

HOUSE BILL No. 1034

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-30-6-1; IC 6-1.1-20.

Synopsis: Political subdivision controlled projects and debt. Provides that for a controlled project subject to approval by referendum, the political subdivision proposing the controlled project may issue a request for proposals under the design-build process before completing the referendum process. Modifies the threshold amounts used for determining whether a political subdivision's project is a controlled project and whether the petition and remonstrance process or the referendum process applies. Bases these threshold amounts on gross assessed value. Provides that for a road or street project, only the costs paid from property taxes are considered when applying these threshold amounts. Provides that if the estimated increase in a political subdivision's property tax levy for debt service for a proposed controlled project will be offset in whole or in part because of the retirement of existing debt of the political subdivision, the proper officers of the political subdivision may adopt a resolution that includes certain information and statements. Specifies the ballot language for the referendum on such a proposed controlled project. Provides that the restrictions on supporting a position on a controlled project apply to any political subdivision that has assessed value within the same taxing district as the political subdivision proposing the project.

Effective: July 1, 2019.

Thompson

January 3, 2019, read first time and referred to Committee on Ways and Means.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1034

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 5-30-6-1, AS AMENDED BY P.L.166-2011,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. (a) If a separate notice of request for
4 qualifications is issued under IC 5-30-5-1(a), the public agency shall
5 issue a request for proposals to the potential design-builders selected
6 under IC 5-30-5-6.

7 (b) Each request for proposals must contain a design criteria
8 package.

9 (c) If a public project is a controlled project (as defined in
10 IC 6-1.1-20-1.1) for which a referendum is to be held, a request for
11 proposals may **not** be issued ~~until~~ **after before** the public agency
12 proposing the controlled project has completed the procedures
13 described in IC 6-1.1-20-3.6.

14 SECTION 2. IC 6-1.1-20-0.8 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2019]: **Sec. 0.8. (a) This section applies to a**
17 **preliminary determination to issue bonds or enter into a lease**



1 made after June 30, 2019, for a project for engineering, land and
 2 right-of-way acquisition, construction, resurfacing, maintenance,
 3 restoration, and rehabilitation of:

- 4 (1) local road and street systems;
 5 (2) arterial road and street systems; or
 6 (3) any combination of local and arterial road and street
 7 systems.

8 (b) In determining whether a project is a controlled project for
 9 purposes of this chapter and whether the petition and
 10 remonstrance process under sections 3.1 and 3.2 of this chapter or
 11 the referendum process under sections 3.5 and 3.6 of this chapter
 12 applies to the project, the cost of the project does not include
 13 expenditures for the project that will be paid from a source other
 14 than property taxes.

15 SECTION 3. IC 6-1.1-20-1.1, AS AMENDED BY P.L.246-2017,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 1.1. As used in this chapter, "controlled project"
 18 means any project financed by bonds or a lease, except for the
 19 following:

20 (1) A project for which the political subdivision reasonably
 21 expects to pay:

- 22 (A) debt service; or
 23 (B) lease rentals;

24 from funds other than property taxes that are exempt from the
 25 levy limitations of IC 6-1.1-18.5 or (before January 1, 2009)
 26 IC 20-45-3. A project is not a controlled project even though the
 27 political subdivision has pledged to levy property taxes to pay the
 28 debt service or lease rentals if those other funds are insufficient.

29 (2) A project that will not cost the political subdivision more than
 30 the lesser of the following **threshold amount**:

31 (A) An amount equal to the following:

32 (i) In the case of an ordinance or resolution adopted before
 33 January 1, 2018, making a preliminary determination to
 34 issue bonds or enter into a lease for the project, two million
 35 dollars (\$2,000,000):

36 (ii) In the case of an ordinance or resolution adopted after
 37 December 31, 2017, and before January 1, 2019, making a
 38 preliminary determination to issue bonds or enter into a
 39 lease for the project, five million dollars (\$5,000,000):

40 (iii) In the case of an ordinance or resolution adopted in a
 41 calendar year after December 31, 2018, making a
 42 preliminary determination to issue bonds or enter into a



1 lease for the project; an amount (as determined by the
2 department of local government finance) equal to the result
3 of the assessed value growth quotient determined under
4 IC 6-1.1-18.5-2 for the year multiplied by the amount
5 determined under this clause for the preceding calendar
6 year.

7 The department of local government finance shall publish the
8 threshold determined under item (iii) in the Indiana Register
9 under IC 4-22-7-7 not more than sixty (60) days after the date
10 the budget agency releases the growth quotient for the ensuing
11 year under IC 6-1.1-18.5-2.

12 **(B) An amount equal to the following:**

13 (i) One percent (1%) of the total gross assessed value of
14 property within the political subdivision on the last
15 assessment date; if that total gross assessed value is more
16 than one hundred million dollars (\$100,000,000).

17 (ii) One million dollars (\$1,000,000); if the total gross
18 assessed value of property within the political subdivision
19 on the last assessment date is not more than one hundred
20 million dollars (\$100,000,000).

21 **(A) If the total gross assessed value of property within the**
22 **political subdivision on the last assessment date is not more**
23 **than one hundred million dollars (\$100,000,000), one**
24 **million dollars (\$1,000,000).**

25 **(B) If the total gross assessed value of property within the**
26 **political subdivision on the last assessment date exceeds**
27 **one hundred million dollars (\$100,000,000) and is not more**
28 **than five hundred million dollars (\$500,000,000), one**
29 **million dollars (\$1,000,000) plus one percent (1%) of the**
30 **political subdivision's gross assessed value that exceeds one**
31 **hundred million dollars (\$100,000,000).**

32 **(C) If the total gross assessed value of property within the**
33 **political subdivision on the last assessment date exceeds**
34 **five hundred million dollars (\$500,000,000), five million**
35 **dollars (\$5,000,000) plus five-hundredths of one percent**
36 **(0.05%) of the political subdivision's gross assessed value**
37 **that exceeds five hundred million dollars (\$500,000,000).**

38 (3) A project that is being refinanced for the purpose of providing
39 gross or net present value savings to taxpayers.

40 (4) A project for which bonds were issued or leases were entered
41 into before January 1, 1996, or where the state board of tax
42 commissioners has approved the issuance of bonds or the



1 execution of leases before January 1, 1996.

2 (5) A project that is required by a court order holding that a
3 federal law mandates the project.

4 (6) A project that is in response to:

5 (A) a natural disaster;

6 (B) an accident; or

7 (C) an emergency;

8 in the political subdivision that makes a building or facility
9 unavailable for its intended use.

10 (7) A project that was not a controlled project under this section
11 as in effect on June 30, 2008, and for which:

12 (A) the bonds or lease for the project were issued or entered
13 into before July 1, 2008; or

14 (B) the issuance of the bonds or the execution of the lease for
15 the project was approved by the department of local
16 government finance before July 1, 2008.

17 (8) A project of the Little Calumet River basin development
18 commission for which bonds are payable from special
19 assessments collected under IC 14-13-2-18.6.

20 SECTION 4. IC 6-1.1-20-3.1, AS AMENDED BY P.L.246-2017,
21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2019]: Sec. 3.1. (a) Subject to section 3.5(a)(1)(C) of this
23 chapter, this section applies only to the following:

24 (1) A controlled project (as defined in section 1.1 of this chapter
25 as in effect June 30, 2008) for which the proper officers of a
26 political subdivision make a preliminary determination in the
27 manner described in subsection (b) before July 1, 2008.

28 (2) An elementary school building, middle school building, high
29 school building, or other school building for academic instruction
30 that:

31 (A) is a controlled project;

32 (B) will be used for any combination of kindergarten through
33 grade 12; and

34 (C) will not cost more than ~~the lesser of~~ the following
35 **threshold amount:**

36 (i) ~~The threshold amount determined under this item. In the~~
37 ~~case of an ordinance or resolution adopted before January 1,~~
38 ~~2018, making a preliminary determination to issue bonds or~~
39 ~~enter into a lease for the project, the threshold amount is ten~~
40 ~~million dollars (\$10,000,000). In the case of an ordinance or~~
41 ~~resolution adopted after December 31, 2017, and before~~
42 ~~January 1, 2019, making a preliminary determination to~~



1 issue bonds or enter into a lease for the project, the threshold
 2 amount is fifteen million dollars (\$15,000,000). In the case
 3 of an ordinance or resolution adopted in a calendar year after
 4 December 31, 2018; making a preliminary determination to
 5 issue bonds or enter into a lease for the project, the threshold
 6 amount is an amount (as determined by the department of
 7 local government finance) equal to the result of the assessed
 8 value growth quotient determined under IC 6-1.1-18.5-2 for
 9 the year multiplied by the threshold amount determined
 10 under this item for the preceding calendar year. In the case
 11 of a threshold amount determined under this item that
 12 applies for a calendar year after December 31, 2018; the
 13 department of local government finance shall publish the
 14 threshold in the Indiana Register under IC 4-22-7-7 not more
 15 than sixty (60) days after the date the budget agency releases
 16 the assessed value growth quotient for the ensuing year
 17 under IC 6-1.1-18.5-2.

18 (ii) An amount equal to one percent (1%) of the total gross
 19 assessed value of property within the political subdivision
 20 on the last assessment date, if that total gross assessed value
 21 is more than one billion dollars (\$1,000,000,000); or ten
 22 million dollars (\$10,000,000); if the total gross assessed
 23 value of property within the political subdivision on the last
 24 assessment date is not more than one billion dollars
 25 (\$1,000,000,000).

26 **(i) If the total gross assessed value of property within the**
 27 **political subdivision on the last assessment date is not**
 28 **more than one billion dollars (\$1,000,000,000), ten**
 29 **million dollars (\$10,000,000).**

30 **(ii) If the total gross assessed value of property within**
 31 **the political subdivision on the last assessment date**
 32 **exceeds one billion dollars (\$1,000,000,000) and is not**
 33 **more than one billion five hundred million dollars**
 34 **(\$1,500,000,000), ten million dollars (\$10,000,000) plus**
 35 **one percent (1%) of the political subdivision's gross**
 36 **assessed value that exceeds one billion dollars**
 37 **(\$1,000,000,000).**

38 **(iii) If the total gross assessed value of property within**
 39 **the political subdivision on the last assessment date**
 40 **exceeds one billion five hundred million dollars**
 41 **(\$1,500,000,000), fifteen million dollars (\$15,000,000)**
 42 **plus one-tenth of one percent (0.1%) of the political**



- 1 **subdivision's gross assessed value that exceeds one**
 2 **billion five hundred million dollars (\$1,500,000,000).**
 3 (3) Any other controlled project that:
 4 (A) is not a controlled project described in subdivision (1) or
 5 (2); and
 6 (B) will not cost the political subdivision more than the lesser
 7 of the following **threshold amount**:
 8 (i) The threshold amount determined under this item: In the
 9 case of an ordinance or resolution adopted before January 1,
 10 2018; making a preliminary determination to issue bonds or
 11 enter into a lease for the project, the threshold amount is
 12 twelve million dollars (\$12,000,000). In the case of an
 13 ordinance or resolution adopted after December 31, 2017,
 14 and before January 1, 2019; making a preliminary
 15 determination to issue bonds or enter into a lease for the
 16 project, the threshold amount is fifteen million dollars
 17 (\$15,000,000). In the case of an ordinance or resolution
 18 adopted in a calendar year after December 31, 2018; making
 19 a preliminary determination to issue bonds or enter into a
 20 lease for the project, the threshold amount is an amount (as
 21 determined by the department of local government finance)
 22 equal to the result of the assessed value growth quotient
 23 determined under IC 6-1.1-18.5-2 for the year multiplied by
 24 the threshold amount determined under this item for the
 25 preceding calendar year. In the case of a threshold amount
 26 determined under this item that applies for a calendar year
 27 after December 31, 2018; the department of local
 28 government finance shall publish the threshold in the
 29 Indiana Register under IC 4-22-7-7 not more than sixty (60)
 30 days after the date the budget agency releases the assessed
 31 value growth quotient for the ensuing year under
 32 IC 6-1.1-18.5-2.
 33 (ii) An amount equal to one percent (1%) of the total gross
 34 assessed value of property within the political subdivision
 35 on the last assessment date, if that total gross assessed value
 36 is more than one hundred million dollars (\$100,000,000); or
 37 one million dollars (\$1,000,000); if the total gross assessed
 38 value of property within the political subdivision on the last
 39 assessment date is not more than one hundred million
 40 dollars (\$100,000,000).
 41 (i) **If the total gross assessed value of property within the**
 42 **political subdivision on the last assessment date is not**



1 **more than one hundred million dollars (\$100,000,000),**
 2 **one million dollars (\$1,000,000).**

3 **(ii) If the total gross assessed value of property within**
 4 **the political subdivision on the last assessment date**
 5 **exceeds one hundred million dollars (\$100,000,000) and**
 6 **is not more than one billion five hundred million dollars**
 7 **(\$1,500,000,000), one million dollars (\$1,000,000) plus**
 8 **one percent (1%) of the political subdivision's gross**
 9 **assessed value that exceeds one hundred million dollars**
 10 **(\$100,000,000).**

11 **(iii) If the total gross assessed value of property within**
 12 **the political subdivision on the last assessment date**
 13 **exceeds one billion five hundred million dollars**
 14 **(\$1,500,000,000), fifteen million dollars (\$15,000,000)**
 15 **plus one-tenth of one percent (0.1%) of the political**
 16 **subdivision's gross assessed value that exceeds one**
 17 **billion five hundred million dollars (\$1,500,000,000).**

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

21 (1) The proper officers of a political subdivision shall publish
 22 notice in accordance with IC 5-3-1 and send notice by first class
 23 mail to the circuit court clerk and to any organization that delivers
 24 to the officers, before January 1 of that year, an annual written
 25 request for such notices of any meeting to consider adoption of a
 26 resolution or an ordinance making a preliminary determination to
 27 issue bonds or enter into a lease and shall conduct at least two (2)
 28 public hearings on a preliminary determination before adoption
 29 of the resolution or ordinance. The political subdivision must at
 30 each of the public hearings on the preliminary determination
 31 allow the public to testify regarding the preliminary determination
 32 and must make the following information available to the public
 33 at each of the public hearings on the preliminary determination,
 34 in addition to any other information required by law:

35 (A) The result of the political subdivision's current and
 36 projected annual debt service payments divided by the net
 37 assessed value of taxable property within the political
 38 subdivision.

39 (B) The result of:

40 (i) the sum of the political subdivision's outstanding long
 41 term debt plus the outstanding long term debt of other taxing
 42 units that include any of the territory of the political



- 1 subdivision; divided by
- 2 (ii) the net assessed value of taxable property within the
- 3 political subdivision.
- 4 (C) The information specified in subdivision (3)(A) through
- 5 (3)(H).
- 6 (2) When the proper officers of a political subdivision make a
- 7 preliminary determination to issue bonds or enter into a lease for
- 8 a controlled project, the officers shall give notice of the
- 9 preliminary determination by:
- 10 (A) publication in accordance with IC 5-3-1; and
- 11 (B) first class mail to the circuit court clerk and to the
- 12 organizations described in subdivision (1).
- 13 (3) A notice under subdivision (2) of the preliminary
- 14 determination of the political subdivision to issue bonds or enter
- 15 into a lease for a controlled project must include the following
- 16 information:
- 17 (A) The maximum term of the bonds or lease.
- 18 (B) The maximum principal amount of the bonds or the
- 19 maximum lease rental for the lease.
- 20 (C) The estimated interest rates that will be paid and the total
- 21 interest costs associated with the bonds or lease.
- 22 (D) The purpose of the bonds or lease.
- 23 (E) A statement that any owners of property within the
- 24 political subdivision or registered voters residing within the
- 25 political subdivision who want to initiate a petition and
- 26 remonstrance process against the proposed debt service or
- 27 lease payments must file a petition that complies with
- 28 subdivisions (4) and (5) not later than thirty (30) days after
- 29 publication in accordance with IC 5-3-1.
- 30 (F) With respect to bonds issued or a lease entered into to
- 31 open:
- 32 (i) a new school facility; or
- 33 (ii) an existing facility that has not been used for at least
- 34 three (3) years and that is being reopened to provide
- 35 additional classroom space;
- 36 the estimated costs the school corporation expects to incur
- 37 annually to operate the facility.
- 38 (G) A statement of whether the school corporation expects to
- 39 appeal for a new facility adjustment (as defined in
- 40 IC 20-45-1-16 (repealed) before January 1, 2009) for an
- 41 increased maximum permissible tuition support levy to pay the
- 42 estimated costs described in clause (F).



- 1 (H) The following information:
 2 (i) The political subdivision's current debt service levy and
 3 rate.
 4 (ii) The estimated increase to the political subdivision's debt
 5 service levy and rate that will result if the political
 6 subdivision issues the bonds or enters into the lease.
 7 (iii) The estimated amount of the political subdivision's debt
 8 service levy and rate that will result during the following ten
 9 (10) years if the political subdivision issues the bonds or
 10 enters into the lease, after also considering any changes that
 11 will occur to the debt service levy and rate during that
 12 period on account of any outstanding bonds or lease
 13 obligations that will mature or terminate during that period.
 14 (I) The information specified in subdivision (1)(A) through
 15 (1)(B).
 16 (4) After notice is given, a petition requesting the application of
 17 a petition and remonstrance process may be filed by the lesser of:
 18 (A) five hundred (500) persons who are either owners of
 19 property within the political subdivision or registered voters
 20 residing within the political subdivision; or
 21 (B) five percent (5%) of the registered voters residing within
 22 the political subdivision.
 23 (5) The state board of accounts shall design and, upon request by
 24 the county voter registration office, deliver to the county voter
 25 registration office or the county voter registration office's
 26 designated printer the petition forms to be used solely in the
 27 petition process described in this section. The county voter
 28 registration office shall issue to an owner or owners of property
 29 within the political subdivision or a registered voter residing
 30 within the political subdivision the number of petition forms
 31 requested by the owner or owners or the registered voter. Each
 32 form must be accompanied by instructions detailing the
 33 requirements that:
 34 (A) the carrier and signers must be owners of property or
 35 registered voters;
 36 (B) the carrier must be a signatory on at least one (1) petition;
 37 (C) after the signatures have been collected, the carrier must
 38 swear or affirm before a notary public that the carrier
 39 witnessed each signature; and
 40 (D) govern the closing date for the petition period.
 41 Persons requesting forms may be required to identify themselves
 42 as owners of property or registered voters and may be allowed to



1 pick up additional copies to distribute to other owners of property
2 or registered voters. Each person signing a petition must indicate
3 whether the person is signing the petition as a registered voter
4 within the political subdivision or is signing the petition as the
5 owner of property within the political subdivision. A person who
6 signs a petition as a registered voter must indicate the address at
7 which the person is registered to vote. A person who signs a
8 petition as an owner of property must indicate the address of the
9 property owned by the person in the political subdivision.

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

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

17 (8) The county voter registration office shall determine whether
18 each person who signed the petition is a registered voter.
19 However, after the county voter registration office has determined
20 that at least five hundred twenty-five (525) persons who signed
21 the petition are registered voters within the political subdivision,
22 the county voter registration office is not required to verify
23 whether the remaining persons who signed the petition are
24 registered voters. If the county voter registration office does not
25 determine that at least five hundred twenty-five (525) persons
26 who signed the petition are registered voters, the county voter
27 registration office shall, not more than fifteen (15) business days
28 after receiving a petition, forward a copy of the petition to the
29 county auditor. Not more than ten (10) business days after
30 receiving the copy of the petition, the county auditor shall provide
31 to the county voter registration office a statement verifying:

32 (A) whether a person who signed the petition as a registered
33 voter but is not a registered voter, as determined by the county
34 voter registration office, is the owner of property in the
35 political subdivision; and

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

39 (9) The county voter registration office, not more than ten (10)
40 business days after determining that at least five hundred
41 twenty-five (525) persons who signed the petition are registered
42 voters or receiving the statement from the county auditor under



1 subdivision (8), as applicable, shall make the final determination
 2 of the number of petitioners that are registered voters in the
 3 political subdivision and, based on the statement provided by the
 4 county auditor, the number of petitioners that own property within
 5 the political subdivision. Whenever the name of an individual
 6 who signs a petition form as a registered voter contains a minor
 7 variation from the name of the registered voter as set forth in the
 8 records of the county voter registration office, the signature is
 9 presumed to be valid, and there is a presumption that the
 10 individual is entitled to sign the petition under this section. Except
 11 as otherwise provided in this chapter, in determining whether an
 12 individual is a registered voter, the county voter registration office
 13 shall apply the requirements and procedures used under IC 3 to
 14 determine whether a person is a registered voter for purposes of
 15 voting in an election governed by IC 3. However, an individual is
 16 not required to comply with the provisions concerning providing
 17 proof of identification to be considered a registered voter for
 18 purposes of this chapter. A person is entitled to sign a petition
 19 only one (1) time in a particular petition and remonstrance
 20 process under this chapter, regardless of whether the person owns
 21 more than one (1) parcel of real property, mobile home assessed
 22 as personal property, or manufactured home assessed as personal
 23 property, or a combination of those types of property within the
 24 subdivision and regardless of whether the person is both a
 25 registered voter in the political subdivision and the owner of
 26 property within the political subdivision. Notwithstanding any
 27 other provision of this section, if a petition is presented to the
 28 county voter registration office within forty-five (45) days before
 29 an election, the county voter registration office may defer acting
 30 on the petition, and the time requirements under this section for
 31 action by the county voter registration office do not begin to run
 32 until five (5) days after the date of the election.

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

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

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

41 within thirty-five (35) business days of the filing of the petition
 42 requesting a petition and remonstrance process. The certificate



1 must state the number of petitioners that are owners of property
 2 within the political subdivision and the number of petitioners who
 3 are registered voters residing within the political subdivision.

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

9 (c) A political subdivision may not divide a controlled project in
 10 order to avoid the requirements of this section and section 3.2 of this
 11 chapter. A person that owns property within a political subdivision or
 12 a person that is a registered voter residing within a political subdivision
 13 may file a petition with the department of local government finance
 14 objecting that the political subdivision has divided a controlled project
 15 in order to avoid the requirements of this section and section 3.2 of this
 16 chapter. The petition must be filed not more than ten (10) days after the
 17 political subdivision gives notice of the political subdivision's decision
 18 to issue bonds or enter into leases for a capital project that the person
 19 believes is the result of a division of a controlled project that is
 20 prohibited by this subsection. If the department of local government
 21 finance receives a petition under this subsection, the department shall
 22 not later than thirty (30) days after receiving the petition make a final
 23 determination on the issue of whether the political subdivision divided
 24 a controlled project in order to avoid the requirements of this section
 25 and section 3.2 of this chapter. If the department of local government
 26 finance determines that a political subdivision divided a controlled
 27 project in order to avoid the requirements of this section and section
 28 3.2 of this chapter and the political subdivision continues to desire to
 29 proceed with the project, the political subdivision shall fulfill the
 30 requirements of this section and section 3.2 of this chapter, if
 31 applicable, regardless of the cost of the project in dispute. A political
 32 subdivision shall be considered to have divided a capital project in
 33 order to avoid the requirements of this section and section 3.2 of this
 34 chapter if the result of one (1) or more of the subprojects cannot
 35 reasonably be considered an independently desirable end in itself
 36 without reference to another capital project. This subsection does not
 37 prohibit a political subdivision from undertaking a series of capital
 38 projects in which the result of each capital project can reasonably be
 39 considered an independently desirable end in itself without reference
 40 to another capital project.

41 SECTION 5. IC 6-1.1-20-3.5, AS AMENDED BY P.L.246-2017,
 42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 3.5. (a) This section applies only to a controlled
 2 project that meets the following conditions:

3 (1) The controlled project is described in one (1) of the following
 4 categories:

5 (A) An elementary school building, middle school building,
 6 high school building, or other school building for academic
 7 instruction that will be used for any combination of
 8 kindergarten through grade 12 and will cost more than the
 9 lesser of the following **threshold amount**:

10 (i) The threshold amount determined under this item: In the
 11 case of an ordinance or resolution adopted before January 1,
 12 2018; making a preliminary determination to issue bonds or
 13 enter into a lease for the project; the threshold amount is ten
 14 million dollars (\$10,000,000). In the case of an ordinance or
 15 resolution adopted after December 31, 2017; and before
 16 January 1, 2019; making a preliminary determination to
 17 issue bonds or enter into a lease for the project; the threshold
 18 amount is fifteen million dollars (\$15,000,000). In the case
 19 of an ordinance or resolution adopted in a calendar year after
 20 December 31, 2018; making a preliminary determination to
 21 issue bonds or enter into a lease for the project; the threshold
 22 amount is an amount (as determined by the department of
 23 local government finance) equal to the result of the assessed
 24 value growth quotient determined under IC 6-1.1-18.5-2 for
 25 the year multiplied by the threshold amount determined
 26 under this item for the preceding calendar year. In the case
 27 of a threshold amount determined under this item that
 28 applies for a calendar year after December 31, 2018; the
 29 department of local government finance shall publish the
 30 threshold in the Indiana Register under IC 4-22-7-7 not more
 31 than sixty (60) days after the date the budget agency releases
 32 the assessed value growth quotient for the ensuing year
 33 under IC 6-1.1-18.5-2.

34 (ii) An amount equal to one percent (1%) of the total gross
 35 assessed value of property within the political subdivision
 36 on the last assessment date, if that total gross assessed value
 37 is more than one billion dollars (\$1,000,000,000); or ten
 38 million dollars (\$10,000,000); if the total gross assessed
 39 value of property within the political subdivision on the last
 40 assessment date is not more than one billion dollars
 41 (\$1,000,000,000).

42 (i) If the total gross assessed value of property within the



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political subdivision on the last assessment date is not more than one billion dollars (\$1,000,000,000), ten million dollars (\$10,000,000).

(ii) If the total gross assessed value of property within the political subdivision on the last assessment date exceeds one billion dollars (\$1,000,000,000) and is not more than one billion five hundred million dollars (\$1,500,000,000), ten million dollars (\$10,000,000) plus one percent (1%) of the political subdivision's gross assessed value that exceeds one billion dollars (\$1,000,000,000).

(iii) If the total gross assessed value of property within the political subdivision on the last assessment date exceeds one billion five hundred million dollars (\$1,500,000,000), fifteen million dollars (\$15,000,000) plus one-tenth of one percent (0.1%) of the political subdivision's gross assessed value that exceeds one billion five hundred million dollars (\$1,500,000,000).

(B) Any other controlled project that is not a controlled project described in clause (A) and will cost the political subdivision more than the lesser of the following **threshold amount**:

(i) The threshold amount determined under this item: In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project; the threshold amount is twelve million dollars (\$12,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project; the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project; the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the



1 Indiana Register under IC 4-22-7-7 not more than sixty (60)
 2 days after the date the budget agency releases the assessed
 3 value growth quotient for the ensuing year under
 4 IC 6-1.1-18.5-2.

5 (ii) An amount equal to one percent (1%) of the total gross
 6 assessed value of property within the political subdivision
 7 on the last assessment date, if that total gross assessed value
 8 is more than one hundred million dollars (\$100,000,000); or
 9 one million dollars (\$1,000,000); if the total gross assessed
 10 value of property within the political subdivision on the last
 11 assessment date is not more than one hundred million
 12 dollars (\$100,000,000).

13 **(i) If the total gross assessed value of property within the**
 14 **political subdivision on the last assessment date is not**
 15 **more than one hundred million dollars (\$100,000,000),**
 16 **one million dollars (\$1,000,000).**

17 **(ii) If the total gross assessed value of property within**
 18 **the political subdivision on the last assessment date**
 19 **exceeds one hundred million dollars (\$100,000,000) and**
 20 **is not more than one billion five hundred million dollars**
 21 **(\$1,500,000,000), one million dollars (\$1,000,000) plus**
 22 **one percent (1%) of the political subdivision's gross**
 23 **assessed value that exceeds one hundred million dollars**
 24 **(\$100,000,000).**

25 **(iii) If the total gross assessed value of property within**
 26 **the political subdivision on the last assessment date**
 27 **exceeds one billion five hundred million dollars**
 28 **(\$1,500,000,000), fifteen million dollars (\$15,000,000)**
 29 **plus one-tenth of one percent (0.1%) of the political**
 30 **subdivision's gross assessed value that exceeds one**
 31 **billion five hundred million dollars (\$1,500,000,000).**

32 (C) Any other controlled project for which a political
 33 subdivision adopts an ordinance or resolution making a
 34 preliminary determination to issue bonds or enter into a lease
 35 for the project, if the sum of:

36 (i) the cost of that controlled project; plus

37 (ii) the costs of all other controlled projects for which the
 38 political subdivision has previously adopted within the
 39 preceding three hundred sixty-five (365) days an ordinance
 40 or resolution making a preliminary determination to issue
 41 bonds or enter into a lease for those other controlled
 42 projects;



1 exceeds twenty-five million dollars (\$25,000,000) **plus**
 2 **one-tenth of one percent (0.1%) of the gross assessed value**
 3 **that exceeds two billion five hundred million dollars**
 4 **(\$2,500,000,000).**

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

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

12 (1) The proper officers of a political subdivision shall publish
 13 notice in accordance with IC 5-3-1 and send notice by first class
 14 mail to the circuit court clerk and to any organization that delivers
 15 to the officers, before January 1 of that year, an annual written
 16 request for notices of any meeting to consider the adoption of an
 17 ordinance or a resolution making a preliminary determination to
 18 issue bonds or enter into a lease and shall conduct at least two (2)
 19 public hearings on the preliminary determination before adoption
 20 of the ordinance or resolution. The political subdivision must at
 21 each of the public hearings on the preliminary determination
 22 allow the public to testify regarding the preliminary determination
 23 and must make the following information available to the public
 24 at each of the public hearings on the preliminary determination,
 25 in addition to any other information required by law:

26 (A) The result of the political subdivision's current and
 27 projected annual debt service payments divided by the net
 28 assessed value of taxable property within the political
 29 subdivision.

30 (B) The result of:

31 (i) the sum of the political subdivision's outstanding long
 32 term debt plus the outstanding long term debt of other taxing
 33 units that include any of the territory of the political
 34 subdivision; divided by

35 (ii) the net assessed value of taxable property within the
 36 political subdivision.

37 (C) The information specified in subdivision (3)(A) through
 38 (3)(G).

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

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



- 1 (B) first class mail to the circuit court clerk and to the
 2 organizations described in subdivision (1).
 3 (3) A notice under subdivision (2) of the preliminary
 4 determination of the political subdivision to issue bonds or enter
 5 into a lease must include the following information:
 6 (A) The maximum term of the bonds or lease.
 7 (B) The maximum principal amount of the bonds or the
 8 maximum lease rental for the lease.
 9 (C) The estimated interest rates that will be paid and the total
 10 interest costs associated with the bonds or lease.
 11 (D) The purpose of the bonds or lease.
 12 (E) A statement that the proposed debt service or lease
 13 payments must be approved in an election on a local public
 14 question held under section 3.6 of this chapter.
 15 (F) With respect to bonds issued or a lease entered into to
 16 open:
 17 (i) a new school facility; or
 18 (ii) an existing facility that has not been used for at least
 19 three (3) years and that is being reopened to provide
 20 additional classroom space;
 21 the estimated costs the school corporation expects to annually
 22 incur to operate the facility.
 23 (G) The following information:
 24 (i) The political subdivision's current debt service levy and
 25 rate.
 26 (ii) The estimated increase to the political subdivision's debt
 27 service levy and rate that will result if the political
 28 subdivision issues the bonds or enters into the lease.
 29 (iii) The estimated amount of the political subdivision's debt
 30 service levy and rate that will result during the following ten
 31 (10) years if the political subdivision issues the bonds or
 32 enters into the lease, after also considering any changes that
 33 will occur to the debt service levy and rate during that
 34 period on account of any outstanding bonds or lease
 35 obligations that will mature or terminate during that period.
 36 (H) The information specified in subdivision (1)(A) through
 37 (1)(B).
 38 (4) After notice is given, a petition requesting the application of
 39 the local public question process under section 3.6 of this chapter
 40 may be filed by the lesser of:
 41 (A) five hundred (500) persons who are either owners of
 42 property within the political subdivision or registered voters



- 1 residing within the political subdivision; or
 2 (B) five percent (5%) of the registered voters residing within
 3 the political subdivision.
- 4 (5) The state board of accounts shall design and, upon request by
 5 the county voter registration office, deliver to the county voter
 6 registration office or the county voter registration office's
 7 designated printer the petition forms to be used solely in the
 8 petition process described in this section. The county voter
 9 registration office shall issue to an owner or owners of property
 10 within the political subdivision or a registered voter residing
 11 within the political subdivision the number of petition forms
 12 requested by the owner or owners or the registered voter. Each
 13 form must be accompanied by instructions detailing the
 14 requirements that:
- 15 (A) the carrier and signers must be owners of property or
 16 registered voters;
 17 (B) the carrier must be a signatory on at least one (1) petition;
 18 (C) after the signatures have been collected, the carrier must
 19 swear or affirm before a notary public that the carrier
 20 witnessed each signature; and
 21 (D) govern the closing date for the petition period.
- 22 Persons requesting forms may be required to identify themselves
 23 as owners of property or registered voters and may be allowed to
 24 pick up additional copies to distribute to other owners of property
 25 or registered voters. Each person signing a petition must indicate
 26 whether the person is signing the petition as a registered voter
 27 within the political subdivision or is signing the petition as the
 28 owner of property within the political subdivision. A person who
 29 signs a petition as a registered voter must indicate the address at
 30 which the person is registered to vote. A person who signs a
 31 petition as an owner of property must indicate the address of the
 32 property owned by the person in the political subdivision.
- 33 (6) Each petition must be verified under oath by at least one (1)
 34 qualified petitioner in a manner prescribed by the state board of
 35 accounts before the petition is filed with the county voter
 36 registration office under subdivision (7).
- 37 (7) Each petition must be filed with the county voter registration
 38 office not more than thirty (30) days after publication under
 39 subdivision (2) of the notice of the preliminary determination.
- 40 (8) The county voter registration office shall determine whether
 41 each person who signed the petition is a registered voter.
 42 However, after the county voter registration office has determined



1 that at least five hundred twenty-five (525) persons who signed
2 the petition are registered voters within the political subdivision,
3 the county voter registration office is not required to verify
4 whether the remaining persons who signed the petition are
5 registered voters. If the county voter registration office does not
6 determine that at least five hundred twenty-five (525) persons
7 who signed the petition are registered voters, the county voter
8 registration office, not more than fifteen (15) business days after
9 receiving a petition, shall forward a copy of the petition to the
10 county auditor. Not more than ten (10) business days after
11 receiving the copy of the petition, the county auditor shall provide
12 to the county voter registration office a statement verifying:

13 (A) whether a person who signed the petition as a registered
14 voter but is not a registered voter, as determined by the county
15 voter registration office, is the owner of property in the
16 political subdivision; and

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

20 (9) The county voter registration office, not more than ten (10)
21 business days after determining that at least five hundred
22 twenty-five (525) persons who signed the petition are registered
23 voters or after receiving the statement from the county auditor
24 under subdivision (8), as applicable, shall make the final
25 determination of whether a sufficient number of persons have
26 signed the petition. Whenever the name of an individual who
27 signs a petition form as a registered voter contains a minor
28 variation from the name of the registered voter as set forth in the
29 records of the county voter registration office, the signature is
30 presumed to be valid, and there is a presumption that the
31 individual is entitled to sign the petition under this section. Except
32 as otherwise provided in this chapter, in determining whether an
33 individual is a registered voter, the county voter registration office
34 shall apply the requirements and procedures used under IC 3 to
35 determine whether a person is a registered voter for purposes of
36 voting in an election governed by IC 3. However, an individual is
37 not required to comply with the provisions concerning providing
38 proof of identification to be considered a registered voter for
39 purposes of this chapter. A person is entitled to sign a petition
40 only one (1) time in a particular referendum process under this
41 chapter, regardless of whether the person owns more than one (1)
42 parcel of real property, mobile home assessed as personal



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

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

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

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

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

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

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

33 (1) a copy of the notice required by subsection (b)(2); and

34 (2) any other information the county auditor requires to fulfill the
 35 county auditor's duties under section 3.6 of this chapter.

36 SECTION 6. IC 6-1.1-20-3.6, AS AMENDED BY P.L.246-2017,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
 39 of this chapter, this section applies only to a controlled project
 40 described in section 3.5(a) of this chapter.

41 (b) If a sufficient petition requesting the application of the local
 42 public question process has been filed as set forth in section 3.5 of this



1 chapter, a political subdivision may not impose property taxes to pay
 2 debt service on bonds or lease rentals on a lease for a controlled project
 3 unless the political subdivision's proposed debt service or lease rental
 4 is approved in an election on a local public question held under this
 5 section.

6 (c) Except as provided in ~~subsection (c)~~, **subsections (d) and (l)**,
 7 the following question shall be submitted to the eligible voters at the
 8 election conducted under this section:

9 "Shall _____ (insert the name of the political subdivision)
 10 issue bonds or enter into a lease to finance _____ (insert
 11 a brief description of the controlled project), which is estimated
 12 to cost not more than _____ (insert the total cost of the project)
 13 and is estimated to increase the property tax rate for debt service
 14 by _____ (insert increase in tax rate as determined by the
 15 department of local government finance)?"

16 The public question must appear on the ballot in the form approved by
 17 the county election board. If the political subdivision proposing to issue
 18 bonds or enter into a lease is located in more than one (1) county, the
 19 county election board of each county shall jointly approve the form of
 20 the public question that will appear on the ballot in each county. The
 21 form approved by the county election board may differ from the
 22 language certified to the county election board by the county auditor.
 23 If the county election board approves the language of a public question
 24 under this subsection, the county election board shall submit the
 25 language to the department of local government finance for review.

26 **(d) If the estimated increase in a political subdivision's property**
 27 **tax levy for debt service for a controlled project will be offset in**
 28 **whole or in part because of the retirement of existing debt of the**
 29 **political subdivision, the proper officers of the political subdivision**
 30 **may adopt a resolution that does the following:**

31 **(1) Includes a schedule that specifies:**

32 **(A) the maximum annual debt service for the controlled**
 33 **project for each year in which such debt service will be**
 34 **paid;**

35 **(B) the information described in section 3.5(b)(3)(G)(iii) of**
 36 **this chapter concerning the estimated amount of the**
 37 **political subdivision's debt service levy and tax rate that**
 38 **will result during the following ten (10) years if the**
 39 **political subdivision issues the bonds or enters into the**
 40 **lease for the controlled project, after also considering any**
 41 **changes that will occur to the debt service levy and tax rate**
 42 **during that period on account of any outstanding bonds or**



1 lease obligations that will mature or terminate during that
 2 period; and

3 (C) whether:

4 (i) the outstanding bonds or lease obligations that will
 5 mature or terminate during the following ten (10) years
 6 were approved in a public question under this chapter;
 7 and

8 (ii) the property taxes imposed to pay the outstanding
 9 bonds or lease obligations described in item (i) are
 10 excluded from consideration in calculating tax credits
 11 for purposes of the property tax caps under
 12 IC 6-1.1-20.6.

13 (2) States that the proper officers of the political subdivision
 14 intend to maintain the political subdivision's total debt service
 15 property tax rate (including debt service for the controlled
 16 project and for all other debt of the political subdivision) at or
 17 below a specified property tax rate. The political subdivision's
 18 statement that it intends to maintain its total debt service
 19 property tax rate at or below such a specified property tax
 20 rate may include exceptions for specified projects or purposes,
 21 including any projects that the proper officers of the political
 22 subdivision declare are required by an emergency or are
 23 required for the safety and security of citizens or students.

24 If a political subdivision adopts a resolution under this subsection,
 25 the proper officers of the political subdivision shall submit to the
 26 department of local government finance a copy of the resolution,
 27 information specifying the amount of existing debt that will be
 28 retired, and a calculation showing the effect that the retirement of
 29 the existing debt will have on the political subdivision's overall debt
 30 service tax rates and levies. Except as provided in subsection (1), if
 31 a political subdivision adopts a resolution under this subsection, the
 32 following question shall be submitted to the eligible voters at the
 33 election conducted under this section:

34 "Shall _____ (insert the name of the political subdivision)
 35 issue bonds or enter into a lease to finance _____
 36 (insert a brief description of the controlled project), which is
 37 estimated to cost not more than _____ (insert the total cost
 38 of the project), with an estimated property tax rate for the
 39 project of _____ (insert the property tax rate for the
 40 controlled project as determined by the department of local
 41 government finance) but with the following estimated net
 42 change in the total debt service property tax rate, after



1 **accounting for the retirement of existing debt: _____**
 2 **(insert net change in the political subdivision's total debt**
 3 **service property tax rate, as determined by the department of**
 4 **local government finance, after accounting for the retirement**
 5 **of existing debt)?".**

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

17 ~~(d)~~ **(e)** The department of local government finance shall review the
 18 language of the public question to evaluate whether the description of
 19 the controlled project is accurate and is not biased against either a vote
 20 in favor of the controlled project or a vote against the controlled
 21 project. The department of local government finance may either
 22 approve the ballot language as submitted or recommend that the ballot
 23 language be modified as necessary to ensure that the description of the
 24 controlled project is accurate and is not biased. The department of local
 25 government finance shall certify its approval or recommendations to
 26 the county auditor and the county election board not more than ten (10)
 27 days after the language of the public question is submitted to the
 28 department for review. If the department of local government finance
 29 recommends a modification to the ballot language, the county election
 30 board shall, after reviewing the recommendations of the department of
 31 local government finance, submit modified ballot language to the
 32 department for the department's approval or recommendation of any
 33 additional modifications. The public question may not be certified by
 34 the county auditor under subsection ~~(e)~~ **(f)** unless the department of
 35 local government finance has first certified the department's final
 36 approval of the ballot language for the public question.

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

41 (1) seventy-four (74) days before a primary election if the public
 42 question is to be placed on the primary or municipal primary



1 election ballot; or

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

4 Subject to the certification requirements and deadlines under this
5 subsection and except as provided in subsection ~~(j)~~; **(l)**, the public
6 question shall be placed on the ballot at the next primary election,
7 general election, or municipal election in which all voters of the
8 political subdivision are entitled to vote. However, if a primary
9 election, general election, or municipal election will not be held during
10 the first year in which the public question is eligible to be placed on the
11 ballot under this section and if the political subdivision requests the
12 public question to be placed on the ballot at a special election, the
13 public question shall be placed on the ballot at a special election to be
14 held on the first Tuesday after the first Monday in May or November
15 of the year. The certification must occur not later than noon
16 seventy-four (74) days before a special election to be held in May (if
17 the special election is to be held in May) or noon on August 1 (if the
18 special election is to be held in November). The fiscal body of the
19 political subdivision that requests the special election shall pay the
20 costs of holding the special election. The county election board shall
21 give notice under IC 5-3-1 of a special election conducted under this
22 subsection. A special election conducted under this subsection is under
23 the direction of the county election board. The county election board
24 shall take all steps necessary to carry out the special election.

25 ~~(f)~~ **(g)** The circuit court clerk shall certify the results of the public
26 question to the following:

27 (1) The county auditor of each county in which the political
28 subdivision is located.

29 (2) The department of local government finance.

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

34 ~~(h)~~ **(i)** If a majority of the eligible voters voting on the public
35 question vote in opposition to the public question, both of the following
36 apply:

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

39 (2) Another public question under this section on the same or a
40 substantially similar project may not be submitted to the voters
41 earlier than:

42 (A) except as provided in clause (B), seven hundred (700)



1 days after the date of the public question; or
 2 (B) three hundred fifty (350) days after the date of the election,
 3 if a petition that meets the requirements of subsection ~~(m)~~ (n)
 4 is submitted to the county auditor.

5 ~~(i)~~ (j) IC 3, to the extent not inconsistent with this section, applies
 6 to an election held under this section.

7 ~~(j)~~ (k) A political subdivision may not divide a controlled project in
 8 order to avoid the requirements of this section and section 3.5 of this
 9 chapter. A person that owns property within a political subdivision or
 10 a person that is a registered voter residing within a political subdivision
 11 may file a petition with the department of local government finance
 12 objecting that the political subdivision has divided a controlled project
 13 into two (2) or more capital projects in order to avoid the requirements
 14 of this section and section 3.5 of this chapter. The petition must be filed
 15 not more than ten (10) days after the political subdivision gives notice
 16 of the political subdivision's decision under section 3.5 of this chapter
 17 or a determination under section 5 of this chapter to issue bonds or
 18 enter into leases for a capital project that the person believes is the
 19 result of a division of a controlled project that is prohibited by this
 20 subsection. If the department of local government finance receives a
 21 petition under this subsection, the department shall not later than thirty
 22 (30) days after receiving the petition make a final determination on the
 23 issue of whether the political subdivision divided a controlled project
 24 in order to avoid the requirements of this section and section 3.5 of this
 25 chapter. If the department of local government finance determines that
 26 a political subdivision divided a controlled project in order to avoid the
 27 requirements of this section and section 3.5 of this chapter and the
 28 political subdivision continues to desire to proceed with the project, the
 29 political subdivision may appeal the determination of the department
 30 of local government finance to the Indiana board of tax review. A
 31 political subdivision shall be considered to have divided a capital
 32 project in order to avoid the requirements of this section and section
 33 3.5 of this chapter if the result of one (1) or more of the subprojects
 34 cannot reasonably be considered an independently desirable end in
 35 itself without reference to another capital project. This subsection does
 36 not prohibit a political subdivision from undertaking a series of capital
 37 projects in which the result of each capital project can reasonably be
 38 considered an independently desirable end in itself without reference
 39 to another capital project.

40 ~~(k)~~ (l) This subsection applies to a political subdivision for which a
 41 petition requesting a public question has been submitted under section
 42 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of



1 the political subdivision may adopt a resolution to withdraw a
 2 controlled project from consideration in a public question. If the
 3 legislative body provides a certified copy of the resolution to the county
 4 auditor and the county election board not later than sixty-three (63)
 5 days before the election at which the public question would be on the
 6 ballot, the public question on the controlled project shall not be placed
 7 on the ballot and the public question on the controlled project shall not
 8 be held, regardless of whether the county auditor has certified the
 9 public question to the county election board. If the withdrawal of a
 10 public question under this subsection requires the county election
 11 board to reprint ballots, the political subdivision withdrawing the
 12 public question shall pay the costs of reprinting the ballots. If a political
 13 subdivision withdraws a public question under this subsection that
 14 would have been held at a special election and the county election
 15 board has printed the ballots before the legislative body of the political
 16 subdivision provides a certified copy of the withdrawal resolution to
 17 the county auditor and the county election board, the political
 18 subdivision withdrawing the public question shall pay the costs
 19 incurred by the county in printing the ballots. If a public question on a
 20 controlled project is withdrawn under this subsection, a public question
 21 under this section on the same controlled project or a substantially
 22 similar controlled project may not be submitted to the voters earlier
 23 than three hundred fifty (350) days after the date the resolution
 24 withdrawing the public question is adopted.

25 (†) (m) If a public question regarding a controlled project is placed
 26 on the ballot to be voted on at an election under this section, the
 27 political subdivision shall submit to the department of local
 28 government finance, at least thirty (30) days before the election, the
 29 following information regarding the proposed controlled project for
 30 posting on the department's Internet web site:

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

33 (2) The effect that approval of the controlled project would have
 34 on the political subdivision's property tax rate. **If the retirement**
 35 **of existing debt of the political subdivision will affect the**
 36 **political subdivision's tax rate, the political subdivision must**
 37 **provide information specifying:**

38 (A) the amount of the debt that will be retired;

39 (B) the impact that the retirement of the debt will have on
 40 the political subdivision's property tax rate; and

41 (C) the net change in the political subdivision's total debt
 42 service property tax rate, after accounting for the



- 1 **retirement of the existing debt.**
 2 (3) The maximum term of the bonds or lease.
 3 (4) The maximum principal amount of the bonds or the maximum
 4 lease rental for the lease.
 5 (5) The estimated interest rates that will be paid and the total
 6 interest costs associated with the bonds or lease.
 7 (6) The purpose of the bonds or lease.
 8 (7) In the case of a controlled project proposed by a school
 9 corporation:
 10 (A) the current and proposed square footage of school building
 11 space per student;
 12 (B) enrollment patterns within the school corporation; and
 13 (C) the age and condition of the current school facilities.
 14 ~~(m)~~ **(n)** If a majority of the eligible voters voting on the public
 15 question vote in opposition to the public question, a petition may be
 16 submitted to the county auditor to request that the limit under
 17 subsection ~~(h)(2)(B)~~ **(i)(2)(B)** apply to the holding of a subsequent
 18 public question by the political subdivision. If such a petition is
 19 submitted to the county auditor and is signed by the lesser of:
 20 (1) five hundred (500) persons who are either owners of property
 21 within the political subdivision or registered voters residing
 22 within the political subdivision; or
 23 (2) five percent (5%) of the registered voters residing within the
 24 political subdivision;
 25 the limit under subsection ~~(h)(2)(B)~~ **(i)(2)(B)** applies to the holding of
 26 a second public question by the political subdivision and the limit
 27 under subsection ~~(h)(2)(A)~~ **(i)(2)(A)** does not apply to the holding of
 28 a second public question by the political subdivision.
 29 SECTION 7. IC 6-1.1-20-10, AS AMENDED BY P.L.198-2011,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2019]: Sec. 10. (a) This section applies to:
 32 **(1)** a political subdivision that adopts an ordinance or a resolution
 33 making a preliminary determination to issue bonds or enter into
 34 a lease; **and**
 35 **(2) any other political subdivision that has assessed value**
 36 **within the same taxing district as the political subdivision**
 37 **described in subdivision (1).**
 38 Except as otherwise provided in this section, during the period
 39 commencing with the adoption of the ordinance or resolution and, if a
 40 petition and remonstrance process is commenced under section 3.2 of
 41 this chapter, continuing through the sixty (60) day period commencing
 42 with the notice under section 3.2(b)(1) of this chapter, the political



1 subdivision seeking to issue bonds or enter into a lease for the proposed
 2 controlled project, **or any other political subdivision that has**
 3 **assessed value within the same taxing district**, may not promote a
 4 position on the petition or remonstrance by doing any of the following:

5 (1) Using facilities or equipment, including mail and messaging
 6 systems, owned by the political subdivision to promote a position
 7 on the petition or remonstrance, unless equal access to the
 8 facilities or equipment is given to persons with a position opposite
 9 to that of the political subdivision.

10 (2) Making an expenditure of money from a fund controlled by
 11 the political subdivision to promote a position on the petition or
 12 remonstrance or to pay for the gathering of signatures on a
 13 petition or remonstrance. This subdivision does not prohibit a
 14 political subdivision from making an expenditure of money to an
 15 attorney, an architect, registered professional engineer, a
 16 construction manager, or a financial adviser for professional
 17 services provided with respect to a controlled project.

18 (3) Using an employee to promote a position on the petition or
 19 remonstrance during the employee's normal working hours or paid
 20 overtime, or otherwise compelling an employee to promote a
 21 position on the petition or remonstrance at any time. However, if
 22 a person described in subsection (f) is advocating for or against
 23 a position on the petition or remonstrance or discussing the
 24 petition or remonstrance as authorized under subsection (f), an
 25 employee of the political subdivision may assist the person in
 26 presenting information on the petition or remonstrance, if
 27 requested to do so by the person described in subsection (f).

28 (4) In the case of a school corporation, promoting a position on a
 29 petition or remonstrance by:

30 (A) using students to transport written materials to their
 31 residences or in any way involving students in a school
 32 organized promotion of a position;

33 (B) including a statement within another communication sent
 34 to the students' residences; or

35 (C) initiating discussion of the petition and remonstrance
 36 process at a meeting between a teacher and parents of a
 37 student regarding the student's performance or behavior at
 38 school. However, if the parents initiate a discussion of the
 39 petition and remonstrance process at the meeting, the teacher
 40 may acknowledge the issue and direct the parents to a source
 41 of factual information on the petition and remonstrance
 42 process.



1 However, this section does not prohibit an official or employee of the
 2 political subdivision from carrying out duties with respect to a petition
 3 or remonstrance that are part of the normal and regular conduct of the
 4 official's or employee's office or agency, including the furnishing of
 5 factual information regarding the petition and remonstrance in response
 6 to inquiries from any person.

7 (b) A person may not solicit or collect signatures for a petition or
 8 remonstrance on property owned or controlled by the political
 9 subdivision.

10 (c) The staff and employees of a school corporation may not
 11 personally identify a student as the child of a parent or guardian who
 12 supports or opposes a petition or remonstrance.

13 (d) This subsection does not apply to:

14 (1) a personal expenditure to promote a position on a petition and
 15 remonstrance by an employee of a school corporation whose
 16 employment is governed by a collective bargaining contract or an
 17 employment contract; or

18 (2) an expenditure to promote a position on a petition and
 19 remonstrance by a person or an organization that has a contract or
 20 an arrangement with the school corporation solely for the use of
 21 the school corporation's facilities.

22 A person or an organization that has a contract or an arrangement
 23 (whether formal or informal) with a school corporation to provide
 24 goods or services to the school corporation may not spend any money
 25 to promote a position on the petition or remonstrance. A person or an
 26 organization that violates this subsection commits a Class A infraction.

27 (e) An attorney, an architect, registered professional engineer, a
 28 construction manager, or a financial adviser for professional services
 29 provided with respect to a controlled project may not spend any money
 30 to promote a position on the petition or remonstrance. A person who
 31 violates this subsection:

32 (1) commits a Class A infraction; and

33 (2) is barred from performing any services with respect to the
 34 controlled project.

35 (f) Notwithstanding any other law, an elected or appointed public
 36 official of the political subdivision (including any school board
 37 member and school corporation superintendent), a school corporation
 38 assistant superintendent, or a chief school business official of a school
 39 corporation may at any time:

40 (1) personally advocate for or against a position on the petition or
 41 remonstrance; or

42 (2) discuss the petition or remonstrance with any individual,



1 group, or organization or personally advocate for or against a
 2 position on the petition or remonstrance before any individual,
 3 group, or organization;

4 so long as it is not done by using public funds. Advocacy or discussion
 5 allowed under this subsection is not considered a use of public funds.
 6 However, this subsection does not authorize or apply to advocacy or
 7 discussion by a school board member, superintendent, assistant
 8 superintendent, or school business official to or with students that
 9 occurs during the regular school day.

10 SECTION 8. IC 6-1.1-20-10.1, AS AMENDED BY P.L.198-2011,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 10.1. (a) This section applies only to:

13 **(1) a political subdivision that after ~~June 30, 2008~~, adopts an**
 14 **ordinance or a resolution making a preliminary determination to**
 15 **issue bonds or enter into a lease subject to sections 3.5 and 3.6 of**
 16 **this chapter; and**

17 **(2) any other political subdivision that has assessed value**
 18 **within the same taxing district as the political subdivision**
 19 **described in subdivision (1).**

20 (b) Except as otherwise provided in this section, during the period
 21 beginning with the adoption of the ordinance or resolution and
 22 continuing through the day on which a local public question is
 23 submitted to the voters of the political subdivision under section 3.6 of
 24 this chapter, the political subdivision seeking to issue bonds or enter
 25 into a lease for the proposed controlled project, **or any other political**
 26 **subdivision that has assessed value within the same taxing district,**
 27 may not promote a position on the local public question by doing any
 28 of the following:

29 (1) Using facilities or equipment, including mail and messaging
 30 systems, owned by the political subdivision to promote a position
 31 on the local public question, unless equal access to the facilities
 32 or equipment is given to persons with a position opposite to that
 33 of the political subdivision.

34 (2) Making an expenditure of money from a fund controlled by
 35 the political subdivision to promote a position on the local public
 36 question. This subdivision does not prohibit a political
 37 subdivision from making an expenditure of money to an attorney,
 38 an architect, a registered professional engineer, a construction
 39 manager, or a financial adviser for professional services provided
 40 with respect to a controlled project.

41 (3) Using an employee to promote a position on the local public
 42 question during the employee's normal working hours or paid



1 overtime, or otherwise compelling an employee to promote a
 2 position on the local public question at any time. However, if a
 3 person described in subsection (f) is advocating for or against a
 4 position on the local public question or discussing the local public
 5 question as authorized under subsection (f), an employee of the
 6 political subdivision may assist the person in presenting
 7 information on the local public question, if requested to do so by
 8 the person described in subsection (f).

9 (4) In the case of a school corporation, promoting a position on a
 10 local public question by:

11 (A) using students to transport written materials to their
 12 residences or in any way involving students in a school
 13 organized promotion of a position;

14 (B) including a statement within another communication sent
 15 to the students' residences; or

16 (C) initiating discussion of the local public question at a
 17 meeting between a teacher and parents of a student regarding
 18 the student's performance or behavior at school. However, if
 19 the parents initiate a discussion of the local public question at
 20 the meeting, the teacher may acknowledge the issue and direct
 21 the parents to a source of factual information on the local
 22 public question.

23 However, this section does not prohibit an official or employee of the
 24 political subdivision from carrying out duties with respect to a local
 25 public question that are part of the normal and regular conduct of the
 26 official's or employee's office or agency, including the furnishing of
 27 factual information regarding the local public question in response to
 28 inquiries from any person.

29 (c) The staff and employees of a school corporation may not
 30 personally identify a student as the child of a parent or guardian who
 31 supports or opposes a controlled project subject to a local public
 32 question held under section 3.6 of this chapter.

33 (d) This subsection does not apply to:

34 (1) a personal expenditure to promote a position on a local public
 35 question by an employee of a school corporation whose
 36 employment is governed by a collective bargaining contract or an
 37 employment contract; or

38 (2) an expenditure to promote a position on a local public
 39 question by a person or an organization that has a contract or an
 40 arrangement (whether formal or informal) with the school
 41 corporation solely for the use of the school corporation's facilities.

42 A person or an organization that has a contract or an arrangement



1 (whether formal or informal) with a school corporation to provide
 2 goods or services to the school corporation may not spend any money
 3 to promote a position on a local public question. A person or an
 4 organization that violates this subsection commits a Class A infraction.

5 (e) An attorney, an architect, a registered professional engineer, a
 6 construction manager, or a financial adviser for professional services
 7 provided with respect to a controlled project may not spend any money
 8 to promote a position on a local public question. A person who violates
 9 this subsection:

10 (1) commits a Class A infraction; and

11 (2) is barred from performing any services with respect to the
 12 controlled project.

13 (f) Notwithstanding any other law, an elected or appointed public
 14 official of the political subdivision (including any school board
 15 member and school corporation superintendent), a school corporation
 16 assistant superintendent, or a chief school business official of a school
 17 corporation may at any time:

18 (1) personally advocate for or against a position on the local
 19 public question; or

20 (2) discuss the public question with any individual, group, or
 21 organization or otherwise personally advocate for or against a
 22 position on the public question before any individual, group, or
 23 organization;

24 so long as it is not done by using public funds. Advocacy or discussion
 25 allowed under this subsection is not considered a use of public funds.
 26 However, this subsection does not authorize or apply to advocacy or
 27 discussion by a school board member, superintendent, assistant
 28 superintendent, or school business official to or with students that
 29 occurs during the regular school day.

30 (g) A student may use school equipment or facilities to report or
 31 editorialize about a local public question as part of the news coverage
 32 of the referendum by student newspaper or broadcast.

