



Reprinted
January 30, 2018

HOUSE BILL No. 1104

DIGEST OF HB 1104 (Updated January 29, 2018 5:38 pm - DI 113)

Citations Affected: IC 3-5; IC 4-13; IC 5-14; IC 5-24; IC 5-28; IC 6-1.1; IC 6-3.6; IC 6-8.1; IC 8-18; IC 8-22; IC 13-18; IC 14-27; IC 14-30; IC 14-33; IC 16-23; IC 20-45; IC 36-2; IC 36-4; IC 36-7; IC 36-8; IC 36-9; IC 36-12; noncode.

Synopsis: Property tax matters. Excludes political subdivisions that do not have the power to impose ad valorem property taxes from the requirement to upload a digital copy of certain contracts on the Indiana transparency Internet web site. Specifies the deadlines for county auditors to submit property tax settlement and distribution information to the department of local government finance (DLGF). Repeals the electronic digital signature act. Amends the definition of "owner" (for purposes of the property tax statutes) to delete the provision specifying that an owner of tangible property includes the holder of a tenancy for a term of years. Deletes obsolete language in the statutes exempting certain business personal property with an acquisition cost of less than \$20,000. Specifies that a taxpayer eligible for such an exemption must include on the taxpayer's personal property tax return: (1) information concerning whether the taxpayer's business personal property within the county is in one location or multiple locations; and (2) an address for the location of the property. Eliminates (effective retroactive to July 1, 2017) several property tax deduction and credit reapplication requirements that were added by HEA 1450-2017 pertaining to unmarried taxpayers who married, married taxpayers who divorced, and taxpayers who came to own their property jointly or as tenants in common with another individual. Provides that if a local service fee is imposed on a taxpayer claiming such an exemption, the county shall
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Effective: Upon passage; January 1, 2017 (retroactive); July 1, 2017 (retroactive); January 1, 2018 (retroactive); July 1, 2018; January 1, 2019.

Leonard, Siegrist

January 4, 2018, read first time and referred to Committee on Ways and Means.
January 25, 2018, amended, reported — Do Pass.
January 29, 2018, read second time, amended, ordered engrossed.

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include the local service fee on a property tax bill associated with the tax district in which the majority value of the taxpayer's business personal property within the county is located. Provides that a taxpayer may be charged only one local service fee per county. Specifies that if a penalty is imposed on a taxpayer for failing to declare on the taxpayer's tax return that the taxpayer is entitled to the exemption for business personal property with an acquisition cost of less than \$20,000, the county shall include the penalty on a property tax bill associated with the tax district in which the majority value of the taxpayer's business personal property within the county is located. Provides that the appropriate county officer designated by the county executive (rather than the assessor, under current law) is responsible for: (1) maintaining data files of the geographic information system characteristics of each parcel in the county as of each assessment date; and (2) submitting those files to the geographic information office of the office of technology. Provides that if an assessing official determines that the owner of a parcel of property is unable to use the property to the owner's full and complete benefit because: (1) the parcel is completely surrounded by parcels owned by other owners; and (2) the owner does not possess and cannot obtain an easement granting ingress or egress into the property or the owner is otherwise incapable of having sufficient ingress or egress to the property; the assessing official shall apply an influence factor for limited access as prescribed in the rules of the DLGF. Requires that the budget notice that political subdivisions must publish on the DLGF's computer gateway must also include information concerning the percentage change between the current and proposed tax levies of each fund. Requires county auditors to submit data on deductions applicable to the current tax year to the homestead property data base on or before March 15 of each year, in a manner prescribed by the DLGF. Repeals the statute providing for a county board of tax adjustment. Repeals provisions related to the county board of tax adjustment and the local budgeting process. Specifies that a political subdivision shall file the budget adopted by the political subdivision with the DLGF not later than five business days after the budget is adopted. Authorizes the DLGF to adopt rules for procedures related to local government budgeting. Specifies that the adoption, amendment, or repeal of such a rule by the DLGF may not take effect before March 1 or after July 31 of a particular year. Specifies: (1) that rules adopted by the DLGF for the appraisal of real property may not apply to any appraisal contemporaneously being conducted under a county's reassessment plan; and (2) that rules adopted by the DLGF may first apply to the reassessment phase beginning in the following calendar year under a county's reassessment plan. Specifies that for purposes of attributing the amount of a property tax deduction or exemption to the gross assessed value of a property: (1) a deduction or exemption that is specific to an improvement shall be applied only to the assessed value allocation pertaining to that improvement; and (2) to the extent that a deduction or exemption is not specific to an improvement; the deduction or exemption shall be applied in the order that will maximize the benefit of the deduction or exemption to the taxpayer. Allows Green Township in Hancock County to increase its maximum permissible ad valorem property tax levy for the township's general fund to offset the reduction in the maximum levy that occurred beginning in 2003 that was based on the township's actual levy (levy banked amount). Provides for an alternative distribution of the certified share part of local income tax revenue in certain counties based on revenue and population of municipalities and townships in the county. Provides that the Jasper County local income tax (LIT) adopting body may adopt an ordinance to provide that property taxes imposed due to a referendum, adopted before July 1, 2015, are eligible for the property tax relief rate credit for distributing LIT revenue.

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Digest Continued

Authorizes a county fiscal body to establish a salary schedule that includes greater compensation for the presiding officer or secretary of the county fiscal body or county executive if certain conditions are satisfied. Provides that a redevelopment commission may issue bonds or enter into leases with a term of up to 50 years to finance a project that includes, as part of the project, the use and repurposing of two or more buildings and structures that are: (1) at least 75 years old; and (2) located at a site at which manufacturing previously occurred over a period of at least 75 years. Specifies that in the case of an allocation area that is established after June 30, 2018, for such a project, the expiration date of the allocation provision may not be more than 50 years after the date on which the allocation provision is established. Specifies that the base assessed value for tax increment financing purposes includes the net residential assessed value within the allocation area, as finally determined for the current assessment date. Provides the following with regard to a waiver of remonstrance of annexation executed before, on, or after June 30, 2018: (1) The waiver is void if the waiver is recorded more than 90 business days after the date the waiver was executed. (2) The waiver expires not later than 15 years after the date the waiver was executed. (3) A void or expired waiver does not invalidate an annexation that was effective on or before July 1, 2018. Provides a property tax exemption for certain continuing care retirement communities and provides for certain exceptions to the exemption filing deadlines for taxpayers who otherwise qualify for an exemption under current law. Urges the legislative council to assign to the fiscal policy study committee a study of how LIT revenue is allocated among taxing units within a county after taxing units reorganize. Urges the legislative council to assign to a study committee the task of studying local income taxation. Makes technical corrections.

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January 30, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1104

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 3-5-4-1.7, AS AMENDED BY P.L.74-2017,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 1.7. (a) Except as otherwise expressly authorized
4 or required under this title, a filing by a person with a commission, the
5 election division, an election board, or a county voter registration office
6 may not be made by fax or electronic mail.
7 (b) A petition of nomination filed with a county voter registration
8 office under IC 3-8-2, IC 3-8-2.5, IC 3-8-3, or IC 3-8-6 or a petition to
9 place a public question on the ballot, or any other petition filed that
10 requires the county voter registration office to certify the validity of
11 signatures, may not contain the electronic signature, (~~as defined in~~
12 ~~IC 5-24-2-2~~); digital signature, (~~as defined in IC 5-24-2-1~~); digitized
13 signature, or photocopied signature of a voter.
14 SECTION 2. IC 4-13-2-14.1, AS AMENDED BY P.L.113-2010,

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1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2018]: Sec. 14.1. (a) A contract to which a state agency is a
3 party must be approved by the following persons:

4 (1) The commissioner of the Indiana department of
5 administration.

6 (2) The director of the budget agency. The director of the budget
7 agency is not required to approve a contract:

8 (A) for supplies under IC 5-22, unless the budget agency is
9 required to approve the contract under rules or written policies
10 adopted under IC 5-22; or

11 (B) for public works under IC 4-13.6, if the estimated cost of
12 the contract is less than one hundred thousand dollars
13 (\$100,000).

14 (3) The attorney general, as required by section 14.3 of this
15 chapter.

16 (b) Each of the persons listed in subsection (a) may delegate to
17 another person the responsibility to approve contracts under this
18 section. The delegation must be in writing and must be filed with the
19 Indiana department of administration.

20 (c) The Indiana department of administration may adopt rules under
21 IC 4-22-2 to provide for electronic approval of contracts. Electronic
22 approval may include obtaining the equivalent of a signature from all
23 contracting parties using an electronic method, ~~that does not comply~~
24 ~~with IC 5-24 (the electronic digital signature act)~~, so long as the
25 method allows the party to read the terms of the contract and to
26 manifest the party's agreement to the contract by clicking on an "ok",
27 an "agree", or a similarly labeled button or allows the party to not agree
28 to the contract by clicking on a "cancel", "don't agree", "close window",
29 or similarly labeled button. Rules adopted under this subsection must
30 provide for the following:

31 (1) Security to prevent unauthorized access to the approval
32 process.

33 (2) The ability to convert electronic approvals into a medium
34 allowing persons inspecting or copying contract records to know
35 when approval has been given.

36 The rules adopted under this subsection may include any other
37 provisions the department considers necessary.

38 (d) The Indiana department of administration shall maintain a file
39 of information concerning contracts and leases to which a state agency
40 is a party.

41 SECTION 3. IC 5-14-3.8-3.5, AS AMENDED BY P.L.255-2017,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 3.5. (a) This section applies only to contracts
 2 that a political subdivision **that is a taxing unit (as defined in**
 3 **IC 6-1.1-1-21)** enters into after June 30, 2016.

4 (b) As used in this section, "contract" includes all pages of a
 5 contract and any attachments to the contract.

6 (c) A political subdivision shall upload a digital copy of a contract
 7 to the Indiana transparency Internet web site one (1) time if the total
 8 cost of the contract to the political subdivision exceeds fifty thousand
 9 dollars (\$50,000) during the term of the contract. This subsection
 10 applies to all contracts for any subject, purpose, or term, except that a
 11 political subdivision is not required to upload a copy of an employment
 12 contract between the political subdivision and an employee of the
 13 political subdivision. In the case of a collective bargaining agreement,
 14 the political subdivision shall upload a copy of the collective
 15 bargaining agreement and a copy of a blank or sample individual
 16 employment contract. A political subdivision shall upload the contract
 17 not later than sixty (60) days after the date the contract is executed. If
 18 a political subdivision enters into a contract that the political
 19 subdivision reasonably expects when entered into will not exceed fifty
 20 thousand dollars (\$50,000) in cost to the political subdivision but at a
 21 later date determines or expects the contract to exceed fifty thousand
 22 dollars (\$50,000) in cost to the political subdivision, the political
 23 subdivision shall upload a copy of the contract within sixty (60) days
 24 after the date on which the political subdivision makes the
 25 determination or realizes the expectation that the contract will exceed
 26 fifty thousand dollars (\$50,000) in cost to the political subdivision.

27 (d) Nothing in this section prohibits the political subdivision from
 28 withholding any information in the contract that the political
 29 subdivision shall or may withhold from disclosure under IC 5-14-3. A
 30 political subdivision may redact or obscure signatures on a contract.
 31 The political subdivision is solely responsible for redacting information
 32 in the contract.

33 SECTION 4. IC 5-14-3.8-9 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2018]: **Sec. 9. The county auditor of each county shall submit the**
 36 **certification of tax distribution and settlement to the Indiana**
 37 **transparency Internet web site biannually and not later than the**
 38 **following dates:**

39 (1) **For the distribution and settlement to be completed by the**
 40 **fifty-first day after May 10 of a year under IC 6-1.1-27-1, not**
 41 **later than July 31 of the same year.**

42 (2) **For the distribution and settlement to be completed by the**



1 **fifty-first day after November 10 of a year under**
 2 **IC 6-1.1-27-1, not later than January 31 of the following year.**

3 SECTION 5. IC 5-24 IS REPEALED [EFFECTIVE JULY 1, 2018].
 4 (Electronic Digital Signature Act).

5 SECTION 6. IC 5-28-26-1, AS ADDED BY P.L.203-2005,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2019]: Sec. 1. As used in this chapter, "base assessed
 8 value" means:

9 (1) the net assessed value of all the taxable property located in a
 10 global commerce center as finally determined for the assessment
 11 date immediately preceding the effective date of the allocation
 12 provision of a resolution adopted under section 18 of this chapter;
 13 plus

14 (2) to the extent it is not included in subdivision (1), the net
 15 **residential** assessed value of property that is assessed as
 16 **residential property under the rules of the department of local**
 17 **government finance, within the global commerce center,** as
 18 finally determined for ~~any~~ **the current** assessment date. ~~after the~~
 19 ~~effective date of the allocation provision.~~

20 SECTION 7. IC 6-1.1-1-9, AS AMENDED BY THE TECHNICAL
 21 CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, IS
 22 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:
 23 Sec. 9. (a) For purposes of this article, the "owner" of tangible property
 24 shall be determined by using the rules contained in this section.

25 (b) Except as otherwise provided in this section, the holder of the
 26 legal title to personal property, or the legal title in fee to real property,
 27 is:

28 (1) the owner of that property, *regardless of whether the holder*
 29 *of the legal title holds a fractional interest, a remainder interest,*
 30 **or a life estate, or a tenancy for a term of years, if a title**
 31 *document is not ordinarily issued to an owner for that type of*
 32 *property; or*

33 (2) *the owner of that property who is designated as the grantee,*
 34 *buyer, or other equivalent term in the title document or bureau of*
 35 *motor vehicles affidavit of sale or disposal, if a title document is*
 36 *ordinarily issued to an owner for that type of property.*

37 (c) When title to tangible property passes on the assessment date of
 38 any year, only the person obtaining title is the owner of that property on
 39 the assessment date.

40 (d) When the mortgagee of real property is in possession of the
 41 mortgaged premises, the mortgagee is the owner of that property.

42 (e) When personal property is security for a debt and the debtor is



1 in possession of the property, the debtor is the owner of that property.

2 (f) When a life tenant of real property *or a holder of a tenancy for*
 3 *a term of years in real property* is in possession of the real property,
 4 *only* the life tenant *or the holder of a tenancy for a term of years* is the
 5 owner of that property.

6 (g) When the grantor of a qualified personal residence trust created
 7 under United States Treasury Regulation 25.2702-5(c)(2) is:

8 (1) in possession of the real property transferred to the trust; and

9 (2) entitled to occupy the real property rent free under the terms
 10 of the trust;

11 the grantor is the owner of that real property.

12 SECTION 8. IC 6-1.1-3-7.2, AS AMENDED BY P.L.199-2016,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2019]: Sec. 7.2. (a) This section applies to assessment
 15 dates occurring after December 31, 2015.

16 (b) As used in this section, "affiliate" means an entity that
 17 effectively controls or is controlled by a taxpayer or is associated with
 18 a taxpayer under common ownership or control, whether by
 19 shareholdings or other means.

20 (c) As used in this section, "business personal property" means
 21 personal property that:

22 (1) is otherwise subject to assessment and taxation under this
 23 article;

24 (2) is used in a trade or business or otherwise held, used, or
 25 consumed in connection with the production of income; and

26 (3) was:

27 (A) acquired by the taxpayer in an arms length transaction
 28 from an entity that is not an affiliate of the taxpayer, if the
 29 personal property has been previously used in Indiana before
 30 being placed in service in the county; or

31 (B) acquired in any manner, if the personal property has never
 32 been previously used in Indiana before being placed in service
 33 in the county.

34 The term does not include mobile homes assessed under IC 6-1.1-7,
 35 personal property held as an investment, or personal property that is
 36 assessed under IC 6-1.1-8 and is owned by a public utility subject to
 37 regulation by the Indiana utility regulatory commission. However, the
 38 term does include the personal property of a telephone company or a
 39 communications service provider if that personal property meets the
 40 requirements of subdivisions (1) through (3), regardless of whether that
 41 personal property is assessed under IC 6-1.1-8 and regardless of
 42 whether the telephone company or communications service provider is



1 subject to regulation by the Indiana utility regulatory commission.

2 (d) Notwithstanding section 7 of this chapter, if the acquisition cost
3 of a taxpayer's total business personal property in a county is less than
4 twenty thousand dollars (\$20,000) for that assessment date, the
5 taxpayer's business personal property in the county for that assessment
6 date is exempt from taxation.

7 (e) ~~Except as provided in subsection (f);~~ A taxpayer that is eligible
8 for the exemption under this section for an assessment date shall
9 ~~indicate~~ **include the following information** on the taxpayer's personal
10 property tax return:

11 (1) **A declaration** that the taxpayer's business personal property
12 in the county is exempt from property taxation. ~~for the assessment~~
13 ~~date.~~

14 (2) **Whether the taxpayer's business personal property within**
15 **the county is in one (1) location or multiple locations.**

16 (3) **An address for the location of the property.**

17 **If the property is in multiple locations within a county, the**
18 **taxpayer shall provide an address for the location where the sum**
19 **of acquisition costs for business personal property is greatest. If**
20 **two (2) or more addresses contain the greatest equivalent sum of**
21 **acquisition costs for business personal property within a given**
22 **county, the taxpayer shall choose only one (1) address to list on the**
23 **return.**

24 (f) ~~For purposes of the January 1, 2016, assessment date, a taxpayer~~
25 ~~that is eligible for the exemption under this section may file with the~~
26 ~~county assessor before May 17, 2016, a certification of the taxpayer's~~
27 ~~eligibility for the exemption under this section instead of indicating the~~
28 ~~taxpayer's eligibility for the exemption on the taxpayer's personal~~
29 ~~property tax return.~~

30 SECTION 9. IC 6-1.1-3-7.3, AS AMENDED BY P.L.199-2016,
31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JANUARY 1, 2019]: Sec. 7.3. (a) A county fiscal body may adopt an
33 ordinance to impose a local service fee on each person that ~~indicates~~
34 **declares** on the person's personal property tax return ~~or, for purposes~~
35 ~~of the January 1, 2016, assessment date, on the person's certification~~
36 ~~under section 7.2(f) of this chapter that the person's business personal~~
37 ~~property in the county is exempt from taxation under section 7.2 of this~~
38 ~~chapter. for an assessment date after December 31, 2015.~~

39 (b) The county fiscal body shall specify the amount of the local
40 service fee in the ordinance. A local service fee imposed on a person
41 under this section may not exceed fifty dollars (\$50).

42 (c) A local service fee imposed for an assessment date is due and



1 payable at the same time that property taxes for that assessment date
 2 are due and payable. A county may collect a delinquent local service
 3 fee in the same manner as delinquent property taxes are collected.

4 **(d) A county shall include the local service fee on a property tax**
 5 **bill associated with the tax district in which the majority value of**
 6 **the taxpayer's business personal property within the county is**
 7 **located, as determined by the county assessor. A taxpayer may be**
 8 **charged only one (1) local service fee per county.**

9 ~~(d)~~ (e) The revenue from a local service fee:

10 (1) shall be allocated in the same manner and proportion and at
 11 the same time as property taxes are allocated to each taxing unit
 12 in the county; and

13 (2) may be used by a taxing unit for any lawful purpose of the
 14 taxing unit.

15 SECTION 10. IC 6-1.1-4-25, AS AMENDED BY P.L.203-2016,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2018]: Sec. 25. (a) Each township assessor and each county
 18 assessor shall keep the assessor's reassessment data and records current
 19 by securing the necessary field data and by making changes in the
 20 assessed value of real property as changes occur in the use of the real
 21 property. The township or county assessor's records shall at all times
 22 show the assessed value of real property in accordance with this
 23 chapter. The township assessor shall ensure that the county assessor
 24 has full access to the assessment records maintained by the township
 25 assessor.

26 (b) ~~The township assessor (if any) in a county having a consolidated~~
 27 ~~city; the county assessor if there are no township assessors in a county~~
 28 ~~having a consolidated city; or the county assessor in every other county~~
 29 shall:

30 (1) maintain an electronic data file of:

31 (A) the parcel characteristics and parcel assessments of all
 32 parcels; **and**

33 (B) the personal property return characteristics and
 34 assessments by return; **and**

35 ~~(C) the geographic information system characteristics of each~~
 36 ~~parcel;~~

37 for each township in the county as of each assessment date;

38 (2) maintain the electronic file in a form that formats the
 39 information in the file with the standard data, field, and record
 40 coding required and approved by:

41 (A) the legislative services agency; and

42 (B) the department of local government finance;



1 (3) **before September 1 of each year**, transmit the data in the file
 2 with respect to the assessment date of **each that** year ~~before~~
 3 ~~October 1 of a year ending before January 1, 2016; and before~~
 4 ~~September 1 of a year beginning after December 31, 2015; to:~~

5 (A) the legislative services agency; and

6 (B) the department of local government finance. ~~for data~~
 7 ~~described in subdivision (1)(A) and (1)(B); and~~

8 ~~(B) the geographic information office of the office of~~
 9 ~~technology; for data described in subdivision (1)(C);~~

10 (c) **The appropriate county officer, as designated by the county**
 11 **executive, shall:**

12 (1) **maintain an electronic data file of the geographic**
 13 **information system characteristics of each parcel for each**
 14 **township in the county as of each assessment date;**

15 (2) **maintain the electronic file in a form that formats the**
 16 **information in the file with the standard data, field, and**
 17 **record coding required and approved by the office of**
 18 **technology; and**

19 (3) **before September 1 of each year, transmit the data in the**
 20 **file with respect to the assessment date of that year to the**
 21 **geographic information office of the office of technology.**

22 (d) **An assessor under subsection (b) and an appropriate county**
 23 **officer under subsection (c) shall do the following:**

24 (1) **Transmit the data** in a manner that meets the data export and
 25 transmission requirements in a standard format, as prescribed by
 26 the office of technology established by IC 4-13.1-2-1 and
 27 approved by the legislative services agency. ~~and~~

28 ~~(4) (2) Resubmit the data in the form and manner required under~~
 29 ~~this subsection (b) or (c) upon request of the legislative services~~
 30 ~~agency, the department of local government finance, or the~~
 31 ~~geographic information office of the office of technology, as~~
 32 ~~applicable, if data previously submitted under this subsection (b)~~
 33 ~~or (c) does not comply with the requirements of this subsection;~~
 34 **subsection (b) or (c), as determined by the legislative services**
 35 **agency, the department of local government finance, or the**
 36 **geographic information office of the office of technology, as**
 37 **applicable.**

38 An electronic data file maintained for a particular assessment date may
 39 not be overwritten with data for a subsequent assessment date until a
 40 copy of an electronic data file that preserves the data for the particular
 41 assessment date is archived in the manner prescribed by the office of
 42 technology established by IC 4-13.1-2-1 and approved by the



1 legislative services agency.

2 SECTION 11. IC 6-1.1-4-46 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2018]: **Sec. 46. (a) As used in this section, "landlocked property"**
5 **means a parcel of real property that meets all of the following**
6 **conditions:**

7 **(1) The parcel of the property is completely surrounded by**
8 **adjacent parcels.**

9 **(2) The owner of the property does not own any of the**
10 **adjacent parcels.**

11 **(3) The owner of the property is unable to use the property to**
12 **the owner's full and complete benefit because one (1) or both**
13 **of the following apply:**

14 **(A) The owner does not possess and cannot obtain an**
15 **easement granting ingress or egress to the property.**

16 **(B) The owner is otherwise incapable of having sufficient**
17 **ingress or egress to the property.**

18 **(b) The assessing official shall in the assessment of a parcel of**
19 **real property determine whether the property is landlocked**
20 **property. If the assessing official determines that the property is**
21 **landlocked property, the assessing official shall apply an influence**
22 **factor for limited access as prescribed in the rules of the**
23 **department of local government finance.**

24 **(c) A determination under subsection (b) is appealable under**
25 **IC 6-1.1-15.**

26 SECTION 12. IC 6-1.1-10-16, AS AMENDED BY P.L.181-2016,
27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JANUARY 1, 2019]: **Sec. 16. (a) All or part of a building is exempt**
29 **from property taxation if it is owned, occupied, and used by a person**
30 **for educational, literary, scientific, religious, or charitable purposes.**

31 **(b) A building is exempt from property taxation if it is owned,**
32 **occupied, and used by a town, city, township, or county for educational,**
33 **literary, scientific, fraternal, or charitable purposes.**

34 **(c) A tract of land, including the campus and athletic grounds of an**
35 **educational institution, is exempt from property taxation if:**

36 **(1) a building that is exempt under subsection (a) or (b) is situated**
37 **on it;**

38 **(2) a parking lot or structure that serves a building referred to in**
39 **subdivision (1) is situated on it; or**

40 **(3) the tract:**

41 **(A) is owned by a nonprofit entity established for the purpose**
42 **of retaining and preserving land and water for their natural**



- 1 characteristics;
- 2 (B) does not exceed five hundred (500) acres; and
- 3 (C) is not used by the nonprofit entity to make a profit.
- 4 (d) A tract of land is exempt from property taxation if:
 - 5 (1) it is purchased for the purpose of erecting a building that is to
 - 6 be owned, occupied, and used in such a manner that the building
 - 7 will be exempt under subsection (a) or (b); and
 - 8 (2) not more than four (4) years after the property is purchased,
 - 9 and for each year after the four (4) year period, the owner
 - 10 demonstrates substantial progress and active pursuit towards the
 - 11 erection of the intended building and use of the tract for the
 - 12 exempt purpose. To establish substantial progress and active
 - 13 pursuit under this subdivision, the owner must prove the existence
 - 14 of factors such as the following:
 - 15 (A) Organization of and activity by a building committee or
 - 16 other oversight group.
 - 17 (B) Completion and filing of building plans with the
 - 18 appropriate local government authority.
 - 19 (C) Cash reserves dedicated to the project of a sufficient
 - 20 amount to lead a reasonable individual to believe the actual
 - 21 construction can and will begin within four (4) years.
 - 22 (D) The breaking of ground and the beginning of actual
 - 23 construction.
 - 24 (E) Any other factor that would lead a reasonable individual to
 - 25 believe that construction of the building is an active plan and
 - 26 that the building is capable of being completed within eight (8)
 - 27 years considering the circumstances of the owner.
- 28 If the owner of the property sells, leases, or otherwise transfers a tract
- 29 of land that is exempt under this subsection, the owner is liable for the
- 30 property taxes that were not imposed upon the tract of land during the
- 31 period beginning January 1 of the fourth year following the purchase
- 32 of the property and ending on December 31 of the year of the sale,
- 33 lease, or transfer. The county auditor of the county in which the tract
- 34 of land is located may establish an installment plan for the repayment
- 35 of taxes due under this subsection. The plan established by the county
- 36 auditor may allow the repayment of the taxes over a period of years
- 37 equal to the number of years for which property taxes must be repaid
- 38 under this subsection.
- 39 (e) Personal property is exempt from property taxation if it is owned
- 40 and used in such a manner that it would be exempt under subsection (a)
- 41 or (b) if it were a building.
- 42 (f) A hospital's property that is exempt from property taxation under



1 subsection (a), (b), or (e) shall remain exempt from property taxation
 2 even if the property is used in part to furnish goods or services to
 3 another hospital whose property qualifies for exemption under this
 4 section.

5 (g) Property owned by a shared hospital services organization that
 6 is exempt from federal income taxation under Section 501(c)(3) or
 7 501(e) of the Internal Revenue Code is exempt from property taxation
 8 if it is owned, occupied, and used exclusively to furnish goods or
 9 services to a hospital whose property is exempt from property taxation
 10 under subsection (a), (b), or (e).

11 (h) This section does not exempt from property tax an office or a
 12 practice of a physician or group of physicians that is owned by a
 13 hospital licensed under IC 16-21-2 or other property that is not
 14 substantially related to or supportive of the inpatient facility of the
 15 hospital unless the office, practice, or other property:

- 16 (1) provides or supports the provision of charity care (as defined
 17 in IC 16-18-2-52.5), including providing funds or other financial
 18 support for health care services for individuals who are indigent
 19 (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or
 20 (2) provides or supports the provision of community benefits (as
 21 defined in IC 16-21-9-1), including research, education, or
 22 government sponsored indigent health care (as defined in
 23 IC 16-21-9-2).

24 However, participation in the Medicaid or Medicare program alone
 25 does not entitle an office, practice, or other property described in this
 26 subsection to an exemption under this section.

27 (i) The exemption provided in this subsection applies only for an
 28 assessment date occurring before January 2, 2017. A tract of land or a
 29 tract of land plus all or part of a structure on the land is exempt from
 30 property taxation if:

- 31 (1) the tract is acquired for the purpose of erecting, renovating, or
 32 improving a single family residential structure that is to be given
 33 away or sold:
 34 (A) in a charitable manner;
 35 (B) by a nonprofit organization; and
 36 (C) to low income individuals who will:
 37 (i) use the land as a family residence; and
 38 (ii) not have an exemption for the land under this section;
 39 (2) the tract does not exceed three (3) acres; and
 40 (3) the tract of land or the tract of land plus all or part of a
 41 structure on the land is not used for profit while exempt under this
 42 section.



- 1 This subsection expires January 1, 2028.
- 2 (j) An exemption under subsection (i) terminates:
- 3 (1) when the property is conveyed by the nonprofit organization
- 4 to another owner; or
- 5 (2) January 2, 2017;
- 6 whichever occurs first. This subsection expires January 1, 2028.
- 7 (k) When property that is exempt in any year under subsection (i) is
- 8 conveyed to another owner, the nonprofit organization receiving the
- 9 exemption must file a certified statement with the auditor of the county,
- 10 notifying the auditor of the change not later than sixty (60) days after
- 11 the date of the conveyance. The county auditor shall immediately
- 12 forward a copy of the certified statement to the county assessor. A
- 13 nonprofit organization that fails to file the statement required by this
- 14 subsection is liable for the amount of property taxes due on the
- 15 property conveyed if it were not for the exemption allowed under this
- 16 chapter.
- 17 (l) If property is granted an exemption in any year under subsection
- 18 (i) and the owner:
- 19 (1) fails to transfer the tangible property within eight (8) years
- 20 after the assessment date for which the exemption is initially
- 21 granted; or
- 22 (2) transfers the tangible property to a person who:
- 23 (A) is not a low income individual; or
- 24 (B) does not use the transferred property as a residence for at
- 25 least one (1) year after the property is transferred;
- 26 the person receiving the exemption shall notify the county recorder and
- 27 the county auditor of the county in which the property is located not
- 28 later than sixty (60) days after the event described in subdivision (1) or
- 29 (2) occurs. The county auditor shall immediately inform the county
- 30 assessor of a notification received under this subsection. This
- 31 subsection expires January 1, 2028.
- 32 (m) If subsection (l)(1) or (l)(2) applies, the owner shall pay, not
- 33 later than the date that the next installment of property taxes is due, an
- 34 amount equal to the sum of the following:
- 35 (1) The total property taxes that, if it were not for the exemption
- 36 under subsection (i), would have been levied on the property in
- 37 each year in which an exemption was allowed.
- 38 (2) Interest on the property taxes at the rate of ten percent (10%)
- 39 per year.
- 40 This subsection expires January 1, 2028.
- 41 (n) The liability imposed by subsection (m) is a lien upon the
- 42 property receiving the exemption under subsection (i). An amount



1 collected under subsection (m) shall be collected as an excess levy. If
 2 the amount is not paid, it shall be collected in the same manner that
 3 delinquent taxes on real property are collected. This subsection expires
 4 January 1, 2028.

5 (o) Property referred to in this section shall be assessed to the extent
 6 required under IC 6-1.1-11-9.

7 (p) A for-profit provider of early childhood education services to
 8 children who are at least four (4) but less than six (6) years of age on
 9 the annual assessment date may receive the exemption provided by this
 10 section for property used for educational purposes only if all the
 11 requirements of section 46 of this chapter are satisfied. A for-profit
 12 provider of early childhood education services that provides the
 13 services only to children younger than four (4) years of age may not
 14 receive the exemption provided by this section for property used for
 15 educational purposes.

16 **(q) Property that meets the requirements for an exemption**
 17 **under section 48 of this chapter is exempt from property taxation**
 18 **under this section.**

19 SECTION 13. IC 6-1.1-10-48 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JANUARY 1, 2019]: **Sec. 48. (a) As used in this**
 22 **section, "continuing care retirement community" refers to an**
 23 **entity that serves the needs of the aging as follows:**

24 **(1) The entity provides residential facilities and services to**
 25 **senior citizens that include:**

- 26 **(A) independent living apartments or facilities;**
- 27 **(B) assisted living facilities; and**
- 28 **(C) skilled nursing care or nursing home facilities;**

29 **that are all located on one (1) or more properties owned by**
 30 **the entity.**

31 **(2) The residential facilities and services offered by the entity**
 32 **are designed, constructed, or equipped to meet the unique**
 33 **needs of the aging, which may include appropriate housing,**
 34 **transportation, recreation, safety, well-being, emotional**
 35 **stability, and attention to health problems.**

36 **(3) The entity provides a continuum of care that allows senior**
 37 **citizens to:**

- 38 **(A) carry out their lives with as much independence as**
 39 **their strength will permit; and**
- 40 **(B) transition through increasing levels of care at the entity**
 41 **without the need to relocate outside the community.**

42 **(b) As used in this section, "senior citizen" means an individual**



- 1 who is:
- 2 (1) at least sixty (60) years of age; and
- 3 (2) not employed on a full-time basis.
- 4 (c) Tangible property or properties owned by a continuing care
- 5 retirement community that is not otherwise exempt under section
- 6 16(a) through 16(p) of this chapter is exempt under section 16(q)
- 7 of this chapter if all the following requirements are satisfied:
- 8 (1) Admission to the continuing care retirement community is
- 9 limited to:
- 10 (A) senior citizens; and
- 11 (B) the spouse of a senior citizen who is a resident of the
- 12 continuing care retirement community.
- 13 (2) The owner is an organization exempt from taxation under
- 14 Section 501(c)(3) of the Internal Revenue Code.
- 15 (3) The owner is contractually obligated to give senior citizens
- 16 who are residents of the continuing care retirement
- 17 community priority, should the need arise, to be moved to a
- 18 facility within the continuing care retirement community that
- 19 provides higher levels of care.
- 20 (4) The owner maintains a written policy or is otherwise
- 21 committed to providing assistance to senior citizens who are
- 22 residents of the continuing care retirement community who
- 23 become unable to make their payment obligation to the
- 24 owner. For purposes of this subdivision, assistance may
- 25 include:
- 26 (A) helping the resident obtain financial assistance
- 27 available under state, local, and federal welfare programs;
- 28 (B) soliciting financial assistance from other organizations,
- 29 foundations, or the general public; or
- 30 (C) reducing the resident's payment obligation.
- 31 (d) The exemption under subsection (c) applies regardless of
- 32 whether the continuing care retirement community:
- 33 (1) makes expenditures:
- 34 (A) for advertising; or
- 35 (B) to employ a real estate agent;
- 36 for the purpose of filling vacancies at the continuing care
- 37 retirement community; or
- 38 (2) owns tangible property that is located outside the
- 39 boundaries of the continuing care retirement community
- 40 property or properties and used as a restaurant that is open
- 41 to the general public, if:
- 42 (A) either:



- 1 **(i) the restaurant is used primarily to serve the residents**
 2 **of the continuing care retirement community; or**
 3 **(ii) the majority of the customers of the restaurant are**
 4 **continuing care retirement community residents; and**
 5 **(B) the restaurant does not make a profit of more than one**
 6 **thousand dollars (\$1,000) in any taxable year.**

7 **The exemption under subsection (c) also applies to the**
 8 **continuing care retirement community's tangible property**
 9 **described in this subdivision.**

10 SECTION 14. IC 6-1.1-12-17.8, AS AMENDED BY P.L.255-2017,
 11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2017 (RETROACTIVE)]: Sec. 17.8. (a) An individual who
 13 receives a deduction provided under section 1, 9, 11, 13, 14, 16, 17.4
 14 (before its expiration), or 37 of this chapter in a particular year and who
 15 remains eligible for the deduction in the following year is not required
 16 to file a statement to apply for the deduction in the following year.
 17 However, for purposes of a deduction under section 37 of this chapter,
 18 the county auditor may, in the county auditor's discretion, terminate the
 19 deduction for assessment dates after January 15, 2012, if the individual
 20 does not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired
 21 January 1, 2015), as determined by the county auditor, before January
 22 1, 2013. Before the county auditor terminates the deduction because
 23 the taxpayer claiming the deduction did not comply with the
 24 requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before
 25 January 1, 2013, the county auditor shall mail notice of the proposed
 26 termination of the deduction to:

- 27 (1) the last known address of each person liable for any property
 28 taxes or special assessment, as shown on the tax duplicate or
 29 special assessment records; or
 30 (2) the last known address of the most recent owner shown in the
 31 transfer book.

32 (b) An individual who receives a deduction provided under section
 33 1, 9, 11, 13, 14, 16, or 17.4 (before its expiration) of this chapter in a
 34 particular year and who becomes ineligible for the deduction in the
 35 following year shall notify the auditor of the county in which the real
 36 property, mobile home, or manufactured home for which the individual
 37 claims the deduction is located of the individual's ineligibility in the
 38 year in which the individual becomes ineligible. An individual who
 39 becomes ineligible for a deduction under section 37 of this chapter
 40 shall notify the county auditor of the county in which the property is
 41 located in conformity with section 37 of this chapter.

42 (c) The auditor of each county shall, in a particular year, apply a



1 deduction provided under section 1, 9, 11, 13, 14, 16, 17.4 (before its
 2 expiration), or 37 of this chapter to each individual who received the
 3 deduction in the preceding year unless the auditor determines that the
 4 individual is no longer eligible for the deduction.

5 (d) An individual who receives a deduction provided under section
 6 1, 9, 11, 13, 14, 16, 17.4 (before its expiration), or 37 of this chapter for
 7 property that is jointly held with another owner in a particular year and
 8 remains eligible for the deduction in the following year is not required
 9 to file a statement to reapply for the deduction following the removal
 10 of the joint owner if:

11 (1) the individual is the sole owner of the property following the
 12 death of the individual's spouse; or

13 (2) the individual is the sole owner of the property following the
 14 death of a joint owner who was not the individual's spouse.

15 If an unmarried individual who is receiving a deduction under section
 16 37 of this chapter for a property subsequently marries, desires to
 17 continue claiming the deduction for the property, and remains eligible
 18 for the deduction, the individual must reapply for the deduction for the
 19 following assessment date. If a married individual who is receiving a
 20 deduction under section 37 of this chapter for a property with the
 21 individual's spouse subsequently divorces, desires to continue claiming
 22 the deduction for the property, and remains eligible for the deduction,
 23 the individual must reapply for the deduction for the following
 24 assessment date. However, the individual's failure to reapply for the
 25 deduction does not make the individual's former spouse ineligible for
 26 a deduction under section 37 of this chapter. If a person who is
 27 receiving a deduction under section 9 of this chapter for a property
 28 subsequently comes to own the property with another person jointly or
 29 as a tenant in common, desires to continue claiming the deduction for
 30 the property, and remains eligible for the deduction, the person must
 31 reapply for the deduction for the following assessment date. If an
 32 unmarried individual who is receiving a credit under IC 6-1.1-20.6-8.5
 33 for a property subsequently marries, desires to continue claiming the
 34 credit for the property, and remains eligible for the credit, the
 35 individual must reapply for the credit for the following assessment
 36 date. If a county auditor terminates a deduction under section 9 of
 37 this chapter, a deduction under section 37 of this chapter, or a
 38 credit under IC 6-1.1-20.6-8.5 after June 30, 2017, and before May
 39 1, 2018, because the taxpayer claiming the deduction or credit did
 40 not comply with a requirement added to this subsection by
 41 P.L.255-2017 to reapply for the deduction or credit, the county
 42 auditor shall reinstate the deduction or credit if the taxpayer



1 **provides proof that the taxpayer is eligible for the deduction or**
 2 **credit and is not claiming the deduction or credit for any other**
 3 **property.**

4 (e) A trust entitled to a deduction under section 9, 11, 13, 14, 16,
 5 17.4 (before its expiration), or 37 of this chapter for real property
 6 owned by the trust and occupied by an individual in accordance with
 7 section 17.9 of this chapter is not required to file a statement to apply
 8 for the deduction, if:

- 9 (1) the individual who occupies the real property receives a
 10 deduction provided under section 9, 11, 13, 14, 16, 17.4 (before
 11 its expiration), or 37 of this chapter in a particular year; and
 12 (2) the trust remains eligible for the deduction in the following
 13 year.

14 However, for purposes of a deduction under section 37 of this chapter,
 15 the individuals that qualify the trust for a deduction must comply with
 16 the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015)
 17 before January 1, 2013.

18 (f) A cooperative housing corporation (as defined in 26 U.S.C. 216)
 19 that is entitled to a deduction under section 37 of this chapter in the
 20 immediately preceding calendar year for a homestead (as defined in
 21 section 37 of this chapter) is not required to file a statement to apply for
 22 the deduction for the current calendar year if the cooperative housing
 23 corporation remains eligible for the deduction for the current calendar
 24 year. However, the county auditor may, in the county auditor's
 25 discretion, terminate the deduction for assessment dates after January
 26 15, 2012, if the individual does not comply with the requirement in
 27 IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015), as determined by the
 28 county auditor, before January 1, 2013. Before the county auditor
 29 terminates a deduction because the taxpayer claiming the deduction did
 30 not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired
 31 January 1, 2015) before January 1, 2013, the county auditor shall mail
 32 notice of the proposed termination of the deduction to:

- 33 (1) the last known address of each person liable for any property
 34 taxes or special assessment, as shown on the tax duplicate or
 35 special assessment records; or
 36 (2) the last known address of the most recent owner shown in the
 37 transfer book.

38 (g) An individual who:

- 39 (1) was eligible for a homestead credit under IC 6-1.1-20.9
 40 (repealed) for property taxes imposed for the March 1, 2007, or
 41 January 15, 2008, assessment date; or
 42 (2) would have been eligible for a homestead credit under



1 IC 6-1.1-20.9 (repealed) for property taxes imposed for the March
 2 1, 2008, or January 15, 2009, assessment date if IC 6-1.1-20.9 had
 3 not been repealed;

4 is not required to file a statement to apply for a deduction under section
 5 37 of this chapter if the individual remains eligible for the deduction in
 6 the current year. An individual who filed for a homestead credit under
 7 IC 6-1.1-20.9 (repealed) for an assessment date after March 1, 2007 (if
 8 the property is real property), or after January 1, 2008 (if the property
 9 is personal property), shall be treated as an individual who has filed for
 10 a deduction under section 37 of this chapter. However, the county
 11 auditor may, in the county auditor's discretion, terminate the deduction
 12 for assessment dates after January 15, 2012, if the individual does not
 13 comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January
 14 1, 2015), as determined by the county auditor, before January 1, 2013.
 15 Before the county auditor terminates the deduction because the
 16 taxpayer claiming the deduction did not comply with the requirement
 17 in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1,
 18 2013, the county auditor shall mail notice of the proposed termination
 19 of the deduction to the last known address of each person liable for any
 20 property taxes or special assessment, as shown on the tax duplicate or
 21 special assessment records, or to the last known address of the most
 22 recent owner shown in the transfer book.

23 (h) If a county auditor terminates a deduction because the taxpayer
 24 claiming the deduction did not comply with the requirement in
 25 IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1, 2013,
 26 the county auditor shall reinstate the deduction if the taxpayer provides
 27 proof that the taxpayer is eligible for the deduction and is not claiming
 28 the deduction for any other property.

29 (i) A taxpayer described in section 37(k) of this chapter is not
 30 required to file a statement to apply for the deduction provided by
 31 section 37 of this chapter for a calendar year beginning after December
 32 31, 2008, if the property owned by the taxpayer remains eligible for the
 33 deduction for that calendar year. However, the county auditor may
 34 terminate the deduction for assessment dates after January 15, 2012, if
 35 the individual residing on the property owned by the taxpayer does not
 36 comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January
 37 1, 2015), as determined by the county auditor, before January 1, 2013.
 38 Before the county auditor terminates a deduction because the
 39 individual residing on the property did not comply with the
 40 requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before
 41 January 1, 2013, the county auditor shall mail notice of the proposed
 42 termination of the deduction to:



- 1 (1) the last known address of each person liable for any property
- 2 taxes or special assessment, as shown on the tax duplicate or
- 3 special assessment records; or
- 4 (2) the last known address of the most recent owner shown in the
- 5 transfer book.
- 6 SECTION 15. IC 6-1.1-12-37, AS AMENDED BY P.L.255-2017,
- 7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2018]: Sec. 37. (a) The following definitions apply throughout
- 9 this section:
- 10 (1) "Dwelling" means any of the following:
- 11 (A) Residential real property improvements that an individual
- 12 uses as the individual's residence, including a house or garage.
- 13 (B) A mobile home that is not assessed as real property that an
- 14 individual uses as the individual's residence.
- 15 (C) A manufactured home that is not assessed as real property
- 16 that an individual uses as the individual's residence.
- 17 (2) "Homestead" means an individual's principal place of
- 18 residence:
- 19 (A) that is located in Indiana;
- 20 (B) that:
- 21 (i) the individual owns;
- 22 (ii) the individual is buying under a contract recorded in the
- 23 county recorder's office, or evidenced by a memorandum of
- 24 contract recorded in the county recorder's office under
- 25 IC 36-2-11-20, that provides that the individual is to pay the
- 26 property taxes on the residence, and that obligates the owner
- 27 to convey title to the individual upon completion of all of the
- 28 individual's contract obligations;
- 29 (iii) the individual is entitled to occupy as a
- 30 tenant-stockholder (as defined in 26 U.S.C. 216) of a
- 31 cooperative housing corporation (as defined in 26 U.S.C.
- 32 216); or
- 33 (iv) is a residence described in section 17.9 of this chapter
- 34 that is owned by a trust if the individual is an individual
- 35 described in section 17.9 of this chapter; and
- 36 (C) that consists of a dwelling and the real estate, not
- 37 exceeding one (1) acre, that immediately surrounds that
- 38 dwelling.
- 39 Except as provided in subsection (k), the term does not include
- 40 property owned by a corporation, partnership, limited liability
- 41 company, or other entity not described in this subdivision.
- 42 (b) Each year a homestead is eligible for a standard deduction from



1 the assessed value of the homestead for an assessment date. Except as
 2 provided in subsection (p), the deduction provided by this section
 3 applies to property taxes first due and payable for an assessment date
 4 only if an individual has an interest in the homestead described in
 5 subsection (a)(2)(B) on:

- 6 (1) the assessment date; or
- 7 (2) any date in the same year after an assessment date that a
 8 statement is filed under subsection (e) or section 44 of this
 9 chapter, if the property consists of real property.

10 If more than one (1) individual or entity qualifies property as a
 11 homestead under subsection (a)(2)(B) for an assessment date, only one
 12 (1) standard deduction from the assessed value of the homestead may
 13 be applied for the assessment date. Subject to subsection (c), the
 14 auditor of the county shall record and make the deduction for the
 15 individual or entity qualifying for the deduction.

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

- 19 (1) sixty percent (60%) of the assessed value of the real property,
 20 mobile home not assessed as real property, or manufactured home
 21 not assessed as real property; or
- 22 (2) forty-five thousand dollars (\$45,000).

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

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

- 36 (1) the parcel number or key number of the property and the name
 37 of the city, town, or township in which the property is located;
- 38 (2) the name of any other location in which the applicant or the
 39 applicant's spouse owns, is buying, or has a beneficial interest in
 40 residential real property;
- 41 (3) the names of:
 42 (A) the applicant and the applicant's spouse (if any):



- 1 (i) as the names appear in the records of the United States
 2 Social Security Administration for the purposes of the
 3 issuance of a Social Security card and Social Security
 4 number; or
 5 (ii) that they use as their legal names when they sign their
 6 names on legal documents;
 7 if the applicant is an individual; or
 8 (B) each individual who qualifies property as a homestead
 9 under subsection (a)(2)(B) and the individual's spouse (if any):
 10 (i) as the names appear in the records of the United States
 11 Social Security Administration for the purposes of the
 12 issuance of a Social Security card and Social Security
 13 number; or
 14 (ii) that they use as their legal names when they sign their
 15 names on legal documents;
 16 if the applicant is not an individual; and
 17 (4) either:
 18 (A) the last five (5) digits of the applicant's Social Security
 19 number and the last five (5) digits of the Social Security
 20 number of the applicant's spouse (if any); or
 21 (B) if the applicant or the applicant's spouse (if any) does not
 22 have a Social Security number, any of the following for that
 23 individual:
 24 (i) The last five (5) digits of the individual's driver's license
 25 number.
 26 (ii) The last five (5) digits of the individual's state
 27 identification card number.
 28 (iii) The last five (5) digits of a preparer tax identification
 29 number that is obtained by the individual through the
 30 Internal Revenue Service of the United States.
 31 (iv) If the individual does not have a driver's license, a state
 32 identification card, or an Internal Revenue Service preparer
 33 tax identification number, the last five (5) digits of a control
 34 number that is on a document issued to the individual by the
 35 United States government.

36 If a form or statement provided to the county auditor under this section,
 37 IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or
 38 part or all of the Social Security number of a party or other number
 39 described in subdivision (4)(B) of a party, the telephone number and
 40 the Social Security number or other number described in subdivision
 41 (4)(B) included are confidential. The statement may be filed in person
 42 or by mail. If the statement is mailed, the mailing must be postmarked



1 on or before the last day for filing. The statement applies for that first
 2 year and any succeeding year for which the deduction is allowed. With
 3 respect to real property, the statement must be completed and dated in
 4 the calendar year for which the person desires to obtain the deduction
 5 and filed with the county auditor on or before January 5 of the
 6 immediately succeeding calendar year. With respect to a mobile home
 7 that is not assessed as real property, the person must file the statement
 8 during the twelve (12) months before March 31 of the year for which
 9 the person desires to obtain the deduction.

10 (f) Except as provided in subsection (n), if a person who is
 11 receiving, or seeks to receive, the deduction provided by this section in
 12 the person's name:

13 (1) changes the use of the individual's property so that part or all
 14 of the property no longer qualifies for the deduction under this
 15 section; or

16 (2) is not eligible for a deduction under this section because the
 17 person is already receiving:

18 (A) a deduction under this section in the person's name as an
 19 individual or a spouse; or

20 (B) a deduction under the law of another state that is
 21 equivalent to the deduction provided by this section;

22 the person must file a certified statement with the auditor of the county,
 23 notifying the auditor of the person's ineligibility, not more than sixty
 24 (60) days after the date of the change in eligibility. A person who fails
 25 to file the statement required by this subsection may, under
 26 IC 6-1.1-36-17, be liable for any additional taxes that would have been
 27 due on the property if the person had filed the statement as required by
 28 this subsection plus a civil penalty equal to ten percent (10%) of the
 29 additional taxes due. The civil penalty imposed under this subsection
 30 is in addition to any interest and penalties for a delinquent payment that
 31 might otherwise be due. One percent (1%) of the total civil penalty
 32 collected under this subsection shall be transferred by the county to the
 33 department of local government finance for use by the department in
 34 establishing and maintaining the homestead property data base under
 35 subsection (i) and, to the extent there is money remaining, for any other
 36 purposes of the department. This amount becomes part of the property
 37 tax liability for purposes of this article.

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

41 (h) This subsection does not apply to property in the first year for
 42 which a deduction is claimed under this section if the sole reason that



1 a deduction is claimed on other property is that the individual or
 2 married couple maintained a principal residence at the other property
 3 on the assessment date in the same year in which an application for a
 4 deduction is filed under this section or, if the application is for a
 5 homestead that is assessed as personal property, on the assessment date
 6 in the immediately preceding year and the individual or married couple
 7 is moving the individual's or married couple's principal residence to the
 8 property that is the subject of the application. Except as provided in
 9 subsection (n), the county auditor may not grant an individual or a
 10 married couple a deduction under this section if:

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

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

15 (i) The department of local government finance shall provide secure
 16 access to county auditors to a homestead property data base that
 17 includes access to the homestead owner's name and the numbers
 18 required from the homestead owner under subsection (e)(4) for the sole
 19 purpose of verifying whether an owner is wrongly claiming a deduction
 20 under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or
 21 IC 6-3.6-5 (after December 31, 2016). **Each county auditor shall**
 22 **submit data on deductions applicable to the current tax year on or**
 23 **before March 15 of each year in a manner prescribed by the**
 24 **department of local government finance.**

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

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

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

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



- 1 individual.
- 2 (3) The property is owned by an entity that is not described in
3 subsection (a)(2)(B).
- 4 (4) The individual residing on the property is a shareholder,
5 partner, or member of the entity that owns the property.
- 6 (5) The property was eligible for the standard deduction under
7 this section on March 1, 2009.
- 8 (l) If a county auditor terminates a deduction for property described
9 in subsection (k) with respect to property taxes that are:
- 10 (1) imposed for an assessment date in 2009; and
11 (2) first due and payable in 2010;
- 12 on the grounds that the property is not owned by an entity described in
13 subsection (a)(2)(B), the county auditor shall reinstate the deduction if
14 the taxpayer provides proof that the property is eligible for the
15 deduction in accordance with subsection (k) and that the individual
16 residing on the property is not claiming the deduction for any other
17 property.
- 18 (m) For assessment dates after 2009, the term "homestead" includes:
- 19 (1) a deck or patio;
20 (2) a gazebo; or
21 (3) another residential yard structure, as defined in rules adopted
22 by the department of local government finance (other than a
23 swimming pool);
24 that is assessed as real property and attached to the dwelling.
- 25 (n) A county auditor shall grant an individual a deduction under this
26 section regardless of whether the individual and the individual's spouse
27 claim a deduction on two (2) different applications and each
28 application claims a deduction for different property if the property
29 owned by the individual's spouse is located outside Indiana and the
30 individual files an affidavit with the county auditor containing the
31 following information:
- 32 (1) The names of the county and state in which the individual's
33 spouse claims a deduction substantially similar to the deduction
34 allowed by this section.
- 35 (2) A statement made under penalty of perjury that the following
36 are true:
- 37 (A) That the individual and the individual's spouse maintain
38 separate principal places of residence.
- 39 (B) That neither the individual nor the individual's spouse has
40 an ownership interest in the other's principal place of
41 residence.
- 42 (C) That neither the individual nor the individual's spouse has,



1 for that same year, claimed a standard or substantially similar
 2 deduction for any property other than the property maintained
 3 as a principal place of residence by the respective individuals.
 4 A county auditor may require an individual or an individual's spouse to
 5 provide evidence of the accuracy of the information contained in an
 6 affidavit submitted under this subsection. The evidence required of the
 7 individual or the individual's spouse may include state income tax
 8 returns, excise tax payment information, property tax payment
 9 information, driver license information, and voter registration
 10 information.

11 (o) If:
 12 (1) a property owner files a statement under subsection (e) to
 13 claim the deduction provided by this section for a particular
 14 property; and
 15 (2) the county auditor receiving the filed statement determines
 16 that the property owner's property is not eligible for the deduction;
 17 the county auditor shall inform the property owner of the county
 18 auditor's determination in writing. If a property owner's property is not
 19 eligible for the deduction because the county auditor has determined
 20 that the property is not the property owner's principal place of
 21 residence, the property owner may appeal the county auditor's
 22 determination to the county property tax assessment board of appeals
 23 as provided in IC 6-1.1-15. The county auditor shall inform the
 24 property owner of the owner's right to appeal to the county property tax
 25 assessment board of appeals when the county auditor informs the
 26 property owner of the county auditor's determination under this
 27 subsection.

28 (p) An individual is entitled to the deduction under this section for
 29 a homestead for a particular assessment date if:

30 (1) either:
 31 (A) the individual's interest in the homestead as described in
 32 subsection (a)(2)(B) is conveyed to the individual after the
 33 assessment date, but within the calendar year in which the
 34 assessment date occurs; or
 35 (B) the individual contracts to purchase the homestead after
 36 the assessment date, but within the calendar year in which the
 37 assessment date occurs;
 38 (2) on the assessment date:
 39 (A) the property on which the homestead is currently located
 40 was vacant land; or
 41 (B) the construction of the dwelling that constitutes the
 42 homestead was not completed; and



- 1 (3) either:
 2 (A) the individual files the certified statement required by
 3 subsection (e); or
 4 (B) a sales disclosure form that meets the requirements of
 5 section 44 of this chapter is submitted to the county assessor
 6 on or before December 31 of the calendar year for the
 7 individual's purchase of the homestead.
- 8 An individual who satisfies the requirements of subdivisions (1)
 9 through (3) is entitled to the deduction under this section for the
 10 homestead for the assessment date, even if on the assessment date the
 11 property on which the homestead is currently located was vacant land
 12 or the construction of the dwelling that constitutes the homestead was
 13 not completed. The county auditor shall apply the deduction for the
 14 assessment date and for the assessment date in any later year in which
 15 the homestead remains eligible for the deduction. A homestead that
 16 qualifies for the deduction under this section as provided in this
 17 subsection is considered a homestead for purposes of section 37.5 of
 18 this chapter and IC 6-1.1-20.6.
- 19 (q) This subsection applies to an application for the deduction
 20 provided by this section that is filed for an assessment date occurring
 21 after December 31, 2013. Notwithstanding any other provision of this
 22 section, an individual buying a mobile home that is not assessed as real
 23 property or a manufactured home that is not assessed as real property
 24 under a contract providing that the individual is to pay the property
 25 taxes on the mobile home or manufactured home is not entitled to the
 26 deduction provided by this section unless the parties to the contract
 27 comply with IC 9-17-6-17.
- 28 (r) This subsection:
 29 (1) applies to an application for the deduction provided by this
 30 section that is filed for an assessment date occurring after
 31 December 31, 2013; and
 32 (2) does not apply to an individual described in subsection (q).
 33 The owner of a mobile home that is not assessed as real property or a
 34 manufactured home that is not assessed as real property must attach a
 35 copy of the owner's title to the mobile home or manufactured home to
 36 the application for the deduction provided by this section.
- 37 (s) For assessment dates after 2013, the term "homestead" includes
 38 property that is owned by an individual who:
 39 (1) is serving on active duty in any branch of the armed forces of
 40 the United States;
 41 (2) was ordered to transfer to a location outside Indiana; and
 42 (3) was otherwise eligible, without regard to this subsection, for



1 the deduction under this section for the property for the
 2 assessment date immediately preceding the transfer date specified
 3 in the order described in subdivision (2).
 4 For property to qualify under this subsection for the deduction provided
 5 by this section, the individual described in subdivisions (1) through (3)
 6 must submit to the county auditor a copy of the individual's transfer
 7 orders or other information sufficient to show that the individual was
 8 ordered to transfer to a location outside Indiana. The property continues
 9 to qualify for the deduction provided by this section until the individual
 10 ceases to be on active duty, the property is sold, or the individual's
 11 ownership interest is otherwise terminated, whichever occurs first.
 12 Notwithstanding subsection (a)(2), the property remains a homestead
 13 regardless of whether the property continues to be the individual's
 14 principal place of residence after the individual transfers to a location
 15 outside Indiana. The property continues to qualify as a homestead
 16 under this subsection if the property is leased while the individual is
 17 away from Indiana and is serving on active duty, if the individual has
 18 lived at the property at any time during the past ten (10) years.
 19 Otherwise, the property ceases to qualify as a homestead under this
 20 subsection if the property is leased while the individual is away from
 21 Indiana. Property that qualifies as a homestead under this subsection
 22 shall also be construed as a homestead for purposes of section 37.5 of
 23 this chapter.

24 SECTION 16. IC 6-1.1-17-3, AS AMENDED BY P.L.184-2016,
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2018]: Sec. 3. (a) The proper officers of a political subdivision
 27 shall formulate its estimated budget and its proposed tax rate and tax
 28 levy on the form prescribed by the department of local government
 29 finance and approved by the state board of accounts. In formulating a
 30 political subdivision's estimated budget under this section, the proper
 31 officers of the political subdivision must consider the net property tax
 32 revenue that will be collected by the political subdivision during the
 33 ensuing year, after taking into account the estimate by the department
 34 of local government finance under IC 6-1.1-20.6-11.1 of the amount by
 35 which the political subdivision's distribution of property taxes will be
 36 reduced by credits under IC 6-1.1-20.6-9.5 in the ensuing year, and
 37 after taking into account the estimate by the department of local
 38 government finance under section 0.7 of this chapter of the maximum
 39 amount of net property tax revenue and miscellaneous revenue that the
 40 political subdivision will receive in the ensuing year. The political
 41 subdivision or appropriate fiscal body, if the political subdivision is
 42 subject to section 20 of this chapter, shall submit the following



- 1 information to the department's computer gateway:
- 2 (1) The estimated budget.
- 3 (2) The estimated maximum permissible levy, as provided by the
- 4 department under IC 6-1.1-18.5-24.
- 5 (3) The current and proposed tax levies of each fund.
- 6 **(4) The percentage change between the current and proposed**
- 7 **tax levies of each fund.**
- 8 ~~(4)~~ (5) The amount by which the political subdivision's
- 9 distribution of property taxes may be reduced by credits granted
- 10 under IC 6-1.1-20.6, as estimated by the department of local
- 11 government finance under IC 6-1.1-20.6-11.
- 12 ~~(5)~~ (6) The amounts of excessive levy appeals to be requested.
- 13 ~~(6)~~ (7) The time and place at which the political subdivision or
- 14 appropriate fiscal body will hold a public hearing on the items
- 15 described in subdivisions (1) through ~~(5)~~: (6).
- 16 The political subdivision or appropriate fiscal body shall submit this
- 17 information to the department's computer gateway at least ten (10) days
- 18 before the public hearing required by this subsection in the manner
- 19 prescribed by the department. The department shall make this
- 20 information available to taxpayers, at least ten (10) days before the
- 21 public hearing, through its computer gateway and provide a telephone
- 22 number through which taxpayers may request mailed copies of a
- 23 political subdivision's information under this subsection. The
- 24 department's computer gateway must allow a taxpayer to search for the
- 25 information under this subsection by the taxpayer's address. The
- 26 department shall review only the submission to the department's
- 27 computer gateway for compliance with this section.
- 28 (b) The board of directors of a solid waste management district
- 29 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
- 30 conduct the public hearing required under subsection (a):
- 31 (1) in any county of the solid waste management district; and
- 32 (2) in accordance with the annual notice of meetings published
- 33 under IC 13-21-5-2.
- 34 (c) The trustee of each township in the county shall estimate the
- 35 amount necessary to meet the cost of township assistance in the
- 36 township for the ensuing calendar year. The township board shall adopt
- 37 with the township budget a tax rate sufficient to meet the estimated cost
- 38 of township assistance. The taxes collected as a result of the tax rate
- 39 adopted under this subsection are credited to the township assistance
- 40 fund.
- 41 (d) A political subdivision for which any of the information under
- 42 subsection (a) is not submitted to the department's computer gateway



1 in the manner prescribed by the department shall have its most recent
2 annual appropriations and annual tax levy continued for the ensuing
3 budget year.

4 (e) If a political subdivision or appropriate fiscal body timely
5 submits the information under subsection (a) but subsequently
6 discovers the information contains an error, the political subdivision or
7 appropriate fiscal body may submit amended information to the
8 department's computer gateway. However, submission of amended
9 information must occur at least ten (10) days before the public hearing
10 held under subsection (a).

11 SECTION 17. IC 6-1.1-17-5, AS AMENDED BY P.L.119-2012,
12 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2018]: Sec. 5. (a) The officers of political subdivisions shall
14 meet each year to fix the budget, tax rate, and tax levy of their
15 respective subdivisions for the ensuing budget year as follows:

16 (1) The board of school trustees of a school corporation that is
17 located in a city having a population of more than one hundred
18 thousand (100,000) but less than one hundred ten thousand
19 (110,000), not later than:

20 (A) the time required in section 5.6(b) of this chapter; or

21 (B) November 1 if a resolution adopted under section 5.6(d) of
22 this chapter is in effect.

23 (2) The proper officers of all other political subdivisions that are
24 not school corporations, not later than November 1.

25 (3) The governing body of a school corporation (other than a
26 school corporation described in subdivision (1)) that elects to
27 adopt a budget under section 5.6 of this chapter for budget years
28 beginning after June 30, 2011, not later than the time required
29 under section 5.6(b) of this chapter for budget years beginning
30 after June 30, 2011.

31 (4) The governing body of a school corporation that is not
32 described in subdivision (1) or (3), not later than November 1.

33 Except in a consolidated city and county and in a second class city, the
34 public hearing required by section 3 of this chapter must be completed
35 at least ten (10) days before the proper officers of the political
36 subdivision meet to fix the budget, tax rate, and tax levy. In a
37 consolidated city and county and in a second class city, that public
38 hearing, by any committee or by the entire fiscal body, may be held at
39 any time after introduction of the budget.

40 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or
41 tax levy of a political subdivision fixed under subsection (a) by filing
42 an objection petition with the proper officers of the political



1 subdivision not more than seven (7) days after the hearing. The
 2 objection petition must specifically identify the provisions of the
 3 budget, tax rate, and tax levy to which the taxpayers object.

4 (c) If a petition is filed under subsection (b), the fiscal body of the
 5 political subdivision shall adopt with its budget a finding concerning
 6 the objections in the petition and any testimony presented at the
 7 adoption hearing.

8 (d) ~~This subsection does not apply to a school corporation. Each~~
 9 ~~year at least two (2) days before the first meeting of the county board~~
 10 ~~of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall~~
 11 ~~file with the county auditor:~~

12 ~~(1) a statement of the tax rate and levy fixed by the political~~
 13 ~~subdivision for the ensuing budget year;~~

14 ~~(2) two (2) copies of the budget adopted by the political~~
 15 ~~subdivision for the ensuing budget year; and~~

16 ~~(3) two (2) copies of any findings adopted under subsection (c).~~

17 Each year the county auditor shall present these items to the county
 18 board of tax adjustment at the board's first meeting under
 19 ~~IC 6-1.1-29-4. A political subdivision shall file the budget adopted~~
 20 ~~by the political subdivision with the department of local~~
 21 ~~government finance not later than five (5) business days after the~~
 22 ~~budget is adopted under subsection (a). The filing with the~~
 23 ~~department of local government finance must be in a manner~~
 24 ~~prescribed by the department.~~

25 (e) In a consolidated city and county and in a second class city, the
 26 clerk of the fiscal body shall, notwithstanding subsection (d), file the
 27 adopted budget and tax ordinances with the ~~county board of tax~~
 28 ~~adjustment~~ **department of local government finance** within ~~two (2)~~
 29 **five (5) business** days after the ordinances are signed by the executive,
 30 or within ~~two (2)~~ **five (5) business** days after action is taken by the
 31 fiscal body to override a veto of the ordinances, whichever is later.

32 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of
 33 the political subdivisions for the ensuing budget year as required under
 34 this section, the most recent annual appropriations and annual tax levy
 35 are continued for the ensuing budget year.

36 SECTION 18. IC 6-1.1-17-5.6, AS AMENDED BY P.L.184-2016,
 37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2018]: Sec. 5.6. (a) Each school corporation may elect to
 39 adopt a budget under this section that applies from July 1 of the year
 40 through June 30 of the following year. In the initial budget adopted by
 41 a school corporation under this section, the first six (6) months of that
 42 initial budget must be consistent with the last six (6) months of the



1 budget adopted by the school corporation for the calendar year in
 2 which the school corporation elects by resolution to begin adopting
 3 budgets that correspond to the state fiscal year. A corporation shall
 4 submit a copy of the resolution to the department of local government
 5 finance and the department of education not more than thirty (30) days
 6 after the date the governing body adopts the resolution.

7 (b) Before April 1 of each year, the officers of the school
 8 corporation shall meet to fix the budget for the school corporation for
 9 the ensuing budget year, with notice given by the same officers.
 10 However, if a resolution adopted under subsection (d) is in effect, the
 11 officers shall meet to fix the budget for the ensuing budget year before
 12 November 1.

13 (c) Each year, at least two (2) days before the first meeting of the
 14 county board of tax adjustment held under IC 6-1.1-29-4, the school
 15 corporation shall file with the county auditor:

16 (1) a statement of the tax rate and tax levy fixed by the school
 17 corporation for the ensuing budget year;

18 (2) two (2) copies of the budget adopted by the school corporation
 19 for the ensuing budget year; and

20 (3) any written notification from the department of local
 21 government finance under section 16(1) of this chapter that
 22 specifies a proposed revision, reduction, or increase in the budget
 23 adopted by the school corporation for the ensuing budget year.

24 Each year the county auditor shall present these items to the county
 25 board of tax adjustment at the board's first meeting under
 26 IC 6-1.1-29-4. **A school corporation that adopts a budget as
 27 provided in this section shall file the budget adopted by the school
 28 corporation with the department of local government finance not
 29 later than five (5) business days after the budget is adopted under
 30 subsection (b). The filing with the department of local government
 31 finance must be in a manner prescribed by the department.**

32 (d) The governing body of the school corporation may adopt a
 33 resolution to cease using a school year budget year and return to using
 34 a calendar year budget year. A resolution adopted under this subsection
 35 must be adopted after January 1 and before July 1. The school
 36 corporation's initial calendar year budget year following the adoption
 37 of a resolution under this subsection begins on January 1 of the year
 38 following the year the resolution is adopted. The first six (6) months of
 39 the initial calendar year budget for the school corporation must be
 40 consistent with the last six (6) months of the final school year budget
 41 fixed by the department of local government finance before the
 42 adoption of a resolution under this subsection.



1 (e) A resolution adopted under subsection (d) may be rescinded by
 2 a subsequent resolution adopted by the governing body. If the
 3 governing body of the school corporation rescinds a resolution adopted
 4 under subsection (d) and returns to a school year budget year, the
 5 school corporation's initial school year budget year begins on July 1
 6 following the adoption of the rescinding resolution and ends on June
 7 30 of the following year. The first six (6) months of the initial school
 8 year budget for the school corporation must be consistent with the last
 9 six (6) months of the last calendar year budget fixed by the department
 10 of local government finance before the adoption of a rescinding
 11 resolution under this subsection.

12 SECTION 19. IC 6-1.1-17-6 IS REPEALED [EFFECTIVE JULY
 13 1, 2018]. Sec. 6: (a) The county board of tax adjustment shall review
 14 the budget, tax rate, and tax levy of each political subdivision filed with
 15 the county auditor under section 5 or 5.6 of this chapter. The board
 16 shall revise or reduce, but not increase, any budget, tax rate, or tax levy
 17 in order:

18 (1) to limit the tax rate to the maximum amount permitted under
 19 IC 6-1.1-18; and

20 (2) to limit the budget to the amount of revenue to be available in
 21 the ensuing budget year for the political subdivision.

22 (b) The county board of tax adjustment shall make a revision or
 23 reduction in a political subdivision's budget only with respect to the
 24 total amounts budgeted for each office or department within each of the
 25 major budget classifications prescribed by the state board of accounts.

26 (c) When the county board of tax adjustment makes a revision or
 27 reduction in a budget, tax rate, or tax levy, it shall file with the county
 28 auditor a written order which indicates the action taken. If the board
 29 reduces the budget, it shall also indicate the reason for the reduction in
 30 the order. The chairman of the county board shall sign the order.

31 SECTION 20. IC 6-1.1-17-7, AS AMENDED BY P.L.146-2008,
 32 SECTION 152, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2018]: Sec. 7. If the boundaries of a political
 34 subdivision cross one (1) or more county lines, the budget, tax levy,
 35 and tax rate fixed by the political subdivision shall be filed with the
 36 county auditor of each affected county in the manner prescribed in
 37 section 5 or 5.6 of this chapter. The board of tax adjustment of the
 38 county which contains the largest portion of the value of property
 39 taxable by the political subdivision, as determined from the abstracts
 40 of taxable values last filed with the auditor of state, has jurisdiction
 41 over the budget, tax rate, and tax levy to the same extent as if the
 42 property taxable by the political subdivision were wholly within the



1 county. The secretary of the county board of tax adjustment shall notify
 2 the county auditor of each affected county of the action of the board.
 3 Appeals from actions of the county board of tax adjustment may be
 4 initiated in any affected county.

5 SECTION 21. IC 6-1.1-17-8 IS REPEALED [EFFECTIVE JULY
 6 1, 2018]. Sec. 8: (a) If the county board of tax adjustment determines
 7 that the maximum aggregate tax rate permitted within a political
 8 subdivision under IC 6-1.1-18 is inadequate, the county board shall,
 9 subject to the limitations prescribed in IC 20-45-4 (before January 1,
 10 2009), file its written recommendations in duplicate with the county
 11 auditor. The board shall include with its recommendations:

- 12 (1) an analysis of the aggregate tax rate within the political
 13 subdivision;
 14 (2) a recommended breakdown of the aggregate tax rate among
 15 the political subdivisions whose tax rates compose the aggregate
 16 tax rate within the political subdivision; and
 17 (3) any other information that the county board considers relevant
 18 to the matter.

19 (b) The county auditor shall forward one (1) copy of the county
 20 board's recommendations to the department of local government
 21 finance and shall retain the other copy in the county auditor's office.
 22 The department of local government finance shall, in the manner
 23 prescribed in section 16 of this chapter, review the budgets by fund, tax
 24 rates, and tax levies of the political subdivisions described in
 25 subsection (a)(2).

26 SECTION 22. IC 6-1.1-17-9 IS REPEALED [EFFECTIVE JULY
 27 1, 2018]. Sec. 9: (a) The county board of tax adjustment shall complete
 28 the duties assigned to it under this chapter on or before November 2 of
 29 each year, except that in a consolidated city and county and in a county
 30 containing a second class city, the duties of this board need not be
 31 completed until December 1 of each year.

32 (b) If the county board of tax adjustment fails to complete the duties
 33 assigned to it within the time prescribed in this section or to reduce
 34 aggregate tax rates so that they do not exceed the maximum rates
 35 permitted under IC 6-1.1-18, the county auditor shall calculate and fix
 36 the tax rate within each political subdivision of the county so that the
 37 maximum rate permitted under IC 6-1.1-18 is not exceeded.

38 (c) When the county auditor calculates and fixes tax rates, the
 39 county auditor shall send a certificate notice of those rates to each
 40 political subdivision of the county. The county auditor shall send these
 41 notices within five (5) days after:

- 42 (1) publication of the notice required by section 12 of this



1 chapter; or

2 (2) the tax rates are calculated and fixed by the county auditor;
3 whichever applies.

4 (d) When the county auditor calculates and fixes tax rates; that
5 action shall be treated as if it were the action of the county board of tax
6 adjustment.

7 SECTION 23. IC 6-1.1-17-10 IS REPEALED [EFFECTIVE JULY
8 1, 2018]. Sec. 10: When the aggregate tax rate within a political
9 subdivision, as approved or modified by the county board of tax
10 adjustment (before January 1, 2009), exceeds the maximum aggregate
11 tax rate prescribed in IC 6-1.1-18-3(a), the county auditor shall certify
12 the budgets, tax rates, and tax levies of the political subdivisions whose
13 tax rates compose the aggregate tax rate within the political
14 subdivision, as approved or modified by the county board, to the
15 department of local government finance for final review. For purposes
16 of this section, the maximum aggregate tax rate limit exceptions
17 provided in IC 6-1.1-18-3(b) do not apply.

18 SECTION 24. IC 6-1.1-17-11 IS REPEALED [EFFECTIVE JULY
19 1, 2018]. Sec. 11: A budget, tax rate, or tax levy of a political
20 subdivision, as approved or modified by the county board of tax
21 adjustment, is final unless:

22 (1) action is taken by the county auditor in the manner provided
23 under section 9 of this chapter;

24 (2) the action of the county board is subject to review by the
25 department of local government finance under section 8 or 10 of
26 this chapter; or

27 (3) an appeal to the department of local government finance is
28 initiated with respect to the budget, tax rate, or tax levy.

29 SECTION 25. IC 6-1.1-17-12 IS REPEALED [EFFECTIVE JULY
30 1, 2018]. Sec. 12: If the budgets, tax rates, or tax levies are modified by
31 the county board of tax adjustment or county auditor, the county
32 auditor shall within fifteen (15) days of the modification prepare a
33 notice of the tax rates to be charged on each one hundred dollars (\$100)
34 of assessed valuation for the various funds in each taxing district. The
35 notice shall also inform the taxpayers of the manner in which they may
36 initiate an appeal of the modification by the county board or county
37 auditor. The county auditor shall post the notice at the county
38 courthouse and publish it in two (2) newspapers which represent
39 different political parties and which have a general circulation in the
40 county.

41 SECTION 26. IC 6-1.1-17-13 IS REPEALED [EFFECTIVE JULY
42 1, 2018]. Sec. 13: (a) Ten (10) or more taxpayers or one (1) taxpayer



1 that owns property that represents at least ten percent (10%) of the
 2 taxable assessed valuation in the political subdivision may initiate an
 3 appeal from the county board of tax adjustment's or county auditor's
 4 modification of a political subdivision's budget, tax rate, or tax levy by
 5 filing a statement of their objections with the county auditor. The
 6 statement must be filed not later than ten (10) days after the publication
 7 of the notice required by section 12 of this chapter. The statement shall
 8 specifically identify the provisions of the budget, tax rate, or tax levy
 9 to which the taxpayers object. The county auditor shall forward the
 10 statement, with the budget, to the department of local government
 11 finance.

12 (b) The department of local government finance shall:

13 (1) subject to subsection (c), give notice to the first ten (10)
 14 taxpayers whose names appear on the petition, or to the taxpayer
 15 that owns property that represents at least ten percent (10%) of
 16 the taxable assessed valuation in the political subdivision in the
 17 case of an appeal initiated by that taxpayer, of the date, time, and
 18 location of the hearing on the objection statement filed under
 19 subsection (a);

20 (2) conduct a hearing on the objection; and

21 (3) after the hearing:

22 (A) consider the testimony and evidence submitted at the
 23 hearing; and

24 (B) mail the department's:

25 (i) written determination; and

26 (ii) written statement of findings;

27 to the first ten (10) taxpayers whose names appear on the
 28 petition, or to the taxpayer that owns property that represents
 29 at least ten percent (10%) of the taxable assessed valuation in
 30 the political subdivision in the case of an appeal initiated by
 31 that taxpayer.

32 The department of local government finance may hold the hearing in
 33 conjunction with the hearing required under IC 6-1.1-17-16.

34 (c) The department of local government finance shall provide
 35 written notice to:

36 (1) the first ten (10) taxpayers whose names appear on the
 37 petition; or

38 (2) the taxpayer that owns property that represents at least ten
 39 percent (10%) of the taxable assessed valuation in the political
 40 subdivision; in the case of an appeal initiated by that taxpayer;

41 at least five (5) days before the date of the hearing.

42 SECTION 27. IC 6-1.1-17-14 IS REPEALED [EFFECTIVE JULY



1 1, 2018]. Sec. 14: The county auditor shall initiate an appeal to the
 2 department of local government finance if the county fiscal body or the
 3 county board of tax adjustment reduces a township assistance tax rate
 4 below the rate necessary to meet the estimated cost of township
 5 assistance:

6 SECTION 28. IC 6-1.1-17-15 IS REPEALED [EFFECTIVE JULY
 7 1, 2018]. Sec. 15: A political subdivision may appeal to the department
 8 of local government finance for an increase in its tax rate or tax levy as
 9 modified by the county board of tax adjustment or the county auditor.
 10 To initiate the appeal, the political subdivision must file a statement
 11 with the department of local government finance not later than ten (10)
 12 days after publication of the notice required by section 12 of this
 13 chapter. The legislative body of the political subdivision must authorize
 14 the filing of the statement by adopting a resolution. The resolution must
 15 be attached to the statement of objections, and the statement must be
 16 signed by the following officers:

17 (1) In the case of counties, by the board of county commissioners
 18 and by the president of the county council.

19 (2) In the case of all other political subdivisions, by the highest
 20 executive officer and by the presiding officer of the legislative
 21 body.

22 SECTION 29. IC 6-1.1-17-16, AS AMENDED BY P.L.184-2016,
 23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2018]: Sec. 16. (a) The department of local government
 25 finance shall certify the tax rates and tax levies for all funds of political
 26 subdivisions subject to the department of local government finance's
 27 review.

28 (b) For a fund of a political subdivision subject to levy limits under
 29 IC 6-1.1-18.5-3, the department of local government finance shall
 30 calculate and certify the allowable budget of the fund if the political
 31 subdivision adopts a tax levy that exceeds the estimated maximum levy
 32 limits as provided by the department of local government finance under
 33 IC 6-1.1-18.5-24.

34 (c) For a fund of a political subdivision subject to levy limits under
 35 IC 6-1.1-18.5-3 and for which the political subdivision adopts a tax
 36 levy that is not more than the levy limits under IC 6-1.1-18.5-3, the
 37 department of local government finance shall review the fund to ensure
 38 the adopted budget is fundable based on the unit's adopted tax levy and
 39 estimates of available revenues. If the adopted budget is fundable, the
 40 department of local government finance shall use the adopted budget
 41 as the approved appropriation for the fund for the budget year. As
 42 needed, the political subdivision may complete the additional



1 appropriation process through IC 6-1.1-18-5 for these funds during the
2 budget year.

3 (d) For a fund of the political subdivision subject to levy limits
4 under IC 6-1.1-18.5-3 and for which the political subdivision adopts a
5 tax levy that is not more than the levy limits under IC 6-1.1-18.5-3, if
6 the department of local government finance has determined the adopted
7 budget is not fundable based on the unit's adopted tax levy and
8 estimates of available revenues, the department of local government
9 finance shall calculate and certify the allowable budget that is fundable
10 based on the adopted tax levy and the department's estimates of
11 available revenues.

12 (e) For all other funds of a political subdivision not described in
13 subsections (b), (c), and (d), the department of local government
14 finance shall certify a budget for the fund.

15 (f) Except as provided in section 16.1 of this chapter, the department
16 of local government finance is not required to hold a public hearing
17 before the department of local government finance reviews, revises,
18 reduces, or increases a political subdivision's budget by fund, tax rate,
19 or tax levy under this section.

20 (g) Except as provided in subsection (l), IC 20-46, or IC 6-1.1-18.5,
21 the department of local government finance may not increase a political
22 subdivision's budget by fund, tax rate, or tax levy to an amount which
23 exceeds the amount originally fixed by the political subdivision.
24 However, if the department of local government finance determines
25 that IC 5-3-1-2.3(b) (before its expiration) applies to the tax rate, tax
26 levy, or budget of the political subdivision, the maximum amount by
27 which the department may increase the tax rate, tax levy, or budget is
28 the amount originally fixed by the political subdivision, and not the
29 amount that was incorrectly published or omitted in the notice
30 described in IC 5-3-1-2.3(b) (before its expiration). The department of
31 local government finance shall give the political subdivision
32 notification electronically in the manner prescribed by the department
33 of local government finance specifying any revision, reduction, or
34 increase the department proposes in a political subdivision's tax levy
35 or tax rate. The political subdivision has ten (10) calendar days from
36 the date the political subdivision receives the notice to provide a
37 response electronically in the manner prescribed by the department of
38 local government finance. The response may include budget
39 reductions, reallocation of levies, a revision in the amount of
40 miscellaneous revenues, and further review of any other item about
41 which, in the view of the political subdivision, the department is in
42 error. The department of local government finance shall consider the



1 adjustments as specified in the political subdivision's response if the
 2 response is provided as required by this subsection and shall deliver a
 3 final decision to the political subdivision.

4 (h) The department of local government finance may not approve a
 5 levy for lease payments by a city, town, county, library, or school
 6 corporation if the lease payments are payable to a building corporation
 7 for use by the building corporation for debt service on bonds and if:

8 (1) no bonds of the building corporation are outstanding; or

9 (2) the building corporation has enough legally available funds on
 10 hand to redeem all outstanding bonds payable from the particular
 11 lease rental levy requested.

12 (i) The department of local government finance shall certify its
 13 action to:

14 (1) the county auditor;

15 (2) the political subdivision if the department acts pursuant to an
 16 appeal initiated by the political subdivision;

17 ~~(3) the taxpayer that initiated an appeal under section 13 of this~~
 18 ~~chapter, or, if the appeal was initiated by multiple taxpayers, the~~
 19 ~~first ten (10) taxpayers whose names appear on the statement filed~~
 20 ~~to initiate the appeal; and~~

21 ~~(4) (3) a taxpayer that owns property that represents at least ten~~
 22 ~~percent (10%) of the taxable assessed valuation in the political~~
 23 ~~subdivision.~~

24 (j) The following may petition for judicial review of the final
 25 determination of the department of local government finance under
 26 subsection (i):

27 (1) If the department acts under an appeal initiated by a political
 28 subdivision, the political subdivision.

29 ~~(2) If the department:~~

30 ~~(A) acts under an appeal initiated by one (1) or more taxpayers~~
 31 ~~under section 13 of this chapter; or~~

32 ~~(B) fails to act on the appeal before the department certifies its~~
 33 ~~action under subsection (i);~~

34 a taxpayer who signed the statement filed to initiate the appeal.

35 ~~(3) If the department acts under an appeal initiated by the county~~
 36 ~~auditor under section 14 of this chapter, the county auditor.~~

37 ~~(4) (2) A taxpayer that owns property that represents at least ten~~
 38 ~~percent (10%) of the taxable assessed valuation in the political~~
 39 ~~subdivision.~~

40 The petition must be filed in the tax court not more than forty-five (45)
 41 days after the department certifies its action under subsection (i).

42 (k) The department of local government finance is expressly



1 directed to complete the duties assigned to it under this section as
2 follows:

3 (1) For each budget year before 2019, not later than February 15
4 of that budget year.

5 (2) For each budget year after 2018, not later than December 31
6 of the year preceding that budget year, unless a taxing unit in a
7 county is issuing debt after December 1 in the year preceding the
8 budget year or intends to file a shortfall appeal under
9 IC 6-1.1-18.5-16.

10 (3) For each budget year after 2018, not later than January 15 of
11 the budget year if a taxing unit in a county is issuing debt after
12 December 1 in the year preceding the budget year or intends to
13 file a shortfall appeal under IC 6-1.1-18.5-16.

14 (l) Subject to the provisions of all applicable statutes, and
15 notwithstanding IC 6-1.1-18-1, the department of local government
16 finance shall, unless the department finds extenuating circumstances,
17 increase a political subdivision's tax levy to an amount that exceeds the
18 amount originally advertised or adopted by the political subdivision if:

19 (1) the increase is requested in writing by the officers of the
20 political subdivision;

21 (2) the requested increase is published on the department's
22 advertising Internet web site and (before January 1, 2015) is
23 published by the political subdivision according to a notice
24 provided by the department; and

25 (3) notice is given to the county fiscal body of the department's
26 correction.

27 If the department increases a levy beyond what was advertised or
28 adopted under this subsection, it shall, unless the department finds
29 extenuating circumstances, reduce the certified levy affected below the
30 maximum allowable levy by the lesser of five percent (5%) of the
31 difference between the advertised or adopted levy and the increased
32 levy, or one hundred thousand dollars (\$100,000).

33 SECTION 30. IC 6-1.1-18-3, AS AMENDED BY P.L.233-2015,
34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2018]: Sec. 3. (a) Except as provided in subsection (b), the
36 sum of all tax rates for all political subdivisions imposed on tangible
37 property within a political subdivision may not exceed:

38 (1) forty-one and sixty-seven hundredths cents (\$0.4167) on each
39 one hundred dollars (\$100) of assessed valuation in territory
40 outside the corporate limits of a city or town; or

41 (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each
42 one hundred dollars (\$100) of assessed valuation in territory



- 1 inside the corporate limits of a city or town.
- 2 (b) The proper officers of a political subdivision shall fix tax rates
- 3 which are sufficient to provide funds for the purposes itemized in this
- 4 subsection. The portion of a tax rate fixed by a political subdivision
- 5 shall not be considered in computing the tax rate limits prescribed in
- 6 subsection (a) if that portion is to be used for one (1) of the following
- 7 purposes:
- 8 (1) To pay the principal or interest on a funding, refunding, or
- 9 judgment funding obligation of the political subdivision.
- 10 (2) To pay the principal or interest upon:
- 11 (A) an obligation issued by the political subdivision to meet an
- 12 emergency which results from a flood, fire, pestilence, war, or
- 13 any other major disaster; or
- 14 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22,
- 15 IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county
- 16 to acquire necessary equipment or facilities for municipal or
- 17 county government.
- 18 (3) To pay the principal or interest upon an obligation issued in
- 19 the manner provided in:
- 20 (A) IC 6-1.1-20-3 (before its repeal);
- 21 (B) IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2; or
- 22 (C) IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6.
- 23 (4) To pay a judgment rendered against the political subdivision.
- 24 (c) Except as otherwise provided in IC 6-1.1-19 (before January 1,
- 25 2009), IC 6-1.1-18.5, IC 20-45 (before January 1, 2009), or IC 20-46,
- 26 a county board of tax adjustment, a county auditor or the department of
- 27 local government finance may review the portion of a tax rate
- 28 described in subsection (b) only to determine if it exceeds the portion
- 29 actually needed to provide for one (1) of the purposes itemized in that
- 30 subsection.
- 31 SECTION 31. IC 6-1.1-18.5-23.2, AS ADDED BY P.L.242-2015,
- 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2018]: Sec. 23.2. (a) This section applies to ~~the following~~
- 34 townships **Green Township** in Hancock County.
- 35 (1) ~~Brown Township.~~
- 36 (2) ~~Jackson Township.~~
- 37 (3) ~~Blue River Township.~~
- 38 (b) The executive of a township ~~listed~~ **described** in subsection (a)
- 39 may, after approval by the fiscal body of the township, submit a
- 40 petition to the department of local government finance requesting an
- 41 increase in the maximum permissible ad valorem property tax levy for
- 42 the township's general fund.



1 (c) If the executive of a township submits a petition under
 2 subsection (b), the department of local government finance shall
 3 increase the maximum permissible ad valorem property tax levy for the
 4 township's general fund for property taxes first due and payable after
 5 December 31, ~~2015~~, **2018**, by an amount equal to the lesser of the
 6 following:

7 (1) Twenty-five thousand dollars (\$25,000).

8 (2) The sum of the following:

9 (A) The amount necessary to make the maximum permissible
 10 ad valorem property tax levy for the township's general fund
 11 equal to the maximum permissible ad valorem property tax
 12 levy that would have applied to the township's general fund
 13 under section 3 of this chapter for property taxes first due and
 14 payable after December 31, ~~2015~~, **2018**, if in each year,
 15 beginning in 2003 and ending in ~~2015~~, **2018**, the township had
 16 imposed the maximum permissible ad valorem property tax
 17 levy for the township's general fund in each of those years
 18 (regardless of whether the township did impose the entire
 19 amount of the maximum permissible ad valorem property tax
 20 levy for the township's general fund).

21 (B) The amount necessary to make the maximum permissible
 22 ad valorem property tax levy under section 3 of this chapter for
 23 the township's firefighting fund under IC 36-8-13 equal to the
 24 maximum permissible ad valorem property tax levy under
 25 section 3 of this chapter that would have applied to the
 26 township's firefighting fund for property taxes first due and
 27 payable after December 31, ~~2015~~, **2018**, if in each year,
 28 beginning in 2003 and ending in ~~2015~~, **2018**, the township had
 29 imposed the maximum permissible ad valorem property tax
 30 levy for the township's firefighting fund in each of those years
 31 (regardless of whether the township did impose the entire
 32 amount of the maximum permissible ad valorem property tax
 33 levy for the township's firefighting fund).

34 SECTION 32. IC 6-1.1-29 IS REPEALED [EFFECTIVE JULY 1,
 35 2018]. (County Board of Tax Adjustment).

36 SECTION 33. IC 6-1.1-31-1, AS AMENDED BY P.L.146-2008,
 37 SECTION 269, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The department of local
 39 government finance shall do the following:

40 (1) Prescribe the property tax forms and returns which taxpayers
 41 are to complete and on which the taxpayers' assessments will be
 42 based.



- 1 (2) Prescribe the forms to be used to give taxpayers notice of
 2 assessment actions.
- 3 (3) Adopt rules concerning the assessment of tangible property.
- 4 (4) Develop specifications that prescribe state requirements for
 5 computer software and hardware to be used by counties for
 6 assessment purposes. The specifications developed under this
 7 subdivision apply only to computer software and hardware
 8 systems purchased for assessment purposes after July 1, 1993.
 9 The specifications, including specifications in a rule or other
 10 standard adopted under IC 6-1.1-31.5, must provide for:
- 11 (A) maintenance of data in a form that formats the information
 12 in the file with the standard data, field, and record coding
 13 jointly required and approved by the department of local
 14 government finance and the legislative services agency;
- 15 (B) data export and transmission that is compatible with the
 16 data export and transmission requirements in a standard format
 17 prescribed by the office of technology established by
 18 IC 4-13.1-2-1 and jointly approved by the department of local
 19 government finance and legislative services agency; and
- 20 (C) maintenance of data in a manner that ensures prompt and
 21 accurate transfer of data to the department of local government
 22 finance and the legislative services agency, as jointly approved
 23 by the department of local government **finance** and legislative
 24 services agency.
- 25 (5) Adopt rules establishing criteria for the revocation of a
 26 certification under IC 6-1.1-35.5-6.
- 27 (b) The department of local government finance may adopt rules
 28 that are related to property taxation or the duties or the procedures of
 29 the department.
- 30 **(c) The department of local government finance may adopt rules**
 31 **for procedures related to local government budgeting.**
 32 **Notwithstanding any contrary provision in IC 4-22-2, the adoption,**
 33 **amendment, or repeal of a rule by the department of local**
 34 **government finance under this subsection may not take effect**
 35 **before March 1 or after July 31 of a particular year.**
- 36 (e) (d) Rules of the state board of tax commissioners are for all
 37 purposes rules of the department of local government finance and the
 38 Indiana board until the department and the Indiana board adopt rules
 39 to repeal or supersede the rules of the state board of tax commissioners.
- 40 SECTION 34. IC 6-1.1-31-9, AS AMENDED BY THE
 41 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
 42 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 9. (a) Except as provided in subsection (b) or (c);
 2 **Subject to subsections (b) and (c)**, the department of local
 3 government finance may ~~not~~ adopt rules for the appraisal of real
 4 property

5 (1) in a general reassessment under ~~IC 6-1.1-4-4~~; or

6 (2) in a reassessment under a county's reassessment plan prepared
 7 under IC 6-1.1-4-4.2

8 after July 1 of the year before the year in which the reassessment is
 9 scheduled to begin: **at any time after a reassessment has begun**
 10 **under a county's reassessment plan.**

11 (b) If rules described in subsection (a) are timely adopted under
 12 subsection (a) and are then disapproved by the attorney general for any
 13 reason under IC 4-22-2-32, the department of local government finance
 14 may modify the rules to cure the defect that resulted in disapproval by
 15 the attorney general; and may then take all actions necessary under
 16 IC 4-22-2 to readopt and to obtain approval of the rules. This process
 17 may be repeated as necessary until the rules are approved. **Any rules**
 18 **adopted by the department of local government finance for the**
 19 **appraisal of real property may not apply to any appraisal**
 20 **contemporaneously being conducted under a county's reassessment**
 21 **plan. Rules adopted by the department of local government finance**
 22 **may first apply to the reassessment phase beginning in the**
 23 **following calendar year under a county's reassessment plan.**

24 (c) The department of local government finance may adopt rules
 25 under IC 4-22-2 after June 30, 2016, and before September 1, 2017,
 26 that:

27 (1) concern or include market segmentation under section 6 of
 28 this chapter; and

29 (2) affect assessments for the January 1, 2018, assessment date.

30 SECTION 35. IC 6-1.1-31.5-2.5 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2018]: **Sec. 2.5. (a) Except as provided in**
 33 **subsection (b), for purposes of attributing the amount of:**

34 (1) a property tax deduction under IC 6-1.1-12;

35 (2) an economic revitalization area deduction under
 36 IC 6-1.1-12.1;

37 (3) an investment deduction under IC 6-1.1-12.4; or

38 (4) a property tax exemption under IC 6-1.1-10;

39 **to the gross assessed value of a property, a deduction or exemption**
 40 **described in subdivisions (1) through (4) that is specific to an**
 41 **improvement shall be applied only to the assessed value allocation**
 42 **pertaining to that improvement.**



1 **(b) To the extent that a deduction or exemption amount is not**
 2 **specific to an improvement, the deduction or exemption amount**
 3 **shall be applied to the gross assessed value of the property in the**
 4 **order that will maximize the benefit of the deduction or exemption**
 5 **to the taxpayer.**

6 SECTION 36. IC 6-1.1-37-7, AS AMENDED BY P.L.199-2016,
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2019]: Sec. 7. (a) If a person fails to file a required
 9 personal property return on or before the due date, the county auditor
 10 shall add a penalty of twenty-five dollars (\$25) to the person's next
 11 property tax installment. The county auditor shall also add an
 12 additional penalty to the taxes payable by the person if the person fails
 13 to file the personal property return within thirty (30) days after the due
 14 date. The amount of the additional penalty is twenty percent (20%) of
 15 the taxes finally determined to be due with respect to the personal
 16 property which should have been reported on the return.

17 (b) For purposes of this section, a personal property return is not due
 18 until the expiration of any extension period granted by the township or
 19 county assessor under IC 6-1.1-3-7(b).

20 (c) The penalties prescribed under this section do not apply to an
 21 individual or the individual's dependents if the individual:

22 (1) is in the military or naval forces of the United States on the
 23 assessment date; and

24 (2) is covered by the federal Servicemembers Civil Relief Act (50
 25 U.S.C. App. 501 et seq.) or IC 10-16-20.

26 (d) If a person subject to IC 6-1.1-3-7(c) fails to include on a
 27 personal property return the information, if any, that the department of
 28 local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13,
 29 the county auditor shall add a penalty to the property tax installment
 30 next due for the return. The amount of the penalty is twenty-five dollars
 31 (\$25).

32 (e) If the total assessed value that a person reports on a personal
 33 property return is less than the total assessed value that the person is
 34 required by law to report and if the amount of the undervaluation
 35 exceeds five percent (5%) of the value that should have been reported
 36 on the return, then the county auditor shall add a penalty of twenty
 37 percent (20%) of the additional taxes finally determined to be due as
 38 a result of the undervaluation. The penalty shall be added to the
 39 property tax installment next due for the return on which the property
 40 was undervalued. If a person has complied with all of the requirements
 41 for claiming a deduction, an exemption, or an adjustment for abnormal
 42 obsolescence, then the increase in assessed value that results from a



1 denial of the deduction, exemption, or adjustment for abnormal
 2 obsolescence is not considered to result from an undervaluation for
 3 purposes of this subsection.

4 (f) If a person required by IC 6-1.1-3-7.2(e) to **indicate declare** on
 5 the taxpayer's personal property tax return ~~or, for purposes of the~~
 6 ~~January 1, 2016, assessment date, on the taxpayer's certification under~~
 7 ~~IC 6-1.1-3-7.2(f)~~ that the taxpayer's business personal property is
 8 exempt fails to timely file ~~either the taxpayer's personal property tax~~
 9 ~~return with the indication declaration, or, for purposes of the January~~
 10 ~~1, 2016, assessment date, the certification,~~ the county auditor shall
 11 impose a penalty of twenty-five dollars (\$25) that must be paid by the
 12 person with the next property tax installment that is collected. **A**
 13 **county shall include the penalty on a property tax bill associated**
 14 **with the tax district in which the majority value of the taxpayer's**
 15 **business personal property within the county is located, as**
 16 **determined by the county assessor.**

17 (g) A penalty is due with an installment under subsection (a), (d),
 18 (e), or (f) whether or not an appeal is filed under IC 6-1.1-15-5 with
 19 respect to the tax due on that installment.

20 SECTION 37. IC 6-1.1-39-5, AS AMENDED BY THE
 21 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
 22 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2019]: Sec. 5. (a) A declaratory ordinance adopted under
 24 section 2 of this chapter and confirmed under section 3 of this chapter
 25 must include a provision with respect to the allocation and distribution
 26 of property taxes for the purposes and in the manner provided in this
 27 section. The allocation provision must apply to the entire economic
 28 development district. The allocation provisions must require that any
 29 property taxes subsequently levied by or for the benefit of any public
 30 body entitled to a distribution of property taxes on taxable property in
 31 the economic development district be allocated and distributed as
 32 follows:

33 (1) Except as otherwise provided in this section, the proceeds of
 34 the taxes attributable to the lesser of:

35 (A) the assessed value of the property for the assessment date
 36 with respect to which the allocation and distribution is made;
 37 or

38 (B) the base assessed value;

39 shall be allocated to and, when collected, paid into the funds of
 40 the respective taxing units. However, if the effective date of the
 41 allocation provision of a declaratory ordinance is after March 1,
 42 1985, and before January 1, 1986, and if an improvement to



1 property was partially completed on March 1, 1985, the unit may
 2 provide in the declaratory ordinance that the taxes attributable to
 3 the assessed value of the property as finally determined for March
 4 1, 1984, shall be allocated to and, when collected, paid into the
 5 funds of the respective taxing units.

6 (2) Except as otherwise provided in this section, part or all of the
 7 property tax proceeds in excess of those described in subdivision
 8 (1), as specified in the declaratory ordinance, shall be allocated to
 9 the unit for the economic development district and, when
 10 collected, paid into a special fund established by the unit for that
 11 economic development district that may be used only to pay the
 12 principal of and interest on obligations owed by the unit under
 13 IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of
 14 industrial development programs in, or serving, that economic
 15 development district. The amount not paid into the special fund
 16 shall be paid to the respective units in the manner prescribed by
 17 subdivision (1).

18 (3) When the money in the fund is sufficient to pay all
 19 outstanding principal of and interest (to the earliest date on which
 20 the obligations can be redeemed) on obligations owed by the unit
 21 under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing
 22 of industrial development programs in, or serving, that economic
 23 development district, money in the special fund in excess of that
 24 amount shall be paid to the respective taxing units in the manner
 25 prescribed by subdivision (1).

26 (b) Property tax proceeds allocable to the economic development
 27 district under subsection (a)(2) must, subject to subsection (a)(3), be
 28 irrevocably pledged by the unit for payment as set forth in subsection
 29 (a)(2).

30 (c) For the purpose of allocating taxes levied by or for any taxing
 31 unit or units, the assessed value of taxable property in a territory in the
 32 economic development district that is annexed by any taxing unit after
 33 the effective date of the allocation provision of the declaratory
 34 ordinance is the lesser of:

35 (1) the assessed value of the property for the assessment date with
 36 respect to which the allocation and distribution is made; or

37 (2) the base assessed value.

38 (d) Notwithstanding any other law, each assessor shall, upon
 39 petition of the fiscal body, reassess the taxable property situated upon
 40 or in, or added to, the economic development district effective on the
 41 next assessment date after the petition.

42 (e) Notwithstanding any other law, the assessed value of all taxable



1 property in the economic development district, for purposes of tax
 2 limitation, property tax replacement, and formulation of the budget, tax
 3 rate, and tax levy for each political subdivision in which the property
 4 is located, is the lesser of:

- 5 (1) the assessed value of the property as valued without regard to
 6 this section; or
- 7 (2) the base assessed value.

8 (f) The state board of accounts and department of local government
 9 finance shall make the rules and prescribe the forms and procedures
 10 that they consider expedient for the implementation of this chapter.

11 After each

- 12 ~~(1) general reassessment under IC 6-1.1-4-4;~~ or
- 13 ~~(2) reassessment of a group of parcels under a reassessment plan~~
 14 ~~prepared under IC 6-1.1-4-4.2,~~

15 the department of local government finance shall adjust the base
 16 assessed value one (1) time to neutralize any effect of the reassessment
 17 on the property tax proceeds allocated to the district under this section.
 18 After each annual adjustment under IC 6-1.1-4-4.5, the department of
 19 local government finance shall adjust the base assessed value to
 20 neutralize any effect of the annual adjustment on the property tax
 21 proceeds allocated to the district under this section. However, the
 22 adjustments under this subsection may not include the effect of
 23 property tax abatements under IC 6-1.1-12.1.

24 (g) As used in this section, "property taxes" means:

- 25 (1) taxes imposed under this article on real property; and
- 26 (2) any part of the taxes imposed under this article on depreciable
 27 personal property that the unit has by ordinance allocated to the
 28 economic development district. However, the ordinance may not
 29 limit the allocation to taxes on depreciable personal property with
 30 any particular useful life or lives.

31 If a unit had, by ordinance adopted before May 8, 1987, allocated to an
 32 economic development district property taxes imposed under IC 6-1.1
 33 on depreciable personal property that has a useful life in excess of eight
 34 (8) years, the ordinance continues in effect until an ordinance is
 35 adopted by the unit under subdivision (2).

36 (h) As used in this section, "base assessed value" means:

- 37 (1) the net assessed value of all the property as finally determined
 38 for the assessment date immediately preceding the effective date
 39 of the allocation provision of the declaratory resolution, as
 40 adjusted under subsection (f); plus
- 41 (2) to the extent that it is not included in subdivision (1), the net
 42 **residential** assessed value ~~of property that is assessed as~~



1 residential property under the rules of the department of local
 2 government finance, **within the economic development district**,
 3 as finally determined for ~~any~~ **the current** assessment date. ~~after~~
 4 ~~the effective date of the allocation provision.~~

5 Subdivision (2) applies only to economic development districts
 6 established after June 30, 1997, and to additional areas established
 7 after June 30, 1997.

8 SECTION 38. IC 6-3.6-5-6, AS AMENDED BY THE TECHNICAL
 9 CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, IS
 10 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:
 11 Sec. 6. (a) This section applies to all counties.

12 (b) The adopting body may impose a tax rate under this chapter that
 13 does not exceed one and twenty-five hundredths percent (1.25%) on the
 14 adjusted gross income of local taxpayers in the county served by the
 15 adopting body.

16 (c) Revenues from a tax under this section may be used only for the
 17 purpose of funding a property tax credit applied on a percentage basis
 18 to reduce the property tax liability of taxpayers with tangible property
 19 located in the county as authorized under this section. Property taxes
 20 imposed due to a referendum in which a majority of the voters in the
 21 taxing unit imposing the property taxes approved the property taxes are
 22 not eligible for a credit under this section. **However, IC 6-3.6-11-2**
 23 **applies in Jasper County.**

24 (d) The adopting body shall specify by ordinance how the revenue
 25 from the tax shall be applied *under subdivisions (1) through (4)* to
 26 provide property tax credits in subsequent years. *The allocation must*
 27 *be specified as a percentage of property tax relief revenue for*
 28 *taxpayers within each property category.* The ordinance must be
 29 adopted *before July 1 and first applies in the following year and then*
 30 *as provided in IC 6-3.6-3 and takes effect and applies to property taxes*
 31 *as specified in IC 6-3.6-3-3.* *The ordinance continues to apply*
 32 *thereafter until it is rescinded or modified.* The property tax credits may
 33 be allocated *to all property categories or among any combination of*
 34 *the following categories:*

35 (1) For homesteads eligible for a credit under IC 6-1.1-20.6-7.5
 36 that limits the taxpayer's property tax liability for the property to
 37 one percent (1%).

38 (2) For residential property, long term care property, agricultural
 39 land, and other tangible property (if any) eligible for a credit
 40 under IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax
 41 liability for the property to two percent (2%).

42 (3) For *the following types of property as a single category:*



- 1 ~~(A)~~ residential property, as defined in IC 6-1.1-20.6-4.
- 2 ~~(B)~~ Real property, a mobile home, and industrialized housing
- 3 ~~that would qualify as a homestead if the taxpayer had filed for~~
- 4 ~~a homestead credit under IC 6-1.1-20.9 (repealed) or the~~
- 5 ~~standard deduction under IC 6-1.1-12-37.~~
- 6 ~~(C)~~ Real property consisting of units that are regularly used
- 7 ~~to rent or otherwise furnish residential accommodations for~~
- 8 ~~periods of at least thirty (30) days, regardless of whether the~~
- 9 ~~tangible property is subject to assessment under rules of the~~
- 10 ~~department of local government finance that apply to:~~
- 11 ~~(i) residential property; or~~
- 12 ~~(ii) commercial property.~~
- 13 (4) For nonresidential real property, personal property, and other
- 14 tangible property (if any) eligible for a credit under
- 15 IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax liability
- 16 for the property to three percent (3%). However, IC 6-3.6-11-2
- 17 applies in Jasper County.
- 18 (e) Within a category described in subsection (d) for which an
- 19 ordinance grants property tax credits, the property tax credit rate must
- 20 be a uniform percentage for all qualifying taxpayers with property in
- 21 that category in the county. The credit percentage may be, but does not
- 22 have to be, uniform for all categories of property listed in subsection
- 23 (d). *The total of all tax credits granted under this section for a year*
- 24 *may not exceed the amount of revenue raised by the tax imposed under*
- 25 *this section. If the amount available in a year for property tax credits*
- 26 *under this section is less than the amount necessary to provide all the*
- 27 *property tax credits authorized by the adopting body, the county*
- 28 *auditor shall reduce the property tax credits granted to eliminate the*
- 29 *excess. The county auditor shall reduce credits within the categories*
- 30 *described in subsection (d)(1) through (d)(4) as follows:*
- 31 *(1) First, against property taxes imposed on property described*
- 32 *in subsection (d)(4).*
- 33 *(2) Second, if an excess remains after applying the reduction as*
- 34 *described in subdivision (1), against property taxes imposed on*
- 35 *property described in subsection (d)(3).*
- 36 *(3) Third, if an excess remains after applying the reduction as*
- 37 *described in subdivisions (1) and (2), against property taxes*
- 38 *imposed on property described in subsection (d)(2).*
- 39 *(4) Fourth, if an excess remains after applying the reduction as*
- 40 *described in subdivisions (1) through (3), against property taxes*
- 41 *imposed on property described in subsection (d)(1).*
- 42 *(f) The total of all tax credits granted under this section for a year*



1 *may not exceed the amount authorized by the adopting body. If the*
 2 *amount available in a year for property tax credits under this section*
 3 *is greater than the amount necessary to provide all the property tax*
 4 *credits authorized by the adopting body, the county auditor shall retain*
 5 *and apply the excess as necessary to provide the property tax credits*
 6 *authorized by the adopting body for the following year. The adopting*
 7 *body may adopt an ordinance that directs to which categories*
 8 *described in subsection (d) the excess is to be uniformly applied.*

9 ~~(g)~~ (f) The county auditor shall allocate the amount of revenue
 10 applied as tax credits under this section to the taxing units that imposed
 11 the eligible property taxes against which the credits are applied.

12 ~~(h)~~ (g) *If the adopting body adopts an ordinance to reduce or*
 13 *eliminate the property tax relief credits that are in effect in the county*
 14 *under this chapter, the county auditor shall give notice of the adoption*
 15 *of the ordinance in accordance with IC 5-3-1 not later than thirty (30)*
 16 *days after the date on which the ordinance is adopted.*

17 SECTION 39. IC 6-3.6-11-2, AS ADDED BY P.L.243-2015,
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2018 (RETROACTIVE)]: Sec. 2. (a) This section
 20 applies to Jasper County's allocation of property tax credits provided by
 21 a tax rate under IC 6-3.6-5.

22 (b) A taxpayer that owns an industrial plant located in Jasper
 23 County is ineligible for a credit under IC 6-3.6-5 against the property
 24 taxes due on the industrial plant if the assessed value of the industrial
 25 plant as of March 1, 2006, exceeded twenty percent (20%) of the total
 26 assessed value of all taxable property in the county on that date. The
 27 general assembly finds that the provisions of this subsection are
 28 necessary because the industrial plant represents such a large
 29 percentage of Jasper County's assessed valuation.

30 **(c) The adopting body may adopt an ordinance to provide that**
 31 **property taxes are eligible for a credit under IC 6-3.6-5-6 if the**
 32 **property taxes are imposed due to a referendum in which a**
 33 **majority of the voters in the taxing unit imposing the property**
 34 **taxes approved, before July 1, 2015, the property taxes.**

35 SECTION 40. IC 6-3.6-11-7 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2018]: Sec. 7. (a) **This section applies to any county in which**
 38 **there is located three (3) or more municipalities having a**
 39 **population of at least thirty thousand (30,000) for local income tax**
 40 **distributions in 2019 through 2023.**

41 **(b) This section applies to the allocation of the tax revenue**
 42 **under IC 6-3.6-6 that is dedicated to certified shares and allocated**



1 among the civil taxing units in the county. The distributive shares
 2 that each civil taxing unit in the county is entitled to receive during
 3 a month equals the total amount of revenues that are to be
 4 distributed as distributive shares during that month as determined
 5 under this section.

6 (c) If a municipality's percentage of certified shares for a year
 7 minus the municipality's percentage of total population, using only
 8 municipalities, exceeds five (5) percentage points, the
 9 municipality's allocation of certified shares is the lesser of the
 10 municipality's:

- 11 (1) certified share amount determined under IC 6-3.6-6-12; or
- 12 (2) the 2018 certified share amount.

13 (d) If a township's percentage of certified shares for a year
 14 minus the township's percentage of total population, using only
 15 townships, exceeds five (5) percentage points, the township's share
 16 of the certified shares is the lesser of the township's:

- 17 (1) certified share amount determined under IC 6-3.6-6-12; or
- 18 (2) the 2018 certified share amount.

19 (e) If the 2018 certified share amount for a municipality or
 20 township is less than the certified share amount determined under
 21 IC 6-3.6-6-12 for a year for the municipality or township, the
 22 excess certified shares shall be allocated among all other civil
 23 taxing units not covered by subsection (c) or (d) as distributive
 24 shares to each of those civil taxing units in the county.

25 (f) This section expires December 31, 2023.

26 SECTION 41. IC 6-8.1-3-11, AS AMENDED BY P.L.73-2017,
 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2018]: Sec. 11. (a) As used in this section, "secure electronic
 29 delivery service" means a service that:

30 (1) employs security procedures to provide, send, deliver, or
 31 otherwise communicate electronic records to the intended
 32 recipient using:

- 33 (A) security methods such as passwords, encryption, and
 34 matching electronic addresses to United States postal
 35 addresses; or
- 36 (B) other security methods that are consistent with applicable
 37 law or industry standards; and

38 (2) operates subject to the applicable requirements of the
 39 Electronic Signatures in Global and National Commerce Act (15
 40 U.S.C. 7001 et seq.). ~~or IC 5-24.~~

41 (b) When a statute specifies that the department is required to send
 42 a document by mail, and the particular statute is silent as to the class



1 or type of mailing to be used, the department satisfies the mailing
 2 requirement by mailing the document through any of the following
 3 methods:

- 4 (1) United States first-class mail;
- 5 (2) United States registered mail, return receipt requested;
- 6 (3) United States certified mail;
- 7 (4) a certificate of mailing; or
- 8 (5) a secure electronic delivery service, if the use of the secure
 9 electronic delivery service is authorized under IC 6-8.1-6-7(b).

10 Subject to IC 6-8.1-6-7(b), the choice of the method is at the
 11 department's discretion.

12 (c) The department may use any form of mailing in cases where a
 13 mailing is not required by statute.

14 (d) The department shall adopt rules, guidelines, or other
 15 instructions that set forth the procedures that department employees are
 16 required to follow in sending a document that provides notice to a
 17 taxpayer by mail under any of the methods described in subsection (b).
 18 The procedures must include at least the following instructions:

- 19 (1) The date contained in the document must not precede the date
 20 of the mailing.
- 21 (2) Each mailing of a document must be recorded in department
 22 records, noting the date and time of the mailing.

23 SECTION 42. IC 8-18-21-13, AS AMENDED BY P.L.146-2008,
 24 SECTION 363, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2018]: Sec. 13. The annual operating budget of
 26 a toll road authority is subject to

- 27 ~~(1) review by the county board of tax adjustment; and~~
- 28 ~~(2) review by the department of local government finance~~

29 as in the case of other political subdivisions.

30 SECTION 43. IC 8-22-3-23, AS AMENDED BY P.L.182-2009(ss),
 31 SECTION 269, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2018]: Sec. 23. (a) The board shall annually
 33 prepare a budget for the purpose of operating and maintenance
 34 expenditures of the authority and shall calculate the tax levy necessary
 35 to provide funds for the operating expenditures necessary to carry out
 36 the powers, duties, and functions of the authority. The budget must be
 37 prepared and submitted:

- 38 (1) before or at the same time;
- 39 (2) in the same manner; and
- 40 (3) with notice;

41 as provided by the statutes relating to the preparation of budgets by
 42 eligible entities. The budget is subject to the same review by ~~the county~~



1 ~~tax adjustment board~~ and the department of local government finance
 2 as exists under the general statutes relating to budgets of eligible
 3 entities.

4 (b) If the eligible entity that established the authority is a county,
 5 city, or town, the fiscal body of that entity may review and modify the
 6 authority's operating and maintenance budget and the tax levy to meet
 7 it, in the same manner as the budgets and tax levies of executive
 8 departments of that entity are reviewed and modified. This power
 9 includes the power to reduce any item of salary.

10 (c) Whenever a tax levy is required to finance the budget of an
 11 authority that was established by a city or town, the fiscal body of the
 12 county also may review the budget and tax levy of the authority, unless
 13 the district:

- 14 (1) lies wholly within, or coincides with, the boundaries of a city
 15 or town;
- 16 (2) is not the recipient of funds from a county-wide tax levy made
 17 specifically for the operating and maintenance budget for that
 18 authority; and
- 19 (3) was established by the fiscal body of the city or town, acting
 20 independently.

21 However, the budget and tax levy of the authority are subject to review
 22 or modification by the fiscal body of the city or town with which it
 23 shares territory, in the same manner as the budgets and tax levies of the
 24 executive departments of that city or town are reviewed or modified.

25 (d) If an authority was established by another eligible entity or by
 26 two (2) or more eligible entities acting jointly, its operating and
 27 maintenance budget and the tax levy to meet it is subject to review and
 28 modification by the same body that reviews and modifies the budget of
 29 each of those entities in the same manner as the budgets and tax levies
 30 of those entities, including reduction of any item of salary.

31 (e) This subsection applies only to the airport authority established
 32 by the city of Gary. The following provisions apply if the board enters
 33 into a lease, management agreement, or other contract under an
 34 application approved by the Federal Aviation Administration under
 35 which the lessee or other operator agrees to lease, manage, or operate
 36 all or substantially all of the airport and its landing fields, air
 37 navigation facilities, and other buildings and structures owned by the
 38 authority:

- 39 (1) The board shall, to the extent permitted by federal law or any
 40 grant agreement, make distributions to the city of Gary from the
 41 payments received under the lease, management agreement, or
 42 other contract.



- 1 (2) The distributions to the city of Gary shall be made in
 2 installments and on the dates determined by the fiscal body of the
 3 city, and shall be paid to the fiscal officer of the city for deposit
 4 in the city's general fund.
- 5 (3) Money distributed to the city of Gary under this subsection
 6 may be used for any legal or corporate purpose of the city and
 7 may not be used to reduce the city's maximum levy under
 8 IC 6-1.1-18.5, but may be used at the discretion of the city fiscal
 9 body to reduce the property tax levy of the city for a particular
 10 year.
- 11 (f) The general assembly finds the following:
- 12 (1) The city of Gary faces:
- 13 (A) unique and distinct challenges due to high levels of
 14 unemployment, the character and occupancy of real estate, and
 15 the general economic conditions of the community; and
- 16 (B) unique and distinct opportunities related to transportation
 17 and economic development;
 18 that are different in scope and type than those faced by other units
 19 of local government in Indiana.
- 20 (2) A unique approach is required to fully take advantage of the
 21 economic development potential of the city of Gary, the
 22 Gary/Chicago International Airport, and the Lake Michigan
 23 shoreline.
- 24 (3) The powers and responsibilities provided to the airport
 25 authority established by the city of Gary by subsection (e) and the
 26 other provisions of this chapter are appropriate and necessary to
 27 carry out the public purposes of encouraging economic
 28 development and further facilitating the provision of air
 29 transportation services and economic development projects in the
 30 city of Gary.
- 31 (4) The exercise of the powers and responsibilities granted to the
 32 airport authority established by the city of Gary by subsection (e)
 33 and the other provisions of this chapter is critical to economic
 34 development not only in the city of Gary, but throughout
 35 northwest Indiana, and is a public purpose.
- 36 (5) Economic development benefits the health and welfare of the
 37 people of Indiana, is a public use and purpose for which public
 38 money may be spent, and is of public utility and benefit.
- 39 SECTION 44. IC 8-22-3.5-9, AS AMENDED BY P.L.203-2011,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2019]: Sec. 9. (a) As used in this section, "base assessed
 42 value" means:



1 (1) the net assessed value of all the tangible property as finally
 2 determined for the assessment date immediately preceding the
 3 effective date of the allocation provision of the commission's
 4 resolution adopted under section 5 or 9.5 of this chapter,
 5 notwithstanding the date of the final action taken under section 6
 6 of this chapter; plus

7 (2) to the extent it is not included in subdivision (1), the net
 8 **residential** assessed value of ~~property that is assessed as~~
 9 ~~residential property under the rules of the department of local~~
 10 ~~government finance; within the airport development zone, as~~
 11 finally determined for ~~any the current~~ assessment date. ~~after the~~
 12 ~~effective date of the allocation provision.~~

13 However, subdivision (2) applies only to an airport development zone
 14 established after June 30, 1997, and the portion of an airport
 15 development zone established before June 30, 1997, that is added to an
 16 existing airport development zone.

17 (b) A resolution adopted under section 5 of this chapter and
 18 confirmed under section 6 of this chapter must include a provision with
 19 respect to the allocation and distribution of property taxes for the
 20 purposes and in the manner provided in this section.

21 (c) The allocation provision must:

22 (1) apply to the entire airport development zone; and

23 (2) require that any property tax on taxable tangible property
 24 subsequently levied by or for the benefit of any public body
 25 entitled to a distribution of property taxes in the airport
 26 development zone be allocated and distributed as provided in
 27 subsections (d) and (e).

28 (d) Except as otherwise provided in this section:

29 (1) the proceeds of the taxes attributable to the lesser of:

30 (A) the assessed value of the tangible property for the
 31 assessment date with respect to which the allocation and
 32 distribution is made; or

33 (B) the base assessed value;

34 shall be allocated and, when collected, paid into the funds of the
 35 respective taxing units; and

36 (2) the excess of the proceeds of the property taxes imposed for
 37 the assessment date with respect to which the allocation and
 38 distribution are made that are attributable to taxes imposed after
 39 being approved by the voters in a referendum or local public
 40 question conducted after April 30, 2010, not otherwise included
 41 in subdivision (1) shall be allocated to and, when collected, paid
 42 into the funds of the taxing unit for which the referendum or local



1 public question was conducted.

2 (e) All of the property tax proceeds in excess of those described in
3 subsection (d) shall be allocated to the eligible entity for the airport
4 development zone and, when collected, paid into special funds as
5 follows:

6 (1) The commission may determine that a portion of tax proceeds
7 shall be allocated to a training grant fund to be expended by the
8 commission without appropriation solely for the purpose of
9 reimbursing training expenses incurred by public or private
10 entities in the training of employees for the qualified airport
11 development project.

12 (2) The commission may determine that a portion of tax proceeds
13 shall be allocated to a debt service fund and dedicated to the
14 payment of principal and interest on revenue bonds or a loan
15 contract of the board of aviation commissioners or airport
16 authority for a qualified airport development project, to the
17 payment of leases for a qualified airport development project, or
18 to the payment of principal and interest on bonds issued by an
19 eligible entity to pay for qualified airport development projects in
20 the airport development zone or serving the airport development
21 zone.

22 (3) The commission may determine that a part of the tax proceeds
23 shall be allocated to a project fund and used to pay expenses
24 incurred by the commission for a qualified airport development
25 project that is in the airport development zone or is serving the
26 airport development zone.

27 (4) Except as provided in subsection (f), all remaining tax
28 proceeds after allocations are made under subdivisions (1), (2),
29 and (3) shall be allocated to a project fund and dedicated to the
30 reimbursement of expenditures made by the commission for a
31 qualified airport development project that is in the airport
32 development zone or is serving the airport development zone.

33 (f) Before July 15 of each year, the commission shall do the
34 following:

35 (1) Determine the amount, if any, by which tax proceeds allocated
36 to the project fund in subsection (e)(3) in the following year will
37 exceed the amount necessary to satisfy amounts required under
38 subsection (e).

39 (2) Provide a written notice to the county auditor and the officers
40 who are authorized to fix budgets, tax rates, and tax levies under
41 IC 6-1.1-17-5 for each of the other taxing units that is wholly or
42 partly located within the allocation area. The notice must:



1 (A) state the amount, if any, of excess tax proceeds that the
 2 commission has determined may be allocated to the respective
 3 taxing units in the manner prescribed in subsection (d)(1); or
 4 (B) state that the commission has determined that there are no
 5 excess tax proceeds that may be allocated to the respective
 6 taxing units in the manner prescribed in subsection (d)(1).

7 The county auditor shall allocate to the respective taxing units the
 8 amount, if any, of excess tax proceeds determined by the
 9 commission.

10 (g) When money in the debt service fund and in the project fund is
 11 sufficient to pay all outstanding principal and interest (to the earliest
 12 date on which the obligations can be redeemed) on revenue bonds
 13 issued by the board of aviation commissioners or airport authority for
 14 the financing of qualified airport development projects, all lease rentals
 15 payable on leases of qualified airport development projects, and all
 16 costs and expenditures associated with all qualified airport
 17 development projects, money in the debt service fund and in the project
 18 fund in excess of those amounts shall be paid to the respective taxing
 19 units in the manner prescribed by subsection (d)(1).

20 (h) Property tax proceeds allocable to the debt service fund under
 21 subsection (e)(2) must, subject to subsection (g), be irrevocably
 22 pledged by the eligible entity for the purpose set forth in subsection
 23 (e)(2).

24 (i) Notwithstanding any other law, each assessor shall, upon petition
 25 of the commission, reassess the taxable tangible property situated upon
 26 or in, or added to, the airport development zone effective on the next
 27 assessment date after the petition.

28 (j) Notwithstanding any other law, the assessed value of all taxable
 29 tangible property in the airport development zone, for purposes of tax
 30 limitation, property tax replacement, and formulation of the budget, tax
 31 rate, and tax levy for each political subdivision in which the property
 32 is located is the lesser of:

33 (1) the assessed value of the tangible property as valued without
 34 regard to this section; or

35 (2) the base assessed value.

36 SECTION 45. IC 13-18-15-2, AS AMENDED BY P.L.228-2015,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2018]: Sec. 2. (a) The persons involved shall negotiate the
 39 terms for connection and service under this chapter.

40 (b) If service is ordered under this chapter, a receiver of that service
 41 that is located in an unincorporated area may grant a waiver to a
 42 municipality providing the service. A waiver under this section:



- 1 (1) must waive the receiver's right of remonstrance against
 2 annexation of the areas in which the service is to be provided; and
 3 (2) may be one (1) of the terms for connection and service
 4 described in subsection (a).
- 5 (c) The waiver, if granted:
 6 (1) shall be noted on the deed of each property affected and
 7 recorded as provided by law; and
 8 (2) is considered a covenant running with the land.
- 9 (d) Notwithstanding any other law, a waiver of the right of
 10 remonstrance executed **before, on, or after June 30, 2015; 2018, that**
 11 **is not void under subsection (f)** expires not later than fifteen (15)
 12 years after the date the waiver was executed. **This subsection does not**
 13 **invalidate an annexation that was effective on or before July 1,**
 14 **2018.**
- 15 (e) This subsection applies to any deed recorded after June 30,
 16 2015. This subsection applies only to property that is subject to a
 17 remonstrance waiver. A municipality shall, within a reasonable time
 18 after the recording of a deed to property located within the
 19 municipality, provide written notice to the property owner that a waiver
 20 of the right of remonstrance exists with respect to the property.
- 21 **(f) This subsection applies to a remonstrance waiver executed**
 22 **before, on, or after June 30, 2018. A remonstrance waiver is void**
 23 **unless the remonstrance waiver is recorded:**
 24 **(1) with the county recorder of the county where the property**
 25 **subject to the waiver is located; and**
 26 **(2) not more than ninety (90) business days after the date the**
 27 **remonstrance waiver is executed.**
- 28 **This subsection does not invalidate an annexation that was effective**
 29 **on or before July 1, 2018.**
- 30 SECTION 46. IC 14-27-6-46 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 46. (a) The board shall
 32 do the following:
 33 (1) Annually prepare a budget for the operation and capital
 34 expenditures of the authority.
 35 (2) Calculate the tax levy necessary to provide money for the
 36 operating expenditures necessary to carry out the powers, duties,
 37 and functions of the authority together with any capital
 38 expenditures that are included in the annual budget.
- 39 (b) The budget shall be prepared and submitted at the same time and
 40 in the same manner as provided by the statutes relating to the
 41 preparation of budgets by cities. The budget is subject to the same
 42 review by ~~the county tax adjustment board~~ and the department of local



1 government finance as under the statutes relating to budgets of cities.

2 (c) The budgets and the tax levies are subject to review and
3 modification by the fiscal body of a city and county within the district
4 in the same manner as the budgets and tax levies of the executive
5 departments of the city.

6 SECTION 47. IC 14-30-2-19, AS AMENDED BY P.L.146-2008,
7 SECTION 426, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2018]: Sec. 19. The commission shall prepare
9 an annual budget for the commission's operation and other
10 expenditures under IC 6-1.1-17. ~~However, the annual budget is not~~
11 ~~subject to review and modification by the county board of tax~~
12 ~~adjustment of any county. Notwithstanding any other law, the budget~~
13 ~~of the commission shall be treated for all other purposes as if the~~
14 ~~appropriate county board of tax adjustment had approved the budget.~~

15 SECTION 48. IC 14-30-4-16, AS AMENDED BY P.L.146-2008,
16 SECTION 427, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2018]: Sec. 16. (a) The commission shall
18 prepare an annual budget for the commission's operation and other
19 expenditures under IC 6-1.1-17. ~~The annual budget is subject to review~~
20 ~~and modification by the county board of tax adjustment of any~~
21 ~~participating county.~~

22 (b) The commission is not eligible for funding through the Wabash
23 River heritage corridor commission established by IC 14-13-6-6.

24 SECTION 49. IC 14-33-9-1, AS AMENDED BY P.L.255-2017,
25 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2018]: Sec. 1. (a) Except as provided in IC 6-1.1-17-20, the
27 budget of a district:

28 (1) must be prepared and submitted:

29 (A) at the same time;

30 (B) in the same manner; and

31 (C) with notice;

32 as is required by statute for the preparation of budgets by
33 municipalities; and

34 (2) if the district imposes a levy, is subject to the same review by

35 ~~(A) the county board of tax adjustment; and~~

36 ~~(B) the department of local government finance~~

37 as is required by statute for the budgets of municipalities.

38 (b) If a district is established in more than one (1) county:

39 (1) except as provided in subsection (c), the budget shall be
40 certified to the auditor of the county in which is located the court
41 that had exclusive jurisdiction over the establishment of the
42 district; and



1 (2) notice must be published in each county having land in the
 2 district. Any taxpayer in the district is entitled to be heard before
 3 ~~the county board of tax adjustment and, after December 31, 2008,~~
 4 the fiscal body of each county having jurisdiction.

5 (c) If one (1) of the counties in a district contains either a first or
 6 second class city located in whole or in part in the district, the budget:

7 (1) shall be certified to the auditor of that county; and

8 (2) is subject to review at the county level only by ~~the county~~
 9 ~~board of tax adjustment and, after December 31, 2008,~~ the fiscal
 10 body of that county.

11 SECTION 50. IC 16-23-1-40 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 40. (a) The governing
 13 board may request a cumulative hospital building fund and a tax rate
 14 upon all taxable property in the county in which the hospital is located
 15 to finance the fund. If a resolution is approved by majority vote of all
 16 members at a regular or special board meeting, the resolution shall be
 17 certified to the county auditor, who shall submit the resolution to the
 18 county executive for preliminary approval and recommendation. Upon
 19 the approval of the county executive, the county auditor shall publish
 20 notice of a public hearing before the county council on the
 21 establishment of a cumulative hospital building fund and tax rate in
 22 each year.

23 (b) The cumulative building tax rate begins in any calendar year
 24 when all proceedings to establish the tax rate have been completed
 25 before August 2 in that year. The rate is levied on each one hundred
 26 dollars (\$100) of taxable property for that year, payable in the next
 27 year, and continues each year for a term not exceeding twelve (12)
 28 years. The resolution of the board must specify the following:

29 (1) The number of years.

30 (2) The effective date when the tax levy begins.

31 (3) The amount of ~~the~~ rate on each one hundred dollars (\$100) of
 32 taxable property.

33 (4) Any other pertinent facts considered advisable by the board.

34 (c) Except as provided in subsections (f) through (h), the rate on
 35 each one hundred dollars (\$100) may be reduced but not increased by
 36 the department of local government finance in approving a cumulative
 37 building tax rate. The rate as finally fixed by the department of local
 38 government finance is final. However, the county fiscal body, by
 39 three-fourths (3/4) affirmative vote of the county fiscal body's
 40 members, may reduce the rate in any given year or years to meet an
 41 emergency existing in the county, but the temporary reduction affects
 42 the rate only in the year when the action is taken. The rate is



1 automatically restored to the rate's original amount in each succeeding
 2 year of the established period except in any other year when another
 3 emergency reduction is made. The rate is subject to review each year
 4 by the county fiscal body, but the ~~county tax adjustment board and~~
 5 department of local government finance may not reduce the rate below
 6 the original rate established and approved by vote of the county fiscal
 7 body unless the county fiscal body reduces the rate.

8 (d) The county fiscal body, city fiscal body, ~~county tax adjustment~~
 9 ~~board~~, or department of local government finance does not have power
 10 or jurisdiction over the annual budget and appropriations, additional
 11 appropriations, or transfer of money unless the action involves the
 12 expenditure or raising of money derived from property taxes. If the
 13 cumulative building fund is the only hospital fund raised by taxation,
 14 section 31 of this chapter controls.

15 (e) The cumulative building fund raised may be properly and safely
 16 invested or reinvested by the board to produce an income until there is
 17 an immediate need for the fund's use. The fund and any income derived
 18 from investment or reinvestment of the fund may be used as follows:

- 19 (1) To purchase real property and grounds for hospital purposes.
- 20 (2) To remodel or make major repairs on any hospital building.
- 21 (3) To erect and construct hospital buildings or additions or
 22 extensions to the buildings.
- 23 (4) For any other major capital improvements, but not for current
 24 operating expenses or to meet a deficiency in operating funds.

25 (f) Not later than August 1 of any year, ten (10) or more taxpayers
 26 in the county may file with the county auditor of the county in which
 27 the hospital is located a petition for reduction or rescission of the
 28 cumulative building tax rate. The petition must set forth the taxpayers'
 29 objections to the tax rate. The petition shall be certified to the
 30 department of local government finance.

31 (g) Upon receipt of a petition under subsection (f), the department
 32 of local government finance shall, within a reasonable time, fix a date
 33 for a hearing on the petition. The hearing must be held in the county in
 34 which the hospital is located. Notice of the hearing shall be given to the
 35 county fiscal body and to the first ten (10) taxpayers whose names
 36 appear on the petition. The notice must be in the form of a letter signed
 37 by the secretary or any member of the department of local government
 38 finance, sent by mail with full prepaid postage to the county fiscal body
 39 and to the taxpayers at their usual places of residence at least five (5)
 40 days before the date fixed for the hearing.

41 (h) After the hearing under subsection (g), the department of local
 42 government finance shall approve, disapprove, or modify the request



1 for reduction or rescission of the tax rate and shall certify that decision
2 to the county auditor of the county in which the hospital is located.

3 SECTION 51. IC 20-45-7-20, AS AMENDED BY P.L.146-2008,
4 SECTION 492, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2018]: Sec. 20. (a) The county auditor shall
6 compute the amount of the tax to be levied each year. Before August
7 2, the county auditor shall certify the amount to the county council.

8 (b) The tax rate shall be advertised and fixed by the county council
9 in the same manner as other property tax rates. The tax rate shall be
10 subject to all applicable law relating to review by ~~the county board of~~
11 ~~tax adjustment and~~ the department of local government finance.

12 (c) The department of local government finance shall certify the tax
13 rate at the time it certifies the other county tax rates.

14 (d) The department of local government finance shall raise or lower
15 the tax rate to the tax rate provided in this chapter, regardless of
16 whether the certified tax rate is below or above the tax rate advertised
17 by the county.

18 SECTION 52. IC 20-45-8-20, AS AMENDED BY P.L.146-2008,
19 SECTION 493, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2018]: Sec. 20. The tax levy is subject to all
21 laws concerning review by ~~the county board of tax adjustment and~~ the
22 department of local government finance.

23 SECTION 53. IC 36-2-5-3.7 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2018]: **Sec. 3.7. (a) As used in this section, "body" refers to either**
26 **of the following:**

27 **(1) The county fiscal body.**

28 **(2) The county executive.**

29 **(b) The county fiscal body may establish a salary schedule that**
30 **includes compensation for a presiding officer or secretary of a**
31 **body that is greater than the compensation for other members of**
32 **the body, if all of the following are satisfied:**

33 **(1) All applicable requirements in this chapter are satisfied**
34 **with respect to the salary schedule that includes the additional**
35 **compensation.**

36 **(2) The additional compensation is being provided because the**
37 **individual holding the position of presiding officer or**
38 **secretary:**

39 **(A) has additional duties; or**

40 **(B) attends additional meetings on behalf of the body;**
41 **as compared to other members of the body.**

42 **(3) The additional compensation amount applies only for time**



1 **periods during which the individual serves in the capacity as**
 2 **presiding officer or secretary and:**

3 **(A) handles additional duties; or**

4 **(B) attends additional meetings on behalf of the body;**

5 **as compared to other members of the body.**

6 SECTION 54. IC 36-2-6-8, AS AMENDED BY P.L.146-2008,
 7 SECTION 689, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) **Except as permitted by**
 9 **IC 36-2-5-3.7**, the county executive or a court may not make an
 10 allowance to a county officer for:

11 (1) services rendered in a criminal action;

12 (2) services rendered in a civil action; or

13 (3) extra services rendered in the county officer's capacity as a
 14 county officer.

15 (b) The county executive may make an allowance to the clerk of the
 16 circuit court, county auditor, county treasurer, county sheriff, township
 17 assessor (if any), or county assessor, or to any of those officers'
 18 employees, only if:

19 (1) the allowance is specifically required by law; or

20 (2) the county executive finds, on the record, that the allowance
 21 is necessary in the public interest.

22 (c) A member of the county executive who recklessly violates
 23 subsection (b) commits a Class C misdemeanor and forfeits the
 24 member's office.

25 SECTION 55. IC 36-4-3-11.7, AS ADDED BY P.L.228-2015,
 26 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2018]: Sec. 11.7. (a) Notwithstanding any other law, a waiver
 28 of the right of remonstrance executed **before, on, or** after June 30,
 29 ~~2015~~, **2018**, **that is not void under subsection (c)** expires not later
 30 than fifteen (15) years after the date the waiver was executed. **This**
 31 **subsection does not invalidate an annexation that was effective on**
 32 **or before July 1, 2018.**

33 (b) This subsection applies to any deed recorded after June 30,
 34 2015. This subsection applies only to property that is subject to a
 35 remonstrance waiver. A municipality shall, within a reasonable time
 36 after the recording of a deed to property located within the
 37 municipality, provide written notice to the property owner that a waiver
 38 of the right of remonstrance exists with respect to the property.

39 (c) **This subsection applies to a remonstrance waiver executed**
 40 **before, on, or after June 30, 2018. A remonstrance waiver is void**
 41 **unless the remonstrance waiver is recorded:**

42 (1) with the county recorder of the county where the property



1 **subject to the waiver is located; and**
 2 **(2) not more than ninety (90) business days after the date the**
 3 **remonstrance waiver is executed.**

4 **This subsection does not invalidate an annexation that was effective**
 5 **on or before July 1, 2018.**

6 SECTION 56. IC 36-7-14-25.1, AS AMENDED BY P.L. 149-2014,
 7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2018]: Sec. 25.1. (a) In addition to other methods of raising
 9 money for property acquisition or redevelopment in a redevelopment
 10 project area, and in anticipation of the special tax to be levied under
 11 section 27 of this chapter, the taxes allocated under section 39 of this
 12 chapter, or other revenues of the district, or any combination of these
 13 sources, the redevelopment commission may, by bond resolution and
 14 subject to subsections (c) and (p), issue the bonds of the special taxing
 15 district in the name of the unit. The amount of the bonds may not
 16 exceed the total, as estimated by the commission, of all expenses
 17 reasonably incurred in connection with the acquisition and
 18 redevelopment of the property, including:

19 (1) the total cost of all land, rights-of-way, and other property to
 20 be acquired and redeveloped;

21 (2) all reasonable and necessary architectural, engineering, legal,
 22 financing, accounting, advertising, bond discount, and
 23 supervisory expenses related to the acquisition and redevelopment
 24 of the property or the issuance of bonds;

25 (3) capitalized interest permitted by this chapter and a debt
 26 service reserve for the bonds to the extent the redevelopment
 27 commission determines that a reserve is reasonably required; and

28 (4) expenses that the redevelopment commission is required or
 29 permitted to pay under IC 8-23-17.

30 (b) If the redevelopment commission plans to acquire different
 31 parcels of land or let different contracts for redevelopment work at
 32 approximately the same time, whether under one (1) or more
 33 resolutions, the commission may provide for the total cost in one (1)
 34 issue of bonds.

35 (c) The legislative body of the unit must adopt a resolution that
 36 specifies the public purpose of the bond, the use of the bond proceeds,
 37 the maximum principal amount of the bond, the term of the bond, and
 38 the maximum interest rate or rates of the bond, any provision for
 39 redemption before maturity, and any provision for the payment of
 40 capitalized interest. The bonds must be dated as set forth in the bond
 41 resolution and negotiable, subject to the requirements of the bond
 42 resolution for registering the bonds. The resolution authorizing the



- 1 bonds must state:
- 2 (1) the denominations of the bonds;
- 3 (2) the place or places at which the bonds are payable; and
- 4 (3) the term of the bonds, which may not exceed:
- 5 (A) fifty (50) years, for bonds issued before July 1, 2008;
- 6 (B) thirty (30) years, for bonds issued after June 30, 2008, to
- 7 finance:
- 8 (i) an integrated coal gasification powerplant (as defined in
- 9 IC 6-3.1-29-6);
- 10 (ii) a part of an integrated coal gasification powerplant (as
- 11 defined in IC 6-3.1-29-6); or
- 12 (iii) property used in the operation or maintenance of an
- 13 integrated coal gasification powerplant (as defined in
- 14 IC 6-3.1-29-6);
- 15 that received a certificate of public convenience and necessity
- 16 from the Indiana utility regulatory commission under
- 17 IC 8-1-8.5 et seq. before July 1, 2008;
- 18 **(C) fifty (50) years, for bonds issued after June 30, 2018, to**
- 19 **finance a project that is located in a redevelopment project**
- 20 **area, an economic development area, or an urban renewal**
- 21 **project area and that includes, as part of the project, the**
- 22 **use and repurposing of two (2) or more buildings and**
- 23 **structures that are:**
- 24 **(i) at least seventy-five (75) years old; and**
- 25 **(ii) located at a site at which manufacturing previously**
- 26 **occurred over a period of at least seventy-five (75) years;**
- 27 or
- 28 ~~(D)~~ **(D)** twenty-five (25) years, for bonds issued after June 30,
- 29 2008, that are not described in clause (B) or (C).
- 30 The bond resolution may also state that the bonds are redeemable
- 31 before maturity with or without a premium, as determined by the
- 32 redevelopment commission.
- 33 (d) The redevelopment commission shall certify a copy of the
- 34 resolution authorizing the bonds to the municipal or county fiscal
- 35 officer, who shall then prepare the bonds, subject to subsections (c) and
- 36 (p). The seal of the unit must be impressed on the bonds, or a facsimile
- 37 of the seal must be printed on the bonds.
- 38 (e) The bonds must be executed by the appropriate officer of the
- 39 unit and attested by the municipal or county fiscal officer.
- 40 (f) The bonds are exempt from taxation for all purposes.
- 41 (g) The municipal or county fiscal officer shall give notice of the
- 42 sale of the bonds by publication in accordance with IC 5-3-1. The



1 municipal fiscal officer, or county fiscal officer or executive, shall sell
 2 the bonds to the highest bidder, but may not sell them for less than
 3 ninety-seven percent (97%) of their par value. However, bonds payable
 4 solely or in part from tax proceeds allocated under section 39(b)(3) of
 5 this chapter, or other revenues of the district may be sold at a private
 6 negotiated sale.

7 (h) Except as provided in subsection (i), a redevelopment
 8 commission may not issue the bonds when the total issue, including
 9 bonds already issued and to be issued, exceeds two percent (2%) of the
 10 adjusted value of the taxable property in the special taxing district, as
 11 determined under IC 36-1-15.

12 (i) The bonds are not a corporate obligation of the unit but are an
 13 indebtedness of the taxing district. The bonds and interest are payable,
 14 as set forth in the bond resolution of the redevelopment commission:

15 (1) from a special tax levied upon all of the property in the taxing
 16 district, as provided by section 27 of this chapter;

17 (2) from the tax proceeds allocated under section 39(b)(3) of this
 18 chapter;

19 (3) from other revenues available to the redevelopment
 20 commission; or

21 (4) from a combination of the methods stated in subdivisions (1)
 22 through (3).

23 If the bonds are payable solely from the tax proceeds allocated under
 24 section 39(b)(3) of this chapter, other revenues of the redevelopment
 25 commission, or any combination of these sources, they may be issued
 26 in any amount not to exceed the maximum amount approved by the
 27 legislative body in the resolution described in subsection (c).

28 (j) Proceeds from the sale of bonds may be used to pay the cost of
 29 interest on the bonds for a period not to exceed five (5) years from the
 30 date of issuance.

31 (k) All laws relating to the giving of notice of the issuance of bonds,
 32 the giving of notice of a hearing on the appropriation of the proceeds
 33 of the bonds, the right of taxpayers to appear and be heard on the
 34 proposed appropriation, and the approval of the appropriation by the
 35 department of local government finance apply to all bonds issued under
 36 this chapter that are payable from the special benefits tax levied
 37 pursuant to section 27 of this chapter or from taxes allocated under
 38 section 39 of this chapter.

39 (l) All laws relating to:

40 (1) the filing of petitions requesting the issuance of bonds; and

41 (2) the right of:

42 (A) taxpayers and voters to remonstrate against the issuance of



- 1 bonds in the case of a proposed bond issue described by
2 IC 6-1.1-20-3.1(a); or
3 (B) voters to vote on the issuance of bonds in the case of a
4 proposed bond issue described by IC 6-1.1-20-3.5(a);
5 apply to bonds issued under this chapter except for bonds payable
6 solely from tax proceeds allocated under section 39(b)(3) of this
7 chapter, other revenues of the redevelopment commission, or any
8 combination of these sources.
- 9 (m) If a debt service reserve is created from the proceeds of bonds,
10 the debt service reserve may be used to pay principal and interest on
11 the bonds as provided in the bond resolution.
- 12 (n) Any amount remaining in the debt service reserve after all of the
13 bonds of the issue for which the debt service reserve was established
14 have matured shall be:
- 15 (1) deposited in the allocation fund established under section
16 39(b)(3) of this chapter; and
17 (2) to the extent permitted by law, transferred to the county or
18 municipality that established the department of redevelopment for
19 use in reducing the county's or municipality's property tax levies
20 for debt service.
- 21 (o) If bonds are issued under this chapter that are payable solely or
22 in part from revenues to the redevelopment commission from a project
23 or projects, the redevelopment commission may adopt a resolution or
24 trust indenture or enter into covenants as is customary in the issuance
25 of revenue bonds. The resolution or trust indenture may pledge or
26 assign the revenues from the project or projects, but may not convey or
27 mortgage any project or parts of a project. The resolution or trust
28 indenture may also contain any provisions for protecting and enforcing
29 the rights and remedies of the bond owners as may be reasonable and
30 proper and not in violation of law, including covenants setting forth the
31 duties of the redevelopment commission. The redevelopment
32 commission may establish fees and charges for the use of any project
33 and covenant with the owners of any bonds to set those fees and
34 charges at a rate sufficient to protect the interest of the owners of the
35 bonds. Any revenue bonds issued by the redevelopment commission
36 that are payable solely from revenues of the commission shall contain
37 a statement to that effect in the form of bond.
- 38 (p) If the total principal amount of bonds authorized by a resolution
39 of the redevelopment commission adopted before July 1, 2008, is equal
40 to or greater than three million dollars (\$3,000,000), the bonds may not
41 be issued without the approval, by resolution, of the legislative body of
42 the unit. Bonds authorized in any principal amount by a resolution of



1 the redevelopment commission adopted after June 30, 2008, may not
2 be issued without the approval of the legislative body of the unit.

3 SECTION 57. IC 36-7-14-25.2, AS AMENDED BY P.L.149-2014,
4 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2018]: Sec. 25.2. (a) Subject to the prior approval of the fiscal
6 body of the unit under subsection (c), a redevelopment commission
7 may enter into a lease of any property that could be financed with the
8 proceeds of bonds issued under this chapter with a lessor for a term not
9 to exceed:

10 (1) fifty (50) years, for a lease entered into before July 1, 2008;
11 **(2) fifty (50) years, for leases entered into after June 30, 2018,**
12 **to finance a project that is located in a redevelopment project**
13 **area, an economic development area, or an urban renewal**
14 **project area and that includes, as part of the project, the use**
15 **and repurposing of two (2) or more buildings and structures**
16 **that are:**

17 **(A) at least seventy-five (75) years old; and**

18 **(B) located at a site at which manufacturing previously**
19 **occurred over a period of at least seventy-five (75) years;**
20 **or**

21 ~~(2) (3) twenty-five (25) years, for a lease entered into after June~~
22 ~~30, 2008. that is not described in subdivision (1) or (2).~~

23 The lease may provide for payments to be made by the redevelopment
24 commission from special benefits taxes levied under section 27 of this
25 chapter, taxes allocated under section 39 of this chapter, any other
26 revenues available to the redevelopment commission, or any
27 combination of these sources.

28 (b) A lease may provide that payments by the redevelopment
29 commission to the lessor are required only to the extent and only for the
30 period that the lessor is able to provide the leased facilities in
31 accordance with the lease. The terms of each lease must be based upon
32 the value of the facilities leased and may not create a debt of the unit
33 or the district for purposes of the Constitution of the State of Indiana.

34 (c) A lease may be entered into by the redevelopment commission
35 only after a public hearing by the redevelopment commission at which
36 all interested parties are provided the opportunity to be heard. After the
37 public hearing, the redevelopment commission may adopt a resolution
38 authorizing the execution of the lease on behalf of the unit if it finds
39 that the service to be provided throughout the term of the lease will
40 serve the public purpose of the unit and is in the best interests of its
41 residents. Any lease approved by a resolution of the redevelopment
42 commission must also be approved by an ordinance or resolution of the



1 fiscal body of the unit. The approving ordinance or resolution of the
2 fiscal body must include the following:

3 (1) The maximum annual lease rental for the lease.

4 (2) The maximum interest rate or rates, any provisions for
5 redemption before maturity, and any provisions for the payment
6 of capitalized interest associated with the lease.

7 (3) The maximum term of the lease.

8 (d) Upon execution of a lease providing for payments by the
9 redevelopment commission in whole or in part from the levy of special
10 benefits taxes under section 27 of this chapter and upon approval of the
11 lease by the unit's fiscal body, the redevelopment commission shall
12 publish notice of the execution of the lease and its approval in
13 accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the
14 redevelopment district who will be affected by the lease and who may
15 be of the opinion that no necessity exists for the execution of the lease
16 or that the payments provided for in the lease are not fair and
17 reasonable may file a petition in the office of the county auditor within
18 thirty (30) days after the publication of the notice of execution and
19 approval. The petition must set forth the petitioners' names, addresses,
20 and objections to the lease and the facts showing that the execution of
21 the lease is unnecessary or unwise or that the payments provided for in
22 the lease are not fair and reasonable, as the case may be.

23 (e) Upon the filing of the petition, the county auditor shall
24 immediately certify a copy of it, together with such other data as may
25 be necessary in order to present the questions involved, to the
26 department of local government finance. Upon receipt of the certified
27 petition and information, the department of local government finance
28 shall fix a time and place for a hearing in the redevelopment district,
29 which must be not less than five (5) or more than thirty (30) days after
30 the time is fixed. Notice of the hearing shall be given by the department
31 of local government finance to the members of the fiscal body, to the
32 redevelopment commission, and to the first fifty (50) petitioners on the
33 petition by a letter signed by the commissioner or deputy commissioner
34 of the department and enclosed with fully prepaid postage sent to those
35 persons at their usual place of residence, at least five (5) days before
36 the date of the hearing. The decision of the department of local
37 government finance on the appeal, upon the necessity for the execution
38 of the lease, and as to whether the payments under it are fair and
39 reasonable, is final.

40 (f) A redevelopment commission entering into a lease payable from
41 allocated taxes under section 39 of this chapter or other available funds
42 of the redevelopment commission may:



1 (1) pledge the revenue to make payments under the lease pursuant
2 to IC 5-1-14-4; and

3 (2) establish a special fund to make the payments.

4 (g) Lease rentals may be limited to money in the special fund so that
5 the obligations of the redevelopment commission to make the lease
6 rental payments are not considered debt of the unit or the district for
7 purposes of the Constitution of the State of Indiana.

8 (h) Except as provided in this section, no approvals of any
9 governmental body or agency are required before the redevelopment
10 commission enters into a lease under this section.

11 (i) An action to contest the validity of the lease or to enjoin the
12 performance of any of its terms and conditions must be brought within
13 thirty (30) days after the publication of the notice of the execution and
14 approval of the lease. However, if the lease is payable in whole or in
15 part from tax levies and an appeal has been taken to the department of
16 local government finance, an action to contest the validity or enjoin the
17 performance must be brought within thirty (30) days after the decision
18 of the department.

19 (j) If a redevelopment commission exercises an option to buy a
20 leased facility from a lessor, the redevelopment commission may
21 subsequently sell the leased facility, without regard to any other statute,
22 to the lessor at the end of the lease term at a price set forth in the lease
23 or at fair market value established at the time of the sale by the
24 redevelopment commission through auction, appraisal, or arms length
25 negotiation. If the facility is sold at auction, after appraisal, or through
26 negotiation, the redevelopment commission shall conduct a hearing
27 after public notice in accordance with IC 5-3-1 before the sale. Any
28 action to contest the sale must be brought within fifteen (15) days of
29 the hearing.

30 SECTION 58. IC 36-7-14-27.5, AS AMENDED BY P.L.149-2014,
31 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2018]: Sec. 27.5. (a) Subject to the prior approval by the
33 legislative body of the unit, the redevelopment commission may borrow
34 money in anticipation of receipt of the proceeds of taxes levied for the
35 redevelopment district bond fund and not yet collected, and may
36 evidence this borrowing by issuing warrants of the redevelopment
37 district. However, the aggregate principal amount of warrants issued in
38 anticipation of and payable from the same tax levy or levies may not
39 exceed an amount equal to eighty percent (80%) of that tax levy or
40 levies, as certified by the department of local government finance, or
41 as determined by multiplying the rate of tax as finally approved by the
42 total assessed valuation (after deducting all mortgage deductions)



1 within the redevelopment district, as most recently certified by the
2 county auditor.

3 (b) The warrants may be authorized and issued at any time after the
4 tax or taxes in anticipation of which they are issued have been levied
5 by the redevelopment commission. For purposes of this section, taxes
6 for any year are considered to be levied upon adoption by the
7 commission of a resolution prescribing the tax levies for the year.
8 However, the warrants may not be delivered and paid for before final
9 approval of the tax levy or levies ~~by the county board of tax adjustment~~
10 ~~or, if appealed,~~ by the department of local government finance, unless
11 the issuance of the warrants has been approved by the department.

12 (c) All action that this section requires or authorizes the
13 redevelopment commission to take may be taken by resolution, which
14 need not be published or posted. The resolution takes effect
15 immediately upon its adoption by the redevelopment commission. An
16 action to contest the validity of tax anticipation warrants may not be
17 brought later than ten (10) days after the sale date.

18 (d) In their resolution authorizing the warrants, the redevelopment
19 commission must provide that the warrants mature at a time or times
20 not later than December 31 after the year in which the taxes in
21 anticipation of which the warrants are issued are due and payable.

22 (e) In their resolution authorizing the warrants, the redevelopment
23 commission may provide:

- 24 (1) the date of the warrants;
- 25 (2) the interest rate of the warrants;
- 26 (3) the time of interest payments on the warrants;
- 27 (4) the denomination of the warrants;
- 28 (5) the form either registered or payable to bearer, of the warrants;
- 29 (6) the place or places of payment of the warrants, either inside or
30 outside the state;
- 31 (7) the medium of payment of the warrants;
- 32 (8) the terms of redemption, if any, of the warrants, at a price not
33 exceeding par value and accrued interest;
- 34 (9) the manner of execution of the warrants; and
- 35 (10) that all costs incurred in connection with the issuance of the
36 warrants may be paid from the proceeds of the warrants.

37 (f) The warrants shall be sold for not less than par value, after notice
38 inviting bids has been published under IC 5-3-1. The redevelopment
39 commission may also publish the notice in other newspapers or
40 financial journals.

41 (g) Warrants and the interest on them are not subject to any
42 limitation contained in section 25.1 of this chapter, and are payable



1 solely from the proceeds of the tax levy or levies in anticipation of
 2 which the warrants were issued. The authorizing resolution must
 3 pledge a sufficient amount of the proceeds of the tax levy or levies to
 4 the payment of the warrants and the interest.

5 SECTION 59. IC 36-7-14-39, AS AMENDED BY THE
 6 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
 7 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2019]: Sec. 39. (a) As used in this section:

9 "Allocation area" means that part of a redevelopment project area
 10 to which an allocation provision of a declaratory resolution adopted
 11 under section 15 of this chapter refers for purposes of distribution and
 12 allocation of property taxes.

13 "Base assessed value" means the following:

14 (1) If an allocation provision is adopted after June 30, 1995, in a
 15 declaratory resolution or an amendment to a declaratory
 16 resolution establishing an economic development area:

17 (A) the net assessed value of all the property as finally
 18 determined for the assessment date immediately preceding the
 19 effective date of the allocation provision of the declaratory
 20 resolution, as adjusted under subsection (h); plus

21 (B) to the extent that it is not included in clause (A), the net
 22 **residential** assessed value of ~~property that is assessed as~~
 23 ~~residential property under the rules of the department of local~~
 24 ~~government finance, within the allocation area, as finally~~
 25 determined for ~~any the current~~ assessment date. ~~after the~~
 26 ~~effective date of the allocation provision.~~

27 (2) If an allocation provision is adopted after June 30, 1997, in a
 28 declaratory resolution or an amendment to a declaratory
 29 resolution establishing a redevelopment project area:

30 (A) the net assessed value of all the property as finally
 31 determined for the assessment date immediately preceding the
 32 effective date of the allocation provision of the declaratory
 33 resolution, as adjusted under subsection (h); plus

34 (B) to the extent that it is not included in clause (A), the net
 35 **residential** assessed value of ~~property that is assessed as~~
 36 ~~residential property under the rules of the department of local~~
 37 ~~government finance, within the allocation area, as finally~~
 38 determined for ~~any the current~~ assessment date. ~~after the~~
 39 ~~effective date of the allocation provision.~~

40 (3) If:

41 (A) an allocation provision adopted before June 30, 1995, in
 42 a declaratory resolution or an amendment to a declaratory



1 resolution establishing a redevelopment project area expires
 2 after June 30, 1997; and
 3 (B) after June 30, 1997, a new allocation provision is included
 4 in an amendment to the declaratory resolution;
 5 the net assessed value of all the property as finally determined for
 6 the assessment date immediately preceding the effective date of
 7 the allocation provision adopted after June 30, 1997, as adjusted
 8 under subsection (h).
 9 (4) Except as provided in subdivision (5), for all other allocation
 10 areas, the net assessed value of all the property as finally
 11 determined for the assessment date immediately preceding the
 12 effective date of the allocation provision of the declaratory
 13 resolution, as adjusted under subsection (h).
 14 (5) If an allocation area established in an economic development
 15 area before July 1, 1995, is expanded after June 30, 1995, the
 16 definition in subdivision (1) applies to the expanded part of the
 17 area added after June 30, 1995.
 18 (6) If an allocation area established in a redevelopment project
 19 area before July 1, 1997, is expanded after June 30, 1997, the
 20 definition in subdivision (2) applies to the expanded part of the
 21 area added after June 30, 1997.
 22 Except as provided in section 39.3 of this chapter, "property taxes"
 23 means taxes imposed under IC 6-1.1 on real property. However, upon
 24 approval by a resolution of the redevelopment commission adopted
 25 before June 1, 1987, "property taxes" also includes taxes imposed
 26 under IC 6-1.1 on depreciable personal property. If a redevelopment
 27 commission adopted before June 1, 1987, a resolution to include within
 28 the definition of property taxes, taxes imposed under IC 6-1.1 on
 29 depreciable personal property that has a useful life in excess of eight
 30 (8) years, the commission may by resolution determine the percentage
 31 of taxes imposed under IC 6-1.1 on all depreciable personal property
 32 that will be included within the definition of property taxes. However,
 33 the percentage included must not exceed twenty-five percent (25%) of
 34 the taxes imposed under IC 6-1.1 on all depreciable personal property.
 35 (b) A declaratory resolution adopted under section 15 of this chapter
 36 on or before the allocation deadline determined under subsection (i)
 37 may include a provision with respect to the allocation and distribution
 38 of property taxes for the purposes and in the manner provided in this
 39 section. A declaratory resolution previously adopted may include an
 40 allocation provision by the amendment of that declaratory resolution on
 41 or before the allocation deadline determined under subsection (i) in
 42 accordance with the procedures required for its original adoption. A



1 declaratory resolution or amendment that establishes an allocation
 2 provision must include a specific finding of fact, supported by
 3 evidence, that the adoption of the allocation provision will result in
 4 new property taxes in the area that would not have been generated but
 5 for the adoption of the allocation provision. For an allocation area
 6 established before July 1, 1995, the expiration date of any allocation
 7 provisions for the allocation area is June 30, 2025, or the last date of
 8 any obligations that are outstanding on July 1, 2015, whichever is later.
 9 A declaratory resolution or an amendment that establishes an allocation
 10 provision after June 30, 1995, must specify an expiration date for the
 11 allocation provision. For an allocation area established before July 1,
 12 2008, the expiration date may not be more than thirty (30) years after
 13 the date on which the allocation provision is established. For an
 14 allocation area established after June 30, 2008, the expiration date may
 15 not be more than twenty-five (25) years after the date on which the first
 16 obligation was incurred to pay principal and interest on bonds or lease
 17 rentals on leases payable from tax increment revenues. However, with
 18 respect to bonds or other obligations that were issued before July 1,
 19 2008, if any of the bonds or other obligations that were scheduled when
 20 issued to mature before the specified expiration date and that are
 21 payable only from allocated tax proceeds with respect to the allocation
 22 area remain outstanding as of the expiration date, the allocation
 23 provision does not expire until all of the bonds or other obligations are
 24 no longer outstanding. **Notwithstanding any other law, in the case of**
 25 **an allocation area that is established after June 30, 2018, and that**
 26 **is located in a redevelopment project area described in section**
 27 **25.1(c)(3)(C) of this chapter, an economic development area**
 28 **described in section 25.1(c)(3)(C) of this chapter, or an urban**
 29 **renewal project area described in section 25.1(c)(3)(C) of this**
 30 **chapter, the expiration date of the allocation provision may not be**
 31 **more than fifty (50) years after the date on which the allocation**
 32 **provision is established.** The allocation provision may apply to all or
 33 part of the redevelopment project area. The allocation provision must
 34 require that any property taxes subsequently levied by or for the benefit
 35 of any public body entitled to a distribution of property taxes on taxable
 36 property in the allocation area be allocated and distributed as follows:
 37 (1) Except as otherwise provided in this section, the proceeds of
 38 the taxes attributable to the lesser of:
 39 (A) the assessed value of the property for the assessment date
 40 with respect to which the allocation and distribution is made;
 41 or
 42 (B) the base assessed value;



- 1 shall be allocated to and, when collected, paid into the funds of
 2 the respective taxing units.
- 3 (2) The excess of the proceeds of the property taxes imposed for
 4 the assessment date with respect to which the allocation and
 5 distribution is made that are attributable to taxes imposed after
 6 being approved by the voters in a referendum or local public
 7 question conducted after April 30, 2010, not otherwise included
 8 in subdivision (1) shall be allocated to and, when collected, paid
 9 into the funds of the taxing unit for which the referendum or local
 10 public question was conducted.
- 11 (3) Except as otherwise provided in this section, property tax
 12 proceeds in excess of those described in subdivisions (1) and (2)
 13 shall be allocated to the redevelopment district and, when
 14 collected, paid into an allocation fund for that allocation area that
 15 may be used by the redevelopment district only to do one (1) or
 16 more of the following:
- 17 (A) Pay the principal of and interest on any obligations
 18 payable solely from allocated tax proceeds which are incurred
 19 by the redevelopment district for the purpose of financing or
 20 refinancing the redevelopment of that allocation area.
 - 21 (B) Establish, augment, or restore the debt service reserve for
 22 bonds payable solely or in part from allocated tax proceeds in
 23 that allocation area.
 - 24 (C) Pay the principal of and interest on bonds payable from
 25 allocated tax proceeds in that allocation area and from the
 26 special tax levied under section 27 of this chapter.
 - 27 (D) Pay the principal of and interest on bonds issued by the
 28 unit to pay for local public improvements that are physically
 29 located in or physically connected to that allocation area.
 - 30 (E) Pay premiums on the redemption before maturity of bonds
 31 payable solely or in part from allocated tax proceeds in that
 32 allocation area.
 - 33 (F) Make payments on leases payable from allocated tax
 34 proceeds in that allocation area under section 25.2 of this
 35 chapter.
 - 36 (G) Reimburse the unit for expenditures made by it for local
 37 public improvements (which include buildings, parking
 38 facilities, and other items described in section 25.1(a) of this
 39 chapter) that are physically located in or physically connected
 40 to that allocation area.
 - 41 (H) Reimburse the unit for rentals paid by it for a building or
 42 parking facility that is physically located in or physically



- 1 connected to that allocation area under any lease entered into
 2 under IC 36-1-10.
- 3 (I) For property taxes first due and payable before January 1,
 4 2009, pay all or a part of a property tax replacement credit to
 5 taxpayers in an allocation area as determined by the
 6 redevelopment commission. This credit equals the amount
 7 determined under the following STEPS for each taxpayer in a
 8 taxing district (as defined in IC 6-1.1-1-20) that contains all or
 9 part of the allocation area:
- 10 STEP ONE: Determine that part of the sum of the amounts
 11 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
 12 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
 13 IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to
 14 the taxing district.
- 15 STEP TWO: Divide:
- 16 (i) that part of each county's eligible property tax
 17 replacement amount (as defined in IC 6-1.1-21-2 (before its
 18 repeal)) for that year as determined under IC 6-1.1-21-4
 19 (before its repeal) that is attributable to the taxing district;
 20 by
- 21 (ii) the STEP ONE sum.
- 22 STEP THREE: Multiply:
- 23 (i) the STEP TWO quotient; times
- 24 (ii) the total amount of the taxpayer's taxes (as defined in
 25 IC 6-1.1-21-2 (before its repeal)) levied in the taxing district
 26 that have been allocated during that year to an allocation
 27 fund under this section.
- 28 If not all the taxpayers in an allocation area receive the credit
 29 in full, each taxpayer in the allocation area is entitled to
 30 receive the same proportion of the credit. A taxpayer may not
 31 receive a credit under this section and a credit under section
 32 39.5 of this chapter (before its repeal) in the same year.
- 33 (J) Pay expenses incurred by the redevelopment commission
 34 for local public improvements that are in the allocation area or
 35 serving the allocation area. Public improvements include
 36 buildings, parking facilities, and other items described in
 37 section 25.1(a) of this chapter.
- 38 (K) Reimburse public and private entities for expenses
 39 incurred in training employees of industrial facilities that are
 40 located:
- 41 (i) in the allocation area; and
- 42 (ii) on a parcel of real property that has been classified as



- 1 industrial property under the rules of the department of local
 2 government finance.
- 3 However, the total amount of money spent for this purpose in
 4 any year may not exceed the total amount of money in the
 5 allocation fund that is attributable to property taxes paid by the
 6 industrial facilities described in this clause. The
 7 reimbursements under this clause must be made within three
 8 (3) years after the date on which the investments that are the
 9 basis for the increment financing are made.
- 10 (L) Pay the costs of carrying out an eligible efficiency project
 11 (as defined in IC 36-9-41-1.5) within the unit that established
 12 the redevelopment commission. However, property tax
 13 proceeds may be used under this clause to pay the costs of
 14 carrying out an eligible efficiency project only if those
 15 property tax proceeds exceed the amount necessary to do the
 16 following:
- 17 (i) Make, when due, any payments required under clauses
 - 18 (A) through (K), including any payments of principal and
 - 19 interest on bonds and other obligations payable under this
 - 20 subdivision, any payments of premiums under this
 - 21 subdivision on the redemption before maturity of bonds, and
 - 22 any payments on leases payable under this subdivision.
 - 23 (ii) Make any reimbursements required under this
 - 24 subdivision.
 - 25 (iii) Pay any expenses required under this subdivision.
 - 26 (iv) Establish, augment, or restore any debt service reserve
 - 27 under this subdivision.
- 28 (M) Expend money and provide financial assistance as
 29 authorized in section 12.2(a)(27) of this chapter.
- 30 The allocation fund may not be used for operating expenses of the
 31 commission.
- 32 (4) Except as provided in subsection (g), before June 15 of each
 33 year, the commission shall do the following:
- 34 (A) Determine the amount, if any, by which the assessed value
 - 35 of the taxable property in the allocation area for the most
 - 36 recent assessment date minus the base assessed value, when
 - 37 multiplied by the estimated tax rate of the allocation area, will
 - 38 exceed the amount of assessed value needed to produce the
 - 39 property taxes necessary to make, when due, principal and
 - 40 interest payments on bonds described in subdivision (3), plus
 - 41 the amount necessary for other purposes described in
 - 42 subdivision (3).



1 (B) Provide a written notice to the county auditor, the fiscal
 2 body of the county or municipality that established the
 3 department of redevelopment, the officers who are authorized
 4 to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for
 5 each of the other taxing units that is wholly or partly located
 6 within the allocation area, and (in an electronic format) the
 7 department of local government finance. The notice must:

8 (i) state the amount, if any, of excess assessed value that the
 9 commission has determined may be allocated to the
 10 respective taxing units in the manner prescribed in
 11 subdivision (1); or

12 (ii) state that the commission has determined that there is no
 13 excess assessed value that may be allocated to the respective
 14 taxing units in the manner prescribed in subdivision (1).

15 The county auditor shall allocate to the respective taxing units
 16 the amount, if any, of excess assessed value determined by the
 17 commission. The commission may not authorize an allocation
 18 of assessed value to the respective taxing units under this
 19 subdivision if to do so would endanger the interests of the
 20 holders of bonds described in subdivision (3) or lessors under
 21 section 25.3 of this chapter.

22 (C) If:

23 (i) the amount of excess assessed value determined by the
 24 commission is expected to generate more than two hundred
 25 percent (200%) of the amount of allocated tax proceeds
 26 necessary to make, when due, principal and interest
 27 payments on bonds described in subdivision (3); plus

28 (ii) the amount necessary for other purposes described in
 29 subdivision (3);

30 the commission shall submit to the legislative body of the unit
 31 its determination of the excess assessed value that the
 32 commission proposes to allocate to the respective taxing units
 33 in the manner prescribed in subdivision (1). The legislative
 34 body of the unit may approve the commission's determination
 35 or modify the amount of the excess assessed value that will be
 36 allocated to the respective taxing units in the manner
 37 prescribed in subdivision (1).

38 **(5) In the case of an allocation area that is established after**
 39 **June 30, 2018, and that is located in a redevelopment project**
 40 **area described in section 25.1(c)(3)(C) of this chapter, an**
 41 **economic development area described in section 25.1(c)(3)(C)**
 42 **of this chapter, or an urban renewal project area described in**



1 **section 25.1(c)(3)(C) of this chapter, for each year the**
 2 **allocation provision is in effect, if:**

3 **(A) the amount of excess assessed value determined by the**
 4 **commission is expected to generate more than two hundred**
 5 **percent (200%) of the amount of allocated tax proceeds**
 6 **necessary to make, when due, principal and interest**
 7 **payments on bonds described in subdivision (3); plus**

8 **(B) the amount necessary for other purposes described in**
 9 **subdivision (3);**

10 **the redevelopment commission shall provide, from property**
 11 **tax proceeds allocated to the redevelopment district, revenue**
 12 **to each school corporation that has territory within the**
 13 **allocation area. The redevelopment commission and the**
 14 **governing body of the school corporation shall jointly**
 15 **determine the amount of revenue that will be provided to the**
 16 **school corporation.**

17 (c) For the purpose of allocating taxes levied by or for any taxing
 18 unit or units, the assessed value of taxable property in a territory in the
 19 allocation area that is annexed by any taxing unit after the effective
 20 date of the allocation provision of the declaratory resolution is the
 21 lesser of:

22 (1) the assessed value of the property for the assessment date with
 23 respect to which the allocation and distribution is made; or

24 (2) the base assessed value.

25 (d) Property tax proceeds allocable to the redevelopment district
 26 under subsection (b)(3) may, subject to subsection (b)(4), be
 27 irrevocably pledged by the redevelopment district for payment as set
 28 forth in subsection (b)(3).

29 (e) Notwithstanding any other law, each assessor shall, upon
 30 petition of the redevelopment commission, reassess the taxable
 31 property situated upon or in, or added to, the allocation area, effective
 32 on the next assessment date after the petition.

33 (f) Notwithstanding any other law, the assessed value of all taxable
 34 property in the allocation area, for purposes of tax limitation, property
 35 tax replacement, and formulation of the budget, tax rate, and tax levy
 36 for each political subdivision in which the property is located is the
 37 lesser of:

38 (1) the assessed value of the property as valued without regard to
 39 this section; or

40 (2) the base assessed value.

41 (g) If any part of the allocation area is located in an enterprise zone
 42 created under IC 5-28-15, the unit that designated the allocation area



1 shall create funds as specified in this subsection. A unit that has
 2 obligations, bonds, or leases payable from allocated tax proceeds under
 3 subsection (b)(3) shall establish an allocation fund for the purposes
 4 specified in subsection (b)(3) and a special zone fund. Such a unit
 5 shall, until the end of the enterprise zone phase out period, deposit each
 6 year in the special zone fund any amount in the allocation fund derived
 7 from property tax proceeds in excess of those described in subsection
 8 (b)(1) and (b)(2) from property located in the enterprise zone that
 9 exceeds the amount sufficient for the purposes specified in subsection
 10 (b)(3) for the year. The amount sufficient for purposes specified in
 11 subsection (b)(3) for the year shall be determined based on the pro rata
 12 portion of such current property tax proceeds from the part of the
 13 enterprise zone that is within the allocation area as compared to all
 14 such current property tax proceeds derived from the allocation area. A
 15 unit that has no obligations, bonds, or leases payable from allocated tax
 16 proceeds under subsection (b)(3) shall establish a special zone fund
 17 and deposit all the property tax proceeds in excess of those described
 18 in subsection (b)(1) and (b)(2) in the fund derived from property tax
 19 proceeds in excess of those described in subsection (b)(1) and (b)(2)
 20 from property located in the enterprise zone. The unit that creates the
 21 special zone fund shall use the fund (based on the recommendations of
 22 the urban enterprise association) for programs in job training, job
 23 enrichment, and basic skill development that are designed to benefit
 24 residents and employers in the enterprise zone or other purposes
 25 specified in subsection (b)(3), except that where reference is made in
 26 subsection (b)(3) to allocation area it shall refer for purposes of
 27 payments from the special zone fund only to that part of the allocation
 28 area that is also located in the enterprise zone. Those programs shall
 29 reserve at least one-half (1/2) of their enrollment in any session for
 30 residents of the enterprise zone.

31 (h) The state board of accounts and department of local government
 32 finance shall make the rules and prescribe the forms and procedures
 33 that they consider expedient for the implementation of this chapter.
 34 After each ~~general reassessment of real property in an area under~~
 35 ~~IC 6-1.1-4-4 and after each~~ reassessment in an area under
 36 a reassessment plan prepared under IC 6-1.1-4-4.2, the department of
 37 local government finance shall adjust the base assessed value one (1)
 38 time to neutralize any effect of the reassessment of the real property in
 39 the area on the property tax proceeds allocated to the redevelopment
 40 district under this section. After each annual adjustment under
 41 IC 6-1.1-4-4.5, the department of local government finance shall adjust
 42 the base assessed value one (1) time to neutralize any effect of the



1 annual adjustment on the property tax proceeds allocated to the
 2 redevelopment district under this section. However, the adjustments
 3 under this subsection:

4 (1) may not include the effect of phasing in assessed value due to
 5 property tax abatements under IC 6-1.1-12.1;

6 (2) may not produce less property tax proceeds allocable to the
 7 redevelopment district under subsection (b)(3) than would
 8 otherwise have been received if the ~~general reassessment, the~~
 9 reassessment under the reassessment plan, or the annual
 10 adjustment had not occurred; and

11 (3) may decrease base assessed value only to the extent that
 12 assessed values in the allocation area have been decreased due to
 13 annual adjustments or the reassessment under the reassessment
 14 plan.

15 Assessed value increases attributable to the application of an abatement
 16 schedule under IC 6-1.1-12.1 may not be included in the base assessed
 17 value of an allocation area. The department of local government
 18 finance may prescribe procedures for county and township officials to
 19 follow to assist the department in making the adjustments.

20 (i) The allocation deadline referred to in subsection (b) is
 21 determined in the following manner:

22 (1) The initial allocation deadline is December 31, 2011.

23 (2) Subject to subdivision (3), the initial allocation deadline and
 24 subsequent allocation deadlines are automatically extended in
 25 increments of five (5) years, so that allocation deadlines
 26 subsequent to the initial allocation deadline fall on December 31,
 27 2016, and December 31 of each fifth year thereafter.

28 (3) At least one (1) year before the date of an allocation deadline
 29 determined under subdivision (2), the general assembly may enact
 30 a law that:

31 (A) terminates the automatic extension of allocation deadlines
 32 under subdivision (2); and

33 (B) specifically designates a particular date as the final
 34 allocation deadline.

35 SECTION 60. IC 36-7-15.1-26, AS AMENDED BY THE
 36 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
 37 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2019]: Sec. 26. (a) As used in this section:

39 "Allocation area" means that part of a redevelopment project area
 40 to which an allocation provision of a resolution adopted under section
 41 8 of this chapter refers for purposes of distribution and allocation of
 42 property taxes.



- 1 "Base assessed value" means the following:
- 2 (1) If an allocation provision is adopted after June 30, 1995, in a
- 3 declaratory resolution or an amendment to a declaratory
- 4 resolution establishing an economic development area:
- 5 (A) the net assessed value of all the property as finally
- 6 determined for the assessment date immediately preceding the
- 7 effective date of the allocation provision of the declaratory
- 8 resolution, as adjusted under subsection (h); plus
- 9 (B) to the extent that it is not included in clause (A), the net
- 10 **residential** assessed value of property that is assessed as
- 11 **residential property under the rules of the department of local**
- 12 **government finance, within the allocation area,** as finally
- 13 determined for **any the current** assessment date. **after the**
- 14 **effective date of the allocation provision.**
- 15 (2) If an allocation provision is adopted after June 30, 1997, in a
- 16 declaratory resolution or an amendment to a declaratory
- 17 resolution establishing a redevelopment project area:
- 18 (A) the net assessed value of all the property as finally
- 19 determined for the assessment date immediately preceding the
- 20 effective date of the allocation provision of the declaratory
- 21 resolution, as adjusted under subsection (h); plus
- 22 (B) to the extent that it is not included in clause (A), the net
- 23 **residential** assessed value of property that is assessed as
- 24 **residential property under the rules of the department of local**
- 25 **government finance, within the allocation area,** as finally
- 26 determined for **any the current** assessment date. **after the**
- 27 **effective date of the allocation provision.**
- 28 (3) If:
- 29 (A) an allocation provision adopted before June 30, 1995, in a
- 30 declaratory resolution or an amendment to a declaratory
- 31 resolution establishing a redevelopment project area expires
- 32 after June 30, 1997; and
- 33 (B) after June 30, 1997, a new allocation provision is included
- 34 in an amendment to the declaratory resolution;
- 35 the net assessed value of all the property as finally determined for
- 36 the assessment date immediately preceding the effective date of
- 37 the allocation provision adopted after June 30, 1997, as adjusted
- 38 under subsection (h).
- 39 (4) Except as provided in subdivision (5), for all other allocation
- 40 areas, the net assessed value of all the property as finally
- 41 determined for the assessment date immediately preceding the
- 42 effective date of the allocation provision of the declaratory



1 resolution, as adjusted under subsection (h).

2 (5) If an allocation area established in an economic development
3 area before July 1, 1995, is expanded after June 30, 1995, the
4 definition in subdivision (1) applies to the expanded part of the
5 area added after June 30, 1995.

6 (6) If an allocation area established in a redevelopment project
7 area before July 1, 1997, is expanded after June 30, 1997, the
8 definition in subdivision (2) applies to the expanded part of the
9 area added after June 30, 1997.

10 Except as provided in section 26.2 of this chapter, "property taxes"
11 means taxes imposed under IC 6-1.1 on real property. However, upon
12 approval by a resolution of the redevelopment commission adopted
13 before June 1, 1987, "property taxes" also includes taxes imposed
14 under IC 6-1.1 on depreciable personal property. If a redevelopment
15 commission adopted before June 1, 1987, a resolution to include within
16 the definition of property taxes, taxes imposed under IC 6-1.1 on
17 depreciable personal property that has a useful life in excess of eight
18 (8) years, the commission may by resolution determine the percentage
19 of taxes imposed under IC 6-1.1 on all depreciable personal property
20 that will be included within the definition of property taxes. However,
21 the percentage included must not exceed twenty-five percent (25%) of
22 the taxes imposed under IC 6-1.1 on all depreciable personal property.

23 (b) A resolution adopted under section 8 of this chapter on or before
24 the allocation deadline determined under subsection (i) may include a
25 provision with respect to the allocation and distribution of property
26 taxes for the purposes and in the manner provided in this section. A
27 resolution previously adopted may include an allocation provision by
28 the amendment of that resolution on or before the allocation deadline
29 determined under subsection (i) in accordance with the procedures
30 required for its original adoption. A declaratory resolution or
31 amendment that establishes an allocation provision must include a
32 specific finding of fact, supported by evidence, that the adoption of the
33 allocation provision will result in new property taxes in the area that
34 would not have been generated but for the adoption of the allocation
35 provision. For an allocation area established before July 1, 1995, the
36 expiration date of any allocation provisions for the allocation area is
37 June 30, 2025, or the last date of any obligations that are outstanding
38 on July 1, 2015, whichever is later. However, for an allocation area
39 identified as the Consolidated Allocation Area in the report submitted
40 in 2013 to the fiscal body under section 36.3 of this chapter, the
41 expiration date of any allocation provisions for the allocation area is
42 January 1, 2051. A declaratory resolution or an amendment that



1 establishes an allocation provision after June 30, 1995, must specify an
 2 expiration date for the allocation provision. For an allocation area
 3 established before July 1, 2008, the expiration date may not be more
 4 than thirty (30) years after the date on which the allocation provision
 5 is established. For an allocation area established after June 30, 2008,
 6 the expiration date may not be more than twenty-five (25) years after
 7 the date on which the first obligation was incurred to pay principal and
 8 interest on bonds or lease rentals on leases payable from tax increment
 9 revenues. However, with respect to bonds or other obligations that were
 10 issued before July 1, 2008, if any of the bonds or other obligations that
 11 were scheduled when issued to mature before the specified expiration
 12 date and that are payable only from allocated tax proceeds with respect
 13 to the allocation area remain outstanding as of the expiration date, the
 14 allocation provision does not expire until all of the bonds or other
 15 obligations are no longer outstanding. The allocation provision may
 16 apply to all or part of the redevelopment project area. The allocation
 17 provision must require that any property taxes subsequently levied by
 18 or for the benefit of any public body entitled to a distribution of
 19 property taxes on taxable property in the allocation area be allocated
 20 and distributed as follows:

21 (1) Except as otherwise provided in this section, the proceeds of
 22 the taxes attributable to the lesser of:

23 (A) the assessed value of the property for the assessment date
 24 with respect to which the allocation and distribution is made;
 25 or

26 (B) the base assessed value;

27 shall be allocated to and, when collected, paid into the funds of
 28 the respective taxing units.

29 (2) The excess of the proceeds of the property taxes imposed for
 30 the assessment date with respect to which the allocation and
 31 distribution is made that are attributable to taxes imposed after
 32 being approved by the voters in a referendum or local public
 33 question conducted after April 30, 2010, not otherwise included
 34 in subdivision (1) shall be allocated to and, when collected, paid
 35 into the funds of the taxing unit for which the referendum or local
 36 public question was conducted.

37 (3) Except as otherwise provided in this section, property tax
 38 proceeds in excess of those described in subdivisions (1) and (2)
 39 shall be allocated to the redevelopment district and, when
 40 collected, paid into a special fund for that allocation area that may
 41 be used by the redevelopment district only to do one (1) or more
 42 of the following:



- 1 (A) Pay the principal of and interest on any obligations
 2 payable solely from allocated tax proceeds that are incurred by
 3 the redevelopment district for the purpose of financing or
 4 refinancing the redevelopment of that allocation area.
- 5 (B) Establish, augment, or restore the debt service reserve for
 6 bonds payable solely or in part from allocated tax proceeds in
 7 that allocation area.
- 8 (C) Pay the principal of and interest on bonds payable from
 9 allocated tax proceeds in that allocation area and from the
 10 special tax levied under section 19 of this chapter.
- 11 (D) Pay the principal of and interest on bonds issued by the
 12 consolidated city to pay for local public improvements that are
 13 physically located in or physically connected to that allocation
 14 area.
- 15 (E) Pay premiums on the redemption before maturity of bonds
 16 payable solely or in part from allocated tax proceeds in that
 17 allocation area.
- 18 (F) Make payments on leases payable from allocated tax
 19 proceeds in that allocation area under section 17.1 of this
 20 chapter.
- 21 (G) Reimburse the consolidated city for expenditures for local
 22 public improvements (which include buildings, parking
 23 facilities, and other items set forth in section 17 of this
 24 chapter) that are physically located in or physically connected
 25 to that allocation area.
- 26 (H) Reimburse the unit for rentals paid by it for a building or
 27 parking facility that is physically located in or physically
 28 connected to that allocation area under any lease entered into
 29 under IC 36-1-10.
- 30 (I) Reimburse public and private entities for expenses incurred
 31 in training employees of industrial facilities that are located:
 32 (i) in the allocation area; and
 33 (ii) on a parcel of real property that has been classified as
 34 industrial property under the rules of the department of local
 35 government finance.
- 36 However, the total amount of money spent for this purpose in
 37 any year may not exceed the total amount of money in the
 38 allocation fund that is attributable to property taxes paid by the
 39 industrial facilities described in this clause. The
 40 reimbursements under this clause must be made within three
 41 (3) years after the date on which the investments that are the
 42 basis for the increment financing are made.



1 (J) Pay the costs of carrying out an eligible efficiency project
 2 (as defined in IC 36-9-41-1.5) within the unit that established
 3 the redevelopment commission. However, property tax
 4 proceeds may be used under this clause to pay the costs of
 5 carrying out an eligible efficiency project only if those
 6 property tax proceeds exceed the amount necessary to do the
 7 following:

8 (i) Make, when due, any payments required under clauses
 9 (A) through (I), including any payments of principal and
 10 interest on bonds and other obligations payable under this
 11 subdivision, any payments of premiums under this
 12 subdivision on the redemption before maturity of bonds, and
 13 any payments on leases payable under this subdivision.

14 (ii) Make any reimbursements required under this
 15 subdivision.

16 (iii) Pay any expenses required under this subdivision.

17 (iv) Establish, augment, or restore any debt service reserve
 18 under this subdivision.

19 (K) Expend money and provide financial assistance as
 20 authorized in section 7(a)(21) of this chapter.

21 The special fund may not be used for operating expenses of the
 22 commission.

23 (4) Before June 15 of each year, the commission shall do the
 24 following:

25 (A) Determine the amount, if any, by which the assessed value
 26 of the taxable property in the allocation area for the most
 27 recent assessment date minus the base assessed value, when
 28 multiplied by the estimated tax rate of the allocation area will
 29 exceed the amount of assessed value needed to provide the
 30 property taxes necessary to make, when due, principal and
 31 interest payments on bonds described in subdivision (3) plus
 32 the amount necessary for other purposes described in
 33 subdivision (3) and subsection (g).

34 (B) Provide a written notice to the county auditor, the
 35 legislative body of the consolidated city, the officers who are
 36 authorized to fix budgets, tax rates, and tax levies under
 37 IC 6-1.1-17-5 for each of the other taxing units that is wholly
 38 or partly located within the allocation area, and (in an
 39 electronic format) the department of local government finance.

40 The notice must:

41 (i) state the amount, if any, of excess assessed value that the
 42 commission has determined may be allocated to the



- 1 respective taxing units in the manner prescribed in
 2 subdivision (1); or
 3 (ii) state that the commission has determined that there is no
 4 excess assessed value that may be allocated to the respective
 5 taxing units in the manner prescribed in subdivision (1).
 6 The county auditor shall allocate to the respective taxing units
 7 the amount, if any, of excess assessed value determined by the
 8 commission. The commission may not authorize an allocation
 9 to the respective taxing units under this subdivision if to do so
 10 would endanger the interests of the holders of bonds described
 11 in subdivision (3).
 12 (C) If:
 13 (i) the amount of excess assessed value determined by the
 14 commission is expected to generate more than two hundred
 15 percent (200%) of the amount of allocated tax proceeds
 16 necessary to make, when due, principal and interest
 17 payments on bonds described in subdivision (3); plus
 18 (ii) the amount necessary for other purposes described in
 19 subdivision (3) and subsection (g);
 20 the commission shall submit to the legislative body of the unit
 21 the commission's determination of the excess assessed value
 22 that the commission proposes to allocate to the respective
 23 taxing units in the manner prescribed in subdivision (1). The
 24 legislative body of the unit may approve the commission's
 25 determination or modify the amount of the excess assessed
 26 value that will be allocated to the respective taxing units in the
 27 manner prescribed in subdivision (1).
 28 (c) For the purpose of allocating taxes levied by or for any taxing
 29 unit or units, the assessed value of taxable property in a territory in the
 30 allocation area that is annexed by any taxing unit after the effective
 31 date of the allocation provision of the resolution is the lesser of:
 32 (1) the assessed value of the property for the assessment date with
 33 respect to which the allocation and distribution is made; or
 34 (2) the base assessed value.
 35 (d) Property tax proceeds allocable to the redevelopment district
 36 under subsection (b)(3) may, subject to subsection (b)(4), be
 37 irrevocably pledged by the redevelopment district for payment as set
 38 forth in subsection (b)(3).
 39 (e) Notwithstanding any other law, each assessor shall, upon
 40 petition of the commission, reassess the taxable property situated upon
 41 or in, or added to, the allocation area, effective on the next assessment
 42 date after the petition.



1 (f) Notwithstanding any other law, the assessed value of all taxable
 2 property in the allocation area, for purposes of tax limitation, property
 3 tax replacement, and formulation of the budget, tax rate, and tax levy
 4 for each political subdivision in which the property is located is the
 5 lesser of:

6 (1) the assessed value of the property as valued without regard to
 7 this section; or

8 (2) the base assessed value.

9 (g) If any part of the allocation area is located in an enterprise zone
 10 created under IC 5-28-15, the unit that designated the allocation area
 11 shall create funds as specified in this subsection. A unit that has
 12 obligations, bonds, or leases payable from allocated tax proceeds under
 13 subsection (b)(3) shall establish an allocation fund for the purposes
 14 specified in subsection (b)(3) and a special zone fund. Such a unit
 15 shall, until the end of the enterprise zone phase out period, deposit each
 16 year in the special zone fund the amount in the allocation fund derived
 17 from property tax proceeds in excess of those described in subsection
 18 (b)(1) and (b)(2) from property located in the enterprise zone that
 19 exceeds the amount sufficient for the purposes specified in subsection
 20 (b)(3) for the year. A unit that has no obligations, bonds, or leases
 21 payable from allocated tax proceeds under subsection (b)(3) shall
 22 establish a special zone fund and deposit all the property tax proceeds
 23 in excess of those described in subsection (b)(1) and (b)(2) in the fund
 24 derived from property tax proceeds in excess of those described in
 25 subsection (b)(1) and (b)(2) from property located in the enterprise
 26 zone. The unit that creates the special zone fund shall use the fund,
 27 based on the recommendations of the urban enterprise association, for
 28 one (1) or more of the following purposes:

29 (1) To pay for programs in job training, job enrichment, and basic
 30 skill development designed to benefit residents and employers in
 31 the enterprise zone. The programs must reserve at least one-half
 32 (1/2) of the enrollment in any session for residents of the
 33 enterprise zone.

34 (2) To make loans and grants for the purpose of stimulating
 35 business activity in the enterprise zone or providing employment
 36 for enterprise zone residents in the enterprise zone. These loans
 37 and grants may be made to the following:

38 (A) Businesses operating in the enterprise zone.

39 (B) Businesses that will move their operations to the enterprise
 40 zone if such a loan or grant is made.

41 (3) To provide funds to carry out other purposes specified in
 42 subsection (b)(3). However, where reference is made in



- 1 subsection (b)(3) to the allocation area, the reference refers for
 2 purposes of payments from the special zone fund only to that part
 3 of the allocation area that is also located in the enterprise zone.
- 4 (h) The state board of accounts and department of local government
 5 finance shall make the rules and prescribe the forms and procedures
 6 that they consider expedient for the implementation of this chapter.
 7 After ~~each general reassessment of real property in an area under~~
 8 ~~IC 6-1.1-4-4~~ and after each reassessment under a reassessment plan
 9 prepared under IC 6-1.1-4-4.2, the department of local government
 10 finance shall adjust the base assessed value one (1) time to neutralize
 11 any effect of the reassessment of the real property in the area on the
 12 property tax proceeds allocated to the redevelopment district under this
 13 section. After each annual adjustment under IC 6-1.1-4-4.5, the
 14 department of local government finance shall adjust the base assessed
 15 value to neutralize any effect of the annual adjustment on the property
 16 tax proceeds allocated to the redevelopment district under this section.
 17 However, the adjustments under this subsection may not include the
 18 effect of property tax abatements under IC 6-1.1-12.1, and these
 19 adjustments may not produce less property tax proceeds allocable to
 20 the redevelopment district under subsection (b)(3) than would
 21 otherwise have been received if the ~~general reassessment~~, reassessment
 22 under the reassessment plan or annual adjustment had not occurred.
 23 The department of local government finance may prescribe procedures
 24 for county and township officials to follow to assist the department in
 25 making the adjustments.
- 26 (i) The allocation deadline referred to in subsection (b) is
 27 determined in the following manner:
- 28 (1) The initial allocation deadline is December 31, 2011.
- 29 (2) Subject to subdivision (3), the initial allocation deadline and
 30 subsequent allocation deadlines are automatically extended in
 31 increments of five (5) years, so that allocation deadlines
 32 subsequent to the initial allocation deadline fall on December 31,
 33 2016, and December 31 of each fifth year thereafter.
- 34 (3) At least one (1) year before the date of an allocation deadline
 35 determined under subdivision (2), the general assembly may enact
 36 a law that:
- 37 (A) terminates the automatic extension of allocation deadlines
 38 under subdivision (2); and
- 39 (B) specifically designates a particular date as the final
 40 allocation deadline.
- 41 SECTION 61. IC 36-7-15.1-53, AS AMENDED BY THE
 42 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL



1 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2019]: Sec. 53. (a) As used in this section:

3 "Allocation area" means that part of a redevelopment project area
4 to which an allocation provision of a resolution adopted under section
5 40 of this chapter refers for purposes of distribution and allocation of
6 property taxes.

7 "Base assessed value" means:

8 (1) the net assessed value of all the property as finally determined
9 for the assessment date immediately preceding the effective date
10 of the allocation provision of the declaratory resolution, as
11 adjusted under subsection (h); plus

12 (2) to the extent that it is not included in subdivision (1), the net
13 **residential** assessed value of ~~property that is assessed as~~
14 ~~residential property under the rules of the department of local~~
15 ~~government finance; within the allocation area, as finally~~
16 ~~determined for any the current assessment date. after the~~
17 ~~effective date of the allocation provision.~~

18 Except as provided in section 55 of this chapter, "property taxes"
19 means taxes imposed under IC 6-1.1 on real property.

20 (b) A resolution adopted under section 40 of this chapter on or
21 before the allocation deadline determined under subsection (i) may
22 include a provision with respect to the allocation and distribution of
23 property taxes for the purposes and in the manner provided in this
24 section. A resolution previously adopted may include an allocation
25 provision by the amendment of that resolution on or before the
26 allocation deadline determined under subsection (i) in accordance with
27 the procedures required for its original adoption. A declaratory
28 resolution or an amendment that establishes an allocation provision
29 must be approved by resolution of the legislative body of the excluded
30 city and must specify an expiration date for the allocation provision.
31 For an allocation area established before July 1, 2008, the expiration
32 date may not be more than thirty (30) years after the date on which the
33 allocation provision is established. For an allocation area established
34 after June 30, 2008, the expiration date may not be more than
35 twenty-five (25) years after the date on which the first obligation was
36 incurred to pay principal and interest on bonds or lease rentals on
37 leases payable from tax increment revenues. However, with respect to
38 bonds or other obligations that were issued before July 1, 2008, if any
39 of the bonds or other obligations that were scheduled when issued to
40 mature before the specified expiration date and that are payable only
41 from allocated tax proceeds with respect to the allocation area remain
42 outstanding as of the expiration date, the allocation provision does not



1 expire until all of the bonds or other obligations are no longer
 2 outstanding. The allocation provision may apply to all or part of the
 3 redevelopment project area. The allocation provision must require that
 4 any property taxes subsequently levied by or for the benefit of any
 5 public body entitled to a distribution of property taxes on taxable
 6 property in the allocation area be allocated and distributed as follows:

7 (1) Except as otherwise provided in this section, the proceeds of
 8 the taxes attributable to the lesser of:

9 (A) the assessed value of the property for the assessment date
 10 with respect to which the allocation and distribution is made;

11 or

12 (B) the base assessed value;

13 shall be allocated to and, when collected, paid into the funds of
 14 the respective taxing units.

15 (2) The excess of the proceeds of the property taxes imposed for
 16 the assessment date with respect to which the allocation and
 17 distribution is made that are attributable to taxes imposed after
 18 being approved by the voters in a referendum or local public
 19 question conducted after April 30, 2010, not otherwise included
 20 in subdivision (1) shall be allocated to and, when collected, paid
 21 into the funds of the taxing unit for which the referendum or local
 22 public question was conducted.

23 (3) Except as otherwise provided in this section, property tax
 24 proceeds in excess of those described in subdivisions (1) and (2)
 25 shall be allocated to the redevelopment district and, when
 26 collected, paid into a special fund for that allocation area that may
 27 be used by the redevelopment district only to do one (1) or more
 28 of the following:

29 (A) Pay the principal of and interest on any obligations
 30 payable solely from allocated tax proceeds that are incurred by
 31 the redevelopment district for the purpose of financing or
 32 refinancing the redevelopment of that allocation area.

33 (B) Establish, augment, or restore the debt service reserve for
 34 bonds payable solely or in part from allocated tax proceeds in
 35 that allocation area.

36 (C) Pay the principal of and interest on bonds payable from
 37 allocated tax proceeds in that allocation area and from the
 38 special tax levied under section 50 of this chapter.

39 (D) Pay the principal of and interest on bonds issued by the
 40 excluded city to pay for local public improvements that are
 41 physically located in or physically connected to that allocation
 42 area.



- 1 (E) Pay premiums on the redemption before maturity of bonds
 2 payable solely or in part from allocated tax proceeds in that
 3 allocation area.
- 4 (F) Make payments on leases payable from allocated tax
 5 proceeds in that allocation area under section 46 of this
 6 chapter.
- 7 (G) Reimburse the excluded city for expenditures for local
 8 public improvements (which include buildings, park facilities,
 9 and other items set forth in section 45 of this chapter) that are
 10 physically located in or physically connected to that allocation
 11 area.
- 12 (H) Reimburse the unit for rentals paid by it for a building or
 13 parking facility that is physically located in or physically
 14 connected to that allocation area under any lease entered into
 15 under IC 36-1-10.
- 16 (I) Reimburse public and private entities for expenses incurred
 17 in training employees of industrial facilities that are located:
 18 (i) in the allocation area; and
 19 (ii) on a parcel of real property that has been classified as
 20 industrial property under the rules of the department of local
 21 government finance.
- 22 However, the total amount of money spent for this purpose in
 23 any year may not exceed the total amount of money in the
 24 allocation fund that is attributable to property taxes paid by the
 25 industrial facilities described in this clause. The
 26 reimbursements under this clause must be made within three
 27 (3) years after the date on which the investments that are the
 28 basis for the increment financing are made.
- 29 The special fund may not be used for operating expenses of the
 30 commission.
- 31 (4) Before June 15 of each year, the commission shall do the
 32 following:
- 33 (A) Determine the amount, if any, by which the assessed value
 34 of the taxable property in the allocation area for the most
 35 recent assessment date minus the base assessed value, when
 36 multiplied by the estimated tax rate of the allocation area, will
 37 exceed the amount of assessed value needed to provide the
 38 property taxes necessary to make, when due, principal and
 39 interest payments on bonds described in subdivision (3) plus
 40 the amount necessary for other purposes described in
 41 subdivision (3) and subsection (g).
- 42 (B) Provide a written notice to the county auditor, the fiscal



1 body of the county or municipality that established the
 2 department of redevelopment, the officers who are authorized
 3 to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for
 4 each of the other taxing units that is wholly or partly located
 5 within the allocation area, and (in an electronic format) the
 6 department of local government finance. The notice must:

7 (i) state the amount, if any, of excess assessed value that the
 8 commission has determined may be allocated to the
 9 respective taxing units in the manner prescribed in
 10 subdivision (1); or

11 (ii) state that the commission has determined that there is no
 12 excess assessed value that may be allocated to the respective
 13 taxing units in the manner prescribed in subdivision (1).

14 The county auditor shall allocate to the respective taxing units
 15 the amount, if any, of excess assessed value determined by the
 16 commission. The commission may not authorize an allocation
 17 to the respective taxing units under this subdivision if to do so
 18 would endanger the interests of the holders of bonds described
 19 in subdivision (3).

20 (c) For the purpose of allocating taxes levied by or for any taxing
 21 unit or units, the assessed value of taxable property in a territory in the
 22 allocation area that is annexed by any taxing unit after the effective
 23 date of the allocation provision of the resolution is the lesser of:

- 24 (1) the assessed value of the property for the assessment date with
 25 respect to which the allocation and distribution is made; or
 26 (2) the base assessed value.

27 (d) Property tax proceeds allocable to the redevelopment district
 28 under subsection (b)(3) may, subject to subsection (b)(4), be
 29 irrevocably pledged by the redevelopment district for payment as set
 30 forth in subsection (b)(3).

31 (e) Notwithstanding any other law, each assessor shall, upon
 32 petition of the commission, reassess the taxable property situated upon
 33 or in, or added to, the allocation area, effective on the next assessment
 34 date after the petition.

35 (f) Notwithstanding any other law, the assessed value of all taxable
 36 property in the allocation area, for purposes of tax limitation, property
 37 tax replacement, and formulation of the budget, tax rate, and tax levy
 38 for each political subdivision in which the property is located, is the
 39 lesser of:

- 40 (1) the assessed value of the property as valued without regard to
 41 this section; or
 42 (2) the base assessed value.



1 (g) If any part of the allocation area is located in an enterprise zone
 2 created under IC 5-28-15, the unit that designated the allocation area
 3 shall create funds as specified in this subsection. A unit that has
 4 obligations, bonds, or leases payable from allocated tax proceeds under
 5 subsection (b)(3) shall establish an allocation fund for the purposes
 6 specified in subsection (b)(3) and a special zone fund. Such a unit
 7 shall, until the end of the enterprise zone phase out period, deposit each
 8 year in the special zone fund the amount in the allocation fund derived
 9 from property tax proceeds in excess of those described in subsection
 10 (b)(1) and (b)(2) from property located in the enterprise zone that
 11 exceeds the amount sufficient for the purposes specified in subsection
 12 (b)(3) for the year. A unit that has no obligations, bonds, or leases
 13 payable from allocated tax proceeds under subsection (b)(3) shall
 14 establish a special zone fund and deposit all the property tax proceeds
 15 in excess of those described in subsection (b)(1) and (b)(2) in the fund
 16 derived from property tax proceeds in excess of those described in
 17 subsection (b)(1) and (b)(2) from property located in the enterprise
 18 zone. The unit that creates the special zone fund shall use the fund,
 19 based on the recommendations of the urban enterprise association, for
 20 one (1) or more of the following purposes:

21 (1) To pay for programs in job training, job enrichment, and basic
 22 skill development designed to benefit residents and employers in
 23 the enterprise zone. The programs must reserve at least one-half
 24 (1/2) of the enrollment in any session for residents of the
 25 enterprise zone.

26 (2) To make loans and grants for the purpose of stimulating
 27 business activity in the enterprise zone or providing employment
 28 for enterprise zone residents in an enterprise zone. These loans
 29 and grants may be made to the following:

30 (A) Businesses operating in the enterprise zone.

31 (B) Businesses that will move their operations to the enterprise
 32 zone if such a loan or grant is made.

33 (3) To provide funds to carry out other purposes specified in
 34 subsection (b)(3). However, where reference is made in
 35 subsection (b)(3) to the allocation area, the reference refers, for
 36 purposes of payments from the special zone fund, only to that part
 37 of the allocation area that is also located in the enterprise zone.

38 (h) The state board of accounts and department of local government
 39 finance shall make the rules and prescribe the forms and procedures
 40 that they consider expedient for the implementation of this chapter.
 41 After each ~~general~~ reassessment of real property in an area ~~under~~
 42 ~~IC 6-1.1-4-4~~ or reassessment under a county's reassessment plan



1 prepared under IC 6-1.1-4-4.2, the department of local government
 2 finance shall adjust the base assessed value one (1) time to neutralize
 3 any effect of the reassessment of the real property in the area on the
 4 property tax proceeds allocated to the redevelopment district under this
 5 section. After each annual adjustment under IC 6-1.1-4-4.5, the
 6 department of local government finance shall adjust the base assessed
 7 value to neutralize any effect of the annual adjustment on the property
 8 tax proceeds allocated to the redevelopment district under this section.
 9 However, the adjustments under this subsection may not include the
 10 effect of property tax abatements under IC 6-1.1-12.1, and these
 11 adjustments may not produce less property tax proceeds allocable to
 12 the redevelopment district under subsection (b)(3) than would
 13 otherwise have been received if the ~~general reassessment~~, reassessment
 14 under the county's reassessment plan, or annual adjustment had not
 15 occurred. The department of local government finance may prescribe
 16 procedures for county and township officials to follow to assist the
 17 department in making the adjustments.

18 (i) The allocation deadline referred to in subsection (b) is
 19 determined in the following manner:

20 (1) The initial allocation deadline is December 31, 2011.

21 (2) Subject to subdivision (3), the initial allocation deadline and
 22 subsequent allocation deadlines are automatically extended in
 23 increments of five (5) years, so that allocation deadlines
 24 subsequent to the initial allocation deadline fall on December 31,
 25 2016, and December 31 of each fifth year thereafter.

26 (3) At least one (1) year before the date of an allocation deadline
 27 determined under subdivision (2), the general assembly may enact
 28 a law that:

29 (A) terminates the automatic extension of allocation deadlines
 30 under subdivision (2); and

31 (B) specifically designates a particular date as the final
 32 allocation deadline.

33 SECTION 62. IC 36-8-6-5, AS AMENDED BY P.L.182-2009(ss),
 34 SECTION 427, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) If the local board determines
 36 that the total amount of money available for a year will be insufficient
 37 to pay the benefits, pensions, and retirement allowances the local board
 38 is obligated to pay under this chapter, the local board shall, before the
 39 date on which the budget of the municipality is adopted, prepare an
 40 itemized estimate in the form prescribed by the state board of accounts
 41 of the amount of money that will be receipted into and disbursed from
 42 the 1925 fund during the next fiscal year. The estimated receipts



1 consist of the items enumerated in section 4(a) of this chapter. The
 2 estimated disbursements consist of an estimate of the amount of money
 3 that will be needed by the local board during the next fiscal year to
 4 defray the expenses and obligations incurred and that will be incurred
 5 by the local board in making the payments prescribed by this chapter
 6 to retired members, to members who are eligible to and expect to retire
 7 during the ensuing fiscal year, and to the dependents of deceased
 8 members.

9 (b) The local board may provide in its annual budget and pay all
 10 necessary expenses of operating the 1925 fund, including the payment
 11 of all costs of litigation and attorney fees arising in connection with the
 12 fund, as well as the payment of benefits and pensions, including the
 13 payments described in section 5.5 of this chapter. Notwithstanding any
 14 other law, neither the municipal legislative body ~~the county board of~~
 15 ~~tax adjustment~~, nor the department of local government finance may
 16 reduce an item of expenditure.

17 (c) At the time when the estimates are prepared and submitted, the
 18 local board shall also prepare and submit a certified statement showing:

- 19 (1) the name, age, and date of retirement of each retired member
 20 and the monthly and yearly amount of the payment to which the
 21 retired member is entitled;
- 22 (2) the name and age of each member who is eligible to and
 23 expects to retire during the next fiscal year, the date on which the
 24 member expects to retire, and the monthly and yearly amount of
 25 the payment that the member will be entitled to receive; and
- 26 (3) the name and age of each dependent, the date on which the
 27 dependent became a dependent, the date on which the dependent
 28 will cease to be a dependent by reason of attaining the age at
 29 which dependents cease to be dependents, and the monthly and
 30 yearly amount of the payment to which the dependent is entitled.

31 (d) The total receipts shall be deducted from the total expenditures
 32 stated in the itemized estimate and the amount of the excess of the
 33 estimated expenditures over the estimated receipts shall be paid by the
 34 municipality in the same manner as other expenses of the municipality
 35 are paid. A tax levy shall be made annually for this purpose, as
 36 provided in subsection (e). The estimates submitted shall be prepared
 37 and filed in the same manner and form and at the same time that
 38 estimates of other municipal offices and departments are prepared and
 39 filed.

40 (e) The municipal legislative body shall levy an annual tax in the
 41 amount and at the rate that are necessary to produce the revenue to pay
 42 that part of the police pensions that the municipality is obligated to pay.



1 All money derived from the levy is for the exclusive use of the police
 2 pensions and benefits, including the payments described in section 5.5
 3 of this chapter. The amounts in the estimated disbursements, if found
 4 to be correct and in conformity with the data submitted in the certified
 5 statement, are a binding obligation upon the municipality. The
 6 legislative body shall make a levy for them that will yield an amount
 7 equal to the estimated disbursements, less the amount of the estimated
 8 receipts. Notwithstanding any other law, ~~neither the county board of tax~~
 9 ~~adjustment nor~~ the department of local government finance may **not**
 10 reduce the levy.

11 SECTION 63. IC 36-8-7-14, AS AMENDED BY P.L.182-2009(ss),
 12 SECTION 431, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) The local board shall meet
 14 annually and prepare an itemized estimate, in the form prescribed by
 15 the state board of accounts, of the amount of money that will be
 16 receipted into and disbursed from the 1937 fund during the next fiscal
 17 year. The estimated receipts consist of the items enumerated in section
 18 8 of this chapter. The estimated disbursements must be divided into
 19 two (2) parts, designated as part 1 and part 2.

20 (b) Part 1 of the estimated disbursements consists of an estimate of
 21 the amount of money that will be needed by the local board during the
 22 next fiscal year to defray the expenses and obligations incurred and that
 23 will be incurred by the local board in making the payments prescribed
 24 by this chapter to retired members, to members who are eligible to and
 25 expect to retire during the next fiscal year, and to the dependents of
 26 deceased members. Part 2 of the estimated disbursements consists of
 27 an estimate of the amount of money that will be needed to pay death
 28 benefits and other expenditures that are authorized or required by this
 29 chapter.

30 (c) At the time when the estimates are prepared and submitted, the
 31 local board shall also prepare and submit a certified statement showing
 32 the following:

33 (1) The name, age, and date of retirement of each retired member
 34 and the monthly and yearly amount of the payment to which the
 35 retired member is entitled.

36 (2) The name and age of each member who is eligible to and
 37 expects to retire during the next fiscal year, the date on which the
 38 member expects to retire, and the monthly and yearly amount of
 39 the payment that the member will be entitled to receive.

40 (3) The name and the age of each dependent, the date on which
 41 the dependent became a dependent, the date on which the
 42 dependent will cease to be a dependent by reason of attaining the



1 age at which dependents cease to be dependents, and the monthly
2 and yearly amount of the payment to which the dependent is
3 entitled.

4 (4) The amount that would be required for the next fiscal year to
5 maintain level cost funding during the active fund members'
6 employment on an actuarial basis.

7 (5) The amount that would be required for the next fiscal year to
8 amortize accrued liability for active members, retired members,
9 and dependents over a period determined by the local board, but
10 not to exceed forty (40) years.

11 (d) The total receipts shall be deducted from the total expenditures
12 as listed in the itemized estimate. The amount of the excess of the
13 estimated expenditures over the estimated receipts shall be paid by the
14 unit in the same manner as other expenses of the unit are paid, and an
15 appropriation shall be made annually for that purpose. The estimates
16 submitted shall be prepared and filed in the same manner and form and
17 at the same time that estimates of other offices and departments of the
18 unit are prepared and filed.

19 (e) The estimates shall be made a part of the annual budget of the
20 unit. When revising the estimates, the executive, the fiscal officer, and
21 other fiduciary officers may not reduce the items in part 1 of the
22 estimated disbursements.

23 (f) The unit's fiscal body shall make the appropriations necessary to
24 pay that proportion of the budget of the 1937 fund that the unit is
25 obligated to pay under subsection (d). In addition, the fiscal body may
26 make appropriations for purposes of subsection (c)(4), (c)(5), or both.
27 All appropriations shall be made to the local board for the exclusive
28 use of the 1937 fund, including the payments described in section 9.5
29 of this chapter. The amounts listed in part 1 of the estimated
30 disbursements, if found to be correct and in conformity with the data
31 submitted in the certified statement, are a binding obligation upon the
32 unit. Notwithstanding any other law, ~~neither the county board of tax~~
33 ~~adjustment nor~~ the department of local government finance may **not**
34 reduce the appropriations made to pay the amount equal to estimated
35 disbursements minus estimated receipts.

36 SECTION 64. IC 36-8-7-22, AS AMENDED BY P.L.146-2008,
37 SECTION 778, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2018]: Sec. 22. The 1937 fund may not be,
39 either before or after an order for distribution to members of the fire
40 department or to the surviving spouses or guardians of a child or
41 children of a deceased, disabled, or retired member, held, seized, taken,
42 subjected to, detained, or levied on by virtue of an attachment,



1 execution, judgment, writ, interlocutory or other order, decree, or
 2 process, or proceedings of any nature issued out of or by a court in any
 3 state for the payment or satisfaction, in whole or in part, of a debt,
 4 damages, demand, claim, judgment, fine, or amercement of the
 5 member or the member's surviving spouse or children. The 1937 fund
 6 shall be kept and distributed only for the purpose of pensioning the
 7 persons named in this chapter. The local board may, however, annually
 8 expend an amount from the 1937 fund that it considers proper for the
 9 necessary expenses connected with the fund. Notwithstanding any
 10 other law, neither the fiscal body ~~the county board of tax adjustment~~;
 11 nor the department of local government finance may reduce these
 12 expenditures.

13 SECTION 65. IC 36-8-7.5-10, AS AMENDED BY
 14 P.L.182-2009(ss), SECTION 433, IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) If the local
 16 board determines that the total amount of money available for a year
 17 will be insufficient to pay the benefits, pensions, and retirement
 18 allowances the local board is obligated to pay under this chapter, the
 19 local board shall, before the date on which the budget of the police
 20 special service district is adopted, prepare an itemized estimate in the
 21 form prescribed by the state board of accounts of the amount of money
 22 that will be receipted into and disbursed from the 1953 fund during the
 23 next fiscal year. The estimated receipts consist of the items enumerated
 24 in section 8 of this chapter. The estimated disbursements consist of an
 25 estimate of the amount of money that will be needed by the local board
 26 during the next fiscal year to defray the expenses and obligations
 27 incurred and that will be incurred by the local board in making the
 28 payments prescribed by this chapter to retired members, to members
 29 who are eligible and expect to retire during the ensuing fiscal year, and
 30 to the dependents of deceased members.

31 (b) At the time when the estimates are prepared and submitted, the
 32 local board shall also prepare and submit a certified statement showing:

33 (1) the estimated number of beneficiaries from the 1953 fund
 34 during the ensuing fiscal year in each of the various
 35 classifications of beneficiaries as prescribed in this chapter, and
 36 the names and amount of benefits being paid to those actively on
 37 the list of beneficiaries at that time;

38 (2) the name, age, and length of service of each member of the
 39 police department who is eligible to and expects to retire during
 40 the ensuing fiscal year, and the monthly and yearly amounts of the
 41 payment that the member will be entitled to receive; and

42 (3) the name and age of each dependent of a member of the police



1 department who is then receiving benefits, the date on which the
 2 dependent commenced drawing benefits, and the date on which
 3 the dependent will cease to be a dependent by reason of attaining
 4 the age limit prescribed by this chapter, and the monthly and
 5 yearly amounts of the payments to which each of the dependents
 6 is entitled.

7 (c) After the amounts of receipts and disbursements shown in the
 8 itemized estimate are fixed and approved by the executive, fiscal
 9 officer, legislative body and other bodies, as provided by law for other
 10 municipal funds, the total receipts shall be deducted from the total
 11 expenditures stated in the itemized estimate, and the amount of the
 12 excess shall be paid by the police special service district in the same
 13 manner as other expenses of the district are paid. The legislative body
 14 shall levy a tax and the money derived from the levy shall, when
 15 collected, be credited exclusively to the 1953 fund, including the
 16 payments described in section 10.5 of this chapter. The tax shall be
 17 levied in the amount and at the rate that is necessary to produce
 18 sufficient revenue to equal the deficit. Notwithstanding any other law,
 19 ~~neither the county board of tax adjustment nor~~ the department of local
 20 government finance may **not** reduce the tax levy.

21 SECTION 66. IC 36-8-11-18, AS AMENDED BY P.L.146-2008,
 22 SECTION 780, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2018]: Sec. 18. (a) The board shall annually
 24 budget the necessary money to meet the expenses of operation and
 25 maintenance of the district, including repairs, fees, salaries,
 26 depreciation on all depreciable assets, rents, supplies, contingencies,
 27 bond redemption, and all other expenses lawfully incurred by the
 28 district. After estimating expenses and receipts of money, the board
 29 shall establish the tax levy required to fund the estimated budget.

30 (b) The budget must be approved by the fiscal body of the county
 31 ~~the county board of tax adjustment~~, and the department of local
 32 government finance.

33 (c) Upon approval by the department of local government finance,
 34 the board shall certify the approved tax levy to the auditor of the county
 35 having land within the district. The auditor shall have the levy entered
 36 on the county treasurer's tax records for collection. After collection of
 37 the taxes the auditor shall issue a warrant on the treasurer to transfer
 38 the revenues collected to the board, as provided by statute.

39 SECTION 67. IC 36-8-11-22.1, AS AMENDED BY P.L.146-2008,
 40 SECTION 781, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2018]: Sec. 22.1. (a) This section applies to a
 42 district that consists of a municipality that is located in two (2)



- 1 counties.
- 2 (b) This section does not apply to a merged district under section 23
3 of this chapter.
- 4 (c) Sections 6 and 7 of this chapter apply to the petition.
- 5 (d) The board of fire trustees for the district shall be appointed as
6 prescribed by section 12 of this chapter. However, the legislative body
7 of each county within which the district is located shall jointly appoint
8 one (1) trustee from each township or part of a township contained in
9 the district and one (1) trustee from the municipality contained in the
10 district. The legislative body of each county shall jointly appoint a
11 member to fill a vacancy.
- 12 (e) Sections 13, 14, and 15 of this chapter relating to the board of
13 fire trustees apply to the board of the district. However, the county
14 legislative bodies serving the district shall jointly decide where the
15 board shall locate (or approve location of) its office.
- 16 (f) Sections 16, 17, 18, 19, and 21 of this chapter relating to the
17 taxing district, bonds, annual budget, tax levies, and disbanding of fire
18 departments apply to the district. However, the budget must be
19 approved by the county fiscal body ~~and county board of tax adjustment~~
20 in each county in the district. In addition, the auditor of each county in
21 the district shall perform the duties described in section 18(c) of this
22 chapter.
- 23 SECTION 68. IC 36-8-11-23, AS AMENDED BY P.L.146-2008,
24 SECTION 782, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2018]: Sec. 23. (a) Any fire protection district
26 may merge with one (1) or more protection districts to form a single
27 district if at least one-eighth (1/8) of the aggregate external boundaries
28 of the districts coincide.
- 29 (b) The legislative body of the county where at least two (2) districts
30 are located (or if the districts are located in more than one (1) county,
31 the legislative body of each county) shall, if petitioned by freeholders
32 in the two (2) districts, adopt an ordinance merging the districts into a
33 single fire protection district.
- 34 (c) Freeholders who desire the merger of at least two (2) fire
35 protection districts must initiate proceedings by filing a petition in the
36 office of the county auditor of each county where a district is located.
37 The petition must be signed:
- 38 (1) by at least twenty percent (20%), with a minimum of five
39 hundred (500) from each district, of the freeholders owning land
40 within the district; or
41 (2) by a majority of the freeholders from the districts;
42 whichever is less.



1 (d) The petition described in subsection (c) must state the same
 2 items listed in section 7 of this chapter. Sections 6, 8, and 9 of this
 3 chapter apply to the petition and to the legislative body of each county
 4 in the proposed district.

5 (e) The board of fire trustees for each district shall form a single
 6 board, which shall continue to be appointed as prescribed by section 12
 7 of this chapter. In addition, sections 13, 14, and 15 of this chapter
 8 relating to the board of fire trustees apply to the board of the merged
 9 district, except that if the merged district lies in more than one (1)
 10 county, the county legislative bodies serving the combined district shall
 11 jointly decide where the board shall locate (or approve relocation of)
 12 its office.

13 (f) Sections 16, 17, 18, 19, and 21 of this chapter relating to the
 14 taxing district, bonds, annual budget, tax levies, and disbanding of fire
 15 departments apply to a merged district. However, the budget must be
 16 approved by the county fiscal body ~~and county board of tax adjustment~~
 17 in each county in the merged district. In addition, the auditor of each
 18 county in the district shall perform the duties described in section 18(c)
 19 of this chapter.

20 SECTION 69. IC 36-8-13-4.7, AS AMENDED BY P.L.146-2008,
 21 SECTION 783, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2018]: Sec. 4.7. (a) For a township that elects
 23 to have the township provide fire protection and emergency services
 24 under section 3(c) of this chapter, the department of local government
 25 finance shall adjust the township's maximum permissible levy in the
 26 year following the year in which the change is elected, as determined
 27 under IC 6-1.1-18.5-3, to reflect the change from providing fire
 28 protection or emergency services under a contract between the
 29 municipality and the township to allowing the township to impose a
 30 property tax levy on the taxable property located within the corporate
 31 boundaries of each municipality. For the ensuing calendar year, the
 32 township's maximum permissible property tax levy shall be increased
 33 by the product of:

- 34 (1) one and five-hundredths (1.05); multiplied by
 35 (2) the amount the township contracted or billed to receive,
 36 regardless of whether the amount was collected:
 37 (A) in the year in which the change is elected; and
 38 (B) as fire protection or emergency service payments from the
 39 municipalities or residents of the municipalities covered by the
 40 election under section 3(c) of this chapter.

41 The maximum permissible levy for a general fund or other fund of a
 42 municipality covered by the election under section 3(c) of this chapter



1 shall be reduced for the ensuing calendar year to reflect the change to
 2 allowing the township to impose a property tax levy on the taxable
 3 property located within the corporate boundaries of the municipality.
 4 The total reduction in the maximum permissible levies for all electing
 5 municipalities must equal the amount that the maximum permissible
 6 levy for the township is increased under this subsection for contracts
 7 or billings, regardless of whether the amount was collected, less the
 8 amount actually paid from sources other than property tax revenue.

9 (b) For purposes of determining a township's and each
 10 municipality's maximum permissible ad valorem property tax levy
 11 under IC 6-1.1-18.5-3 for years following the first year after the year in
 12 which the change is elected, a township's and each municipality's
 13 maximum permissible ad valorem property tax levy is the levy after the
 14 adjustment made under subsection (a).

15 (c) The township may use the amount of a maximum permissible
 16 property tax levy computed under this section in setting budgets and
 17 property tax levies for any year in which the election in section 3(c) of
 18 this chapter is in effect. ~~A county board of tax adjustment may not~~
 19 ~~reduce a budget or tax levy solely because the budget or levy is based~~
 20 ~~on the maximum permissible property tax levy computed under this~~
 21 ~~section.~~

22 (d) Section 4.6 of this chapter does not apply to a property tax levy
 23 or a maximum property tax levy subject to this section.

24 SECTION 70. IC 36-9-3-29, AS AMENDED BY P.L.146-2008,
 25 SECTION 785, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2018]: Sec. 29. The board shall prepare an
 27 annual budget for the authority's operating and maintenance
 28 expenditures and necessary capital expenditures. Each annual budget
 29 is subject to review and modification by the:

30 (1) fiscal body of the county or municipality that establishes the
 31 authority; and

32 (2) ~~county board of tax adjustment and the~~ department of local
 33 government finance under IC 6-1.1-17.

34 SECTION 71. IC 36-9-4-47, AS AMENDED BY P.L.146-2008,
 35 SECTION 788, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2018]: Sec. 47. (a) The board of directors of a
 37 public transportation corporation may:

38 (1) borrow money in anticipation of receipt of the proceeds of
 39 taxes that have been levied by the board and have not yet been
 40 collected; and

41 (2) evidence this borrowing by issuing warrants of the
 42 corporation.



1 The money that is borrowed may be used by the corporation for
 2 payment of principal and interest on its bonds or for payment of current
 3 operating expenses.

4 (b) The warrants:

5 (1) bear the date or dates;

6 (2) mature at the time or times on or before December 31
 7 following the year in which the taxes in anticipation of which the
 8 warrants are issued are due and payable;

9 (3) bear interest at the rate or rates and are payable at the time or
 10 times;

11 (4) may be in the denominations;

12 (5) may be in the forms, either registered or payable to bearer;

13 (6) are payable at the place or places, either inside or outside
 14 Indiana;

15 (7) are payable in the medium of payment;

16 (8) are subject to redemption upon the terms, including a price not
 17 exceeding par and accrued interest; and

18 (9) may be executed by the officers of the corporation in the
 19 manner;

20 provided by resolution of the board of directors. The resolution may
 21 also authorize the board to pay from the proceeds of the warrants all
 22 costs incurred in connection with the issuance of the warrants.

23 (c) The warrants may be authorized and issued at any time after the
 24 board of directors levies the tax or taxes in anticipation of which the
 25 warrants are issued.

26 (d) The warrants may be sold for not less than par value after notice
 27 inviting bids has been published in accordance with IC 5-3-1. The
 28 board of directors may also publish the notice inviting bids in other
 29 newspapers or financial journals.

30 (e) After the warrants are sold, they may be delivered and paid for
 31 at one (1) time or in installments.

32 (f) The aggregate principal amount of warrants issued in
 33 anticipation of and payable from the same tax levy or levies may not
 34 exceed eighty percent (80%) of the levy or levies, as the amount of the
 35 levy or levies is certified by the department of local government
 36 finance, or as is determined by multiplying the rate of tax as finally
 37 approved by the total assessed valuation of taxable property within the
 38 taxing district of the public transportation corporation as most recently
 39 certified by the county auditor.

40 (g) For purposes of this section, taxes for any year are considered to
 41 be levied when the board of directors adopts the ordinance prescribing
 42 the tax levies for the year. However, warrants may not be delivered and



1 paid for before final approval of a tax levy or levies ~~by the county~~
 2 ~~board of tax adjustment (or, if appealed,~~ by the department of local
 3 government finance unless the issuance of the warrants has been
 4 approved by the department of local government finance.

5 (h) The warrants and the interest on them are not subject to sections
 6 43 and 44 of this chapter and are payable solely from the proceeds of
 7 the tax levy or levies in anticipation of which the warrants were issued.
 8 The authorizing resolution must pledge a sufficient amount of the
 9 proceeds of the tax levy or levies to the payment of the warrants and
 10 the interest.

11 (i) All actions of the board of directors under this section may be
 12 taken by resolution, which need not be published or posted. The
 13 resolution takes effect immediately upon its adoption by a majority of
 14 the members of the board of directors.

15 (j) An action to contest the validity of any tax anticipation warrants
 16 may not be brought later than ten (10) days after the sale date.

17 SECTION 72. IC 36-9-4-51 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 51. (a) The board of
 19 directors of a public transportation corporation shall prepare an annual
 20 budget for the expenditures of the corporation.

21 (b) This subsection applies only when a municipality, having
 22 operated an urban mass transportation system under a department of
 23 municipal government, establishes a public transportation corporation
 24 under section 10 of this chapter to maintain that system. The annual
 25 operating and maintenance budget for the corporation shall be subject
 26 to review and modification by the legislative body of the municipality.

27 (c) A public transportation corporation may not impose a property
 28 tax levy on property that it has not taxed before January 1, 1982, and
 29 that lies outside the corporate boundaries of the municipality without
 30 the approval of the fiscal body or county council of the county in which
 31 the municipality is located.

32 (d) The budget and any tax levies prepared by the board shall be
 33 prepared and submitted at the same time, in the same manner, and with
 34 the same notice as is prescribed by IC 6-1.1-17 for the annual budget
 35 of the municipality. The ~~county tax adjustment board and the~~
 36 department of local government finance may review the budget and tax
 37 levies in the same manner by which ~~they review the department~~
 38 **reviews** budgets and tax levies of the municipality.

39 SECTION 73. IC 36-9-12-5 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) Money deposited
 41 in the special fund under section 4 of this chapter may be expended
 42 only upon a specific appropriation made for that purpose by the



1 municipal legislative body in the same manner that it appropriates
2 other public money.

3 (b) The municipal works board or board of transportation shall
4 prepare an itemized estimate of the money necessary for the operation
5 of parking meters for the ensuing year at the regular time of making
6 and filing budget estimates for other departments of the municipality.
7 These estimates shall be made and presented to the municipal
8 legislative body in the same manner as other department estimates.

9 (c) An appropriation under this section is not subject to review by
10 ~~the county tax adjustment board~~ or the department of local government
11 finance, and the general statutes regarding appropriation of funds do
12 not affect this chapter.

13 SECTION 74. IC 36-9-13-35, AS AMENDED BY P.L.146-2008,
14 SECTION 790, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2018]: Sec. 35. The annual operating budget of
16 a building authority is subject to review ~~by the county board of tax~~
17 ~~adjustment and then~~ by the department of local government finance as
18 in the case of other political subdivisions.

19 SECTION 75. IC 36-9-22-2, AS AMENDED BY P.L.228-2015,
20 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2018]: Sec. 2. (a) The power of the municipal works board to
22 fix the terms of a contract under this section applies to contracts for the
23 installation of sewage works that have not been finally approved or
24 accepted for full maintenance and operation by the municipality on July
25 1, 1979.

26 (b) The works board of a municipality may contract with owners of
27 real property for the construction of sewage works within the
28 municipality or within four (4) miles outside its corporate boundaries
29 in order to provide service for the area in which the real property of the
30 owners is located. The contract must provide, for a period of not to
31 exceed fifteen (15) years, for the payment to the owners and their
32 assigns by any owner of real property who:

- 33 (1) did not contribute to the original cost of the sewage works;
34 and
35 (2) subsequently taps into, uses, or deposits sewage or storm
36 waters in the sewage works or any lateral sewers connected to
37 them;

38 of a fair pro rata share of the cost of the construction of the sewage
39 works, subject to the rules of the board and notwithstanding any other
40 law relating to the functions of local governmental entities. However,
41 the contract does not apply to any owner of real property who is not a
42 party to the contract unless the contract or (after June 30, 2013) a



1 signed memorandum of the contract has been recorded in the office of
 2 the recorder of the county in which the real property of the owner is
 3 located before the owner taps into or connects to the sewers and
 4 facilities. The board may provide that the fair pro rata share of the cost
 5 of construction includes interest at a rate not exceeding the amount of
 6 interest allowed on judgments, and the interest shall be computed from
 7 the date the sewage works are approved until the date payment is made
 8 to the municipality.

9 (c) The contract must include, as part of the consideration running
 10 to the municipality, the release of the right of the parties to the contract
 11 and their successors in title to remonstrate against pending or future
 12 annexations by the municipality of the area served by the sewage
 13 works. Any person tapping into or connecting to the sewage works
 14 contracted for is considered to waive the person's rights to remonstrate
 15 against the annexation of the area served by the sewage works.

16 (d) This subsection does not affect any rights or liabilities accrued,
 17 or proceedings begun before July 1, 2013. Those rights, liabilities, and
 18 proceedings continue and shall be imposed and enforced under prior
 19 law as if this subsection had not been enacted. For contracts executed
 20 after June 30, 2013, **if the release of the right to remonstrate is not void**
 21 **under subsection (g) or (i), the release** is binding on a successor in
 22 title to a party to the contract only if the successor in title:

23 (1) has actual notice of the release; or

24 (2) has constructive notice of the release because the contract, or
 25 a signed memorandum of the contract stating the release, has been
 26 recorded in the chain of title of the property.

27 (e) Subsection (c) does not apply to a landowner if all of the
 28 following conditions apply:

29 (1) The landowner is required to connect to the sewage works
 30 because a person other than the landowner has polluted or
 31 contaminated the area.

32 (2) The costs of extension of or connection to the sewage works
 33 are paid by a person other than the landowner or the municipality.

34 (f) Subsection (c) does not apply to a landowner who taps into,
 35 connects to, or is required to tap into or connect to the sewage works
 36 of a municipality only because the municipality provides wholesale
 37 sewage service (as defined in IC 8-1-2-61.7) to another municipality
 38 that provides sewage service to the landowner.

39 (g) Notwithstanding any other law, a waiver of the right of
 40 remonstrance executed **before, on, or after June 30, 2015, 2018, that**
 41 **is not void under subsection (i)** expires not later than fifteen (15)
 42 years after the date the waiver was executed. **This subsection does not**



1 **invalidate an annexation that was effective on or before July 1,**
2 **2018.**

3 (h) This subsection applies to any deed recorded after June 30,
4 2015. This subsection applies only to property that is subject to a
5 remonstrance waiver. A municipality shall provide written notice to
6 any successor in title to property within a reasonable time after the
7 deed is recorded, that a waiver of the right of remonstrance exists with
8 respect to the property.

9 **(i) This subsection applies to a remonstrance waiver executed**
10 **before, on, or after June 30, 2018. A remonstrance waiver is void**
11 **unless the remonstrance waiver is recorded:**

12 **(1) with the county recorder of the county where the property**
13 **subject to the waiver is located; and**

14 **(2) not more than ninety (90) business days after the date the**
15 **remonstrance waiver is executed.**

16 **This subsection does not invalidate an annexation that was effective**
17 **on or before July 1, 2018.**

18 SECTION 76. IC 36-9-25-14, AS AMENDED BY P.L.228-2015,
19 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2018]: Sec. 14. (a) As to each municipality to which this
21 chapter applies:

22 (1) all the territory included within the corporate boundaries of
23 the municipality; and

24 (2) any territory, town, addition, platted subdivision, or unplatted
25 land lying outside the corporate boundaries of the municipality
26 that has been taken into the district in accordance with a prior
27 statute, the sewage or drainage of which discharges into or
28 through the sewage system of the municipality;

29 constitutes a special taxing district for the purpose of providing for the
30 sanitary disposal of the sewage of the district in a manner that protects
31 the public health and prevents the undue pollution of watercourses of
32 the district.

33 (b) Upon request by:

34 (1) a resolution adopted by the legislative body of another
35 municipality in the same county; or

36 (2) a petition of the majority of the resident freeholders in a
37 platted subdivision or of the owners of unplatted land outside the
38 boundaries of a municipality, if the platted subdivision or
39 unplatted land is in the same county;

40 the board may adopt a resolution incorporating all or any part of the
41 area of the municipality, platted subdivision, or unplatted land into the
42 district.



1 (c) A request under subsection (b) must be signed and certified as
2 correct by the secretary of the legislative body, resident freeholders, or
3 landowners. The original shall be preserved in the records of the board.
4 The resolution of the board incorporating an area in the district must be
5 in writing and must contain an accurate description of the area
6 incorporated into the district. A certified copy of the resolution, signed
7 by the president and secretary of the board, together with a map
8 showing the boundaries of the district and the location of additional
9 areas, shall be delivered to the auditor of the county within which the
10 district is located. It shall be properly indexed and kept in the
11 permanent records of the offices of the auditor.

12 (d) In addition, upon request by ten (10) or more interested resident
13 freeholders in a platted or unplatted territory, the board may define the
14 limits of an area within the county and including the property of the
15 freeholders that is to be considered for inclusion into the district.
16 Notice of the defining of the area by the board, and notice of the
17 location and limits of the area, shall be given by publication in
18 accordance with IC 5-3-1. Upon request by a majority of the resident
19 freeholders of the area, the area may be incorporated into the district in
20 the manner provided in this section. The resolution of the board
21 incorporating the area into the district and a map of the area shall be
22 made and filed in the same manner.

23 (e) In addition, a person owning or occupying real property outside
24 the district may enter into a sewer service agreement with the board for
25 connection to the sewage works of the district. If the agreement
26 provides for connection at a later time, the date or the event upon
27 which the service commences shall be stated in the agreement. The
28 agreement may impose any conditions for connection that the board
29 determines. The agreement must also provide the amount of service
30 charge to be charged for connection if the persons are not covered
31 under section 11 of this chapter, with the amount to be fixed by the
32 board in its discretion and without a hearing.

33 (f) All sewer service agreements made under subsection (e) or (after
34 June 30, 2013) a signed memorandum of the sewer service agreement
35 shall be recorded in the office of the recorder of the county where the
36 property is located. The agreements run with the property described
37 and are binding upon the persons owning or occupying the property,
38 their personal representatives, heirs, devisees, grantees, successors, and
39 assigns. Each agreement that is recorded, or each agreement of which
40 a signed memorandum is recorded, and that provides for the property
41 being served to be placed on the tax rolls shall be certified by the board
42 to the auditor of the county where the property is located. The



1 certification must state the date the property is to be placed on the tax
 2 rolls, and upon receipt of the certification together with a copy of the
 3 agreement, the auditor shall immediately place the property certified
 4 upon the rolls of property subject to the levy and collection of taxes for
 5 the district. An agreement may provide for the collection of a service
 6 charge for the period services are rendered before the levy and
 7 collection of the tax.

8 (g) Except as provided in subsection (j), sewer service agreements
 9 made under subsection (e) must contain a waiver provision that persons
 10 (other than municipalities) who own or occupy property agree for
 11 themselves, their executors, administrators, heirs, devisees, grantees,
 12 successors, and assigns that they will:

13 (1) neither object to nor file a remonstrance against the proposed
 14 annexation of the property by a municipality within the
 15 boundaries of the district;

16 (2) not appeal from an order or a judgment annexing the property
 17 to a municipality; and

18 (3) not file a complaint or an action against annexation
 19 proceedings.

20 (h) This subsection does not affect any rights or liabilities accrued
 21 or proceedings begun before July 1, 2013. Those rights, liabilities, and
 22 proceedings continue and shall be imposed and enforced under prior
 23 law as if this subsection had not been enacted. For contracts executed
 24 after June 30, 2013, a waiver of the right to remonstrate under
 25 subsection (g) **that is not void under subsection (k) or (m)** is binding
 26 as to an executor, administrator, heir, devisee, grantee, successor, or
 27 assign of a party to a sewer service agreement under subsection (g)
 28 only if the executor, administrator, heir, devisee, grantee, successor, or
 29 assign:

30 (1) has actual notice of the waiver; or

31 (2) has constructive notice of the waiver because the sewer
 32 service agreement or a signed memorandum of the sewer service
 33 agreement stating the waiver has been recorded in the chain of
 34 title of the property.

35 (i) This section does not affect any sewer service agreements
 36 entered into before March 13, 1953. **However, subsections (k) and**
 37 **(m) apply to a remonstrance waiver regardless of when the waiver**
 38 **was executed.**

39 (j) Subsection (g) does not apply to a landowner if all of the
 40 following conditions apply:

41 (1) The landowner is required to connect to a sewer service
 42 because a person other than the landowner has polluted or



- 1 contaminated the area.
- 2 (2) The costs of extension of service or connection to the sewer
- 3 service are paid by a person other than the landowner or the
- 4 municipality.
- 5 (k) Notwithstanding any other law, a waiver of the right of
- 6 remonstrance executed **before, on, or after June 30, 2015; 2018, if the**
- 7 **waiver is not void under subsection (m)**, expires not later than fifteen
- 8 (15) years after the date the waiver was executed. **This subsection does**
- 9 **not invalidate an annexation that was effective on or before July 1,**
- 10 **2018.**
- 11 (l) This subsection applies to any deed recorded after June 30, 2015.
- 12 This subsection applies only to property that is subject to a
- 13 remonstrance waiver. A municipality shall provide written notice to
- 14 any successor in title to property within a reasonable time after the
- 15 deed is recorded, that a waiver of the right of remonstrance has been
- 16 granted with respect to the property.
- 17 **(m) This subsection applies to a remonstrance waiver executed**
- 18 **before, on, or after June 30, 2018. A remonstrance waiver is void**
- 19 **unless the remonstrance waiver is recorded:**
- 20 **(1) with the county recorder of the county where the property**
- 21 **subject to the waiver is located; and**
- 22 **(2) not more than ninety (90) business days after the date the**
- 23 **remonstrance waiver is executed.**
- 24 **This subsection does not invalidate an annexation that was effective**
- 25 **on or before July 1, 2018.**
- 26 SECTION 77. IC 36-12-3-12, AS AMENDED BY P.L.219-2007,
- 27 SECTION 148, IS AMENDED TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) The library board shall
- 29 determine the rate of taxation for the library district that is necessary
- 30 for the proper operation of the library. The library board shall certify
- 31 the rate to the county auditor. ~~The county auditor shall certify the tax~~
- 32 ~~rate to the county tax adjustment board in the manner provided in~~
- 33 ~~IC 6-1-1.~~ An additional rate may be levied under section 10(4) of this
- 34 chapter.
- 35 (b) If the library board fails to:
- 36 (1) give:
- 37 (A) a first published notice to the board's taxpayers of the
- 38 board's proposed budget and tax levy for the ensuing year at
- 39 least ten (10) days before the public hearing required under
- 40 IC 6-1.1-17-3; and
- 41 (B) a second published notice to the board's taxpayers of the
- 42 board's proposed budget and tax levy for the ensuing year at



1 least three (3) days before the public hearing required under
 2 IC 6-1.1-17-3; or
 3 (2) finally adopt the budget and fix the tax levy not later than
 4 September 30;
 5 the last preceding annual appropriation made for the public library is
 6 renewed for the ensuing year, and the last preceding annual tax levy is
 7 continued. Under this subsection, the treasurer of the library board
 8 shall report the continued tax levy to the county auditor not later than
 9 September 30.

10 SECTION 78. [EFFECTIVE JANUARY 1, 2019] (a)
 11 **IC 6-1.1-10-48, as added by this act, applies to assessment dates**
 12 **after December 31, 2018.**
 13 **(b) This SECTION expires January 1, 2022.**

14 SECTION 79. [EFFECTIVE JANUARY 1, 2017
 15 (RETROACTIVE)] (a) **This SECTION applies notwithstanding**
 16 **IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or**
 17 **provision.**
 18 **(b) This SECTION applies to the January 1, 2017, assessment**
 19 **date.**
 20 **(c) As used in this SECTION, "eligible property" means any**
 21 **real property and personal property:**
 22 **(1) for which an exemption application was filed after April**
 23 **1, 2017, and before April 10, 2017; and**
 24 **(2) that would have been eligible for an exemption from**
 25 **property taxation under IC 6-1.1-10-16, as amended by this**
 26 **act, or any other law if an exemption application had been**
 27 **properly and timely filed under IC 6-1.1 for the property.**
 28 **(d) The owner of eligible property may, before September 1,**
 29 **2018, file a property tax exemption application and supporting**
 30 **documents claiming a property tax exemption under this**
 31 **SECTION and IC 6-1.1-10-16, as amended by this act, or any other**
 32 **law for the eligible property for the 2017 assessment date.**
 33 **(e) A property tax exemption application filed as provided in**
 34 **subsection (d) is considered to have been properly and timely filed.**
 35 **(f) The following apply if the owner of eligible property files a**
 36 **property tax exemption application as provided in subsection (d):**
 37 **(1) The property tax exemption for the eligible property shall**
 38 **be allowed and granted for the January 1, 2017, assessment**
 39 **date by the county assessor and county auditor of the county**
 40 **in which the eligible property is located.**
 41 **(2) The owner of the eligible property is not required to pay**
 42 **any property taxes, penalties, or interest with respect to the**



1 eligible property for the January 1, 2017, assessment date.

2 (g) The exemption allowed by this SECTION shall be applied
3 without the need for any further ruling or action by the county
4 assessor, the county auditor, or the county property tax assessment
5 board of appeals of the county in which the eligible property is
6 located or by the Indiana board of tax review.

7 (h) To the extent the owner of the eligible property has paid any
8 property taxes, penalties, or interest with respect to the eligible
9 property for the January 1, 2017, assessment date and to the extent
10 that the eligible property is exempt from taxation as provided in
11 this SECTION, the owner of the eligible property is entitled to a
12 refund of the amounts paid. Notwithstanding the filing deadlines
13 for a claim under IC 6-1.1-26, any claim for a refund filed by the
14 owner of eligible property under this SECTION before September
15 1, 2018, is considered timely filed. The county auditor shall pay the
16 refund due under this SECTION in one (1) installment.

17 (i) This SECTION expires July 1, 2021.

18 SECTION 80. [EFFECTIVE JANUARY 1, 2018
19 (RETROACTIVE)] (a) This SECTION applies notwithstanding
20 IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or
21 provision.

22 (b) This SECTION applies to assessment dates after December
23 31, 2011, and before January 1, 2017.

24 (c) As used in this SECTION, "eligible property" means any
25 real property and personal property:

26 (1) for which an exemption application was filed before
27 August 1, 2017; and

28 (2) that would have been eligible for an exemption from
29 property taxation for cemetery property under IC 6-1.1-10-27
30 if an exemption application had been properly and timely filed
31 under IC 6-1.1 for the property.

32 (d) The owner of eligible property may, before September 1,
33 2018, file a property tax exemption application and supporting
34 documents claiming a property tax exemption under this
35 SECTION and IC 6-1.1-10-27 for the eligible property for an
36 assessment date after December 31, 2011, and before January 1,
37 2017.

38 (e) A property tax exemption application filed as provided in
39 subsection (d) is considered to have been properly and timely filed
40 for each assessment date.

41 (f) The following apply if the owner of eligible property files a
42 property tax exemption application as provided in subsection (d):



1 (1) The property tax exemption for the eligible property shall
2 be allowed and granted for the applicable assessment date by
3 the county assessor and county auditor of the county in which
4 the eligible property is located.

5 (2) The owner of the eligible property is not required to pay
6 any property taxes, penalties, or interest with respect to the
7 eligible property for the applicable assessment date.

8 (g) The exemption allowed by this SECTION shall be applied
9 without the need for any further ruling or action by the county
10 assessor, the county auditor, or the county property tax assessment
11 board of appeals of the county in which the eligible property is
12 located or by the Indiana board of tax review.

13 (h) To the extent the owner of the eligible property has paid any
14 property taxes, penalties, or interest with respect to the eligible
15 property for an applicable date and to the extent that the eligible
16 property is exempt from taxation as provided in this SECTION,
17 the owner of the eligible property is entitled to a refund of the
18 amounts paid. Notwithstanding the filing deadlines for a claim
19 under IC 6-1.1-26, any claim for a refund filed by the owner of
20 eligible property under this subsection before September 1, 2018,
21 is considered timely filed. The county auditor shall pay the refund
22 due under this SECTION in one (1) installment.

23 (i) This SECTION expires June 30, 2019.

24 SECTION 81. [EFFECTIVE JULY 1, 2018] (a) The legislative
25 council is urged to assign to the interim study committee on fiscal
26 policy the task of studying the allocation of local income tax
27 revenue under IC 6-3.6 when taxing units reorganize under
28 IC 36-1.5.

29 (b) This SECTION expires January 1, 2019.

30 SECTION 82. [EFFECTIVE JULY 1, 2018] (a) The legislative
31 council is urged to assign to the appropriate interim study
32 committee the task of studying replacement of the local income tax
33 law under IC 6-3.6-6 with a new local income tax law that would
34 include the following local income tax provisions:

35 (1) Authorizing counties, municipalities, and school
36 corporations to each enact a property tax relief tax rate.

37 (2) Authorizing counties, municipalities, and school
38 corporations to each enact an expenditure rate.

39 (3) Maintaining the local income tax special purpose rates but
40 providing that a political subdivision may not pledge any tax
41 revenue received under the new local income tax law for debt
42 payments except under a special purpose rate.



1 **(b) This SECTION expires January 1, 2019.**
2 **SECTION 83. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1104, 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 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 3. IC 5-14-3.8-3.5, AS AMENDED BY P.L.255-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) This section applies only to contracts that a political subdivision **that is a taxing unit (as defined in IC 6-1.1-1-21)** enters into after June 30, 2016.

(b) As used in this section, "contract" includes all pages of a contract and any attachments to the contract.

(c) A political subdivision shall upload a digital copy of a contract to the Indiana transparency Internet web site one (1) time if the total cost of the contract to the political subdivision exceeds fifty thousand dollars (\$50,000) during the term of the contract. This subsection applies to all contracts for any subject, purpose, or term, except that a political subdivision is not required to upload a copy of an employment contract between the political subdivision and an employee of the political subdivision. In the case of a collective bargaining agreement, the political subdivision shall upload a copy of the collective bargaining agreement and a copy of a blank or sample individual employment contract. A political subdivision shall upload the contract not later than sixty (60) days after the date the contract is executed. If a political subdivision enters into a contract that the political subdivision reasonably expects when entered into will not exceed fifty thousand dollars (\$50,000) in cost to the political subdivision but at a later date determines or expects the contract to exceed fifty thousand dollars (\$50,000) in cost to the political subdivision, the political subdivision shall upload a copy of the contract within sixty (60) days after the date on which the political subdivision makes the determination or realizes the expectation that the contract will exceed fifty thousand dollars (\$50,000) in cost to the political subdivision.

(d) Nothing in this section prohibits the political subdivision from withholding any information in the contract that the political subdivision shall or may withhold from disclosure under IC 5-14-3. A political subdivision may redact or obscure signatures on a contract. The political subdivision is solely responsible for redacting information in the contract."

Page 14, between lines 16 and 17, begin a new paragraph and insert:



"SECTION 13. IC 6-1.1-12-17.8, AS AMENDED BY P.L.255-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017 (RETROACTIVE)]: Sec. 17.8. (a) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, 17.4 (before its expiration), or 37 of this chapter in a particular year and who remains eligible for the deduction in the following year is not required to file a statement to apply for the deduction in the following year. However, for purposes of a deduction under section 37 of this chapter, the county auditor may, in the county auditor's discretion, terminate the deduction for assessment dates after January 15, 2012, if the individual does not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015), as determined by the county auditor, before January 1, 2013. Before the county auditor terminates the deduction because the taxpayer claiming the deduction did not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1, 2013, the county auditor shall mail notice of the proposed termination of the deduction to:

- (1) the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records; or
- (2) the last known address of the most recent owner shown in the transfer book.

(b) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 (before its expiration) of this chapter in a particular year and who becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the real property, mobile home, or manufactured home for which the individual claims the deduction is located of the individual's ineligibility in the year in which the individual becomes ineligible. An individual who becomes ineligible for a deduction under section 37 of this chapter shall notify the county auditor of the county in which the property is located in conformity with section 37 of this chapter.

(c) The auditor of each county shall, in a particular year, apply a deduction provided under section 1, 9, 11, 13, 14, 16, 17.4 (before its expiration), or 37 of this chapter to each individual who received the deduction in the preceding year unless the auditor determines that the individual is no longer eligible for the deduction.

(d) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, 17.4 (before its expiration), or 37 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the deduction in the following year is not required



to file a statement to reapply for the deduction following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse; or
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse.

If an unmarried individual who is receiving a deduction under section 37 of this chapter for a property subsequently marries, desires to continue claiming the deduction for the property, and remains eligible for the deduction, the individual must reapply for the deduction for the following assessment date. If a married individual who is receiving a deduction under section 37 of this chapter for a property with the individual's spouse subsequently divorces, desires to continue claiming the deduction for the property, and remains eligible for the deduction, the individual must reapply for the deduction for the following assessment date. However, the individual's failure to reapply for the deduction does not make the individual's former spouse ineligible for a deduction under section 37 of this chapter. If a person who is receiving a deduction under section 9 of this chapter for a property subsequently comes to own the property with another person jointly or as a tenant in common, desires to continue claiming the deduction for the property, and remains eligible for the deduction, the person must reapply for the deduction for the following assessment date. If an unmarried individual who is receiving a credit under IC 6-1.1-20.6-8.5 for a property subsequently marries, desires to continue claiming the credit for the property, and remains eligible for the credit, the individual must reapply for the credit for the following assessment date. **If a county auditor terminates a deduction under section 9 of this chapter, a deduction under section 37 of this chapter, or a credit under IC 6-1.1-20.6-8.5 after June 30, 2017, and before May 1, 2018, because the taxpayer claiming the deduction or credit did not comply with a requirement added to this subsection by P.L.255-2017 to reapply for the deduction or credit, the county auditor shall reinstate the deduction or credit if the taxpayer provides proof that the taxpayer is eligible for the deduction or credit and is not claiming the deduction or credit for any other property.**

(e) A trust entitled to a deduction under section 9, 11, 13, 14, 16, 17.4 (before its expiration), or 37 of this chapter for real property owned by the trust and occupied by an individual in accordance with section 17.9 of this chapter is not required to file a statement to apply for the deduction, if:



- (1) the individual who occupies the real property receives a deduction provided under section 9, 11, 13, 14, 16, 17.4 (before its expiration), or 37 of this chapter in a particular year; and
- (2) the trust remains eligible for the deduction in the following year.

However, for purposes of a deduction under section 37 of this chapter, the individuals that qualify the trust for a deduction must comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1, 2013.

(f) A cooperative housing corporation (as defined in 26 U.S.C. 216) that is entitled to a deduction under section 37 of this chapter in the immediately preceding calendar year for a homestead (as defined in section 37 of this chapter) is not required to file a statement to apply for the deduction for the current calendar year if the cooperative housing corporation remains eligible for the deduction for the current calendar year. However, the county auditor may, in the county auditor's discretion, terminate the deduction for assessment dates after January 15, 2012, if the individual does not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015), as determined by the county auditor, before January 1, 2013. Before the county auditor terminates a deduction because the taxpayer claiming the deduction did not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1, 2013, the county auditor shall mail notice of the proposed termination of the deduction to:

- (1) the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records; or
- (2) the last known address of the most recent owner shown in the transfer book.

(g) An individual who:

- (1) was eligible for a homestead credit under IC 6-1.1-20.9 (repealed) for property taxes imposed for the March 1, 2007, or January 15, 2008, assessment date; or
- (2) would have been eligible for a homestead credit under IC 6-1.1-20.9 (repealed) for property taxes imposed for the March 1, 2008, or January 15, 2009, assessment date if IC 6-1.1-20.9 had not been repealed;

is not required to file a statement to apply for a deduction under section 37 of this chapter if the individual remains eligible for the deduction in the current year. An individual who filed for a homestead credit under IC 6-1.1-20.9 (repealed) for an assessment date after March 1, 2007 (if the property is real property), or after January 1, 2008 (if the property



is personal property), shall be treated as an individual who has filed for a deduction under section 37 of this chapter. However, the county auditor may, in the county auditor's discretion, terminate the deduction for assessment dates after January 15, 2012, if the individual does not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015), as determined by the county auditor, before January 1, 2013. Before the county auditor terminates the deduction because the taxpayer claiming the deduction did not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1, 2013, the county auditor shall mail notice of the proposed termination of the deduction to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book.

(h) If a county auditor terminates a deduction because the taxpayer claiming the deduction did not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1, 2013, the county auditor shall reinstate the deduction if the taxpayer provides proof that the taxpayer is eligible for the deduction and is not claiming the deduction for any other property.

(i) A taxpayer described in section 37(k) of this chapter is not required to file a statement to apply for the deduction provided by section 37 of this chapter for a calendar year beginning after December 31, 2008, if the property owned by the taxpayer remains eligible for the deduction for that calendar year. However, the county auditor may terminate the deduction for assessment dates after January 15, 2012, if the individual residing on the property owned by the taxpayer does not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015), as determined by the county auditor, before January 1, 2013. Before the county auditor terminates a deduction because the individual residing on the property did not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1, 2013, the county auditor shall mail notice of the proposed termination of the deduction to:

- (1) the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records; or
- (2) the last known address of the most recent owner shown in the transfer book."

Page 25, line 31, delete "the county auditor and".

Page 25, line 32, delete "two (2)" and insert "**five (5) business**".

Page 25, line 38, strike "county".



Page 25, line 39, delete "auditor and the".

Page 25, line 40, strike "two (2)" and insert "**five (5) business**".

Page 25, line 41, strike "two (2)" and insert "**five (5) business**".

Page 26, line 39, delete "the county auditor and".

Page 26, line 40, delete "two (2)" and insert "**five (5) business**".

Page 35, after line 42, begin a new paragraph and insert:

"SECTION 29. IC 6-1.1-18.5-23.2, AS ADDED BY P.L.242-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 23.2. (a) This section applies to ~~the following townships~~ **Green Township** in Hancock County.

~~(1) Brown Township.~~

~~(2) Jackson Township.~~

~~(3) Blue River Township.~~

(b) The executive of a township ~~listed described~~ in subsection (a) may, after approval by the fiscal body of the township, submit a petition to the department of local government finance requesting an increase in the maximum permissible ad valorem property tax levy for the township's general fund.

(c) If the executive of a township submits a petition under subsection (b), the department of local government finance shall increase the maximum permissible ad valorem property tax levy for the township's general fund for property taxes first due and payable after December 31, ~~2015~~, **2018**, by an amount equal to the lesser of the following:

(1) Twenty-five thousand dollars (\$25,000).

(2) The sum of the following:

(A) The amount necessary to make the maximum permissible ad valorem property tax levy for the township's general fund equal to the maximum permissible ad valorem property tax levy that would have applied to the township's general fund under section 3 of this chapter for property taxes first due and payable after December 31, ~~2015~~, **2018**, if in each year, beginning in 2003 and ending in ~~2015~~, **2018**, the township had imposed the maximum permissible ad valorem property tax levy for the township's general fund in each of those years (regardless of whether the township did impose the entire amount of the maximum permissible ad valorem property tax levy for the township's general fund).

(B) The amount necessary to make the maximum permissible ad valorem property tax levy under section 3 of this chapter for the township's firefighting fund under IC 36-8-13 equal to the maximum permissible ad valorem property tax levy under



section 3 of this chapter that would have applied to the township's firefighting fund for property taxes first due and payable after December 31, ~~2015~~; **2018**, if in each year, beginning in 2003 and ending in ~~2015~~; **2018**, the township had imposed the maximum permissible ad valorem property tax levy for the township's firefighting fund in each of those years (regardless of whether the township did impose the entire amount of the maximum permissible ad valorem property tax levy for the township's firefighting fund).".

Page 42, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 35. IC 6-3.6-5-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) This section applies to all counties.

(b) The adopting body may impose a tax rate under this chapter that does not exceed one and twenty-five hundredths percent (1.25%) on the adjusted gross income of local taxpayers in the county served by the adopting body.

(c) Revenues from a tax under this section may be used only for the purpose of funding a property tax credit applied on a percentage basis to reduce the property tax liability of taxpayers with tangible property located in the county as authorized under this section. Property taxes imposed due to a referendum in which a majority of the voters in the taxing unit imposing the property taxes approved the property taxes are not eligible for a credit under this section. **However, IC 6-3.6-11-2 applies in Jasper County.**

(d) The adopting body shall specify by ordinance how the revenue from the tax shall be applied *under subdivisions (1) through (4)* to provide property tax credits in subsequent years. *The allocation must be specified as a percentage of property tax relief revenue for taxpayers within each property category.* The ordinance must be adopted *before July 1 and first applies in the following year and then as provided in IC 6-3.6-3 and takes effect and applies to property taxes as specified in IC 6-3.6-3-3.* *The ordinance continues to apply thereafter until it is rescinded or modified.* The property tax credits may be allocated *to all property categories or among any combination of the following categories:*

- (1) For homesteads eligible for a credit under IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax liability for the property to one percent (1%).
- (2) For residential property, long term care property, agricultural land, and other tangible property (if any) eligible for a credit



under IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax liability for the property to two percent (2%).

(3) For *the following types of property as a single category:*

(A) residential property, as defined in IC 6-1.1-20.6-4.

(B) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9 (repealed) or the standard deduction under IC 6-1.1-12-37.

(C) Real property consisting of units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days, regardless of whether the tangible property is subject to assessment under rules of the department of local government finance that apply to:

(i) residential property; or

(ii) commercial property.

(4) For nonresidential real property, personal property, and other tangible property (if any) eligible for a credit under IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax liability for the property to three percent (3%). However, IC 6-3.6-11-2 applies in Jasper County.

(e) Within a category described in subsection (d) for which an ordinance grants property tax credits, the property tax credit rate must be a uniform percentage for all qualifying taxpayers with property in that category in the county. The credit percentage may be, but does not have to be, uniform for all categories of property listed in subsection (d). *The total of all tax credits granted under this section for a year may not exceed the amount of revenue raised by the tax imposed under this section. If the amount available in a year for property tax credits under this section is less than the amount necessary to provide all the property tax credits authorized by the adopting body, the county auditor shall reduce the property tax credits granted to eliminate the excess. The county auditor shall reduce credits within the categories described in subsection (d)(1) through (d)(4) as follows:*

(1) First, against property taxes imposed on property described in subsection (d)(4).

(2) Second, if an excess remains after applying the reduction as described in subdivision (1), against property taxes imposed on property described in subsection (d)(3).

(3) Third, if an excess remains after applying the reduction as described in subdivisions (1) and (2), against property taxes imposed on property described in subsection (d)(2).

(4) Fourth, if an excess remains after applying the reduction as



described in subdivisions (1) through (3), against property taxes imposed on property described in subsection (d)(1).

(f) The total of all tax credits granted under this section for a year may not exceed the amount authorized by the adopting body. If the amount available in a year for property tax credits under this section is greater than the amount necessary to provide all the property tax credits authorized by the adopting body, the county auditor shall retain and apply the excess as necessary to provide the property tax credits authorized by the adopting body for the following year. The adopting body may adopt an ordinance that directs to which categories described in subsection (d) the excess is to be uniformly applied.

~~(g)~~ (f) The county auditor shall allocate the amount of revenue applied as tax credits under this section to the taxing units that imposed the eligible property taxes against which the credits are applied.

~~(h)~~ (g) *If the adopting body adopts an ordinance to reduce or eliminate the property tax relief credits that are in effect in the county under this chapter, the county auditor shall give notice of the adoption of the ordinance in accordance with IC 5-3-1 not later than thirty (30) days after the date on which the ordinance is adopted.*

SECTION 36. IC 6-3.6-11-2, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2018 (RETROACTIVE)]: Sec. 2. (a) This section applies to Jasper County's allocation of property tax credits provided by a tax rate under IC 6-3.6-5.

(b) A taxpayer that owns an industrial plant located in Jasper County is ineligible for a credit under IC 6-3.6-5 against the property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeded twenty percent (20%) of the total assessed value of all taxable property in the county on that date. The general assembly finds that the provisions of this subsection are necessary because the industrial plant represents such a large percentage of Jasper County's assessed valuation.

(c) The adopting body may adopt an ordinance to provide that property taxes are eligible for a credit under IC 6-3.6-5-6 if the property taxes are imposed due to a referendum in which a majority of the voters in the taxing unit imposing the property taxes approved, before July 1, 2015, the property taxes.

SECTION 37. IC 6-3.6-11-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 7. (a) This section applies to any county in which there is located three (3) or more municipalities having a population of at least thirty thousand (30,000) for local income tax**



distributions in 2019 through 2023.

(b) This section applies to the allocation of the tax revenue under IC 6-3.6-6 that is dedicated to certified shares and allocated among the civil taxing units in the county. The distributive shares that each civil taxing unit in the county is entitled to receive during a month equals the total amount of revenues that are to be distributed as distributive shares during that month as determined under this section.

(c) If a municipality's percentage of certified shares for a year minus the municipality's percentage of total population, using only municipalities, exceeds five (5) percentage points, the municipality's allocation of certified shares is the lesser of the municipality's:

- (1) certified share amount determined under IC 6-3.6-6-12; or
- (2) the 2018 certified share amount.

(d) If a township's percentage of certified shares for a year minus the township's percentage of total population, using only townships, exceeds five (5) percentage points, the township's share of the certified shares is the lesser of the township's:

- (1) certified share amount determined under IC 6-3.6-6-12; or
- (2) the 2018 certified share amount.

(e) If the 2018 certified share amount for a municipality or township is less than the certified share amount determined under IC 6-3.6-6-12 for a year for the municipality or township, the excess certified shares shall be allocated among all other civil taxing units not covered by subsection (c) or (d) as distributive shares to each of those civil taxing units in the county.

(f) This section expires December 31, 2023."

Page 48, between lines 26 and 27, begin a new paragraph and insert:
"SECTION 39. IC 13-18-15-2, AS AMENDED BY P.L.228-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) The persons involved shall negotiate the terms for connection and service under this chapter.

(b) If service is ordered under this chapter, a receiver of that service that is located in an unincorporated area may grant a waiver to a municipality providing the service. A waiver under this section:

- (1) must waive the receiver's right of remonstrance against annexation of the areas in which the service is to be provided; and
- (2) may be one (1) of the terms for connection and service described in subsection (a).

(c) The waiver, if granted:

- (1) shall be noted on the deed of each property affected and



recorded as provided by law; and

(2) is considered a covenant running with the land.

(d) Notwithstanding any other law, a waiver of the right of remonstrance executed **before, on, or after June 30, 2015, 2018, that is not void under subsection (f)** expires not later than fifteen (15) years after the date the waiver was executed. **This subsection does not invalidate an annexation that was effective on or before July 1, 2018.**

(e) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall, within a reasonable time after the recording of a deed to property located within the municipality, provide written notice to the property owner that a waiver of the right of remonstrance exists with respect to the property.

(f) This subsection applies to a remonstrance waiver executed before, on, or after June 30, 2018. A remonstrance waiver is void unless the remonstrance waiver is recorded:

(1) with the county recorder of the county where the property subject to the waiver is located; and

(2) not more than ninety (90) business days after the date the remonstrance waiver is executed.

This subsection does not invalidate an annexation that was effective on or before July 1, 2018."

Page 52, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 45. IC 36-2-5-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 3.7. (a) As used in this section, "body" refers to either of the following:**

(1) The county fiscal body.

(2) The county executive.

(b) The county fiscal body may establish a salary schedule that includes compensation for a presiding officer or secretary of a body that is greater than the compensation for other members of the body, if all of the following are satisfied:

(1) All applicable requirements in this chapter are satisfied with respect to the salary schedule that includes the additional compensation.

(2) The additional compensation is being provided because the individual holding the position of presiding officer or secretary:

(A) has additional duties; or

(B) attends additional meetings on behalf of the body;



as compared to other members of the body.

(3) The additional compensation amount applies only for time periods during which the individual serves in the capacity as presiding officer or secretary and:

(A) handles additional duties; or

(B) attends additional meetings on behalf of the body;

as compared to other members of the body.

SECTION 46. IC 36-2-6-8, AS AMENDED BY P.L.146-2008, SECTION 689, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) **Except as permitted by IC 36-2-5-3.7**, the county executive or a court may not make an allowance to a county officer for:

(1) services rendered in a criminal action;

(2) services rendered in a civil action; or

(3) extra services rendered in the county officer's capacity as a county officer.

(b) The county executive may make an allowance to the clerk of the circuit court, county auditor, county treasurer, county sheriff, township assessor (if any), or county assessor, or to any of those officers' employees, only if:

(1) the allowance is specifically required by law; or

(2) the county executive finds, on the record, that the allowance is necessary in the public interest.

(c) A member of the county executive who recklessly violates subsection (b) commits a Class C misdemeanor and forfeits the member's office.

SECTION 47. IC 36-4-3-11.7, AS ADDED BY P.L.228-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11.7. (a) Notwithstanding any other law, a waiver of the right of remonstrance executed **before, on, or after June 30, 2015, 2018, that is not void under subsection (c)** expires not later than fifteen (15) years after the date the waiver was executed. **This subsection does not invalidate an annexation that was effective on or before July 1, 2018.**

(b) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall, within a reasonable time after the recording of a deed to property located within the municipality, provide written notice to the property owner that a waiver of the right of remonstrance exists with respect to the property.

(c) This subsection applies to a remonstrance waiver executed before, on, or after June 30, 2018. A remonstrance waiver is void



unless the remonstrance waiver is recorded:

- (1) with the county recorder of the county where the property subject to the waiver is located; and**
- (2) not more than ninety (90) business days after the date the remonstrance waiver is executed.**

This subsection does not invalidate an annexation that was effective on or before July 1, 2018.

SECTION 46. IC 36-7-14-25.1, AS AMENDED BY P.L.149-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 25.1. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 27 of this chapter, the taxes allocated under section 39 of this chapter, or other revenues of the district, or any combination of these sources, the redevelopment commission may, by bond resolution and subject to subsections (c) and (p), issue the bonds of the special taxing district in the name of the unit. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

- (1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;
- (2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;
- (3) capitalized interest permitted by this chapter and a debt service reserve for the bonds to the extent the redevelopment commission determines that a reserve is reasonably required; and
- (4) expenses that the redevelopment commission is required or permitted to pay under IC 8-23-17.

(b) If the redevelopment commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, the commission may provide for the total cost in one (1) issue of bonds.

(c) The legislative body of the unit must adopt a resolution that specifies the public purpose of the bond, the use of the bond proceeds, the maximum principal amount of the bond, the term of the bond, and the maximum interest rate or rates of the bond, any provision for redemption before maturity, and any provision for the payment of capitalized interest. The bonds must be dated as set forth in the bond



resolution and negotiable, subject to the requirements of the bond resolution for registering the bonds. The resolution authorizing the bonds must state:

- (1) the denominations of the bonds;
- (2) the place or places at which the bonds are payable; and
- (3) the term of the bonds, which may not exceed:
 - (A) fifty (50) years, for bonds issued before July 1, 2008;
 - (B) thirty (30) years, for bonds issued after June 30, 2008, to finance:
 - (i) an integrated coal gasification powerplant (as defined in IC 6-3.1-29-6);
 - (ii) a part of an integrated coal gasification powerplant (as defined in IC 6-3.1-29-6); or
 - (iii) property used in the operation or maintenance of an integrated coal gasification powerplant (as defined in IC 6-3.1-29-6);

that received a certificate of public convenience and necessity from the Indiana utility regulatory commission under IC 8-1-8.5 et seq. before July 1, 2008;

(C) fifty (50) years, for bonds issued after June 30, 2018, to finance a project that is located in a redevelopment project area, an economic development area, or an urban renewal project area and that includes, as part of the project, the use and repurposing of two (2) or more buildings and structures that are:

- (i) at least seventy-five (75) years old; and**
- (ii) located at a site at which manufacturing previously occurred over a period of at least seventy-five (75) years;**

or

~~(C)~~ **(D) twenty-five (25) years, for bonds issued after June 30, 2008, that are not described in clause (B) or (C).**

The bond resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the redevelopment commission.

(d) The redevelopment commission shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds, subject to subsections (c) and (p). The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds must be executed by the appropriate officer of the unit and attested by the municipal or county fiscal officer.

(f) The bonds are exempt from taxation for all purposes.



(g) The municipal or county fiscal officer shall give notice of the sale of the bonds by publication in accordance with IC 5-3-1. The municipal fiscal officer, or county fiscal officer or executive, shall sell the bonds to the highest bidder, but may not sell them for less than ninety-seven percent (97%) of their par value. However, bonds payable solely or in part from tax proceeds allocated under section 39(b)(3) of this chapter, or other revenues of the district may be sold at a private negotiated sale.

(h) Except as provided in subsection (i), a redevelopment commission may not issue the bonds when the total issue, including bonds already issued and to be issued, exceeds two percent (2%) of the adjusted value of the taxable property in the special taxing district, as determined under IC 36-1-15.

(i) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the redevelopment commission:

- (1) from a special tax levied upon all of the property in the taxing district, as provided by section 27 of this chapter;
- (2) from the tax proceeds allocated under section 39(b)(3) of this chapter;
- (3) from other revenues available to the redevelopment commission; or
- (4) from a combination of the methods stated in subdivisions (1) through (3).

If the bonds are payable solely from the tax proceeds allocated under section 39(b)(3) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount not to exceed the maximum amount approved by the legislative body in the resolution described in subsection (c).

(j) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(k) All laws relating to the giving of notice of the issuance of bonds, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, and the approval of the appropriation by the department of local government finance apply to all bonds issued under this chapter that are payable from the special benefits tax levied pursuant to section 27 of this chapter or from taxes allocated under section 39 of this chapter.

(l) All laws relating to:

- (1) the filing of petitions requesting the issuance of bonds; and



(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

apply to bonds issued under this chapter except for bonds payable solely from tax proceeds allocated under section 39(b)(3) of this chapter, other revenues of the redevelopment commission, or any combination of these sources.

(m) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(n) Any amount remaining in the debt service reserve after all of the bonds of the issue for which the debt service reserve was established have matured shall be:

(1) deposited in the allocation fund established under section 39(b)(3) of this chapter; and

(2) to the extent permitted by law, transferred to the county or municipality that established the department of redevelopment for use in reducing the county's or municipality's property tax levies for debt service.

(o) If bonds are issued under this chapter that are payable solely or in part from revenues to the redevelopment commission from a project or projects, the redevelopment commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the redevelopment commission. The redevelopment commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the redevelopment commission that are payable solely from revenues of the commission shall contain a statement to that effect in the form of bond.

(p) If the total principal amount of bonds authorized by a resolution of the redevelopment commission adopted before July 1, 2008, is equal to or greater than three million dollars (\$3,000,000), the bonds may not



be issued without the approval, by resolution, of the legislative body of the unit. Bonds authorized in any principal amount by a resolution of the redevelopment commission adopted after June 30, 2008, may not be issued without the approval of the legislative body of the unit.

SECTION 47. IC 36-7-14-25.2, AS AMENDED BY P.L.149-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 25.2. (a) Subject to the prior approval of the fiscal body of the unit under subsection (c), a redevelopment commission may enter into a lease of any property that could be financed with the proceeds of bonds issued under this chapter with a lessor for a term not to exceed:

- (1) fifty (50) years, for a lease entered into before July 1, 2008;
- (2) fifty (50) years, for leases entered into after June 30, 2018, to finance a project that is located in a redevelopment project area, an economic development area, or an urban renewal project area and that includes, as part of the project, the use and repurposing of two (2) or more buildings and structures that are:**
 - (A) at least seventy-five (75) years old; and**
 - (B) located at a site at which manufacturing previously occurred over a period of at least seventy-five (75) years;**
- or
- ~~(2) (3) twenty-five (25) years, for a lease entered into after June 30, 2008; that is not described in subdivision (1) or (2).~~

The lease may provide for payments to be made by the redevelopment commission from special benefits taxes levied under section 27 of this chapter, taxes allocated under section 39 of this chapter, any other revenues available to the redevelopment commission, or any combination of these sources.

(b) A lease may provide that payments by the redevelopment commission to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the redevelopment commission only after a public hearing by the redevelopment commission at which all interested parties are provided the opportunity to be heard. After the public hearing, the redevelopment commission may adopt a resolution authorizing the execution of the lease on behalf of the unit if it finds that the service to be provided throughout the term of the lease will serve the public purpose of the unit and is in the best interests of its



residents. Any lease approved by a resolution of the redevelopment commission must also be approved by an ordinance or resolution of the fiscal body of the unit. The approving ordinance or resolution of the fiscal body must include the following:

- (1) The maximum annual lease rental for the lease.
- (2) The maximum interest rate or rates, any provisions for redemption before maturity, and any provisions for the payment of capitalized interest associated with the lease.
- (3) The maximum term of the lease.

(d) Upon execution of a lease providing for payments by the redevelopment commission in whole or in part from the levy of special benefits taxes under section 27 of this chapter and upon approval of the lease by the unit's fiscal body, the redevelopment commission shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the redevelopment district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval. The petition must set forth the petitioners' names, addresses, and objections to the lease and the facts showing that the execution of the lease is unnecessary or unwise or that the payments provided for in the lease are not fair and reasonable, as the case may be.

(e) Upon the filing of the petition, the county auditor shall immediately certify a copy of it, together with such other data as may be necessary in order to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and information, the department of local government finance shall fix a time and place for a hearing in the redevelopment district, which must be not less than five (5) or more than thirty (30) days after the time is fixed. Notice of the hearing shall be given by the department of local government finance to the members of the fiscal body, to the redevelopment commission, and to the first fifty (50) petitioners on the petition by a letter signed by the commissioner or deputy commissioner of the department and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the department of local government finance on the appeal, upon the necessity for the execution of the lease, and as to whether the payments under it are fair and reasonable, is final.

(f) A redevelopment commission entering into a lease payable from



allocated taxes under section 39 of this chapter or other available funds of the redevelopment commission may:

(1) pledge the revenue to make payments under the lease pursuant to IC 5-1-14-4; and

(2) establish a special fund to make the payments.

(g) Lease rentals may be limited to money in the special fund so that the obligations of the redevelopment commission to make the lease rental payments are not considered debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(h) Except as provided in this section, no approvals of any governmental body or agency are required before the redevelopment commission enters into a lease under this section.

(i) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the publication of the notice of the execution and approval of the lease. However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the department of local government finance, an action to contest the validity or enjoin the performance must be brought within thirty (30) days after the decision of the department.

(j) If a redevelopment commission exercises an option to buy a leased facility from a lessor, the redevelopment commission may subsequently sell the leased facility, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the redevelopment commission through auction, appraisal, or arms length negotiation. If the facility is sold at auction, after appraisal, or through negotiation, the redevelopment commission shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days of the hearing."

Page 56, line 14, after "outstanding." insert "**Notwithstanding any other law, in the case of an allocation area that is established after June 30, 2018, and that is located in a redevelopment project area described in section 25.1(c)(3)(C) of this chapter, an economic development area described in section 25.1(c)(3)(C) of this chapter, or an urban renewal project area described in section 25.1(c)(3)(C) of this chapter, the expiration date of the allocation provision may not be more than fifty (50) years after the date on which the allocation provision is established.**"

Page 87, between lines 21 and 22, begin a new paragraph and insert: "SECTION 65. IC 36-9-22-2, AS AMENDED BY P.L.228-2015,



SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) The power of the municipal works board to fix the terms of a contract under this section applies to contracts for the installation of sewage works that have not been finally approved or accepted for full maintenance and operation by the municipality on July 1, 1979.

(b) The works board of a municipality may contract with owners of real property for the construction of sewage works within the municipality or within four (4) miles outside its corporate boundaries in order to provide service for the area in which the real property of the owners is located. The contract must provide, for a period of not to exceed fifteen (15) years, for the payment to the owners and their assigns by any owner of real property who:

- (1) did not contribute to the original cost of the sewage works; and
- (2) subsequently taps into, uses, or deposits sewage or storm waters in the sewage works or any lateral sewers connected to them;

of a fair pro rata share of the cost of the construction of the sewage works, subject to the rules of the board and notwithstanding any other law relating to the functions of local governmental entities. However, the contract does not apply to any owner of real property who is not a party to the contract unless the contract or (after June 30, 2013) a signed memorandum of the contract has been recorded in the office of the recorder of the county in which the real property of the owner is located before the owner taps into or connects to the sewers and facilities. The board may provide that the fair pro rata share of the cost of construction includes interest at a rate not exceeding the amount of interest allowed on judgments, and the interest shall be computed from the date the sewage works are approved until the date payment is made to the municipality.

(c) The contract must include, as part of the consideration running to the municipality, the release of the right of the parties to the contract and their successors in title to remonstrate against pending or future annexations by the municipality of the area served by the sewage works. Any person tapping into or connecting to the sewage works contracted for is considered to waive the person's rights to remonstrate against the annexation of the area served by the sewage works.

(d) This subsection does not affect any rights or liabilities accrued, or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed



after June 30, 2013, **if the release of the right to remonstrate is not void under subsection (g) or (i), the release** is binding on a successor in title to a party to the contract only if the successor in title:

- (1) has actual notice of the release; or
- (2) has constructive notice of the release because the contract, or a signed memorandum of the contract stating the release, has been recorded in the chain of title of the property.

(e) Subsection (c) does not apply to a landowner if all of the following conditions apply:

- (1) The landowner is required to connect to the sewage works because a person other than the landowner has polluted or contaminated the area.
- (2) The costs of extension of or connection to the sewage works are paid by a person other than the landowner or the municipality.

(f) Subsection (c) does not apply to a landowner who taps into, connects to, or is required to tap into or connect to the sewage works of a municipality only because the municipality provides wholesale sewage service (as defined in IC 8-1-2-61.7) to another municipality that provides sewage service to the landowner.

(g) Notwithstanding any other law, a waiver of the right of remonstrance executed **before, on, or after June 30, 2015, 2018, that is not void under subsection (i)** expires not later than fifteen (15) years after the date the waiver was executed. **This subsection does not invalidate an annexation that was effective on or before July 1, 2018.**

(h) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall provide written notice to any successor in title to property within a reasonable time after the deed is recorded, that a waiver of the right of remonstrance exists with respect to the property.

(i) This subsection applies to a remonstrance waiver executed before, on, or after June 30, 2018. A remonstrance waiver is void unless the remonstrance waiver is recorded:

- (1) with the county recorder of the county where the property subject to the waiver is located; and**
- (2) not more than ninety (90) business days after the date the remonstrance waiver is executed.**

This subsection does not invalidate an annexation that was effective on or before July 1, 2018.

SECTION 66. IC 36-9-25-14, AS AMENDED BY P.L.228-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2018]: Sec. 14. (a) As to each municipality to which this chapter applies:

- (1) all the territory included within the corporate boundaries of the municipality; and
- (2) any territory, town, addition, platted subdivision, or unplatted land lying outside the corporate boundaries of the municipality that has been taken into the district in accordance with a prior statute, the sewage or drainage of which discharges into or through the sewage system of the municipality;

constitutes a special taxing district for the purpose of providing for the sanitary disposal of the sewage of the district in a manner that protects the public health and prevents the undue pollution of watercourses of the district.

(b) Upon request by:

- (1) a resolution adopted by the legislative body of another municipality in the same county; or
- (2) a petition of the majority of the resident freeholders in a platted subdivision or of the owners of unplatted land outside the boundaries of a municipality, if the platted subdivision or unplatted land is in the same county;

the board may adopt a resolution incorporating all or any part of the area of the municipality, platted subdivision, or unplatted land into the district.

(c) A request under subsection (b) must be signed and certified as correct by the secretary of the legislative body, resident freeholders, or landowners. The original shall be preserved in the records of the board. The resolution of the board incorporating an area in the district must be in writing and must contain an accurate description of the area incorporated into the district. A certified copy of the resolution, signed by the president and secretary of the board, together with a map showing the boundaries of the district and the location of additional areas, shall be delivered to the auditor of the county within which the district is located. It shall be properly indexed and kept in the permanent records of the offices of the auditor.

(d) In addition, upon request by ten (10) or more interested resident freeholders in a platted or unplatted territory, the board may define the limits of an area within the county and including the property of the freeholders that is to be considered for inclusion into the district. Notice of the defining of the area by the board, and notice of the location and limits of the area, shall be given by publication in accordance with IC 5-3-1. Upon request by a majority of the resident freeholders of the area, the area may be incorporated into the district in



the manner provided in this section. The resolution of the board incorporating the area into the district and a map of the area shall be made and filed in the same manner.

(e) In addition, a person owning or occupying real property outside the district may enter into a sewer service agreement with the board for connection to the sewage works of the district. If the agreement provides for connection at a later time, the date or the event upon which the service commences shall be stated in the agreement. The agreement may impose any conditions for connection that the board determines. The agreement must also provide the amount of service charge to be charged for connection if the persons are not covered under section 11 of this chapter, with the amount to be fixed by the board in its discretion and without a hearing.

(f) All sewer service agreements made under subsection (e) or (after June 30, 2013) a signed memorandum of the sewer service agreement shall be recorded in the office of the recorder of the county where the property is located. The agreements run with the property described and are binding upon the persons owning or occupying the property, their personal representatives, heirs, devisees, grantees, successors, and assigns. Each agreement that is recorded, or each agreement of which a signed memorandum is recorded, and that provides for the property being served to be placed on the tax rolls shall be certified by the board to the auditor of the county where the property is located. The certification must state the date the property is to be placed on the tax rolls, and upon receipt of the certification together with a copy of the agreement, the auditor shall immediately place the property certified upon the rolls of property subject to the levy and collection of taxes for the district. An agreement may provide for the collection of a service charge for the period services are rendered before the levy and collection of the tax.

(g) Except as provided in subsection (j), sewer service agreements made under subsection (e) must contain a waiver provision that persons (other than municipalities) who own or occupy property agree for themselves, their executors, administrators, heirs, devisees, grantees, successors, and assigns that they will:

- (1) neither object to nor file a remonstrance against the proposed annexation of the property by a municipality within the boundaries of the district;
- (2) not appeal from an order or a judgment annexing the property to a municipality; and
- (3) not file a complaint or an action against annexation proceedings.



(h) This subsection does not affect any rights or liabilities accrued or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, a waiver of the right to remonstrate under subsection (g) **that is not void under subsection (k) or (m)** is binding as to an executor, administrator, heir, devisee, grantee, successor, or assign of a party to a sewer service agreement under subsection (g) only if the executor, administrator, heir, devisee, grantee, successor, or assign:

- (1) has actual notice of the waiver; or
- (2) has constructive notice of the waiver because the sewer service agreement or a signed memorandum of the sewer service agreement stating the waiver has been recorded in the chain of title of the property.

(i) This section does not affect any sewer service agreements entered into before March 13, 1953. **However, subsections (k) and (m) apply to a remonstrance waiver regardless of when the waiver was executed.**

(j) Subsection (g) does not apply to a landowner if all of the following conditions apply:

- (1) The landowner is required to connect to a sewer service because a person other than the landowner has polluted or contaminated the area.
- (2) The costs of extension of service or connection to the sewer service are paid by a person other than the landowner or the municipality.

(k) Notwithstanding any other law, a waiver of the right of remonstrance executed **before, on, or after June 30, 2015, 2018, if the waiver is not void under subsection (m)**, expires not later than fifteen (15) years after the date the waiver was executed. **This subsection does not invalidate an annexation that was effective on or before July 1, 2018.**

(l) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall provide written notice to any successor in title to property within a reasonable time after the deed is recorded, that a waiver of the right of remonstrance has been granted with respect to the property.

(m) This subsection applies to a remonstrance waiver executed before, on, or after June 30, 2018. A remonstrance waiver is void unless the remonstrance waiver is recorded:



- (1) with the county recorder of the county where the property subject to the waiver is located; and**
- (2) not more than ninety (90) business days after the date the remonstrance waiver is executed.**

This subsection does not invalidate an annexation that was effective on or before July 1, 2018."

Page 88, after line 9, begin a new paragraph and insert:

"SECTION 65. [EFFECTIVE JANUARY 1, 2017 (RETROACTIVE)] (a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.

(b) This SECTION applies to the January 1, 2017, assessment date.

(c) As used in this SECTION, "eligible property" means any real property and personal property:

- (1) for which an exemption application was filed after April 1, 2017, and before April 10, 2017; and**
- (2) that would have been eligible for an exemption from property taxation under IC 6-1.1-10-16, as amended by this act, or any other law if an exemption application had been properly and timely filed under IC 6-1.1 for the property.**

(d) The owner of eligible property may, before September 1, 2018, file a property tax exemption application and supporting documents claiming a property tax exemption under this SECTION and IC 6-1.1-10-16, as amended by this act, or any other law for the eligible property for the 2017 assessment date.

(e) A property tax exemption application filed as provided in subsection (d) is considered to have been properly and timely filed.

(f) The following apply if the owner of eligible property files a property tax exemption application as provided in subsection (d):

- (1) The property tax exemption for the eligible property shall be allowed and granted for the January 1, 2017, assessment date by the county assessor and county auditor of the county in which the eligible property is located.**
- (2) The owner of the eligible property is not required to pay any property taxes, penalties, or interest with respect to the eligible property for the January 1, 2017, assessment date.**

(g) The exemption allowed by this SECTION shall be applied without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.



(h) To the extent the owner of the eligible property has paid any property taxes, penalties, or interest with respect to the eligible property for the January 1, 2017, assessment date and to the extent that the eligible property is exempt from taxation as provided in this SECTION, the owner of the eligible property is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim under IC 6-1.1-26, any claim for a refund filed by the owner of eligible property under this SECTION before September 1, 2018, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(i) This SECTION expires July 1, 2021.

SECTION 66. [EFFECTIVE JANUARY 1, 2018 (RETROACTIVE)] **(a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.**

(b) This SECTION applies to assessment dates after December 31, 2011, and before January 1, 2017.

(c) As used in this SECTION, "eligible property" means any real property and personal property:

(1) for which an exemption application was filed before August 1, 2017; and

(2) that would have been eligible for an exemption from property taxation for cemetery property under IC 6-1.1-10-27 if an exemption application had been properly and timely filed under IC 6-1.1 for the property.

(d) The owner of eligible property may, before September 1, 2018, file a property tax exemption application and supporting documents claiming a property tax exemption under this SECTION and IC 6-1.1-10-27 for the eligible property for an assessment date after December 31, 2011, and before January 1, 2017.

(e) A property tax exemption application filed as provided in subsection (d) is considered to have been properly and timely filed for each assessment date.

(f) The following apply if the owner of eligible property files a property tax exemption application as provided in subsection (d):

(1) The property tax exemption for the eligible property shall be allowed and granted for the applicable assessment date by the county assessor and county auditor of the county in which the eligible property is located.

(2) The owner of the eligible property is not required to pay any property taxes, penalties, or interest with respect to the



eligible property for the applicable assessment date.

(g) The exemption allowed by this SECTION shall be applied without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.

(h) To the extent the owner of the eligible property has paid any property taxes, penalties, or interest with respect to the eligible property for an applicable date and to the extent that the eligible property is exempt from taxation as provided in this SECTION, the owner of the eligible property is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim under IC 6-1.1-26, any claim for a refund filed by the owner of eligible property under this subsection before September 1, 2018, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(i) This SECTION expires June 30, 2019.

SECTION 67. [EFFECTIVE JULY 1, 2018] (a) The legislative council is urged to assign to the interim study committee on fiscal policy the task of studying the allocation of local income tax revenue under IC 6-3.6 when taxing units reorganize under IC 36-1.5.

(b) This SECTION expires January 1, 2019.

SECTION 68. [EFFECTIVE JULY 1, 2018] (a) The legislative council is urged to assign to the appropriate interim study committee the task of studying replacement of the local income tax law under IC 6-3.6-6 with a new local income tax law that would include the following local income tax provisions:

- (1) Authorizing counties, municipalities, and school corporations to each enact a property tax relief tax rate.
- (2) Authorizing counties, municipalities, and school corporations to each enact an expenditure rate.
- (3) Maintaining the local income tax special purpose rates but providing that a political subdivision may not pledge any tax revenue received under the new local income tax law for debt payments except under a special purpose rate.



(b) This SECTION expires January 1, 2019.
SECTION 69. An emergency is declared for this act."
Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1104 as introduced.)

BROWN T

Committee Vote: yeas 18, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1104 be amended to read as follows:

Page 78, between lines 36 and 37, begin a new line block indented and insert:

"(5) In the case of an allocation area that is established after June 30, 2018, and that is located in a redevelopment project area described in section 25.1(c)(3)(C) of this chapter, an economic development area described in section 25.1(c)(3)(C) of this chapter, or an urban renewal project area described in section 25.1(c)(3)(C) of this chapter, for each year the allocation provision is in effect, if:

(A) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(B) the amount necessary for other purposes described in subdivision (3);

the redevelopment commission shall provide, from property tax proceeds allocated to the redevelopment district, revenue to each school corporation that has territory within the allocation area. The redevelopment commission and the governing body of the school corporation shall jointly determine the amount of revenue that will be provided to the school corporation."

(Reference is to HB 1104 as printed January 26, 2018.)

LEONARD

