



February 14, 2017

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## HOUSE BILL No. 1043

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DIGEST OF HB 1043 (Updated February 13, 2017 12:38 pm - DI 58)

**Citations Affected:** IC 6-1.1; IC 20-26; IC 20-46.

**Synopsis:** Referendum process and remonstrance process. Amends the thresholds applicable to the petition and remonstrance process and the referendum process as follows: (1) Specifies that a project is a controlled project if the project will cost more than the lesser of: (A) \$10,000,000; or (B) the sum of 1% of the first \$100,000,000 of the gross assessed value of property within the political subdivision plus 0.5% of the total amount of that part of the gross assessed value that exceeds \$100,000,000. (2) Specifies that voters or property owners may initiate the petition and remonstrance process if the project is a controlled project but the project will not cost more than the lesser of \$20,000,000 or 1% of the gross assessed value of property within the political subdivision. (3) Specifies that voters or property owners may initiate the referendum process if the project is a controlled project and the project will cost more than the lesser of \$20,000,000 or 1% of the gross assessed value of property within the political subdivision. Requires that a political subdivision's notice of the preliminary determination to issue bonds or enter into a lease for a controlled project must also include information concerning the estimated amount  
(Continued next page)

**Effective:** July 1, 2017.

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**Thompson, Clere, Stemler**

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January 4, 2017, read first time and referred to Committee on Ways and Means.  
February 14, 2017, amended, reported — Do Pass.

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HB 1043—LS 6187/DI 73



## Digest Continued

of the political subdivision's debt service levy and rate that will result during the following 10 years if the political subdivision issues the bonds or enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period on account of any outstanding bonds or lease obligations that will mature or terminate. Provides for illustrative examples on the referendum ballot. Specifies a standard for determining whether a political subdivision has artificially divided a capital project into multiple capital projects for purposes of the prohibition against artificially dividing a capital project to avoid the requirements of the petition and remonstrance process or the local public question process for the issuance of bonds or other indebtedness. Relocates existing law concerning calculation of the cost of certain projects by a school corporation career and technical education school to a separate section within the controlled projects statute. Requires a political subdivision to: (1) conduct at least two public hearings on a preliminary determination concerning a controlled project (rather than one hearing under current law); and (2) make certain information available to the public at each of the public hearings. Provides that if a referendum for a controlled project or for a school operating referendum fund property tax levy is defeated, another referendum may not be held earlier than 700 days after the date of the first referendum (rather than 350 days under current law). Specifies that the 350 day limit applies if a sufficient petition requesting that limit is submitted by property owners or voters. Provides that a school corporation operating referendum fund property tax levy may be not imposed for more than eight years. (Current law provides that the referendum levy may not be imposed for more than seven years.) Applies to a referendum that takes place after June 30, 2017.



February 14, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1043

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

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

1           SECTION 1. IC 6-1.1-20-1.1, AS AMENDED BY P.L.233-2015,  
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 1.1. As used in this chapter, "controlled project"  
4 means any project financed by bonds or a lease, except for the  
5 following:  
6           (1) A project for which the political subdivision reasonably  
7           expects to pay:  
8                 (A) debt service; or  
9                 (B) lease rentals;  
10           from funds other than property taxes that are exempt from the  
11           levy limitations of IC 6-1.1-18.5 or (before January 1, 2009)  
12           IC 20-45-3. A project is not a controlled project even though the  
13           political subdivision has pledged to levy property taxes to pay the

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1 debt service or lease rentals if those other funds are insufficient.

2 (2) A project:

3 **(A) for which the proper officers of the political**  
 4 **subdivision adopt before July 1, 2017, an ordinance or**  
 5 **resolution making a preliminary determination to issue**  
 6 **bonds or enter into a lease for the project; and**

7 **(B) that will not cost the political subdivision more than the**  
 8 **lesser of the following:**

9 ~~(A)~~ **(i) Two million dollars (\$2,000,000).**

10 ~~(B)~~ **(ii) An amount equal to one percent (1%) of the total**  
 11 **gross assessed value of property within the political**  
 12 **subdivision on the last assessment date, if that amount is at**  
 13 **least one million dollars (\$1,000,000).**

14 ~~For purposes of this chapter, the cost of a project by a school~~  
 15 ~~corporation career and technical education school described in~~  
 16 ~~IC 20-37-1-1 that is funded through an advance from the common~~  
 17 ~~school fund under IC 20-49 shall be allocated among the~~  
 18 ~~organizing school corporations in the same manner as the advance~~  
 19 ~~is allocated under IC 20-49-4.~~

20 (3) A project:

21 **(A) for which the proper officers of the political**  
 22 **subdivision adopt after June 30, 2017, an ordinance or**  
 23 **resolution making a preliminary determination to issue**  
 24 **bonds or enter into a lease for the project; and**

25 **(B) that will not cost the political subdivision more than the**  
 26 **lesser of the following:**

27 **(i) Ten million dollars (\$10,000,000).**

28 **(ii) An amount equal to the sum of one percent (1%) of**  
 29 **the first one hundred million dollars (\$100,000,000) of**  
 30 **gross assessed value of property within the political**  
 31 **subdivision on the last assessment date, plus five-tenths**  
 32 **of one percent (0.5%) of the total amount of that part (if**  
 33 **any) of the gross assessed value of property within the**  
 34 **political subdivision on the last assessment date that**  
 35 **exceeds one hundred million dollars (\$100,000,000).**

36 ~~(4)~~ **(4) A project that is being refinanced for the purpose of**  
 37 **providing gross or net present value savings to taxpayers.**

38 ~~(5)~~ **(5) A project for which bonds were issued or leases were**  
 39 **entered into before January 1, 1996, or where the state board of**  
 40 **tax commissioners has approved the issuance of bonds or the**  
 41 **execution of leases before January 1, 1996.**



- 1           ~~(5)~~ **(6)** A project that is required by a court order holding that a  
 2 federal law mandates the project.  
 3           ~~(6)~~ **(7)** A project that is in response to:  
 4           (A) a natural disaster;  
 5           (B) an accident; or  
 6           (C) an emergency;  
 7 in the political subdivision that makes a building or facility  
 8 unavailable for its intended use.  
 9           ~~(7)~~ **(8)** A project that was not a controlled project under this  
 10 section as in effect on June 30, 2008, and for which:  
 11           (A) the bonds or lease for the project were issued or entered  
 12 into before July 1, 2008; or  
 13           (B) the issuance of the bonds or the execution of the lease for  
 14 the project was approved by the department of local  
 15 government finance before July 1, 2008.  
 16           ~~(8)~~ **(9)** A project of the Little Calumet River basin development  
 17 commission for which bonds are payable from special  
 18 assessments collected under IC 14-13-2-18.6.  
 19           SECTION 2. IC 6-1.1-20-2.5 IS ADDED TO THE INDIANA  
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2017]: **Sec. 2.5. For purposes of this chapter,**  
 22 **the cost of a project by a school corporation career and technical**  
 23 **education school described in IC 20-37-1-1 that is funded through**  
 24 **an advance from the common school fund under IC 20-49 shall be**  
 25 **allocated among the organizing school corporations in the same**  
 26 **manner as the advance is allocated under IC 20-49-4.**  
 27           SECTION 3. IC 6-1.1-20-3.1, AS AMENDED BY P.L.138-2016,  
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2017]: Sec. 3.1. (a) This section applies only to the following:  
 30           (1) A controlled project (as defined in section 1.1 of this chapter  
 31 as in effect June 30, 2008) for which the proper officers of a  
 32 political subdivision make a preliminary determination in the  
 33 manner described in subsection (b) before July 1, 2008.  
 34           (2) An elementary school building, middle school building, high  
 35 school building, or other school building for academic instruction  
 36 that:  
 37           (A) is a controlled project **for which the proper officers of**  
 38 **the political subdivision adopt an ordinance or resolution**  
 39 **before July 1, 2017, making a preliminary determination**  
 40 **to issue bonds or enter into a lease for the controlled**  
 41 **project;**



- 1 (B) will be used for any combination of kindergarten through  
 2 grade 12; and  
 3 (C) will not cost more than ten million dollars (\$10,000,000).  
 4 (3) Any other controlled project **for which the proper officers of**  
 5 **the political subdivision adopt an ordinance or resolution**  
 6 **before July 1, 2017, making a preliminary determination to**  
 7 **issue bonds or enter into a lease for the controlled project and**  
 8 **that:**  
 9 (A) is not a controlled project described in subdivision (1) or  
 10 (2); and  
 11 (B) will not cost the political subdivision more than the lesser  
 12 of the following:  
 13 (i) Twelve million dollars (\$12,000,000).  
 14 (ii) An amount equal to one percent (1%) of the total gross  
 15 assessed value of property within the political subdivision  
 16 on the last assessment date, if that amount is at least one  
 17 million dollars (\$1,000,000).  
 18 (4) **A controlled project:**  
 19 (A) **for which the proper officers of the political**  
 20 **subdivision adopt an ordinance or resolution after June 30,**  
 21 **2017, making a preliminary determination to issue bonds**  
 22 **or enter into a lease for the controlled project; and**  
 23 **(B) that will not cost the political subdivision more than the**  
 24 **lesser of the following:**  
 25 (i) **Twenty million dollars (\$20,000,000).**  
 26 (ii) **An amount equal to one percent (1%) of the total**  
 27 **gross assessed value of property within the political**  
 28 **subdivision on the last assessment date.**  
 29 (b) A political subdivision may not impose property taxes to pay  
 30 debt service on bonds or lease rentals on a lease for a controlled project  
 31 without completing the following procedures:  
 32 (1) The proper officers of a political subdivision shall  
 33 ~~(A)~~ publish notice in accordance with IC 5-3-1 and  
 34 ~~(B)~~ send notice by first class mail to the circuit court clerk and  
 35 to any organization that delivers to the officers, before January  
 36 1 of that year, an annual written request for such notices  
 37 of any meeting to consider adoption of a resolution or an  
 38 ordinance making a preliminary determination to issue bonds or  
 39 enter into a lease and shall conduct **a at least two (2) public**  
 40 **hearing hearings** on a preliminary determination before adoption  
 41 of the resolution or ordinance. **The political subdivision must at**



1 each of the public hearings on the preliminary determination  
 2 allow the public to testify regarding the preliminary  
 3 determination and must make the following information  
 4 available to the public at each of the public hearings on the  
 5 preliminary determination, in addition to any other  
 6 information required by law:

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

11 (B) The result of:

12 (i) the sum of the political subdivision's outstanding long  
 13 term debt plus the outstanding long term debt of other  
 14 taxing units that include any of the territory of the  
 15 political subdivision; divided by

16 (ii) the net assessed value of taxable property within the  
 17 political subdivision.

18 (C) The information specified in subdivision (3)(A) through  
 19 (3)(H).

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

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

25 (B) first class mail to the circuit court clerk and to the  
 26 organizations described in subdivision ~~(1)(B)~~ (1).

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

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

32 (B) The maximum principal amount of the bonds or the  
 33 maximum lease rental for the lease.

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

36 (D) The purpose of the bonds or lease.

37 (E) A statement that any owners of property within the  
 38 political subdivision or registered voters residing within the  
 39 political subdivision who want to initiate a petition and  
 40 remonstrance process against the proposed debt service or  
 41 lease payments must file a petition that complies with



- 1 subdivisions (4) and (5) not later than thirty (30) days after  
 2 publication in accordance with IC 5-3-1.  
 3 (F) With respect to bonds issued or a lease entered into to  
 4 open:  
 5 (i) a new school facility; or  
 6 (ii) an existing facility that has not been used for at least  
 7 three (3) years and that is being reopened to provide  
 8 additional classroom space;  
 9 the estimated costs the school corporation expects to incur  
 10 annually to operate the facility.  
 11 (G) A statement of whether the school corporation expects to  
 12 appeal for a new facility adjustment (as defined in  
 13 IC 20-45-1-16 (repealed) before January 1, 2009) for an  
 14 increased maximum permissible tuition support levy to pay the  
 15 estimated costs described in clause (F).  
 16 **(H) The following information:**  
 17 (i) The political subdivision's current debt service levy and  
 18 rate. ~~and~~  
 19 (ii) The estimated increase to the political subdivision's debt  
 20 service levy and rate that will result if the political  
 21 subdivision issues the bonds or enters into the lease.  
 22 **(iii) The estimated amount of the political subdivision's**  
 23 **debt service levy and rate that will result during the**  
 24 **following ten (10) years if the political subdivision issues**  
 25 **the bonds or enters into the lease, after also considering**  
 26 **any changes that will occur to the debt service levy and**  
 27 **rate during that period on account of any outstanding**  
 28 **bonds or lease obligations that will mature or terminate**  
 29 **during that period.**  
 30 **(I) The information specified in subdivision (1)(A) through**  
 31 **(1)(B).**  
 32 (4) After notice is given, a petition requesting the application of  
 33 a petition and remonstrance process may be filed by the lesser of:  
 34 (A) five hundred (500) persons who are either owners of  
 35 property within the political subdivision or registered voters  
 36 residing within the political subdivision; or  
 37 (B) five percent (5%) of the registered voters residing within  
 38 the political subdivision.  
 39 (5) The state board of accounts shall design and, upon request by  
 40 the county voter registration office, deliver to the county voter  
 41 registration office or the county voter registration office's





1 designated printer the petition forms to be used solely in the  
 2 petition process described in this section. The county voter  
 3 registration office shall issue to an owner or owners of property  
 4 within the political subdivision or a registered voter residing  
 5 within the political subdivision the number of petition forms  
 6 requested by the owner or owners or the registered voter. Each  
 7 form must be accompanied by instructions detailing the  
 8 requirements that:

9 (A) the carrier and signers must be owners of property or  
 10 registered voters;

11 (B) the carrier must be a signatory on at least one (1) petition;

12 (C) after the signatures have been collected, the carrier must  
 13 swear or affirm before a notary public that the carrier  
 14 witnessed each signature; and

15 (D) govern the closing date for the petition period.

16 Persons requesting forms may be required to identify themselves  
 17 as owners of property or registered voters and may be allowed to  
 18 pick up additional copies to distribute to other owners of property  
 19 or registered voters. Each person signing a petition must indicate  
 20 whether the person is signing the petition as a registered voter  
 21 within the political subdivision or is signing the petition as the  
 22 owner of property within the political subdivision. A person who  
 23 signs a petition as a registered voter must indicate the address at  
 24 which the person is registered to vote. A person who signs a  
 25 petition as an owner of property must indicate the address of the  
 26 property owned by the person in the political subdivision.

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

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

34 (8) The county voter registration office shall determine whether  
 35 each person who signed the petition is a registered voter.  
 36 **However, after the county voter registration office has**  
 37 **determined that at least five hundred twenty-five (525)**  
 38 **persons who signed the petition are registered voters within**  
 39 **the political subdivision, the county voter registration office**  
 40 **is not required to verify whether the remaining persons who**  
 41 **signed the petition are registered voters. If the county voter**



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

9           (A) whether a person who signed the petition as a registered  
 10          voter but is not a registered voter, as determined by the county  
 11          voter registration office, is the owner of property in the  
 12          political subdivision; and

13          (B) whether a person who signed the petition as an owner of  
 14          property within the political subdivision does in fact own  
 15          property within the political subdivision.

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



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

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

30 (c) This subsection applies only to a political subdivision that, after  
 31 April 30, 2011, adopts an ordinance or a resolution making a  
 32 preliminary determination to issue bonds or enter into a lease subject  
 33 to this section and section 3.2 of this chapter. A political subdivision  
 34 may not artificially divide a capital project into multiple capital  
 35 projects in order to avoid the requirements of this section and section  
 36 3.2 of this chapter. A person that owns property within a political  
 37 subdivision or a person that is a registered voter residing within a  
 38 political subdivision may file a petition with the department of local  
 39 government finance objecting that the political subdivision has  
 40 artificially divided a capital project into multiple capital projects in  
 41 order to avoid the requirements of this section and section 3.2 of this



1 chapter. The petition must be filed not more than ten (10) days after the  
 2 political subdivision makes the preliminary determination to issue the  
 3 bonds or enter into the lease for the project. If the department of local  
 4 government finance receives a petition under this subsection, the  
 5 department shall not later than thirty (30) days after receiving the  
 6 petition make a final determination on the issue of whether the capital  
 7 projects were artificially divided.

8 SECTION 4. IC 6-1.1-20-3.2, AS AMENDED BY P.L.42-2011,  
 9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2017]: Sec. 3.2. (a) This section applies only to controlled  
 11 projects described in section 3.1(a) of this chapter.

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

17 (1) The proper officers of the political subdivision shall give  
 18 notice of the applicability of the petition and remonstrance  
 19 process by:

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

21 (B) first class mail to the circuit court clerk and to the  
 22 organizations described in section ~~3-1(b)(1)(B)~~ **3.1(b)(1)** of  
 23 this chapter.

24 A notice under this subdivision must include a statement that any  
 25 owners of property within the political subdivision or registered  
 26 voters residing within the political subdivision who want to  
 27 petition in favor of or remonstrate against the proposed debt  
 28 service or lease payments must file petitions and remonstrances  
 29 in compliance with subdivisions (2) through (4) not earlier than  
 30 thirty (30) days or later than sixty (60) days after publication in  
 31 accordance with IC 5-3-1.

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

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

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

38 may be filed by an owner or owners of property within the  
 39 political subdivision or a registered voter residing within the  
 40 political subdivision. Each signature on a petition must be dated,  
 41 and the date of signature may not be before the date on which the



1 petition and remonstrance forms may be issued under subdivision  
 2 (3). A petition described in clause (A) or a remonstrance  
 3 described in clause (B) must be verified in compliance with  
 4 subdivision (4) before the petition or remonstrance is filed with  
 5 the county voter registration office under subdivision (4).

6 (3) The state board of accounts shall design and, upon request by  
 7 the county voter registration office, deliver to the county voter  
 8 registration office or the county voter registration office's  
 9 designated printer the petition and remonstrance forms to be used  
 10 solely in the petition and remonstrance process described in this  
 11 section. The county voter registration office shall issue to an  
 12 owner or owners of property within the political subdivision or a  
 13 registered voter residing within the political subdivision the  
 14 number of petition or remonstrance forms requested by the owner  
 15 or owners or the registered voter. Each form must be  
 16 accompanied by instructions detailing the requirements that:

17 (A) the carrier and signers must be owners of property or  
 18 registered voters;

19 (B) the carrier must be a signatory on at least one (1) petition;

20 (C) after the signatures have been collected, the carrier must  
 21 swear or affirm before a notary public that the carrier  
 22 witnessed each signature;

23 (D) govern the closing date for the petition and remonstrance  
 24 period; and

25 (E) apply to the carrier under section 10 of this chapter.

26 Persons requesting forms may be required to identify themselves  
 27 as owners of property or registered voters and may be allowed to  
 28 pick up additional copies to distribute to other owners of property  
 29 or registered voters. Each person signing a petition or  
 30 remonstrance must indicate whether the person is signing the  
 31 petition or remonstrance as a registered voter within the political  
 32 subdivision or is signing the petition or remonstrance as the  
 33 owner of property within the political subdivision. A person who  
 34 signs a petition or remonstrance as a registered voter must  
 35 indicate the address at which the person is registered to vote. A  
 36 person who signs a petition or remonstrance as an owner of  
 37 property must indicate the address of the property owned by the  
 38 person in the political subdivision. The county voter registration  
 39 office may not issue a petition or remonstrance form earlier than  
 40 twenty-nine (29) days after the notice is given under subdivision  
 41 (1). The county voter registration office shall certify the date of



- 1 issuance on each petition or remonstrance form that is distributed  
 2 under this subdivision.
- 3 (4) The petitions and remonstrances must be verified in the  
 4 manner prescribed by the state board of accounts and filed with  
 5 the county voter registration office within the sixty (60) day  
 6 period described in subdivision (2) in the manner set forth in  
 7 section 3.1 of this chapter relating to requests for a petition and  
 8 remonstrance process.
- 9 (5) The county voter registration office shall determine whether  
 10 each person who signed the petition or remonstrance is a  
 11 registered voter. The county voter registration office shall not  
 12 more than fifteen (15) business days after receiving a petition or  
 13 remonstrance forward a copy of the petition or remonstrance to  
 14 the county auditor. Not more than ten (10) business days after  
 15 receiving the copy of the petition or remonstrance, the county  
 16 auditor shall provide to the county voter registration office a  
 17 statement verifying:
- 18 (A) whether a person who signed the petition or remonstrance
  - 19 as a registered voter but is not a registered voter, as
  - 20 determined by the county voter registration office, is the owner
  - 21 of property in the political subdivision; and
  - 22 (B) whether a person who signed the petition or remonstrance
  - 23 as an owner of property within the political subdivision does
  - 24 in fact own property within the political subdivision.
- 25 (6) The county voter registration office shall not more than ten  
 26 (10) business days after receiving the statement from the county  
 27 auditor under subdivision (5) make the final determination of:
- 28 (A) the number of registered voters in the political subdivision
  - 29 that signed a petition and, based on the statement provided by
  - 30 the county auditor, the number of owners of property within
  - 31 the political subdivision that signed a petition; and
  - 32 (B) the number of registered voters in the political subdivision
  - 33 that signed a remonstrance and, based on the statement
  - 34 provided by the county auditor, the number of owners of
  - 35 property within the political subdivision that signed a
  - 36 remonstrance.
- 37 Whenever the name of an individual who signs a petition or  
 38 remonstrance as a registered voter contains a minor variation from  
 39 the name of the registered voter as set forth in the records of the  
 40 county voter registration office, the signature is presumed to be  
 41 valid, and there is a presumption that the individual is entitled to



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

25 (7) The county voter registration office must file a certificate and  
26 the petition or remonstrance with the body of the political  
27 subdivision charged with issuing bonds or entering into leases  
28 within thirty-five (35) business days of the filing of a petition or  
29 remonstrance under subdivision (4), whichever applies,  
30 containing ten thousand (10,000) signatures or less. The county  
31 voter registration office may take an additional five (5) days to  
32 review and certify the petition or remonstrance for each additional  
33 five thousand (5,000) signatures up to a maximum of sixty (60)  
34 days. The certificate must state the number of petitioners and  
35 remonstrators that are owners of property within the political  
36 subdivision and the number of petitioners who are registered  
37 voters residing within the political subdivision.

38 (8) If a greater number of persons who are either owners of  
39 property within the political subdivision or registered voters  
40 residing within the political subdivision sign a remonstrance than  
41 the number that signed a petition, the bonds petitioned for may



1 not be issued or the lease petitioned for may not be entered into.  
 2 The proper officers of the political subdivision may not make a  
 3 preliminary determination to issue bonds or enter into a lease for  
 4 the controlled project defeated by the petition and remonstrance  
 5 process under this section or any other controlled project that is  
 6 not substantially different within one (1) year after the date of the  
 7 county voter registration office's certificate under subdivision (7).  
 8 Withdrawal of a petition carries the same consequences as a  
 9 defeat of the petition.  
 10 (9) After a political subdivision has gone through the petition and  
 11 remonstrance process set forth in this section, the political  
 12 subdivision is not required to follow any other remonstrance or  
 13 objection procedures under any other law (including section 5 of  
 14 this chapter) relating to bonds or leases designed to protect  
 15 owners of property within the political subdivision from the  
 16 imposition of property taxes to pay debt service or lease rentals.  
 17 However, the political subdivision must still receive the approval  
 18 of the department of local government finance if required by:  
 19 (A) IC 6-1.1-18.5-8; or  
 20 (B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.  
 21 SECTION 5. IC 6-1.1-20-3.5, AS AMENDED BY P.L.138-2016,  
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2017]: Sec. 3.5. (a) This section applies only to a ~~controlled~~  
 24 ~~project that meets the following conditions:~~ **controlled projects:**  
 25 (1) ~~The~~ **A** controlled project ~~that~~ is described in one (1) of the  
 26 following categories **and for which the proper officers of the**  
 27 **political subdivision adopt an ordinance or resolution after**  
 28 **June 30, 2008, and before July 1, 2017, making a preliminary**  
 29 **determination in the manner described in subsection (b) to**  
 30 **issue bonds or enter into a lease for the controlled project:**  
 31 (A) An elementary school building, middle school building,  
 32 high school building, or other school building for academic  
 33 instruction that:  
 34 (i) will be used for any combination of kindergarten through  
 35 grade 12; and  
 36 (ii) will cost more than ten million dollars (\$10,000,000).  
 37 (B) Any other controlled project that:  
 38 (i) is not a controlled project described in clause (A); and  
 39 (ii) will cost the political subdivision more than the lesser of  
 40 twelve million dollars (\$12,000,000) or an amount equal to  
 41 one percent (1%) of the total gross assessed value of





1 property within the political subdivision on the last  
 2 assessment date (if that amount is at least one million dollars  
 3 (\$1,000,000)).  
 4 **(2) The proper officers of the political subdivision make a**  
 5 **preliminary determination after June 30, 2008, in the manner**  
 6 **described in subsection (b) to issue bonds or enter into a lease for**  
 7 **the controlled project.**  
 8 **(2) A controlled project that meets the following conditions:**  
 9 **(A) The controlled project will cost the political**  
 10 **subdivision more than the lesser of the following:**  
 11 **(i) Twenty million dollars (\$20,000,000).**  
 12 **(ii) An amount equal to one percent (1%) of the total**  
 13 **gross assessed value of property within the political**  
 14 **subdivision on the last assessment date.**  
 15 **(B) The proper officers of the political subdivision adopt**  
 16 **an ordinance or resolution after June 30, 2017, making a**  
 17 **preliminary determination in the manner described in**  
 18 **subsection (b) to issue bonds or enter into a lease for the**  
 19 **controlled project.**  
 20 (b) A political subdivision may not impose property taxes to pay  
 21 debt service on bonds or lease rentals on a lease for a controlled project  
 22 without completing the following procedures:  
 23 (1) The proper officers of a political subdivision shall publish  
 24 notice in accordance with IC 5-3-1 and send notice by first class  
 25 mail to the circuit court clerk and to any organization that delivers  
 26 to the officers, before January 1 of that year, an annual written  
 27 request for notices of any meeting to consider the adoption of an  
 28 ordinance or a resolution making a preliminary determination to  
 29 issue bonds or enter into a lease and shall conduct **a at least two**  
 30 **(2) public hearing hearings** on the preliminary determination  
 31 before adoption of the ordinance or resolution. The political  
 32 subdivision must **at each of the public hearings on the**  
 33 **preliminary determination allow the public to testify**  
 34 **regarding the preliminary determination and must** make the  
 35 following information available to the public at **each of the public**  
 36 **hearing hearings** on the preliminary determination, in addition to  
 37 any other information required by law:  
 38 (A) The result of the political subdivision's current and  
 39 projected annual debt service payments divided by the net  
 40 assessed value of taxable property within the political  
 41 subdivision.



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



1           **(iii) The estimated amount of the political subdivision's**  
 2           **debt service levy and rate that will result during the**  
 3           **following ten (10) years if the political subdivision issues**  
 4           **the bonds or enters into the lease, after also considering**  
 5           **any changes that will occur to the debt service levy and**  
 6           **rate during that period on account of any outstanding**  
 7           **bonds or lease obligations that will mature or terminate**  
 8           **during that period.**

9           (H) The information specified in subdivision (1)(A) through  
 10           (1)(B).

11           (4) After notice is given, a petition requesting the application of  
 12           the local public question process under section 3.6 of this chapter  
 13           may be filed by the lesser of:

14           (A) five hundred (500) persons who are either owners of  
 15           property within the political subdivision or registered voters  
 16           residing within the political subdivision; or

17           (B) five percent (5%) of the registered voters residing within  
 18           the political subdivision.

19           (5) The state board of accounts shall design and, upon request by  
 20           the county voter registration office, deliver to the county voter  
 21           registration office or the county voter registration office's  
 22           designated printer the petition forms to be used solely in the  
 23           petition process described in this section. The county voter  
 24           registration office shall issue to an owner or owners of property  
 25           within the political subdivision or a registered voter residing  
 26           within the political subdivision the number of petition forms  
 27           requested by the owner or owners or the registered voter. Each  
 28           form must be accompanied by instructions detailing the  
 29           requirements that:

30           (A) the carrier and signers must be owners of property or  
 31           registered voters;

32           (B) the carrier must be a signatory on at least one (1) petition;

33           (C) after the signatures have been collected, the carrier must  
 34           swear or affirm before a notary public that the carrier  
 35           witnessed each signature; and

36           (D) govern the closing date for the petition period.

37           Persons requesting forms may be required to identify themselves  
 38           as owners of property or registered voters and may be allowed to  
 39           pick up additional copies to distribute to other owners of property  
 40           or registered voters. Each person signing a petition must indicate  
 41           whether the person is signing the petition as a registered voter



1 within the political subdivision or is signing the petition as the  
2 owner of property within the political subdivision. A person who  
3 signs a petition as a registered voter must indicate the address at  
4 which the person is registered to vote. A person who signs a  
5 petition as an owner of property must indicate the address of the  
6 property owned by the person in the political subdivision.

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

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

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

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

33 (B) whether a person who signed the petition as an owner of  
34 property within the political subdivision does in fact own  
35 property within the political subdivision.

36 (9) The county voter registration office, not more than ten (10)  
37 business days after determining that at least five hundred  
38 twenty-five (525) persons who signed the petition are registered  
39 voters or after receiving the statement from the county auditor  
40 under subdivision (8), as applicable, shall make the final  
41 determination of whether a sufficient number of persons have



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

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

31 (A) the township trustee, if the political subdivision is a  
 32 township, who shall present the petition or petitions to the  
 33 township board; or

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

37 within thirty-five (35) business days of the filing of the petition  
 38 requesting the referendum process. The certificate must state the  
 39 number of petitioners who are owners of property within the  
 40 political subdivision and the number of petitioners who are  
 41 registered voters residing within the political subdivision.



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

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

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

12 SECTION 6. IC 6-1.1-20-3.6, AS AMENDED BY P.L.149-2016,  
13 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2017]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8  
15 of this chapter, this section applies only to a controlled project  
16 described in section 3.5(a) of this chapter.

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

24 (c) Except as provided in subsection ~~(k)~~; (j), the following question  
25 shall be submitted to the eligible voters at the election conducted under  
26 this section:

27 "Shall \_\_\_\_\_ (insert the name of the political subdivision)  
28 issue bonds or enter into a lease to finance \_\_\_\_\_ (insert  
29 a brief description of the controlled project), which is estimated  
30 to cost not more than \_\_\_\_\_ (insert the total cost of the project)  
31 and is estimated to increase the property tax rate for debt service  
32 by \_\_\_\_\_ (insert increase in tax rate as determined by the  
33 department of local government finance)?

34 **For purposes of illustration only, the expected annual  
35 property tax increase could be as follows:**

- 36 **(1) For a typical homeowner whose home is valued at:**  
37 **(A) \$150,000, between \$ \_\_\_\_\_ and \$ \_\_\_\_\_; or**  
38 **(B) \$300,000, between \$ \_\_\_\_\_ and \$ \_\_\_\_\_;**  
39 **depending on the home's location and other factors; or**  
40 **(2) For other types of property such as farms, residential**  
41 **rental, commercial, and industrial, between \$ \_\_\_\_\_ and**



1           **\$ \_\_\_\_\_ per \$100,000 of property value.**  
 2           **Debt that is scheduled to be paid off by (insert name of**  
 3           **political subdivision) within the next (insert number of years**  
 4           **from one (1) to five (5)) could result in a tax decrease of**  
 5           **between \$ \_\_\_\_\_ and \$ \_\_\_\_\_ for a \$150,000 home, between**  
 6           **\$ \_\_\_\_\_ and \$ \_\_\_\_\_ for a \$300,000 home, and between \$**  
 7           **\_\_\_\_\_ and \$ \_\_\_\_\_ for every \$100,000 of value for the other**  
 8           **types of property.".**

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

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

39          (e) The county auditor shall certify the finally approved public  
 40          question under IC 3-10-9-3 to the county election board of each county  
 41          in which the political subdivision is located. The certification must



- 1 occur not later than noon:
- 2 (1) seventy-four (74) days before a primary election if the public
- 3 question is to be placed on the primary or municipal primary
- 4 election ballot; or
- 5 (2) August 1 if the public question is to be placed on the general
- 6 or municipal election ballot.
- 7 Subject to the certification requirements and deadlines under this
- 8 subsection and except as provided in subsection ~~(k)~~; (j), the public
- 9 question shall be placed on the ballot at the next primary election,
- 10 general election, or municipal election in which all voters of the
- 11 political subdivision are entitled to vote. However, if a primary
- 12 election, general election, or municipal election will not be held during
- 13 the first year in which the public question is eligible to be placed on the
- 14 ballot under this section and if the political subdivision requests the
- 15 public question to be placed on the ballot at a special election, the
- 16 public question shall be placed on the ballot at a special election to be
- 17 held on the first Tuesday after the first Monday in May or November
- 18 of the year. The certification must occur not later than noon
- 19 seventy-four (74) days before a special election to be held in May (if
- 20 the special election is to be held in May) or noon on August 1 (if the
- 21 special election is to be held in November). The fiscal body of the
- 22 political subdivision that requests the special election shall pay the
- 23 costs of holding the special election. The county election board shall
- 24 give notice under IC 5-3-1 of a special election conducted under this
- 25 subsection. A special election conducted under this subsection is under
- 26 the direction of the county election board. The county election board
- 27 shall take all steps necessary to carry out the special election.
- 28 (f) The circuit court clerk shall certify the results of the public
- 29 question to the following:
- 30 (1) The county auditor of each county in which the political
- 31 subdivision is located.
- 32 (2) The department of local government finance.
- 33 (g) Subject to the requirements of IC 6-1.1-18.5-8, the political
- 34 subdivision may issue the proposed bonds or enter into the proposed
- 35 lease rental if a majority of the eligible voters voting on the public
- 36 question vote in favor of the public question.
- 37 (h) If a majority of the eligible voters voting on the public question
- 38 vote in opposition to the public question, both of the following apply:
- 39 (1) The political subdivision may not issue the proposed bonds or
- 40 enter into the proposed lease rental.
- 41 (2) Another public question under this section on the same or a





1 substantially similar project may not be submitted to the voters  
2 earlier than:

- 3 **(A) except as provided in clause (B), seven hundred (700)**  
4 **days after the date of the public question; or**  
5 **(B) three hundred fifty (350) days after the date of the election,**  
6 **if a petition that meets the requirements of subsection (l) is**  
7 **submitted to the county auditor.**

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

10 (j) A political subdivision may not artificially divide a capital  
11 project into multiple capital projects in order to avoid the requirements  
12 of this section and section 3.5 of this chapter. A person that owns  
13 property within a political subdivision or a person that is a registered  
14 voter residing within a political subdivision may file a petition with the  
15 department of local government finance objecting that the political  
16 subdivision has artificially divided a capital project into multiple  
17 capital projects in order to avoid the requirements of this section and  
18 section 3.5 of this chapter. The petition must be filed not more than ten  
19 (10) days after the political subdivision makes the preliminary  
20 determination to issue the bonds or enter into the lease for the project.  
21 If the department of local government finance receives a petition under  
22 this subsection, the department shall not later than thirty (30) days after  
23 receiving the petition make a final determination on the issue of  
24 whether the capital projects were artificially divided.

25 ~~(k)~~ (j) This subsection applies to a political subdivision for which  
26 a petition requesting a public question has been submitted under  
27 section 3.5 of this chapter. The legislative body (as defined in  
28 IC 36-1-2-9) of the political subdivision may adopt a resolution to  
29 withdraw a controlled project from consideration in a public question.  
30 If the legislative body provides a certified copy of the resolution to the  
31 county auditor and the county election board not later than sixty-three  
32 (63) days before the election at which the public question would be on  
33 the ballot, the public question on the controlled project shall not be  
34 placed on the ballot and the public question on the controlled project  
35 shall not be held, regardless of whether the county auditor has certified  
36 the public question to the county election board. If the withdrawal of  
37 a public question under this subsection requires the county election  
38 board to reprint ballots, the political subdivision withdrawing the  
39 public question shall pay the costs of reprinting the ballots. If a political  
40 subdivision withdraws a public question under this subsection that  
41 would have been held at a special election and the county election



1 board has printed the ballots before the legislative body of the political  
 2 subdivision provides a certified copy of the withdrawal resolution to  
 3 the county auditor and the county election board, the political  
 4 subdivision withdrawing the public question shall pay the costs  
 5 incurred by the county in printing the ballots. If a public question on a  
 6 controlled project is withdrawn under this subsection, a public question  
 7 under this section on the same controlled project or a substantially  
 8 similar controlled project may not be submitted to the voters earlier  
 9 than three hundred fifty (350) days after the date the resolution  
 10 withdrawing the public question is adopted.

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

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

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

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

22 (4) The maximum principal amount of the bonds or the maximum  
 23 lease rental for the lease.

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

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

27 (7) In the case of a controlled project proposed by a school  
 28 corporation:

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

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

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

33 (l) **If a majority of the eligible voters voting on the public**  
 34 **question vote in opposition to the public question, a petition may be**  
 35 **submitted to the county auditor to request that the limit under**  
 36 **subsection (h)(2)(B) apply to the holding of a subsequent public**  
 37 **question by the political subdivision. If such a petition is submitted**  
 38 **to the county auditor and is signed by the lesser of:**

39 (1) **five hundred (500) persons who are either owners of**  
 40 **property within the political subdivision or registered voters**  
 41 **residing within the political subdivision; or**



1           **(2) five percent (5%) of the registered voters residing within**  
 2           **the political subdivision;**  
 3           **the limit under subsection (h)(2)(B) applies to the holding of a**  
 4           **second public question by the political subdivision and the limit**  
 5           **under subsection (h)(2)(A) does not apply to the holding of a**  
 6           **second public question by the political subdivision.**

7           SECTION 7. IC 6-1.1-20-3.7, AS ADDED BY P.L.182-2009(ss),  
 8           SECTION 147, IS AMENDED TO READ AS FOLLOWS  
 9           [EFFECTIVE JULY 1, 2017]: Sec. 3.7. (a) This section applies to the  
 10          following:

11          (1) The issuance of bonds or the entering into a lease for a  
 12          controlled project:

13               (A) to which section 3.5 of this chapter applies; and

14               (B) for which a sufficient petition requesting the application of  
 15               the local public question process under section 3.6 of this  
 16               chapter has not been filed as set forth in section 3.5 of this  
 17               chapter within the time required under section 3.5(b)(7) of this  
 18               chapter.

19          (2) The issuance of bonds or the entering into a lease for a capital  
 20          project:

21               (A) that is not a controlled project to which section 3.5 of this  
 22               chapter applies; and

23               (B) that would, but for the application of section ~~1.1(6)~~ **1.1(7)**  
 24               of this chapter to the project, be a controlled project to which  
 25               section 3.5 of this chapter applies.

26          (b) If the proper officers of a political subdivision make a  
 27          preliminary determination to issue bonds described in subsection (a) or  
 28          enter into a lease described in subsection (a), the fiscal body of the  
 29          political subdivision may adopt a resolution specifying that the local  
 30          public question process specified in section 3.6 of this chapter applies  
 31          to the issuance of the bonds or the entering into the lease,  
 32          notwithstanding that:

33               (1) a sufficient petition requesting the application of the local  
 34               public question process under section 3.6 of this chapter has not  
 35               been filed as set forth in section 3.5 of this chapter (in the case of  
 36               bonds or a lease described in subsection (a)(1)); or

37               (2) because of the application of section ~~1.1(6)~~ **1.1(7)** of this  
 38               chapter, the bonds or lease is not considered to be issued or  
 39               entered into for a controlled project (in the case of bonds or a  
 40               lease described in subsection (a)(2)).

41          (c) The following apply to the adoption of a resolution by the fiscal



- 1 body of a political subdivision under subsection (b):
- 2 (1) In the case of bonds or a lease described in subsection (a)(1)
- 3 and for which no petition requesting the application of the local
- 4 public question process under section 3.6 of this chapter has been
- 5 filed within the time required under section 3.5(b)(7) of this
- 6 chapter, the fiscal body must adopt the resolution not more than
- 7 sixty (60) days after publication of the notice of the preliminary
- 8 determination to issue the bonds or enter into the lease.
- 9 (2) In the case of bonds or a lease described in subsection (a)(1)
- 10 for which a petition requesting the application of the local public
- 11 question process under section 3.6 of this chapter:
- 12 (A) has been filed under section 3.5 of this chapter; and
- 13 (B) is determined to have an insufficient number of signatures
- 14 to require application of the local public question process
- 15 under section 3.6 of this chapter;
- 16 the fiscal body must adopt the resolution not more than thirty (30)
- 17 days after the county voter registration office makes the final
- 18 determination under section 3.5 of this chapter that a sufficient
- 19 number of persons have not signed the petition.
- 20 (3) In the case of bonds or a lease described in subsection (a)(2),
- 21 the fiscal body must adopt the resolution not more than thirty (30)
- 22 days after publication of the notice of the preliminary
- 23 determination to issue the bonds or enter into the lease.
- 24 (4) The fiscal body shall certify the resolution to the county
- 25 election board of each county in which the political subdivision
- 26 is located, and the county election board shall place the public
- 27 question on the ballot as provided in section 3.6 of this chapter.
- 28 (d) Except to the extent it is inconsistent with this section, section
- 29 3.6 of this chapter applies to a local public question placed on the
- 30 ballot under this section.
- 31 SECTION 8. IC 6-1.1-20-4.1 IS ADDED TO THE INDIANA
- 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2017]: **Sec. 4.1. (a) This section does not**
- 34 **apply to a political subdivision that before May 1, 2011, adopted an**
- 35 **ordinance or a resolution making a preliminary determination to**
- 36 **issue bonds or enter into a lease subject to sections 3.1 and 3.2 of**
- 37 **this chapter.**
- 38 **(b) The following definitions apply throughout this section:**
- 39 **(1) "Local public question process" refers to the provisions set**
- 40 **forth in sections 3.5 and 3.6 of this chapter.**
- 41 **(2) "Petition and remonstrance process" refers to the**



- 1           provisions set forth in sections 3.1 and 3.2 of this chapter.
- 2           (c) A political subdivision may not artificially divide a capital
- 3 project into multiple capital projects in order to avoid the
- 4 requirements of the petition and remonstrance process or the local
- 5 public question process.
- 6           (d) A capital project is artificially divided into multiple capital
- 7 projects to the extent that the result of one (1) or more of the
- 8 subprojects cannot reasonably be considered an independently
- 9 desirable end in itself without reference to another capital project.
- 10 Subsection (c) does not prohibit a political subdivision from
- 11 undertaking a series of capital projects in which the result of each
- 12 capital project can reasonably be considered an independently
- 13 desirable end in itself without reference to another capital project.
- 14           (e) A person who owns property within a political subdivision or
- 15 is a registered voter residing within a political subdivision may file
- 16 a petition with the department of local government finance
- 17 objecting that the political subdivision has artificially divided a
- 18 capital project into multiple capital projects in order to avoid the
- 19 requirements of the petition and remonstrance process or the local
- 20 public question process. The petition must be filed not more than
- 21 ten (10) days after the political subdivision makes the preliminary
- 22 determination to issue the bonds or enter into the lease for the
- 23 capital project.
- 24           (f) If the department of local government finance receives a
- 25 petition under subsection (e), the department shall, not later than
- 26 thirty (30) days after receiving the petition, make a final
- 27 determination on the issue of whether the political subdivision
- 28 artificially divided a capital project to avoid the petition and
- 29 remonstrance process or the local public question process.
- 30           SECTION 9. IC 20-26-7-46, AS ADDED BY P.L.179-2016,
- 31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2017]: Sec. 46. A person, organization, or other entity that
- 33 enters into a contract or an agreement with a school corporation to
- 34 conduct a feasibility or cost study to assist the school corporation in
- 35 determining the cost of a controlled project as described in
- 36 ~~IC 6-1.1-20-3.1(a)(2)~~ IC 6-1.1-20-3.1(a) or IC 6-1.1-20-3.5(a) may not
- 37 enter into a contract or agreement as the design professional on the
- 38 controlled project with the school corporation to complete any part of
- 39 the controlled project design unless the person, entity, or organization
- 40 is awarded a contract as the design professional for the controlled
- 41 project under IC 5-16-11.1.



1 SECTION 10. IC 20-46-1-11, AS ADDED BY P.L.2-2006,  
 2 SECTION 169, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2017]: Sec. 11. The voters in a referendum may  
 4 not approve a levy that is imposed for more than **the following:**

5 **(1) For a referendum before July 1, 2017, seven (7) years.**

6 **(2) For a referendum after June 30, 2017, eight (8) years.**

7 However, a levy may be reimposed or extended under this chapter.

8 SECTION 11. IC 20-46-1-19, AS AMENDED BY P.L.155-2014,  
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2017]: Sec. 19. **(a)** If a majority of the persons who voted in  
 11 the referendum did not vote "yes" on the referendum question:

12 (1) the school corporation may not make any levy for its  
 13 referendum tax levy fund; and

14 (2) another referendum under this section may not be held earlier  
 15 than:

16 **(A) except as provided in clause (B), seven hundred (700)**  
 17 **days after the date of the referendum; or**

18 **(B) three hundred fifty (350) days after the date of the**  
 19 **referendum, if a petition that meets the requirements of**  
 20 **subsection (b) is submitted to the county auditor.**

21 **(b) If a majority of the persons who voted in the referendum did**  
 22 **not vote "yes" on the referendum question, a petition may be**  
 23 **submitted to the county auditor to request that the limit under**  
 24 **subsection (a)(2)(B) apply to the holding of a subsequent**  
 25 **referendum by the school corporation. If such a petition is**  
 26 **submitted to the county auditor and is signed by the lesser of:**

27 **(1) five hundred (500) persons who are either owners of**  
 28 **property within the school corporation or registered voters**  
 29 **residing within the school corporation; or**

30 **(2) five percent (5%) of the registered voters residing within**  
 31 **the political subdivision;**

32 **the limit under subsection (a)(2)(B) applies to the holding of a**  
 33 **second referendum by the school corporation and the limit under**  
 34 **subsection (a)(2)(A) does not apply to the holding of a second**  
 35 **referendum by the school corporation.**

36 SECTION 12. IC 20-46-7-8, AS AMENDED BY P.L.146-2008,  
 37 SECTION 509, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) This section does not apply  
 39 to the following:

40 (1) Bonds or lease rental agreements for which a school  
 41 corporation:



- 1 (A) after June 30, 2008, makes a preliminary determination as  
 2 described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision  
 3 as described in IC 6-1.1-20-5; or  
 4 (B) in the case of bonds or lease rental agreements not subject  
 5 to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a  
 6 resolution or ordinance authorizing the bonds or lease rental  
 7 agreement after June 30, 2008.
- 8 (2) Repayment from the debt service fund of loans made after  
 9 June 30, 2008, for the purchase of school buses under  
 10 IC 20-27-4-5.
- 11 (b) A school corporation must file a petition requesting approval  
 12 from the department of local government finance to:  
 13 (1) incur bond indebtedness;  
 14 (2) enter into a lease rental agreement; or  
 15 (3) repay from the debt service fund loans made for the purchase  
 16 of school buses under IC 20-27-4-5;
- 17 not later than twenty-four (24) months after the first date of publication  
 18 of notice of a preliminary determination under ~~IC 6-1.1-20-3.1(2)~~;  
 19 **IC 6-1.1-20-3.1(b)(2)**, unless the school corporation demonstrates that  
 20 a longer period is reasonable in light of the school corporation's facts  
 21 and circumstances.
- 22 (c) A school corporation must obtain approval from the department  
 23 of local government finance before the school corporation may:  
 24 (1) incur the indebtedness;  
 25 (2) enter into the lease agreement; or  
 26 (3) repay the school bus purchase loan.
- 27 (d) This restriction does not apply to property taxes that a school  
 28 corporation levies to pay or fund bond or lease rental indebtedness  
 29 created or incurred before July 1, 1974. In addition, this restriction does  
 30 not apply to a lease agreement or a purchase agreement entered into  
 31 between a school corporation and the Indiana bond bank for the lease  
 32 or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease  
 33 agreement or purchase agreement conforms with the school  
 34 corporation's ten (10) year school bus replacement plan approved by  
 35 the department of local government finance under IC 21-2-11.5-3.1  
 36 (before its repeal) or IC 20-46-5.
- 37 (e) This section does not apply to school bus purchase loans made  
 38 by a school corporation that will be repaid solely from the general fund  
 39 of the school corporation.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1043, 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:

Page 10, strike lines 23 through 41.

Page 21, line 6, strike "(k)," and insert "(j)".

Page 21, line 15, delete "finance), and which (after also" and insert "finance)?".

Page 21, delete lines 16 through 31, begin a new line block indented and insert:

**"For purposes of illustration only, the expected annual property tax increase could be as follows:**

**(1) For a typical homeowner whose home is valued at:**

**(A) \$150,000, between \$ \_\_\_\_\_ and \$ \_\_\_\_\_; or**

**(B) \$300,000, between \$ \_\_\_\_\_ and \$ \_\_\_\_\_;**

**depending on the home's location and other factors; or**

**(2) For other types of property such as farms, residential rental, commercial, and industrial, between \$ \_\_\_\_\_ and \$ \_\_\_\_\_ per \$100,000 of property value.**

**Debt that is scheduled to be paid off by (insert name of political subdivision) within the next (insert number of years from one (1) to five (5)) could result in a tax decrease of between \$ \_\_\_\_\_ and \$ \_\_\_\_\_ for a \$150,000 home, between \$ \_\_\_\_\_ and \$ \_\_\_\_\_ for a \$300,000 home, and between \$ \_\_\_\_\_ and \$ \_\_\_\_\_ for every \$100,000 of value for the other types of property.".**

Page 22, line 30, strike "(k)," and insert "(j)".

Page 23, line 27, delete "(m)" and insert "(l)".

Page 23, strike lines 31 through 42.

Page 24, strike lines 1 through 3.

Page 24, line 4, strike "(k)" and insert "(j)".

Page 24, line 31, strike "(l)" and insert "(k)".

Page 25, line 11, delete "(m)" and insert "(l)".

Page 27, between lines 6 and 7, begin a new paragraph and insert:

**"SECTION 8. IC 6-1.1-20-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.1. (a) This section does not apply to a political subdivision that before May 1, 2011, adopted an ordinance or a resolution making a preliminary determination to**





issue bonds or enter into a lease subject to sections 3.1 and 3.2 of this chapter.

(b) The following definitions apply throughout this section:

(1) "Local public question process" refers to the provisions set forth in sections 3.5 and 3.6 of this chapter.

(2) "Petition and remonstrance process" refers to the provisions set forth in sections 3.1 and 3.2 of this chapter.

(c) A political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of the petition and remonstrance process or the local public question process.

(d) A capital project is artificially divided into multiple capital projects to the extent that the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. Subsection (c) does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

(e) A person who owns property within a political subdivision or is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has artificially divided a capital project into multiple capital projects in order to avoid the requirements of the petition and remonstrance process or the local public question process. The petition must be filed not more than ten (10) days after the political subdivision makes the preliminary determination to issue the bonds or enter into the lease for the capital project.

(f) If the department of local government finance receives a petition under subsection (e), the department shall, not later than thirty (30) days after receiving the petition, make a final determination on the issue of whether the political subdivision artificially divided a capital project to avoid the petition and remonstrance process or the local public question process."

Page 27, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 10. IC 20-46-1-11, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. The voters in a referendum may not approve a levy that is imposed for more than **the following**:

(1) For a referendum before July 1, 2017, seven (7) years.



**(2) For a referendum after June 30, 2017, eight (8) years.**

However, a levy may be reimposed or extended under this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1043 as introduced.)

BROWN T

Committee Vote: yeas 22, nays 0.

