before adoption of the  
6 ordinance or resolution. The political subdivision must make the  
7 following information available to the public at the public hearing  
8 on the preliminary determination, in addition to any other  
9 information required by law:

10 (A) The result of the political subdivision's current and  
11 projected annual debt service payments divided by the net  
12 assessed value of taxable property within the political  
13 subdivision.

14 (B) The result of:  
15 (i) the sum of the political subdivision's outstanding long  
16 term debt plus the outstanding long term debt of other taxing  
17 units that include any of the territory of the political  
18 subdivision; divided by  
19 (ii) the net assessed value of taxable property within the  
20 political subdivision.

21 (C) The information specified in subdivision (3)(A) through  
22 ~~(3)(G)~~: **(3)(I)**.

23 **The resolution or ordinance making a preliminary**  
24 **determination to issue bonds or enter into a lease must include**  
25 **a provision that specifies the amounts of the political**  
26 **subdivision's cash balances the political subdivision is**  
27 **reserving exclusively for expenditure on the controlled**  
28 **project, if any.**

29 (2) If the proper officers of a political subdivision make a  
30 preliminary determination to issue bonds or enter into a lease, the  
31 officers shall give notice of the preliminary determination by:

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

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

38 (A) The maximum term of the bonds or lease.  
39 (B) The maximum principal amount of the bonds or the  
40 maximum lease rental for the lease.  
41 (C) The estimated interest rates that will be paid and the total  
42 interest costs associated with the bonds or lease.

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**(D) The amounts of the political subdivision's cash balances to be reserved exclusively for expenditure on the controlled project, if any.**

~~(E)~~ **(E)** The purpose of the bonds or lease.

~~(F)~~ **(F)** 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.

~~(G)~~ **(G)** 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.

~~(H)~~ **(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 subdivision issues the bonds or enters into the lease.

~~(I)~~ **(I)** 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 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 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 property or registered voters;

C  
o  
p  
y



1 (B) the carrier must be a signatory on at least one (1) petition;  
 2 (C) after the signatures have been collected, the carrier must  
 3 swear or affirm before a notary public that the carrier  
 4 witnessed each signature; and  
 5 (D) govern the closing date for the petition period.  
 6 Persons requesting forms may be required to identify themselves  
 7 as owners of property or registered voters and may be allowed to  
 8 pick up additional copies to distribute to other owners of property  
 9 or registered voters. Each person signing a petition must indicate  
 10 whether the person is signing the petition as a registered voter  
 11 within the political subdivision or is signing the petition as the  
 12 owner of property within the political subdivision. A person who  
 13 signs a petition as a registered voter must indicate the address at  
 14 which the person is registered to vote. A person who signs a  
 15 petition as an owner of property must indicate the address of the  
 16 property owned by the person in the political subdivision.  
 17 (6) Each petition must be verified under oath by at least one (1)  
 18 qualified petitioner in a manner prescribed by the state board of  
 19 accounts before the petition is filed with the county voter  
 20 registration office under subdivision (7).  
 21 (7) Each petition must be filed with the county voter registration  
 22 office not more than thirty (30) days after publication under  
 23 subdivision (2) of the notice of the preliminary determination.  
 24 (8) The county voter registration office shall determine whether  
 25 each person who signed the petition is a registered voter.  
 26 However, after the county voter registration office has determined  
 27 that at least one hundred twenty-five (125) persons who signed  
 28 the petition are registered voters within the political subdivision,  
 29 the county voter registration office is not required to verify  
 30 whether the remaining persons who signed the petition are  
 31 registered voters. If the county voter registration office does not  
 32 determine that at least one hundred twenty-five (125) persons who  
 33 signed the petition are registered voters, the county voter  
 34 registration office, not more than fifteen (15) business days after  
 35 receiving a petition, shall forward a copy of the petition to the  
 36 county auditor. Not more than ten (10) business days after  
 37 receiving the copy of the petition, the county auditor shall provide  
 38 to the county voter registration office a statement verifying:  
 39 (A) whether a person who signed the petition as a registered  
 40 voter but is not a registered voter, as determined by the county  
 41 voter registration office, is the owner of property in the  
 42 political subdivision; and

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

(B) whether a person who signed the petition as an owner of property within the political subdivision does in fact own 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 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, mobile home assessed as personal property, or manufactured home assessed as personal property or a combination of those types of property within the political subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of 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

C  
o  
p  
y



1 (B) the body that has the authority to authorize the issuance of  
 2 the bonds or the execution of a lease, if the political  
 3 subdivision is not a township;  
 4 within thirty-five (35) business days of the filing of the petition  
 5 requesting the referendum process. The certificate must state the  
 6 number of petitioners who are owners of property within the  
 7 political subdivision and the number of petitioners who are  
 8 registered voters residing within the political subdivision.

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

14 (c) 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 provide to the county auditor:

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

20 SECTION 5. IC 6-1.1-20-3.6, AS AMENDED BY P.L.198-2011,  
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2012]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8  
 23 of this chapter, this section applies only to a controlled project  
 24 described in section 3.5(a) of this chapter.

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

32 (c) Except as provided in subsection (l), the following question shall  
 33 be submitted to the eligible voters at the election conducted under this  
 34 section:

35 "Shall \_\_\_\_\_ (insert the name of the political subdivision)  
 36 issue bonds or enter into a lease to finance \_\_\_\_\_ (insert  
 37 a brief description of the controlled project), ~~which is whose~~  
 38 estimated ~~to cost to be financed~~ is not more than \_\_\_\_\_ (insert  
 39 the total cost **to be financed** of the project) and is estimated to  
 40 increase the property tax rate for debt service by \_\_\_\_\_  
 41 (insert increase in tax rate as determined by the department of  
 42 local government finance)?".

C  
o  
p  
y



1 The public question must appear on the ballot in the form approved by  
 2 the county election board. If the political subdivision proposing to issue  
 3 bonds or enter into a lease is located in more than one (1) county, the  
 4 county election board of each county shall jointly approve the form of  
 5 the public question that will appear on the ballot in each county. The  
 6 form approved by the county election board may differ from the  
 7 language certified to the county election board by the county auditor.  
 8 If the county election board approves the language of a public question  
 9 under this subsection, the county election board shall submit the  
 10 language to the department of local government finance for review.

11 (d) This subsection applies to ballot language submitted by the  
 12 county election board under subsection (c) before May 1, 2011. The  
 13 department of local government finance shall review the language of  
 14 the public question to evaluate whether the description of the  
 15 controlled project is accurate and is not biased against either a vote in  
 16 favor of the controlled project or a vote against the controlled project.  
 17 The department of local government finance may recommend that the  
 18 ballot language be used as submitted or recommend modifications to  
 19 the ballot language as necessary to ensure that the description of the  
 20 controlled project is accurate and is not biased. The department of local  
 21 government finance shall send its recommendations to the county  
 22 election board not more than ten (10) days after the language of the  
 23 public question is submitted to the department for review. After  
 24 reviewing the recommendations of the department of local government  
 25 finance under this subsection, the county election board shall take final  
 26 action to approve ballot language. The finally adopted ballot language  
 27 may differ from the recommendations made by the department of local  
 28 government finance.

29 (e) This subsection applies to ballot language submitted by the  
 30 county election board under subsection (c) after April 30, 2011. The  
 31 department of local government finance shall review the language of  
 32 the public question to evaluate whether the description of the  
 33 controlled project is accurate and is not biased against either a vote in  
 34 favor of the controlled project or a vote against the controlled project.  
 35 The department of local government finance may either approve the  
 36 ballot language as submitted or recommend that the ballot language be  
 37 modified as necessary to ensure that the description of the controlled  
 38 project is accurate and is not biased. The department of local  
 39 government finance shall certify its approval or recommendations to  
 40 the county auditor and the county election board not more than ten (10)  
 41 days after the language of the public question is submitted to the  
 42 department for review. If the department of local government finance

C  
o  
p  
y



1 recommends a modification to the ballot language, the county election  
 2 board shall, after reviewing the recommendations of the department of  
 3 local government finance, submit modified ballot language to the  
 4 department for the department's approval or recommendation of any  
 5 additional modifications. The public question may not be certified by  
 6 the county auditor under subsection (f) unless the department of local  
 7 government finance has first certified the department's final approval  
 8 of the ballot language for the public question.

9 (f) The county auditor shall certify the finally approved public  
 10 question under IC 3-10-9-3 to the county election board of each county  
 11 in which the political subdivision is located. The certification must  
 12 occur not later than noon:

13 (1) sixty (60) days before a primary election if the public question  
 14 is to be placed on the primary or municipal primary election  
 15 ballot; or

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

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

C  
 o  
 p  
 y



- 1 (g) The circuit court clerk shall certify the results of the public
- 2 question to the following:
- 3 (1) The county auditor of each county in which the political
- 4 subdivision is located.
- 5 (2) The department of local government finance.
- 6 (h) Subject to the requirements of IC 6-1.1-18.5-8, the political
- 7 subdivision may issue the proposed bonds or enter into the proposed
- 8 lease rental if a majority of the eligible voters voting on the public
- 9 question vote in favor of the public question.
- 10 (i) If a majority of the eligible voters voting on the public question
- 11 vote in opposition to the public question, both of the following apply:
- 12 (1) The political subdivision may not issue the proposed bonds or
- 13 enter into the proposed lease rental.
- 14 (2) Another public question under this section on the same or a
- 15 substantially similar project may not be submitted to the voters
- 16 earlier than one (1) year after the date of the election.
- 17 (j) IC 3, to the extent not inconsistent with this section, applies to an
- 18 election held under this section.
- 19 (k) A political subdivision may not artificially divide a capital
- 20 project into multiple capital projects in order to avoid the requirements
- 21 of this section and section 3.5 of this chapter.
- 22 (l) This subsection applies to a political subdivision for which a
- 23 petition requesting a public question has been submitted under section
- 24 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of
- 25 the political subdivision may adopt a resolution to withdraw a
- 26 controlled project from consideration in a public question. If the
- 27 legislative body provides a certified copy of the resolution to the county
- 28 auditor and the county election board not later than forty-nine (49) days
- 29 before the election at which the public question would be on the ballot,
- 30 the public question on the controlled project shall not be placed on the
- 31 ballot and the public question on the controlled project shall not be
- 32 held, regardless of whether the county auditor has certified the public
- 33 question to the county election board. If the withdrawal of a public
- 34 question under this subsection requires the county election board to
- 35 reprint ballots, the political subdivision withdrawing the public
- 36 question shall pay the costs of reprinting the ballots. If a political
- 37 subdivision withdraws a public question under this subsection that
- 38 would have been held at a special election and the county election
- 39 board has printed the ballots before the legislative body of the political
- 40 subdivision provides a certified copy of the withdrawal resolution to
- 41 the county auditor and the county election board, the political
- 42 subdivision withdrawing the public question shall pay the costs

COPY



1 incurred by the county in printing the ballots. If a public question on a  
2 controlled project is withdrawn under this subsection, a public question  
3 under this section on the same controlled project or a substantially  
4 similar controlled project may not be submitted to the voters earlier  
5 than one (1) year after the date the resolution withdrawing the public  
6 question is adopted.

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

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

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

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

18 (4) The maximum principal amount of the bonds or the maximum  
19 lease rental for the lease.

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

22 **(6) The amounts of the political subdivision's cash balances  
23 reserved exclusively for expenditure on the controlled project,  
24 if any.**

25 ~~(6)~~ (7) The purpose of the bonds or lease.

26 ~~(7)~~ **(8)** In the case of a controlled project proposed by a school  
27 corporation:

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

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

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

32 SECTION 6. IC 6-1.1-20-13 IS ADDED TO THE INDIANA CODE  
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
34 1, 2012]: **Sec. 13. (a) A political subdivision may reserve all or part  
35 of the cash balance of a fund exclusively for expenditure on a  
36 controlled project in a resolution or ordinance making a  
37 preliminary determination to issue bonds or enter into a lease  
38 under this chapter only if:**

39 **(1) the amount reserved does not exceed the cash balance in  
40 the fund at the time the money is reserved;**

41 **(2) none of the amount reserved has been designated for  
42 another purpose; and**

C  
o  
p  
y



1           **(3) the expenditure of the amount reserved for the controlled**  
2           **project is otherwise authorized by law.**  
3           **(b) If a political subdivision:**  
4           **(1) is authorized to issue bonds or enter into a lease for a**  
5           **controlled project under this chapter;**  
6           **(2) had reserved cash balances of the political subdivision**  
7           **exclusively for expenditure on the controlled project in a**  
8           **resolution or ordinance adopted under this chapter making a**  
9           **preliminary determination to issue bonds or enter into a lease**  
10           **for the controlled project; and**  
11           **(3) does not spend the cash balances reserved in the**  
12           **preliminary determination on the controlled project;**  
13           **the part of the political subdivision's levy for the controlled project**  
14           **is void.**

C  
o  
p  
y

