Reprinted
April 9, 2013

ENGROSSED
HOUSE BILL No. 1145

DIGEST OF HB 1145 (Updated April 8, 2013 6:36 pm - DI 87)

Citations Affected: IC 36-1; IC 36-5; IC 36-7.

Synopsis: Various local government matters. Authorizes a political subdivision or municipally owned utility to charge a reasonable fee for convenience when accepting a credit card or bank card for payments. Provides that a convenience fee imposed by a political subdivision or municipally owned utility on a credit card transaction may not exceed $3, must be uniform regardless of the bank card or credit card used, and may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such fees. Provides that unused and unencumbered funds from any fiscal year and certain specified sources may be transferred to a political subdivision's rainy
(Continued next page)

Effective: July 1, 2013.

Candelaria Reardon, VanNatter, Hamm

(SENATE SPONSOR — PAUL)

January 10, 2013, read first time and referred to Committee on Local Government.
February 18, 2013, amended, reported — Do Pass.
February 20, 2013, read second time, amemded, ordered engrossed.
February 21, 2013, engrossed.
February 25, 2013, read third time, passed. Yeas 68, nays 26.

SENATE ACTION

February 27, 2013, read first time and referred to Committee on Local Government.
April 4, 2013, amended, reported favorably — Do Pass.
April 8, 2013, read second time, amended, ordered engrossed.

C o p y

Digest Continued

day fund at any time. Provides that unobligated cash balances from any fiscal year and sources not specified by statute may be transferred to the rainy day fund if the amount of the transfer is specified in an ordinance or resolution and the transfer is not more than 10% of the political subdivision's annual budget. Provides that if a town publishes any of its ordinances in book or pamphlet form, no other publication is required in order for the ordinance to take effect. Provides that a town ordinance prescribing a penalty or forfeiture for a violation takes effect two weeks after the publication of the book or pamphlet. Requires a redevelopment commission or its designee to file the redevelopment commission's annual report with the unit's executive not later than March 15 of each year. (Current law requires the report to be filed within 30 days after the close of the calendar year.)

C o p y

Reprinted
April 9, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C o p y

ENGROSSED
HOUSE BILL No. 1145

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 36-1-8-5.1, AS AMENDED BY P.L.53-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.1. (a) A political subdivision may establish a rainy day fund by the adoption of:

(1) an ordinance, in the case of a county, city, or town; or

(2) a resolution, in the case of any other political subdivision.

(b) An ordinance or a resolution adopted under this section must specify the following:

(1) The purposes of the rainy day fund.

(2) The sources of funding for the rainy day fund, which may include the following:

(A) Unused and unencumbered funds under:

(i) section 5 of this chapter;

(ii) IC 6-3.5-1.1-21.1;

(iii) IC 6-3.5-6-17.3; or

(iv) IC 6-3.5-7-17.3.

(B) Any other funding source:

(i) specified in the ordinance or resolution adopted under this section; and

(ii) not otherwise prohibited by law.

(c) The rainy day fund is subject to the same appropriation process as other funds that receive tax money.

(d) In any fiscal year, a political subdivision may, **at any time, do the following:**

~~transfer under section 5 of this chapter not more than ten percent (10%) of the political subdivision's total annual budget for that fiscal year, adopted under IC 6-1.1-17,~~ **(1) Transfer any unused and unencumbered funds specified in subsection (b)(2)(A) from any fiscal year** to the rainy day fund.

(2) Transfer any other unobligated cash balances from any fiscal year that are not otherwise identified in subsection (b)(2)(A) or section 5 of this chapter to the rainy day fund as long as the transfer satisfies the following requirements:

(A) The amount of the transfer is authorized by and identified in an ordinance or resolution.

(B) The amount of the transfer is not more than ten percent (10%) of the political subdivision's total annual budget adopted under IC 6-1.1-17 for that fiscal year.

(e) A political subdivision may use only the funding sources specified in subsection (b)(2)(A) or in the ordinance or resolution establishing the rainy day fund. The political subdivision may adopt a subsequent ordinance or resolution authorizing the use of another funding source.

(f) The department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the rainy day fund of the political subdivision.

(g) A county, city, or town may at any time, by ordinance or resolution, transfer to:

(1) its general fund; or

(2) any other appropriated funds of the county, city, or town;

money that has been deposited in the rainy day fund of the county, city, or town.

SECTION 2. IC 36-1-8-11, AS AMENDED BY P.L.137-2012, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) This section does not apply to a county treasurer governed by IC 36-2-10-23.

(b) As used in this section, "credit card" means a:

(1) credit card;

(2) debit card;

C o p y

(3) charge card; or
(4) stored value card.

(c) A payment to a political subdivision or a municipally owned utility for any purpose may be made by any of the following financial instruments that the fiscal body of the political subdivision or the board of the municipally owned utility authorizes for use:

(1) Cash.
(2) Check.
(3) Bank draft.
(4) Money order.
(5) Bank card or credit card.
(6) Electronic funds transfer.
(7) Any other financial instrument authorized by the fiscal body.

(d) If there is a charge to the political subdivision or municipally owned utility for the use of a financial instrument, the political subdivision or municipally owned utility may collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(e) If authorized by the fiscal body of the political subdivision or the board of the municipally owned utility, the political subdivision or municipally owned utility may accept payments under this section with a bank card or credit card under the procedures set forth in this section. However, the procedure authorized for a particular type of payment must be uniformly applied to all payments of the same type.

(f) The political subdivision or municipally owned utility may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the political subdivision or municipally owned utility or charged directly to the political subdivision's or municipally owned utility's account, the political subdivision or municipally owned utility may collect from the person using the card **either or both of the following:**

(1) An official fee that may not exceed the transaction charge or discount fee charged to the political subdivision or municipally owned utility by bank or credit card vendors.

(2) A reasonable convenience fee:

(A) that may not exceed three dollars ($3); and

(B) that must be uniform regardless of the bank card or credit card used.

The fees described in subdivisions (1) and (2) may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such fees. ~~The fee is a~~ **These**

C o p y

fees are permitted additional ~~charge~~ **charges** under IC 24-4.5-3-202.

(g) The political subdivision or municipally owned utility may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card under this subsection.

(h) The authorization of the fiscal body of the political subdivision is not required by the bureau of motor vehicles or the bureau of motor vehicles commission to use electronic funds transfer or other financial instruments to transfer funds to the political subdivision.

SECTION 3. IC 36-5-2-10, AS AMENDED BY P.L.159-2011, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) An ordinance, order, or resolution passed by the legislative body is considered adopted when it is signed by the executive. If required by statute, an adopted ordinance, order, or resolution must be promulgated or published before it takes effect.

(b) An ordinance prescribing a penalty **or forfeiture** for a violation must, before it takes effect, be published in the manner prescribed by IC 5-3-1, unless:

(1) it is published under ~~IC 36-1-5;~~ **subsection (c);** or

(2) it declares an emergency requiring its immediate effectiveness and is posted in:

(A) one (1) public place in each district in the town; or

(B) a number of public places in the town equal to the number of town legislative body members, if the town has abolished legislative body districts under section 4.1 of this chapter.

(c) Except as provided in subsection (e), if a town publishes any of its ordinances in book or pamphlet form, no other publication is required. If an ordinance prescribing a penalty or forfeiture for a violation is published under this subsection, it takes effect two (2) weeks after the publication of the book or pamphlet. Publication under this subsection, if authorized by the legislative body, constitutes presumptive evidence:

(1) of the ordinances in the book or pamphlet;

(2) of the date of adoption of the ordinances; and

(3) that the ordinances have been properly signed, attested, recorded, and approved.

~~(c)~~ **(d)** This section (other than subsection ~~(c))~~ **(f))** does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

~~(d)~~ **(e)** An ordinance increasing a building permit fee on new development must:

(1) be published:

C o p y

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

~~(e)~~ **(f)** Subject to subsection ~~(i),~~ **(j),** the legislative body shall:

(1) subject to subsection ~~(f),~~ **(g),** give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and

(2) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

~~(f)~~ **(g)** Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subsection ~~(e)(1).~~ **(f)(1).**

~~(g)~~ **(h)** An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subsection ~~(e).~~ **(f).**

~~(h)~~ **(i)** The failure of an environmental restrictive ordinance to comply with subsection ~~(g)~~ **(h)** does not void the ordinance.

~~(i)~~ **(j)** The notice requirements of subsection ~~(e)~~ **(f)** apply only if the municipal corporation received under IC 13-25-5-8.5(f) written notice that the department is relying on the environmental restrictive ordinance referred to in subsection ~~(e)~~ **(f)** as part of a risk based remediation proposal:

(1) approved by the department; and

(2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5.

SECTION 4. IC 36-7-14-13, AS AMENDED BY P.L.112-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) ~~Within thirty (30) days after the close~~ **Not later than March 15** of each ~~calendar~~ year, the redevelopment commissioners **or their designees** shall file with the unit's executive a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general

C o p y

purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.

SECTION 5. IC 36-7-15.1-36.3, AS ADDED BY P.L.112-2012, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 36.3. (a) ~~Within thirty (30) days after the close~~ **Not later than March 15** of each ~~calendar~~ year, the commission **or its designee** shall file with the mayor a report setting out the commission's activities during the preceding calendar year.

(b) The report required by subsection (a) must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commission and the results obtained.

(c) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

"SECTION 1. IC 6-1.1-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A mobile home may not be moved from one **(1)** location to another unless the owner ~~or the occupier~~ obtains a permit to move the mobile home from the county treasurer.

(b) The bureau of motor vehicles may not transfer the title to a mobile home unless the owner obtains a permit to transfer the title from the county treasurer.

(c) A county treasurer shall issue a permit which is required to either move, or transfer the title to, a mobile home if the taxes due on the mobile home have been paid. The permit shall state the date it is issued.

(d) A county treasurer shall notify the township assessor of the township to which the mobile home will be moved, or the county assessor if there is no township assessor for the township, that a permit to move the mobile home has been issued under subsection (c).

SECTION 2. IC 6-1.1-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A person who is engaged to move a mobile home may not provide that service unless the owner ~~or occupier~~ presents ~~him~~ **the mover** with a permit to move the mobile home and the permit is dated not more than one (1) month before the date of the proposed move. The mover shall retain possession of the permit while the mobile home is in transit.

(b) The mover shall return the permit to the owner ~~or occupier~~ of the mobile home when the move is completed.

SECTION 3. IC 6-1.1-7-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 16. The department of local government finance shall develop a system for recording the property tax information for a mobile home assessed under this chapter using an identification**

C o p y

number that is unique to the vehicle identification number of the mobile home. The department of local government finance shall implement the system before January 1, 2015.

SECTION 4. IC 6-1.1-12-37, AS AMENDED BY P.L.137-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 37. (a) The following definitions apply throughout this section:

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

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

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

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

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

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence;

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

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

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

(1) the assessment date; or

(2) any date in the same year after an assessment date that a

C o p y

statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

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

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

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) forty-five thousand dollars ($45,000).

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

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

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

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

(3) the names of:

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

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

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

if the applicant is an individual; or

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

(i) as the names appear in the records of the United States

C o p y

Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

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

if the applicant is not an individual; and

(4) either:

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

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

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

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

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

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

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

(1) changes the use of the individual's property so that part or all

C o p y

of the property no longer qualifies for the deduction under this section; or

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

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

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

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

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

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

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

C o p y

deduction; and

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

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

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

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

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

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

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

(1) imposed for an assessment date in 2009; and

(2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual

C o p y

residing on the property is not claiming the deduction for any other property.

(m) For ~~assessments~~ **assessment** dates after 2009, the term "homestead" includes:

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain separate principal places of residence.

(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

C o p y

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction; the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) This subsection applies to an application for the deduction provided by this section filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless:

(1) the parties to the contract comply with IC 9-17-6-17; and

(2) the individual provides the county auditor with the information necessary for the county treasurer to receive tax payments from the escrow account established under IC 9-17-6-17.

(q) This subsection:

(1) applies to an application for the deduction provided by this section filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection (p).

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

SECTION 5. IC 9-13-2-96 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 96. (a) "Manufactured home" means, except as provided in subsection (b), a structure that:

(1) is assembled in a factory;

(2) bears a seal certifying that it was built in compliance with the

C o p y

federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.);

(3) is designed to be transported from the factory to another site in one (1) or more units;

(4) is suitable for use as a dwelling in any season; and

(5) is more than thirty-five (35) feet long.

(b) "Manufactured home", for purposes of IC 9-17-6, means **either of the following:**

(1) A structure having the meaning set forth in the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

(2) A mobile home.

SECTION 6. IC 9-13-2-103.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 103.2. **(a) "Mobile home" means, except as provided in subsection (b), a structure that:**

(1) is assembled in a factory;

(2) is designed to be transported from the factory to another site in one (1) or more units;

(3) is suitable for use as a dwelling in any season;

(4) is more than thirty-five (35) feet long; and

(5) either:

(A) bears a seal certifying that the structure was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.); or

(B) the structure was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

(b) "Mobile home", for purposes of IC 9-22-1.5, has the meaning set forth in IC 6-6-5-1.

SECTION 7. IC 9-17-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. For purposes of this chapter, a reference to a manufactured home must be construed to also refer to a mobile home.**

SECTION 8. IC 9-17-6-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 17. (a) As used in this section, "federally related mortgage loan" has the meaning set forth in 24 CFR 3500.2.**

(b) A purchase contract for a manufactured home subject to section 1 of this chapter is subject to the following terms and

C o p y

conditions:

(1) The seller must provide a copy of the title to the manufactured home.

(2) The contract must specify whether the seller or buyer is responsible for the payment of property taxes assessed against the manufactured home under IC 6-1.1-7.

(3) If the contract specifies that the buyer is responsible for the payment of property taxes assessed against the manufactured home, the contract must provide for an escrow account that:

(A) is established by the seller, or a person acting on behalf of the seller, for the benefit of the buyer;

(B) is maintained by the seller, or a person acting on behalf of the seller, during the life of the contract;

(C) is used during the life of the contract to pay property taxes assessed against the manufactured home; and

(D) if the purchase contract constitutes a federally related mortgage loan, complies with the requirements for escrow accounts set forth in the federal Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.), as in effect January 1, 2013.

(4) The contract must be recorded in the county recorder's office.

SECTION 9. IC 16-41-27-31, AS AMENDED BY P.L.87-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 31. Each mobile home community operator shall maintain a register open for ~~the~~ inspection ~~of~~ **by the township assessor or county assessor responsible for assessing mobile homes and manufactured homes located in the mobile home community under IC 6-1.1-7 and** the state department or the state department's representatives. ~~containing~~ **The register must contain** the following information for each mobile home and manufactured home in a mobile home community:

(1) The names and ages of all occupants.

(2) The name of the owner of the mobile home or manufactured home.

(3) A copy of the permit issued under IC 6-1.1-7 authorizing the movement of the mobile home or manufactured home from one (1) location to another or authorizing a transfer of the title to the mobile home or manufactured home.

SECTION 10. IC 36-1-8-5.1, AS AMENDED BY P.L.53-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C o p y

JULY 1, 2013]: Sec. 5.1. (a) A political subdivision may establish a rainy day fund by the adoption of:

(1) an ordinance, in the case of a county, city, or town; or

(2) a resolution, in the case of any other political subdivision.

(b) An ordinance or a resolution adopted under this section must specify the following:

(1) The purposes of the rainy day fund.

(2) The sources of funding for the rainy day fund, which may include the following:

(A) Unused and unencumbered funds under:

(i) section 5 of this chapter;

(ii) IC 6-3.5-1.1-21.1;

(iii) IC 6-3.5-6-17.3; or

(iv) IC 6-3.5-7-17.3.

(B) Any other funding source:

(i) specified in the ordinance or resolution adopted under this section; and

(ii) not otherwise prohibited by law.

(c) The rainy day fund is subject to the same appropriation process as other funds that receive tax money.

(d) In any fiscal year, a political subdivision may, **at any time, do the following:**

~~transfer under section 5 of this chapter not more than ten percent (10%) of the political subdivision's total annual budget for that fiscal year, adopted under IC 6-1.1-17,~~ **(1) Transfer any unused and unencumbered funds specified in subsection (b)(2)(A) from any fiscal year** to the rainy day fund.

(2) Transfer any other unobligated cash balances from any fiscal year that are not otherwise identified in subsection (b)(2)(A) or section 5 of this chapter to the rainy day fund as long as the transfer satisfies the following requirements:

(A) The amount of the transfer is authorized by and identified in an ordinance or resolution.

(B) The amount of the transfer is not more than ten percent (10%) of the political subdivision's total annual budget adopted under IC 6-1.1-17 for that fiscal year.

(e) A political subdivision may use only the funding sources specified in subsection (b)(2)(A) or in the ordinance or resolution establishing the rainy day fund. The political subdivision may adopt a subsequent ordinance or resolution authorizing the use of another funding source.

(f) The department of local government finance may not reduce the

C o p y

actual or maximum permissible levy of a political subdivision as a result of a balance in the rainy day fund of the political subdivision.

(g) A county, city, or town may at any time, by ordinance or resolution, transfer to:

(1) its general fund; or

(2) any other appropriated funds of the county, city, or town;

money that has been deposited in the rainy day fund of the county, city, or town.".

Page 2, delete lines 26 through 31, begin a new line block indented and insert:

"**(2) A reasonable convenience fee:**

(A) that may not exceed three dollars ($3); and

(B) that must be uniform regardless of the bank card or credit card used.

The fees described in subdivisions (1) and (2) may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such fees. ~~The fee is a~~ **These fees are** permitted additional ~~charge~~ **charges** under IC 24-4.5-3-202.".

Page 2, after line 38, begin a new paragraph and insert:

"SECTION 12. IC 36-2-11-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 14.5. (a) As used in this section, "manufactured home" has the meaning set forth in IC 9-13-2-96(b).**

(b) As used in this section, "mobile home" has the meaning set forth in IC 6-1.1-7-1(b).

(c) A person must do the following to record a contract under IC 9-17-6-17:

(1) Submit the following to the county recorder:

(A) A copy of the title to the manufactured home or mobile home.

(B) An affidavit stating whether the contract requires the seller or the buyer to pay the property taxes imposed on the manufactured home or mobile home.

(2) Pay any applicable recording fees.

(d) The county recorder shall record a contract submitted for recording under IC 9-17-6-17 by a person who complies with subsection (c). The county recorder shall do the following:

(1) Provide the following to the county treasurer with respect to each contract recorded under this section:

(A) The copy of the title to the manufactured home or mobile home.

C o p y

(B) The affidavit received under subsection (c).

(2) Notify the township assessor of the township in which the mobile home is located, or to which the mobile home will be moved, that a contract for the sale of the mobile home has been recorded. If there is no township assessor for the township, the county recorder shall provide the notice required by this subdivision to the county assessor.

SECTION 13. IC 36-5-2-10, AS AMENDED BY P.L.159-2011, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) An ordinance, order, or resolution passed by the legislative body is considered adopted when it is signed by the executive. If required by statute, an adopted ordinance, order, or resolution must be promulgated or published before it takes effect.

(b) An ordinance prescribing a penalty **or forfeiture** for a violation must, before it takes effect, be published in the manner prescribed by IC 5-3-1, unless:

(1) it is published under ~~IC 36-1-5;~~ **subsection (c);** or

(2) it declares an emergency requiring its immediate effectiveness and is posted in:

(A) one (1) public place in each district in the town; or

(B) a number of public places in the town equal to the number of town legislative body members, if the town has abolished legislative body districts under section 4.1 of this chapter.

(c) Except as provided in subsection (e), if a town publishes any of its ordinances in book or pamphlet form, no other publication is required. If an ordinance prescribing a penalty or forfeiture for a violation is published under this subsection, it takes effect two (2) weeks after the publication of the book or pamphlet. Publication under this subsection, if authorized by the legislative body, constitutes presumptive evidence:

(1) of the ordinances in the book or pamphlet;

(2) of the date of adoption of the ordinances; and

(3) that the ordinances have been properly signed, attested, recorded, and approved.

~~(c)~~ **(d)** This section (other than subsection ~~(c))~~ **(f))** does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

~~(d)~~ **(e)** An ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

C o p y

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

~~(e)~~ **(f)** Subject to subsection ~~(i),~~ **(j),** the legislative body shall:

(1) subject to subsection ~~(f),~~ **(g),** give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and

(2) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

~~(f)~~ **(g)** Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subsection ~~(e)(1).~~ **(f)(1).**

~~(g)~~ **(h)** An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subsection ~~(e).~~ **(f).**

~~(h)~~ **(i)** The failure of an environmental restrictive ordinance to comply with subsection ~~(g)~~ **(h)** does not void the ordinance.

~~(i)~~ **(j)** The notice requirements of subsection ~~(e)~~ **(f)** apply only if the municipal corporation received under IC 13-25-5-8.5(f) written notice that the department is relying on the environmental restrictive ordinance referred to in subsection ~~(e)~~ **(f)** as part of a risk based remediation proposal:

(1) approved by the department; and

(2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5.

SECTION 14. IC 36-12-1-5, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. "Public library" means a municipal corporation that:

(1) provides library services; and

(2) is organized under:

(A) IC 36-12-2;

(B) IC 36-12-4;

(C) IC 36-12-4.5;

~~(C)~~ **(D)** IC 36-12-5;

~~(D)~~ **(E)** IC 36-12-6; or

~~(E)~~ **(F)** IC 36-12-7.

C o p y

SECTION 15. IC 36-12-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 4.5. Merger of Certain Class 1 Public Libraries

Sec. 1. This chapter applies only to the following:

(1) The Hammond Public Library.

(2) The Lake County Public Library.

Sec. 2. On January 1, 2014, the Hammond Public Library and the Lake County Public Library are merged as provided in this chapter. Notwithstanding IC 36-12-4, the merger shall occur:

(1) without any requirement that resolutions be adopted by the library boards of each public library under 36-12-4-2(b);

(2) without any requirement that a committee be appointed under 36-12-4-3(a);

(3) without any requirement that a merger plan be adopted by the library boards of each public library under 36-12-4-3(e); and

(4) without any requirement that resolutions adopting the merger be filed under IC 36-12-4-4.

Sec. 3. The Lake County Public Library is designated as the primary library that will continue to exist as a legal entity following the effective date of the merger.

Sec. 4. The following apply on January 1, 2014:

(1) All assets, property, and equipment of the Hammond Public Library are transferred to and become the assets, property, and equipment of the Lake County Public Library.

(2) All employees of the Hammond Public Library are transferred to and become the employees of the Lake County Public Library.

(3) All contracts, indebtedness, and other obligations of the Hammond Public Library are assumed by and become the contracts, indebtedness, and other obligations of the Lake County Public Library.

(4) The territory included in the library district of the Hammond Public Library before the merger becomes part of and is included within the territory of the library district of the Lake County Public Library.

Sec. 5. (a) The merger under this chapter:

(1) does not change the membership of the library board of the Lake County Public Library under IC 36-12-2; and

(2) does not change which persons or entities are authorized to appoint members of the library board of the Lake County

C o p y

Public Library under IC 36-12-2.

(b) Notwithstanding IC 36-12-4, an interim library board is not established as part of the merger process under this chapter.

Sec. 6. (a) The department of local government finance shall adjust the budget, tax rate, and tax levy of the Lake County Public Library to account for the merger under this chapter, including making the adjustment of the maximum permissible ad valorem property tax levy of the Lake County Public Library under subsection (b).

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy of the Lake County Public Library for property taxes first due and payable in 2014 and thereafter by an amount equal to:

(1) the maximum permissible ad valorem property tax levy of the Hammond Public Library for property taxes first due and payable in 2013; multiplied by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for 2014.

Sec. 7. The general assembly finds that the merger of public libraries under this chapter is in the public interest and is necessary to resolve the funding constraints faced by the Hammond Public Library.

SECTION 16. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1145 as introduced.)

NEESE, Chair

Committee Vote: yeas 8, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1145 be amended to read as follows:

Page 16, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 14. [EFFECTIVE JULY 1, 2013] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

(b) As used in this SECTION, "study committee" means either

C o p y

of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign the topic of public library funding and organization to a study committee during the 2013 legislative interim.

(d) If the topics described in subsection (c) are assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6 not later than November 1, 2013.

(e) This SECTION expires December 31, 2013.".

Page 17, delete lines 1 through 40.

Renumber all SECTIONS consecutively.

(Reference is to HB 1145 as printed February 18, 2013.)

LAWSON L

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1145, 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 1, delete lines 1 through 17.

Delete pages 2 through 10.

Page 11, delete lines 1 through 12.

Page 13, delete lines 38 through 42.

Page 14, delete lines 1 through 25.

Page 16, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 14. IC 36-7-14-13, AS AMENDED BY P.L.112-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) ~~Within thirty (30) days after the close~~ **Not later than March 15** of each ~~calendar~~ year, the redevelopment commissioners shall file with the unit's executive a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount

C o p y

of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.

SECTION 15. IC 36-7-15.1-36.3, AS ADDED BY P.L.112-2012, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 36.3. (a) ~~Within thirty (30) days after the close~~ **Not later than March 15** of each ~~calendar~~ year, the commission shall file with the mayor a report setting out the commission's activities during the preceding calendar year.

(b) The report required by subsection (a) must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commission and the results obtained.

(c) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format under IC 5-14-6.".

Page 16, delete lines 7 through 24.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1145 as reprinted February 21, 2013.)

HEAD, Chairperson

Committee Vote: Yeas 7, Nays 1.

C o p y

SENATE MOTION

Madam President: I move that Engrossed House Bill 1145 be amended to read as follows:

Page 5, line 36, after "commissioners" insert "**or their designees**".

Page 6, line 16, after "commission" insert "**or its designee**".

(Reference is to EHB 1145 as printed April 5, 2013.)

HEAD

C o p y