
STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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TO: All Political Subdivisions

FROM: Wesley R. Bennett, Commissioner

RE: New Legislation Regarding Controlled Projects, Senate Enrolled Act 190-2020

DATE: June 12, 2020

On March 18, 2020, Governor Eric Holcomb signed Senate Enrolled Act 190-2020 (“SEA 190”). This legislation, effective July 1, 2020, changes the law concerning controlled projects. This memorandum describes these changes. This memorandum is for informative purposes only and is not a substitute for reading the law.

I. Road Construction Projects

Section 1 of SEA 2020 amends IC 6-1.1-20-1.1 so that certain road projects are not considered “controlled projects” for purposes of complying with IC 6-1.1-20. This exclusion pertains to a project “for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation exclusively for or of:

- (A) local road and street systems, including bridges that are designated as being in a local road and street system;
- (B) arterial road and street systems, including bridges that are designated as being in an arterial road and street system; or
- (C) any combination of local and arterial road and street systems, including designated bridges.”

This amendment allows political subdivisions to issue bonds or enter into leases for projects described above, the costs for which are above the thresholds outlined in IC 6-1.1-20-1.1(2), without being subject to a petition/remonstrance under IC 6-1.1-20-3.2 or a referendum under IC 6-1.1-20-3.6.

II. Promoting a Position on a Petition/Remonstrance or Referendum

Sections 2 and 3 amend IC 6-1.1-20-10 and 6-1.1-20-10.1, respectively, regarding the use of money, employees, or facilities of a political subdivision to promote a position on a petition/remonstrance or referendum on a controlled project. These amendments prohibit a political subdivision that has assessed value within the same taxing district as a political subdivision undertaking a petition/remonstrance or a referendum on a controlled project from using money, employees, or facilities to promote a position on the petition/remonstrance or

referendum. This prohibition does not apply to the political subdivision from adopting a resolution or taking a position on a petition/remonstrance or a referendum.

In other words, this amendment prevents a political subdivision that is not undertaking a controlled project subject to a petition/remonstrance or a referendum but is in the same taxing district as a political subdivision that is, from using its own resources to promote a position for or against the petition/remonstrance or referendum.

Contact Information

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