



Reprinted
March 1, 2022

ENGROSSED HOUSE BILL No. 1260

DIGEST OF HB 1260 (Updated February 28, 2022 3:43 pm - DI 120)

Citations Affected: IC 4-12; IC 6-1.1; IC 6-3.6; IC 8-22; IC 20-46; IC 33-34; IC 33-37; IC 34-30; IC 36-1; IC 36-7; IC 36-8; IC 36-9; noncode.

Synopsis: Department of local government finance. Specifies provisions for federal economic stimulus funds. Provides that certain churches and religious societies are not required to file a personal property tax return. Provides that a county assessor shall provide electronic access to property record cards on the county's official Internet web site. Repeals the mortgage deduction for assessments beginning January 1, 2023. Increases the homestead deduction from \$45,000 to \$48,000 for assessments beginning January 1, 2023. Required a local assessor to notify the department of local government finance (DLGF) of all new fixed property owned or used by a public utility company that the local assessor will begin assessing and the date on which the assessments will begin. Requires the DLGF to notify a company if any of the company's property that was previously assessed
(Continued next page)

Effective: Upon passage; January 1, 2020 (retroactive); July 1, 2022; January 1, 2023.

Leonard, Heine

(SENATE SPONSORS — BASSLER, HOLDMAN, BUCHANAN,
RANDOLPH LONNIE M)

January 10, 2022, read first time and referred to Committee on Ways and Means.
January 24, 2022, amended, reported — Do Pass.
January 26, 2022, read second time, amended, ordered engrossed.
January 27, 2022, engrossed. Read third time, passed. Yeas 92, nays 3.

SENATE ACTION

February 2, 2022, read first time and referred to Committee on Appropriations.
February 17, 2022, amended, reported favorably — Do Pass.
February 28, 2022, read second time, amended, ordered engrossed.

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by the DLGF will instead be assessed by the township assessor, or the county assessor if there is not a township assessor for the township. Provides that the county assessor may exempt designated infrastructure development zone broadband assets, including assets located in a designated infrastructure development zone of a centrally assessed telephone company or cable company. Provides that the authority of a property tax assessment board of appeals (county board) is not limited to review the ongoing eligibility of a property for an exemption. Provides timing clarifications for property tax deductions for taxpayers who are over age 65 or who are disabled veterans, and for the over age 65 circuit breaker credit. Provides that the assessor shall provide a report to the county auditor describing any physical improvements to the property. Increases the maximum assessed value of the real property for an individual at least 65 years of age to be eligible for a deduction from \$200,000 to \$240,000. Defines the term "taxpayer" for purposes of the procedures for review and appeal of assessments and corrections of errors. Modifies the burden of proof standard in an appeal to provide that an assessment as last determined by an assessing official or the county board is presumed to equal a property's true tax value until rebutted by evidence presented by the parties, unless the property's assessment increased by more than 5%, in which case the assessor has the burden of proof. Provides that a county auditor shall submit a certified statement to the DLGF not later than September 1 in a manner prescribed by the DLGF. Provides for maximum property tax levy increases for Otter Creek Township in Vigo County and Sugar Creek Township Fire Protection District in Vigo County. Provides for a one-time maximum property tax levy increase for Howard County. Specifies certain dates with regard to the adjustment of maximum tax rates after a reassessment or annual adjustment. For reports filed by county boards with the DLGF, changes the requirement for the total number of "notices" to be filed to the total number of "appeals" to be filed. Requires additional information to be filed in such reports. Provides that the term "tax representative" does not include an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted temporary admission to the Indiana bar in order to represent a party before the property tax assessment board of appeals or the DLGF. Provides that the DLGF may not review certain written complaints if such a complaint is related to a matter that is under appeal. Repeals a provision in current law that provides that a taxpayer that owns an industrial plant located in Jasper County is ineligible for a local property tax replacement credit against the property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeds 20% of the total assessed value of all taxable property in the county on that date. Provides that for certain airport development zones and allocation areas established after June 30, 2024, "residential property" refers to the assessed value of property that is allocated to the 1% homestead land and improvement categories in the county tax and billing software system, along with the residential assessed value as defined for purposes of calculating the rate for the local income tax property tax relief credit designated for residential property. Provides formulas for school corporations that propose to impose property taxes under a referendum tax levy. Provides that the property tax rate imposed under the provision for the public safety officers survivors' health coverage cumulative fund is exempt from the adjustment of maximum tax rates after reassessment or annual adjustment. Changes the sunset provision for pro bono legal service fees from July 1, 2022, to July 1, 2025. Allows a county surveyor to send relocation requirements for a proposed regulated drain by either registered mail or certified mail (current law requires the relocation requirements be sent by registered mail). Repeals various property tax provisions. Makes conforming changes.



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March 1, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1260

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 4-12-1-18, AS AMENDED BY P.L.165-2021,
2 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 18. Except **for allotment stipulations** provided
4 in IC 4-12-18, federal funds received by an instrumentality are
5 appropriated for purposes specified by the federal government **and the**
6 **general assembly, if that body elects to appropriate federal funds,**
7 subject to allotment by the budget agency. The provisions of this
8 chapter and other laws concerning the acceptance, disbursement,
9 review, and approval of grants, loans, and gifts made by the federal
10 government or any other source to the state or its agencies apply to
11 instrumentalities.

12 SECTION 2. IC 4-12-18-4, AS ADDED BY P.L.64-2021,
13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2022]: Sec. 4. (a) There is created the economic stimulus
15 fund. Within the economic stimulus fund the auditor of state shall

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1 create a separate account for each separate federal stimulus legislation
 2 enacted. All discretionary funds received by the state must be deposited
 3 in the corresponding account within the economic stimulus fund unless
 4 prohibited by federal law.

5 (b) The economic stimulus fund is separate from the state general
 6 fund and all other state funds and accounts.

7 **(c) For purposes of SECTION 26 of P.L.165-2021, "deposit"**
 8 **means to comply with the purposes, eligible uses, and stipulations**
 9 **of the statutory fund referenced unless federal law or regulations**
 10 **conflict with the statutory fund purposes, eligible uses, and**
 11 **stipulations.**

12 SECTION 3. IC 4-12-18-5, AS ADDED BY P.L.64-2021,
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2022]: Sec. 5. Discretionary funds deposited into ~~the~~ **an**
 15 economic stimulus fund during a period in which the general assembly
 16 is convened in a regular session, an emergency session under
 17 IC 2-2.1-1.2, or a special session may not be allotted or expended
 18 unless appropriated by the general assembly or reviewed by the budget
 19 committee. **Appropriations made by the general assembly do not**
 20 **revert until the end of the biennium in which they are**
 21 **appropriated.**

22 SECTION 4. IC 4-12-18-6, AS ADDED BY P.L.64-2021,
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2022]: Sec. 6. Before discretionary funds deposited into ~~the~~
 25 **an** economic stimulus fund during a period in which the general
 26 assembly is not convened in a regular session, an emergency session
 27 under IC 2-2.1-1.2, or a special session may be allotted to or expended
 28 by a state agency or instrumentality, the allotment or expenditure must
 29 be reviewed by the budget committee. **Money is considered**
 30 **continuously appropriated for the period of the federal award after**
 31 **budget committee review.**

32 SECTION 5. IC 6-1.1-3-7, AS AMENDED BY P.L.108-2019,
 33 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JANUARY 1, 2023]: Sec. 7. (a) Except as provided in
 35 subsections (b), ~~and~~ (c), ~~and~~ (f), a taxpayer shall, on or before the filing
 36 date of each year, file a personal property return with:

- 37 (1) the assessor of each township in which the taxpayer's personal
 38 property is subject to assessment;
 39 (2) the county assessor if there is no township assessor for a
 40 township in which the taxpayer's personal property is subject to
 41 assessment; or
 42 (3) after 2020, the personal property online submission portal



- 1 developed and maintained by the department under section 26 of
 2 this chapter.
- 3 (b) The township assessor or county assessor may grant a taxpayer
 4 an extension of not more than thirty (30) days to file the taxpayer's
 5 return if:
- 6 (1) the taxpayer submits a written or an electronic application for
 7 an extension prior to the filing date; and
 8 (2) the taxpayer is prevented from filing a timely return because
 9 of sickness, absence from the county, or any other good and
 10 sufficient reason.
- 11 (c) If a taxpayer:
- 12 (1) has personal property subject to assessment in more than one
 13 (1) township in a county; or
 14 (2) has personal property that is subject to assessment and that is
 15 located in two (2) or more taxing districts within the same
 16 township;
- 17 the taxpayer shall file a single return with the county assessor and
 18 attach a schedule listing, by township, all the taxpayer's personal
 19 property and the property's assessed value. The taxpayer shall provide
 20 the county assessor with the information necessary for the county
 21 assessor to allocate the assessed value of the taxpayer's personal
 22 property among the townships listed on the return and among taxing
 23 districts, including the street address, the township, and the location of
 24 the property. The taxpayer may, in the alternative, submit the taxpayer's
 25 personal property information and the property's assessed value
 26 through the personal property online submission portal developed
 27 under section 26 of this chapter.
- 28 (d) The county assessor shall provide to each affected township
 29 assessor (if any) in the county all information filed by a taxpayer under
 30 subsection (c) that affects the township.
- 31 (e) The county assessor may refuse to accept a personal property tax
 32 return that does not comply with subsection (c). For purposes of
 33 IC 6-1.1-37-7, a return to which subsection (c) applies is filed on the
 34 date it is filed with the county assessor with the schedule required by
 35 subsection (c) attached.
- 36 **(f) This subsection applies to a church or religious society that:**
 37 **(1) has filed a personal property tax return under this section**
 38 **for each of the five (5) years preceding a year; and**
 39 **(2) on each of the returns described in subdivision (1) has not**
 40 **owed any tax liability due to exemptions under IC 6-1.1 for**
 41 **which the church or religious society has been deemed**
 42 **eligible.**



1 **Notwithstanding any other law, a church or religious society is not**
 2 **required to file a personal property tax return for a year after the**
 3 **five (5) year period described in subdivision (1) unless there is a**
 4 **change in ownership of any personal property included on a return**
 5 **described in subdivision (1), or any other change that results in the**
 6 **personal property no longer being eligible for an exemption under**
 7 **IC 6-1.1, or the church or religious society would otherwise be**
 8 **liable for property tax imposed on personal property owned by the**
 9 **church or religious society.**

10 SECTION 6. IC 6-1.1-4-4.4 IS REPEALED [EFFECTIVE UPON
 11 PASSAGE]. Sec. 4.4. (a) This section applies to an assessment under
 12 section 4.2 or 4.5 of this chapter or another law:

13 (b) If the assessor changes the underlying parcel characteristics,
 14 including age, grade, or condition, of a property, from the previous
 15 year's assessment date, the assessor shall document:

16 (1) each change; and

17 (2) the reason that each change was made.

18 In any appeal of the assessment, the assessor has the burden of proving
 19 that each change was valid:

20 SECTION 7. IC 6-1.1-4-25, AS AMENDED BY P.L.159-2020,
 21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2022]: Sec. 25. (a) Each township assessor and each county
 23 assessor shall keep the assessor's reassessment data and records current
 24 by securing the necessary field data and by making changes in the
 25 assessed value of real property as changes occur in the use of the real
 26 property. The township or county assessor's records shall at all times
 27 show the assessed value of real property in accordance with this
 28 chapter. The township assessor shall ensure that the county assessor
 29 has full access to the assessment records maintained by the township
 30 assessor.

31 (b) The county assessor shall:

32 (1) maintain an electronic data file of:

33 (A) the parcel characteristics and parcel assessments of all
 34 parcels; and

35 (B) the personal property return characteristics and
 36 assessments by return;

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; ~~and~~



1 **(3) provide electronic access to property record cards on the**
 2 **official county Internet web site; and**

3 ~~(3)~~ **(4)** before September 1 of each year, transmit the data in the
 4 file with respect to the assessment date of that year to the
 5 department of local government finance.

6 (c) The appropriate county officer, as designated by the county
 7 executive, shall:

8 (1) maintain an electronic data file of the geographic information
 9 system characteristics of each parcel for each township in the
 10 county as of each assessment date;

11 (2) maintain the electronic file in a form that formats the
 12 information in the file with the standard data, field, and record
 13 coding required and approved by the office of technology; and

14 (3) before September 1 of each year, transmit the data in the file
 15 with respect to the assessment date of that year to the geographic
 16 information office of the office of technology.

17 (d) An assessor under subsection (b) and an appropriate county
 18 officer under subsection (c) shall do the following:

19 (1) Transmit the data in a manner that meets the data export and
 20 transmission requirements in a standard format, as prescribed by
 21 the office of technology established by IC 4-13.1-2-1 and
 22 approved by the legislative services agency.

23 (2) Resubmit the data in the form and manner required under
 24 subsection (b) or (c) upon request of the legislative services
 25 agency, the department of local government finance, or the
 26 geographic information office of the office of technology, as
 27 applicable, if data previously submitted under subsection (b) or
 28 (c) does not comply with the requirements of subsection (b) or (c),
 29 as determined by the legislative services agency, the department
 30 of local government finance, or the geographic information office
 31 of the office of technology, as applicable.

32 An electronic data file maintained for a particular assessment date may
 33 not be overwritten with data for a subsequent assessment date until a
 34 copy of an electronic data file that preserves the data for the particular
 35 assessment date is archived in the manner prescribed by the office of
 36 technology established by IC 4-13.1-2-1 and approved by the
 37 legislative services agency.

38 SECTION 8. IC 6-1.1-8-25.5 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2022]: **Sec. 25.5. (a) A township assessor or**
 41 **county assessor (whichever is applicable) shall notify the**
 42 **department of local government finance of all new fixed property**



1 that the township assessor, or the county assessor if there is no
 2 township assessor for the township, will begin assessing under
 3 section 24 of this chapter and the assessment date on which the
 4 township assessor or county assessor will begin assessing the new
 5 fixed property under section 24 of this chapter.

6 (b) The department of local government finance shall notify a
 7 company subject to taxation under this chapter if any of the
 8 company's property that was previously assessed by the
 9 department of local government finance under this chapter will
 10 instead be assessed by the township assessor, or the county assessor
 11 if there is not a township assessor for the township, under this
 12 chapter.

13 SECTION 9. IC 6-1.1-8-27, AS AMENDED BY P.L.148-2015,
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2022]: Sec. 27. (a) On or before July 1, for years ending
 16 before January 1, 2017, and on or before June 15 for years beginning
 17 after December 31, 2016, the department of local government finance
 18 shall certify to the county assessor and the county auditor of each
 19 county the distributable property assessed values which the department
 20 determines are distributable to the taxing districts of the county. In
 21 addition, if a public utility company has appealed the department of
 22 local government finance's assessment of the company's distributable
 23 property, the department shall notify the county auditor of the appeal.

24 (b) The county assessor shall review the department of local
 25 government finance's certification under subsection (a) to determine if
 26 any of a public utility company's property which has a definite situs in
 27 the county has been omitted. The county auditor shall enter for taxation
 28 the assessed valuation of a public utility company's distributable
 29 property which the department distributes to a taxing district of the
 30 county.

31 (c) The county assessor may exempt designated infrastructure
 32 development zone broadband assets (as defined IC 6-1.1-12.5-1).
 33 This includes the eligible broadband infrastructure assets located
 34 in a designated infrastructure development zone of a centrally
 35 assessed telephone company or cable company (as defined in
 36 section 2(15) of this chapter).

37 (d) A centrally assessed telephone company or cable company
 38 (as defined in section 2(15) of this chapter) that makes eligible
 39 infrastructure investments in a designated infrastructure
 40 development zone established under the provisions of
 41 IC 6-1.1-12.5-5 in facilities and technologies used:

42 (1) in the deployment and transmission of broadband service;



1 **(2) in advanced services that increase the availability of**
 2 **broadband service;**
 3 **(3) in advanced service; or**
 4 **(4) under any combination of subdivisions (1), (2), or (3);**
 5 **is exempt from property taxation as set forth under**
 6 **IC 6-1.1-12.5-5.**

7 **(e) Upon conclusion of the certification process by the**
 8 **department of local government finance under this section, the**
 9 **centrally assessed telephone company or cable company (as defined**
 10 **in section 2(15) of this chapter) shall produce and submit, not later**
 11 **than July 1 of each assessment year, an annual report to the county**
 12 **assessor that includes sufficient information necessary for the**
 13 **county assessor or county auditor to identify the broadband**
 14 **infrastructure investments that are eligible to be exempt from**
 15 **property taxes.**

16 **(f) The county auditor shall reduce the department of local**
 17 **government finance's certified values for each applicable state**
 18 **assessed personal property record that qualifies for the exemption**
 19 **prior to the certification of the county's net assessed values to the**
 20 **department. This shall include the certified values for the centrally**
 21 **assessed telephone company or cable company (as defined in**
 22 **section 2(15) of this chapter.**

23 SECTION 10. IC 6-1.1-11-4, AS AMENDED BY P.L.159-2020,
 24 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 4. (a) The exemption application referred to
 26 in section 3 of this chapter is not required if the exempt property is
 27 owned by the United States, the state, an agency of this state, or a
 28 political subdivision (as defined in IC 36-1-2-13). However, this
 29 subsection applies only when the property is used, and in the case of
 30 real property occupied, by the owner.

31 (b) The exemption application referred to in section 3 of this chapter
 32 is not required if the exempt property is a cemetery:

33 (1) described by IC 6-1.1-2-7; or

34 (2) maintained by a township executive under IC 23-14-68.

35 (c) The exemption application referred to in section 3 of this chapter
 36 is not required if the exempt property is owned by the bureau of motor
 37 vehicles commission established under IC 9-14-9.

38 (d) The exemption application referred to in section 3 or 3.5 of this
 39 chapter is not required if:

40 (1) the exempt property is:

41 (A) tangible property used for religious purposes described in
 42 IC 6-1.1-10-21;



- 1 (B) tangible property owned by a church or religious society
 2 used for educational purposes described in IC 6-1.1-10-16;
 3 (C) other tangible property owned, occupied, and used by a
 4 person for educational, literary, scientific, religious, or
 5 charitable purposes described in IC 6-1.1-10-16; or
 6 (D) other tangible property owned by a fraternity or sorority
 7 (as defined in IC 6-1.1-10-24);
 8 (2) the exemption application referred to in section 3 or 3.5 of this
 9 chapter was filed properly at least once for a religious use under
 10 IC 6-1.1-10-21, an educational, literary, scientific, religious, or
 11 charitable use under IC 6-1.1-10-16, or use by a fraternity or
 12 sorority under IC 6-1.1-10-24; and
 13 (3) the property continues to meet the requirements for an
 14 exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or
 15 IC 6-1.1-10-24.
 16 (e) If, after an assessment date, an exempt property is transferred or
 17 its use is changed resulting in its ineligibility for an exemption under
 18 IC 6-1.1-10, the county assessor shall terminate the exemption for the
 19 next assessment date. However, if the property remains eligible for an
 20 exemption under IC 6-1.1-10 following the transfer or change in use,
 21 the exemption shall be left in place for that assessment date. For the
 22 following assessment date, the person that obtained the exemption or
 23 the current owner of the property, as applicable, shall, under section 3
 24 of this chapter and except as provided in this section, file a certified
 25 application in duplicate with the county assessor of the county in which
 26 the property that is the subject of the exemption is located. In all cases,
 27 the person that obtained the exemption or the current owner of the
 28 property shall notify the county assessor for the county where the
 29 tangible property is located of the change in ownership or use in the
 30 year that the change occurs. The notice must be in the form prescribed
 31 by the department of local government finance.
 32 (f) If the county assessor discovers that title to or use of property
 33 granted an exemption under IC 6-1.1-10 has changed, the county
 34 assessor shall notify the persons entitled to a tax statement under
 35 IC 6-1.1-22-8.1 for the property of the change in title or use and
 36 indicate that the county auditor will suspend the exemption for the
 37 property until the persons provide the county assessor with an affidavit,
 38 signed under penalties of perjury, that identifies the new owners or use
 39 of the property and indicates whether the property continues to meet
 40 the requirements for an exemption under IC 6-1.1-10. Upon receipt of
 41 the affidavit, the county assessor shall reinstate the exemption under
 42 IC 6-1.1-15-12.1. However, a claim under IC 6-1.1-26-1.1 for a refund



1 of all or a part of a tax installment paid and any correction of error
 2 under IC 6-1.1-15-12.1 must be filed not later than three (3) years after
 3 the taxes are first due.

4 **(g) This section shall not be construed to limit the authority of**
 5 **the county property tax assessment board of appeals to review the**
 6 **ongoing eligibility of a property for an exemption. A county**
 7 **property tax assessment board of appeals shall disapprove an**
 8 **exemption application in any year following the initial approval of**
 9 **the application if the property is not eligible for an exemption.**

10 SECTION 11. IC 6-1.1-12-1 IS REPEALED [EFFECTIVE
 11 JANUARY 1, 2023]. Sec. 1. (a) The following definitions apply
 12 throughout this section:

13 (1) "Installment loan" means a loan under which:

14 (A) a lender advances money for the purchase of:

15 (i) a mobile home that is not assessed as real property; or

16 (ii) a manufactured home that is not assessed as real
 17 property; and

18 (B) a borrower repays the lender in installments in accordance
 19 with the terms of an installment agreement.

20 (2) "Mortgage" means a lien against property that:

21 (A) an owner of the property grants to secure an obligation;
 22 such as a debt, according to terms set forth in a written
 23 instrument, such as a deed or a contract; and

24 (B) is extinguished upon payment or performance according
 25 to the terms of the written instrument.

26 The term includes a reverse mortgage.

27 (b) Each year a person who is a resident of this state may receive a
 28 deduction from the assessed value of:

29 (1) mortgaged real property; an installment loan financed mobile
 30 home that is not assessed as real property; or an installment loan
 31 financed manufactured home that is not assessed as real property;
 32 with the mortgage or installment loan instrument recorded with
 33 the county recorder's office; that the person owns;

34 (2) real property; a mobile home that is not assessed as real
 35 property; or a manufactured home that is not assessed as real
 36 property that the person is buying under a contract, with the
 37 contract or a memorandum of the contract recorded in the county
 38 recorder's office, which provides that the person is to pay the
 39 property taxes on the real property; mobile home; or manufactured
 40 home; or

41 (3) real property; a mobile home that is not assessed as real
 42 property; or a manufactured home that the person owns or is



1 buying on a contract described in subdivision (2) on which the
 2 person has a home equity line of credit that is recorded in the
 3 county recorder's office.

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

7 (1) the balance of the mortgage or contract indebtedness
 8 (including a home equity line of credit) on the assessment date of
 9 that year;

10 (2) one-half (1/2) of the assessed value of the real property;
 11 mobile home; or manufactured home; or

12 (3) three thousand dollars (\$3,000);

13 whichever is least.

14 (d) A person who has sold real property; a mobile home not assessed
 15 as real property; or a manufactured home not assessed as real property
 16 to another person under a contract which provides that the contract
 17 buyer is to pay the property taxes on the real property; mobile home; or
 18 manufactured home may not claim the deduction provided under this
 19 section with respect to that real property; mobile home; or
 20 manufactured home.

21 (e) The person must:

22 (1) own the real property; mobile home; or manufactured home;
 23 or

24 (2) be buying the real property; mobile home; or manufactured
 25 home under contract;

26 on the date the statement is filed under section 2 of this chapter.

27 SECTION 12. IC 6-1.1-12-2 IS REPEALED [EFFECTIVE
 28 JANUARY 1, 2023]. Sec. 2: (a) Except as provided in section 17.8 of
 29 this chapter and subject to section 45 of this chapter, for a person to
 30 qualify for the deduction provided by section 1 of this chapter a
 31 statement must be filed under subsection (b) or (c). Regardless of the
 32 manner in which a statement is filed, the mortgage, contract, or
 33 memorandum (including a home equity line of credit) must be recorded
 34 with the county recorder's office to qualify for a deduction under
 35 section 1 of this chapter.

36 (b) Subject to subsection (c), to apply for the deduction under
 37 section 1 of this chapter with respect to real property, the person
 38 recording the mortgage; home equity line of credit, contract, or
 39 memorandum of the contract with the county recorder may file a
 40 written statement with the county recorder containing the information
 41 described in subsection (c)(1); (c)(2); (c)(3); (c)(4); (c)(6); (c)(7); and
 42 (c)(8). The statement must be prepared on the form prescribed by the



1 department of local government finance and be signed by the property
 2 owner or contract purchaser under the penalties of perjury. The form
 3 must have a place for the county recorder to insert the record number
 4 and page where the mortgage, home equity line of credit, contract, or
 5 memorandum of the contract is recorded. Upon receipt of the form and
 6 the recording of the mortgage, home equity line of credit, contract, or
 7 memorandum of the contract, the county recorder shall insert on the
 8 form the record number and page where the mortgage, home equity line
 9 of credit, contract, or memorandum of the contract is recorded and
 10 forward the completed form to the county auditor. The county recorder
 11 may not impose a charge for the county recorder's duties under this
 12 subsection. The statement must be completed and dated in the calendar
 13 year for which the person wishes to obtain the deduction and filed with
 14 the county recorder on or before January 5 of the immediately
 15 succeeding calendar year.

16 (c) With respect to:

17 (1) real property as an alternative to a filing under subsection (b);

18 or

19 (2) a mobile home that is not assessed as real property or a
 20 manufactured home that is not assessed as real property;

21 to apply for a deduction under section 4 of this chapter, a person who
 22 desires to claim the deduction may file a statement in duplicate, on
 23 forms prescribed by the department of local government finance, with
 24 the auditor of the county in which the real property, mobile home not
 25 assessed as real property, or manufactured home not assessed as real
 26 property is located. To obtain the deduction for a desired calendar year
 27 in which property taxes are first due and payable, the statement must
 28 be completed and dated in the immediately preceding calendar year
 29 and filed with the county auditor on or before January 5 of the calendar
 30 year in which the property taxes are first due and payable. The
 31 statement may be filed in person or by mail. If mailed, the mailing must
 32 be postmarked on or before the last day for filing. In addition to the
 33 statement required by this subsection, a contract buyer who desires to
 34 claim the deduction must submit a copy of the recorded contract or
 35 recorded memorandum of the contract, which must contain a legal
 36 description sufficient to meet the requirements of IC 6-1.1-5, with the
 37 first statement that the buyer files under this section with respect to a
 38 particular parcel of real property.

39 (d) Upon receipt of:

40 (1) the statement under subsection (b); or

41 (2) the statement under subsection (c) and the recorded contract
 42 or recorded memorandum of the contract;



1 the county auditor shall assign a separate description and identification
2 number to the parcel of real property being sold under the contract.

3 (e) The statement referred to in subsections (b) and (c) must be
4 verified under penalties for perjury. The statement must contain the
5 following information:

6 (1) The balance of the person's mortgage, home equity line of
7 credit, or contract indebtedness that is recorded in the county
8 recorder's office on the assessment date of the year for which the
9 deduction is claimed.

10 (2) The assessed value of the real property, mobile home, or
11 manufactured home.

12 (3) The full name and complete residence address of the person
13 and of the mortgagee or contract seller.

14 (4) The name and residence of any assignee or bona fide owner or
15 holder of the mortgage, home equity line of credit, or contract, if
16 known; and if not known, the person shall state that fact.

17 (5) The record number and page where the mortgage, contract, or
18 memorandum of the contract is recorded.

19 (6) A brief description of the real property, mobile home, or
20 manufactured home which is encumbered by the mortgage or
21 home equity line of credit or sold under the contract.

22 (7) If the person is not the sole legal or equitable owner of the real
23 property, mobile home, or manufactured home, the exact share of
24 the person's interest in it.

25 (8) The name of any other county in which the person has applied
26 for a deduction under this section and the amount of deduction
27 claimed in that application.

28 (f) The authority for signing a deduction application filed under this
29 section may not be delegated by the real property, mobile home, or
30 manufactured home owner or contract buyer to any person except upon
31 an executed power of attorney. The power of attorney may be contained
32 in the recorded mortgage, contract, or memorandum of the contract, or
33 in a separate instrument.

34 (g) A closing agent (as defined in section 43(a)(2) of this chapter)
35 is not liable for any damages claimed by the property owner or contract
36 purchaser because of:

37 (1) the closing agent's failure to provide the written statement
38 described in subsection (b);

39 (2) the closing agent's failure to file the written statement
40 described in subsection (b);

41 (3) any omission or inaccuracy in the written statement described
42 in subsection (b) that is filed with the county recorder by the



- 1 closing agent; or
- 2 (4) any determination made with respect to a property owner's or
- 3 contract purchaser's eligibility for the deduction under section †
- 4 of this chapter.
- 5 (h) The county recorder may not refuse to record a mortgage;
- 6 contract; or memorandum because the written statement described in
- 7 subsection (b):
- 8 (1) is not included with the mortgage; home equity line of credit;
- 9 contract; or memorandum of the contract;
- 10 (2) does not contain the signatures required by subsection (b);
- 11 (3) does not contain the information described in subsection (e);
- 12 or
- 13 (4) is otherwise incomplete or inaccurate.
- 14 (i) The form prescribed by the department of local government
- 15 finance under subsection (b) and the instructions for the form must
- 16 both include a statement:
- 17 (1) that explains that a person is not entitled to a deduction under
- 18 section † of this chapter unless the person has a balance on the
- 19 person's mortgage or contract indebtedness that is recorded in the
- 20 county recorder's office (including any home equity line of credit
- 21 that is recorded in the county recorder's office) that is the basis for
- 22 the deduction; and
- 23 (2) that specifies the penalties for perjury.
- 24 (j) The department of local government finance shall develop a
- 25 notice:
- 26 (1) that must be displayed in a place accessible to the public in
- 27 the office of each county auditor;
- 28 (2) that includes the information described in subsection (i); and
- 29 (3) that explains that the form prescribed by the department of
- 30 local government finance to claim the deduction under section †
- 31 of this chapter must be signed by the property owner or contract
- 32 purchaser under the penalties of perjury.
- 33 SECTION 13. IC 6-1.1-12-3 IS REPEALED [EFFECTIVE
- 34 JANUARY 1, 2023]. See: 3: An individual may claim the deduction
- 35 provided by section † of this chapter for the assessment date in a year
- 36 in the manner prescribed in section 4 of this chapter if during the filing
- 37 period prescribed in section 2 of this chapter that applies to the
- 38 assessment date the individual was:
- 39 (1) a member of the United States armed forces; and
- 40 (2) away from the county of his residence as a result of military
- 41 service.
- 42 SECTION 14. IC 6-1.1-12-4 IS REPEALED [EFFECTIVE



1 JANUARY 1, 2023]. Sec. 4: (a) An individual who satisfies the
 2 requirements of section 3 of this chapter may file a claim for a
 3 deduction; or deductions; provided by section 1 of this chapter during
 4 the year following the year in which the individual is discharged from
 5 military service. The individual shall file the claim, on the forms
 6 prescribed for claiming a deduction under section 2 of this chapter;
 7 with the auditor of the county in which the real property is located. The
 8 claim shall specify the particular year, or years, for which the deduction
 9 is claimed. The individual shall attach to the claim an affidavit which
 10 states the facts concerning the individual's absence as a member of the
 11 United States armed forces.

12 (b) The county property tax assessment board of appeals shall
 13 examine the individual's claim and shall determine the amount of
 14 deduction; or deductions; the individual is entitled to and the year, or
 15 years, for which deductions are due. Based on the board's
 16 determination, the county auditor shall calculate the excess taxes paid
 17 by the individual and shall refund the excess to the individual from
 18 funds not otherwise appropriated. The county auditor shall issue, and
 19 the county treasurer shall pay, a warrant for the amount, if any, to
 20 which the individual is entitled.

21 SECTION 15. IC 6-1.1-12-5 IS REPEALED [EFFECTIVE
 22 JANUARY 1, 2023]. Sec. 5: A county auditor shall determine the
 23 amount of the deduction provided by section 1 of this chapter that an
 24 individual is entitled to and shall make an allowance for the deduction
 25 without a claim being filed if:

- 26 (1) the county auditor determines that the individual satisfies the
- 27 requirements of section 3 of this chapter; and
- 28 (2) the individual is a resident of, and the real property is located
- 29 in, the county that the auditor serves.

30 SECTION 16. IC 6-1.1-12-6 IS REPEALED [EFFECTIVE
 31 JANUARY 1, 2023]. Sec. 6: (a) The auditor of a county (referred to in
 32 this section as the "first county") with whom a deduction application is
 33 filed under section 2 of this chapter shall immediately prepare and
 34 transmit a copy of the application to the auditor of any other county
 35 (referred to in this section as the "second county") if:

- 36 (1) the residence of the applicant is located in the second county;
- 37 or
- 38 (2) the applicant has applied for a deduction under section 2 of
- 39 this chapter in the second county.

40 (b) The county property tax assessment board of appeals of the
 41 second county shall note on the copy of the application either:

- 42 (1) the amount of the deduction provided under section 1 of this



1 chapter that has been granted in the second county; or
 2 (2) that no deduction application has been filed under section 2 of
 3 this chapter in the second county.

4 The board shall then return the copy to the auditor of the first county.

5 (c) The county property tax assessment board of appeals of the first
 6 county shall then take appropriate action on the application. The board
 7 may not grant a deduction provided under section † of this chapter in
 8 an amount which will exceed the difference between the amount
 9 granted in any other county and the maximum amount permitted the
 10 applicant under section † of this chapter.

11 SECTION 17. IC 6-1.1-12-7 IS REPEALED [EFFECTIVE
 12 JANUARY 1, 2023]. Sec. 7: Each year, the county auditor shall
 13 ascertain if more than one (1) application has been filed by the same
 14 person. The county auditor shall take appropriate action to grant the
 15 deductions provided under section † of this chapter in amounts that do
 16 not exceed the maximum allowed each person under section † of this
 17 chapter.

18 SECTION 18. IC 6-1.1-12-9, AS AMENDED BY P.L.159-2020,
 19 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2022]: Sec. 9. (a) An individual may obtain a deduction from
 21 the assessed value of the individual's real property, or mobile home or
 22 manufactured home which is not assessed as real property, if:

23 (1) the individual is at least sixty-five (65) years of age on or
 24 before December 31 of the calendar year preceding the year in
 25 which the deduction is claimed;

26 (2) for assessment dates before January 1, 2020, the combined
 27 adjusted gross income (as defined in Section 62 of the Internal
 28 Revenue Code) of:

29 (A) the individual and the individual's spouse; or

30 (B) the individual and all other individuals with whom:

31 (i) the individual shares ownership; or

32 (ii) the individual is purchasing the property under a
 33 contract;

34 as joint tenants or tenants in common;

35 for the calendar year preceding the year in which the deduction is
 36 claimed did not exceed twenty-five thousand dollars (\$25,000);

37 (3) for assessment dates after December 31, 2019:

38 (A) the individual had, in the case of an individual who filed
 39 a single return, adjusted gross income (as defined in Section
 40 62 of the Internal Revenue Code) not exceeding thirty
 41 thousand dollars (\$30,000);

42 (B) the individual had, in the case of an individual who filed



- 1 a joint income tax return with the individual's spouse,
 2 combined adjusted gross income (as defined in Section 62 of
 3 the Internal Revenue Code) not exceeding forty thousand
 4 dollars (\$40,000); or
 5 (C) the combined adjusted gross income (as defined in Section
 6 62 of the Internal Revenue Code) of the individual and all
 7 other individuals with whom:
 8 (i) the individual shares ownership; or
 9 (ii) the individual is purchasing the property under a
 10 contract;
 11 as joint tenants or tenants in common did not exceed forty
 12 thousand dollars (\$40,000);
 13 for the calendar year preceding by two (2) years the calendar year
 14 in which the property taxes are first due and payable;
 15 (4) the individual has owned the real property, mobile home, or
 16 manufactured home for at least one (1) year before claiming the
 17 deduction; or the individual has been buying the real property,
 18 mobile home, or manufactured home under a contract that
 19 provides that the individual is to pay the property taxes on the real
 20 property, mobile home, or manufactured home for at least one (1)
 21 year before claiming the deduction, and the contract or a
 22 memorandum of the contract is recorded in the county recorder's
 23 office;
 24 (5) for assessment dates:
 25 (A) before January 1, 2020, the individual and any individuals
 26 covered by subdivision (2)(B) reside on the real property,
 27 mobile home, or manufactured home; or
 28 (B) after December 31, 2019, the individual and any
 29 individuals covered by subdivision (3)(C) reside on the real
 30 property, mobile home, or manufactured home;
 31 (6) except as provided in subsection (i), the assessed value of the
 32 real property, mobile home, or manufactured home does not
 33 exceed two hundred ~~forty~~ thousand dollars ~~(\$200,000):~~
 34 **(\$240,000).**
 35 (7) the individual receives no other property tax deduction for the
 36 year in which the deduction is claimed, except the deductions
 37 provided by sections ~~†~~ 37, (for assessment dates after February
 38 28, 2008) 37.5, and 38 of this chapter; and
 39 (8) the person:
 40 (A) owns the real property, mobile home, or manufactured
 41 home; or
 42 (B) is buying the real property, mobile home, or manufactured



- 1 home under contract;
 2 on the date the statement required by section 10.1 of this chapter
 3 is filed.
- 4 (b) Except as provided in subsection (h), in the case of real property,
 5 an individual's deduction under this section equals the lesser of:
 6 (1) one-half (1/2) of the assessed value of the real property; or
 7 (2) fourteen thousand dollars (\$14,000).
- 8 (c) Except as provided in subsection (h) and section 40.5 of this
 9 chapter, in the case of a mobile home that is not assessed as real
 10 property or a manufactured home which is not assessed as real
 11 property, an individual's deduction under this section equals the lesser
 12 of:
 13 (1) one-half (1/2) of the assessed value of the mobile home or
 14 manufactured home; or
 15 (2) fourteen thousand dollars (\$14,000).
- 16 (d) An individual may not be denied the deduction provided under
 17 this section because the individual is absent from the real property,
 18 mobile home, or manufactured home while in a nursing home or
 19 hospital.
- 20 (e) For purposes of this section, if real property, a mobile home, or
 21 a manufactured home is owned by:
 22 (1) tenants by the entirety;
 23 (2) joint tenants; or
 24 (3) tenants in common;
 25 only one (1) deduction may be allowed. However, the age requirement
 26 is satisfied if any one (1) of the tenants is at least sixty-five (65) years
 27 of age.
- 28 (f) A surviving spouse is entitled to the deduction provided by this
 29 section if:
 30 (1) the surviving spouse is at least sixty (60) years of age on or
 31 before December 31 of the calendar year preceding the year in
 32 which the deduction is claimed;
 33 (2) the surviving spouse's deceased husband or wife was at least
 34 sixty-five (65) years of age at the time of a death;
 35 (3) the surviving spouse has not remarried; and
 36 (4) the surviving spouse satisfies the requirements prescribed in
 37 subsection (a)(2) through (a)(8).
- 38 (g) An individual who has sold real property to another person
 39 under a contract that provides that the contract buyer is to pay the
 40 property taxes on the real property may not claim the deduction
 41 provided under this section against that real property.
- 42 (h) In the case of tenants covered by subsection (a)(2)(B) or



1 (a)(3)(C), if all of the tenants are not at least sixty-five (65) years of
 2 age, the deduction allowed under this section shall be reduced by an
 3 amount equal to the deduction multiplied by a fraction. The numerator
 4 of the fraction is the number of tenants who are not at least sixty-five
 5 (65) years of age, and the denominator is the total number of tenants.

6 (i) For purposes of determining the assessed value of the real
 7 property, mobile home, or manufactured home under subsection (a)(6)
 8 for an individual who has received a deduction under this section in a
 9 **particular previous** year, increases in assessed value that occur after
 10 the later of:

11 (1) December 31, 2019; or

12 (2) the first year that the individual has received the deduction;
 13 are not considered unless the increase in assessed value is attributable
 14 to ~~physical improvements to the property:~~ **substantial renovation or**
 15 **new improvements. Where there is an increase in assessed value**
 16 **for purposes of the deduction under this section, the assessor shall**
 17 **provide a report to the county auditor describing the substantial**
 18 **renovation or new improvements, if any, that were made to the**
 19 **property prior to the increase in assessed value.**

20 SECTION 19. IC 6-1.1-12-14, AS AMENDED BY P.L.159-2020,
 21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2022]: Sec. 14. (a) Except as provided in subsection (c) and
 23 except as provided in section 40.5 of this chapter, an individual may
 24 have the sum of fourteen thousand dollars (\$14,000) deducted from the
 25 assessed value of the real property, mobile home not assessed as real
 26 property, or manufactured home not assessed as real property that the
 27 individual owns (or the real property, mobile home not assessed as real
 28 property, or manufactured home not assessed as real property that the
 29 individual is buying under a contract that provides that the individual
 30 is to pay property taxes on the real property, mobile home, or
 31 manufactured home if the contract or a memorandum of the contract is
 32 recorded in the county recorder's office) if:

33 (1) the individual served in the military or naval forces of the
 34 United States for at least ninety (90) days;

35 (2) the individual received an honorable discharge;

36 (3) the individual either:

37 (A) has a total disability; or

38 (B) is at least sixty-two (62) years old and has a disability of at
 39 least ten percent (10%);

40 (4) the individual's disability is evidenced by:

41 (A) a pension certificate or an award of compensation issued
 42 by the United States Department of Veterans Affairs; or



- 1 (B) a certificate of eligibility issued to the individual by the
 2 Indiana department of veterans' affairs after the Indiana
 3 department of veterans' affairs has determined that the
 4 individual's disability qualifies the individual to receive a
 5 deduction under this section; and
- 6 (5) the individual:
- 7 (A) owns the real property, mobile home, or manufactured
 8 home; or
- 9 (B) is buying the real property, mobile home, or manufactured
 10 home under contract;
 11 on the date the statement required by section 15 of this chapter is
 12 filed.
- 13 (b) Except as provided in subsections (c) and (d), the surviving
 14 spouse of an individual may receive the deduction provided by this
 15 section if:
- 16 (1) the individual satisfied the requirements of subsection (a)(1)
 17 through (a)(4) at the time of death; or
- 18 (2) the individual:
- 19 (A) was killed in action;
 20 (B) died while serving on active duty in the military or naval
 21 forces of the United States; or
 22 (C) died while performing inactive duty training in the military
 23 or naval forces of the United States; and
- 24 the surviving spouse satisfies the requirement of subsection (a)(5) at
 25 the time the deduction statement is filed. The surviving spouse is
 26 entitled to the deduction regardless of whether the property for which
 27 the deduction is claimed was owned by the deceased veteran or the
 28 surviving spouse before the deceased veteran's death.
- 29 (c) Except as provided in subsection (f), no one is entitled to the
 30 deduction provided by this section if the assessed value of the
 31 individual's Indiana real property, Indiana mobile home not assessed as
 32 real property, and Indiana manufactured home not assessed as real
 33 property, as shown by the tax duplicate, exceeds the assessed value
 34 limit specified in subsection (d).
- 35 (d) Except as provided in subsection (f), for the:
- 36 (1) January 1, 2017, January 1, 2018, and January 1, 2019,
 37 assessment dates, the assessed value limit for purposes of
 38 subsection (c) is one hundred seventy-five thousand dollars
 39 (\$175,000); and
- 40 (2) January 1, 2020, assessment date and for each assessment date
 41 thereafter, the assessed value limit for purposes of subsection (c)
 42 is two hundred thousand dollars (\$200,000).



1 (e) An individual who has sold real property, a mobile home not
 2 assessed as real property, or a manufactured home not assessed as real
 3 property to another person under a contract that provides that the
 4 contract buyer is to pay the property taxes on the real property, mobile
 5 home, or manufactured home may not claim the deduction provided
 6 under this section against that real property, mobile home, or
 7 manufactured home.

8 (f) For purposes of determining the assessed value of the real
 9 property, mobile home, or manufactured home under subsection (d) for
 10 an individual who has received a deduction under this section in a
 11 ~~particular~~ **previous** year, increases in assessed value that occur after
 12 the later of:

13 (1) December 31, 2019; or

14 (2) the first year that the individual has received the deduction;
 15 are not considered unless the increase in assessed value is attributable
 16 to ~~physical improvements to the property.~~ **substantial renovation or**
 17 **new improvements. Where there is an increase in assessed value**
 18 **for purposes of the deduction under this section, the assessor shall**
 19 **provide a report to the county auditor describing the substantial**
 20 **renovation or new improvements, if any, that were made to the**
 21 **property prior to the increase in assessed value.**

22 SECTION 20. IC 6-1.1-12-17.8, AS AMENDED BY P.L.257-2019,
 23 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JANUARY 1, 2023]: Sec. 17.8. (a) An individual who receives a
 25 deduction provided under section 9, 11, 13, 14, 16, 17.4 (before its
 26 expiration), or 37 of this chapter in a particular year and who remains
 27 eligible for the deduction in the following year is not required to file a
 28 statement to apply for the deduction in the following year. However, for
 29 purposes of a deduction under section 37 of this chapter, the county
 30 auditor may, in the county auditor's discretion, terminate the deduction
 31 for assessment dates after January 15, 2012, if the individual does not
 32 comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January
 33 1, 2015), as determined by the county auditor, before January 1, 2013.
 34 Before the county auditor terminates the deduction because the
 35 taxpayer claiming the deduction did not comply with the requirement
 36 in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1,
 37 2013, the county auditor shall mail notice of the proposed termination
 38 of the deduction to:

39 (1) the last known address of each person liable for any property
 40 taxes or special assessment, as shown on the tax duplicate or
 41 special assessment records; or

42 (2) the last known address of the most recent owner shown in the



1 transfer book.

2 (b) An individual who receives a deduction provided under section
 3 ~~†~~ 9, 11, 13, 14, 16, or 17.4 (before its expiration) of this chapter in a
 4 particular year and who becomes ineligible for the deduction in the
 5 following year shall notify the auditor of the county in which the real
 6 property, mobile home, or manufactured home for which the individual
 7 claims the deduction is located of the individual's ineligibility in the
 8 year in which the individual becomes ineligible. An individual who
 9 becomes ineligible for a deduction under section 37 of this chapter
 10 shall notify the county auditor of the county in which the property is
 11 located in conformity with section 37 of this chapter.

12 (c) The auditor of each county shall, in a particular year, apply a
 13 deduction provided under section ~~†~~ 9, 11, 13, 14, 16, 17.4 (before its
 14 expiration), or 37 of this chapter to each individual who received the
 15 deduction in the preceding year unless the auditor determines that the
 16 individual is no longer eligible for the deduction.

17 (d) An individual who receives a deduction provided under section
 18 ~~†~~ 9, 11, 13, 14, 16, 17.4 (before its expiration), or 37 of this chapter for
 19 property that is jointly held with another owner in a particular year and
 20 remains eligible for the deduction in the following year is not required
 21 to file a statement to reapply for the deduction following the removal
 22 of the joint owner if:

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

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

27 If a county auditor terminates a deduction under section 9 of this
 28 chapter, a deduction under section 37 of this chapter, or a credit under
 29 IC 6-1.1-20.6-8.5 after June 30, 2017, and before May 1, 2019, because
 30 the taxpayer claiming the deduction or credit did not comply with a
 31 requirement added to this subsection by P.L.255-2017 to reapply for
 32 the deduction or credit, the county auditor shall reinstate the deduction
 33 or credit if the taxpayer provides proof that the taxpayer is eligible for
 34 the deduction or credit and is not claiming the deduction or credit for
 35 any other property.

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

41 (1) the individual who occupies the real property receives a
 42 deduction provided under section 9, 11, 13, 14, 16, 17.4 (before



1 its expiration), or 37 of this chapter in a particular year; and
 2 (2) the trust remains eligible for the deduction in the following
 3 year.

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

8 (f) A cooperative housing corporation (as defined in 26 U.S.C. 216)
 9 that is entitled to a deduction under section 37 of this chapter in the
 10 immediately preceding calendar year for a homestead (as defined in
 11 section 37 of this chapter) is not required to file a statement to apply for
 12 the deduction for the current calendar year if the cooperative housing
 13 corporation remains eligible for the deduction for the current calendar
 14 year. However, the county auditor may, in the county auditor's
 15 discretion, terminate the deduction for assessment dates after January
 16 15, 2012, if the individual does not comply with the requirement in
 17 IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015), as determined by the
 18 county auditor, before January 1, 2013. Before the county auditor
 19 terminates a deduction because the taxpayer claiming the deduction did
 20 not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired
 21 January 1, 2015) before January 1, 2013, the county auditor shall mail
 22 notice of the proposed termination of the deduction to:

23 (1) the last known address of each person liable for any property
 24 taxes or special assessment, as shown on the tax duplicate or
 25 special assessment records; or

26 (2) the last known address of the most recent owner shown in the
 27 transfer book.

28 (g) An individual who:

29 (1) was eligible for a homestead credit under IC 6-1.1-20.9
 30 (repealed) for property taxes imposed for the March 1, 2007, or
 31 January 15, 2008, assessment date; or

32 (2) would have been eligible for a homestead credit under
 33 IC 6-1.1-20.9 (repealed) for property taxes imposed for the March
 34 1, 2008, or January 15, 2009, assessment date if IC 6-1.1-20.9 had
 35 not been repealed;

36 is not required to file a statement to apply for a deduction under section
 37 37 of this chapter if the individual remains eligible for the deduction in
 38 the current year. An individual who filed for a homestead credit under
 39 IC 6-1.1-20.9 (repealed) for an assessment date after March 1, 2007 (if
 40 the property is real property), or after January 1, 2008 (if the property
 41 is personal property), shall be treated as an individual who has filed for
 42 a deduction under section 37 of this chapter. However, the county



1 auditor may, in the county auditor's discretion, terminate the deduction
 2 for assessment dates after January 15, 2012, if the individual does not
 3 comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January
 4 1, 2015), as determined by the county auditor, before January 1, 2013.
 5 Before the county auditor terminates the deduction because the
 6 taxpayer claiming the deduction did not comply with the requirement
 7 in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1,
 8 2013, the county auditor shall mail notice of the proposed termination
 9 of the deduction to the last known address of each person liable for any
 10 property taxes or special assessment, as shown on the tax duplicate or
 11 special assessment records, or to the last known address of the most
 12 recent owner shown in the transfer book.

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

19 (i) A taxpayer described in section 37(k) of this chapter is not
 20 required to file a statement to apply for the deduction provided by
 21 section 37 of this chapter for a calendar year beginning after December
 22 31, 2008, if the property owned by the taxpayer remains eligible for the
 23 deduction for that calendar year. However, the county auditor may
 24 terminate the deduction for assessment dates after January 15, 2012, if
 25 the individual residing on the property owned by the taxpayer does not
 26 comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January
 27 1, 2015), as determined by the county auditor, before January 1, 2013.
 28 Before the county auditor terminates a deduction because the
 29 individual residing on the property did not comply with the
 30 requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before
 31 January 1, 2013, the county auditor shall mail notice of the proposed
 32 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 SECTION 21. IC 6-1.1-12-37, AS AMENDED BY P.L.156-2020,
 39 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2023]: Sec. 37. (a) The following definitions apply
 41 throughout this section:

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



- 1 (A) Residential real property improvements that an individual
- 2 uses as the individual's residence, including a house or garage.
- 3 (B) A mobile home that is not assessed as real property that an
- 4 individual uses as the individual's residence.
- 5 (C) A manufactured home that is not assessed as real property
- 6 that an individual uses as the individual's residence.
- 7 (2) "Homestead" means an individual's principal place of
- 8 residence:
- 9 (A) that is located in Indiana;
- 10 (B) that:
- 11 (i) the individual owns;
- 12 (ii) the individual is buying under a contract recorded in the
- 13 county recorder's office, or evidenced by a memorandum of
- 14 contract recorded in the county recorder's office under
- 15 IC 36-2-11-20, that provides that the individual is to pay the
- 16 property taxes on the residence, and that obligates the owner
- 17 to convey title to the individual upon completion of all of the
- 18 individual's contract obligations;
- 19 (iii) the individual is entitled to occupy as a
- 20 tenant-stockholder (as defined in 26 U.S.C. 216) of a
- 21 cooperative housing corporation (as defined in 26 U.S.C.
- 22 216); or
- 23 (iv) is a residence described in section 17.9 of this chapter
- 24 that is owned by a trust if the individual is an individual
- 25 described in section 17.9 of this chapter; and
- 26 (C) that consists of a dwelling and the real estate, not
- 27 exceeding one (1) acre, that immediately surrounds that
- 28 dwelling.
- 29 Except as provided in subsection (k), the term does not include
- 30 property owned by a corporation, partnership, limited liability
- 31 company, or other entity not described in this subdivision.
- 32 (b) Each year a homestead is eligible for a standard deduction from
- 33 the assessed value of the homestead for an assessment date. Except as
- 34 provided in subsection (p), the deduction provided by this section
- 35 applies to property taxes first due and payable for an assessment date
- 36 only if an individual has an interest in the homestead described in
- 37 subsection (a)(2)(B) on:
- 38 (1) the assessment date; or
- 39 (2) any date in the same year after an assessment date that a
- 40 statement is filed under subsection (e) or section 44 of this
- 41 chapter, if the property consists of real property.
- 42 If more than one (1) individual or entity qualifies property as a



1 homestead under subsection (a)(2)(B) for an assessment date, only one
 2 (1) standard deduction from the assessed value of the homestead may
 3 be applied for the assessment date. Subject to subsection (c), the
 4 auditor of the county shall record and make the deduction for the
 5 individual or entity qualifying for the deduction.

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

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

12 (2) **for assessment dates:**

13 (A) **before January 1, 2023**, forty-five thousand dollars
 14 (\$45,000); or

15 (B) **after December 31, 2022**, **forty-eight thousand dollars**
 16 **(\$48,000).**

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

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

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

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

35 (3) the names of:

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

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

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



- 1 if the applicant is an individual; or
 2 (B) each individual who qualifies property as a homestead
 3 under subsection (a)(2)(B) and the individual's spouse (if any):
 4 (i) as the names appear in the records of the United States
 5 Social Security Administration for the purposes of the
 6 issuance of a Social Security card and Social Security
 7 number; or
 8 (ii) that they use as their legal names when they sign their
 9 names on legal documents;
 10 if the applicant is not an individual; and
 11 (4) either:
 12 (A) the last five (5) digits of the applicant's Social Security
 13 number and the last five (5) digits of the Social Security
 14 number of the applicant's spouse (if any); or
 15 (B) if the applicant or the applicant's spouse (if any) does not
 16 have a Social Security number, any of the following for that
 17 individual:
 18 (i) The last five (5) digits of the individual's driver's license
 19 number.
 20 (ii) The last five (5) digits of the individual's state
 21 identification card number.
 22 (iii) The last five (5) digits of a preparer tax identification
 23 number that is obtained by the individual through the
 24 Internal Revenue Service of the United States.
 25 (iv) If the individual does not have a driver's license, a state
 26 identification card, or an Internal Revenue Service preparer
 27 tax identification number, the last five (5) digits of a control
 28 number that is on a document issued to the individual by the
 29 United States government.
 30 If a form or statement provided to the county auditor under this section,
 31 IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or
 32 part or all of the Social Security number of a party or other number
 33 described in subdivision (4)(B) of a party, the telephone number and
 34 the Social Security number or other number described in subdivision
 35 (4)(B) included are confidential. The statement may be filed in person
 36 or by mail. If the statement is mailed, the mailing must be postmarked
 37 on or before the last day for filing. The statement applies for that first
 38 year and any succeeding year for which the deduction is allowed. To
 39 obtain the deduction for a desired calendar year in which property taxes
 40 are first due and payable, the statement must be completed and dated
 41 in the immediately preceding calendar year and filed with the county
 42 auditor on or before January 5 of the calendar year in which the



1 property taxes are first due and payable.

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

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

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

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

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

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

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

33 (h) This subsection does not apply to property in the first year for
34 which a deduction is claimed under this section if the sole reason that
35 a deduction is claimed on other property is that the individual or
36 married couple maintained a principal residence at the other property
37 on the assessment date in the same year in which an application for a
38 deduction is filed under this section or, if the application is for a
39 homestead that is assessed as personal property, on the assessment date
40 in the immediately preceding year and the individual or married couple
41 is moving the individual's or married couple's principal residence to the
42 property that is the subject of the application. Except as provided in



1 subsection (n), the county auditor may not grant an individual or a
2 married couple a deduction under this section if:

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

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

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

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

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

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

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

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

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

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

42 (l) If a county auditor terminates a deduction for property described



1 in subsection (k) with respect to property taxes that are:

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

3 (2) first due and payable in 2010;

4 on the grounds that the property is not owned by an entity described in
5 subsection (a)(2)(B), the county auditor shall reinstate the deduction if
6 the taxpayer provides proof that the property is eligible for the
7 deduction in accordance with subsection (k) and that the individual
8 residing on the property is not claiming the deduction for any other
9 property.

10 (m) For assessment dates after 2009, the term "homestead" includes:

11 (1) a deck or patio;

12 (2) a gazebo; or

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

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

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

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

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

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

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

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

38 A county auditor may require an individual or an individual's spouse to
39 provide evidence of the accuracy of the information contained in an
40 affidavit submitted under this subsection. The evidence required of the
41 individual or the individual's spouse may include state income tax
42 returns, excise tax payment information, property tax payment



1 information, driver license information, and voter registration
2 information.

3 (o) If:

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

7 (2) the county auditor receiving the filed statement determines
8 that the property owner's property is not eligible for the deduction;
9 the county auditor shall inform the property owner of the county
10 auditor's determination in writing. If a property owner's property is not
11 eligible for the deduction because the county auditor has determined
12 that the property is not the property owner's principal place of
13 residence, the property owner may appeal the county auditor's
14 determination as provided in IC 6-1.1-15. The county auditor shall
15 inform the property owner of the owner's right to appeal when the
16 county auditor informs the property owner of the county auditor's
17 determination under this subsection.

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

20 (1) either:

21 (A) the individual's interest in the homestead as described in
22 subsection (a)(2)(B) is conveyed to the individual after the
23 assessment date, but within the calendar year in which the
24 assessment date occurs; or

25 (B) the individual contracts to purchase the homestead after
26 the assessment date, but within the calendar year in which the
27 assessment date occurs;

28 (2) on the assessment date:

29 (A) the property on which the homestead is currently located
30 was vacant land; or

31 (B) the construction of the dwelling that constitutes the
32 homestead was not completed; and

33 (3) either:

34 (A) the individual files the certified statement required by
35 subsection (e); or

36 (B) a sales disclosure form that meets the requirements of
37 section 44 of this chapter is submitted to the county assessor
38 on or before December 31 of the calendar year for the
39 individual's purchase of the homestead.

40 An individual who satisfies the requirements of subdivisions (1)
41 through (3) is entitled to the deduction under this section for the
42 homestead for the assessment date, even if on the assessment date the



1 property on which the homestead is currently located was vacant land
 2 or the construction of the dwelling that constitutes the homestead was
 3 not completed. The county auditor shall apply the deduction for the
 4 assessment date and for the assessment date in any later year in which
 5 the homestead remains eligible for the deduction. A homestead that
 6 qualifies for the deduction under this section as provided in this
 7 subsection is considered a homestead for purposes of section 37.5 of
 8 this chapter and IC 6-1.1-20.6.

9 (q) This subsection applies to an application for the deduction
 10 provided by this section that is filed for an assessment date occurring
 11 after December 31, 2013. Notwithstanding any other provision of this
 12 section, an individual buying a mobile home that is not assessed as real
 13 property or a manufactured home that is not assessed as real property
 14 under a contract providing that the individual is to pay the property
 15 taxes on the mobile home or manufactured home is not entitled to the
 16 deduction provided by this section unless the parties to the contract
 17 comply with IC 9-17-6-17.

18 (r) This subsection:

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

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

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

27 (s) For assessment dates after 2013, the term "homestead" includes
 28 property that is owned by an individual who:

29 (1) is serving on active duty in any branch of the armed forces of
 30 the United States;

31 (2) was ordered to transfer to a location outside Indiana; and

32 (3) was otherwise eligible, without regard to this subsection, for
 33 the deduction under this section for the property for the
 34 assessment date immediately preceding the transfer date specified
 35 in the order described in subdivision (2).

36 For property to qualify under this subsection for the deduction provided
 37 by this section, the individual described in subdivisions (1) through (3)
 38 must submit to the county auditor a copy of the individual's transfer
 39 orders or other information sufficient to show that the individual was
 40 ordered to transfer to a location outside Indiana. The property continues
 41 to qualify for the deduction provided by this section until the individual
 42 ceases to be on active duty, the property is sold, or the individual's



1 ownership interest is otherwise terminated, whichever occurs first.
 2 Notwithstanding subsection (a)(2), the property remains a homestead
 3 regardless of whether the property continues to be the individual's
 4 principal place of residence after the individual transfers to a location
 5 outside Indiana. The property continues to qualify as a homestead
 6 under this subsection if the property is leased while the individual is
 7 away from Indiana and is serving on active duty, if the individual has
 8 lived at the property at any time during the past ten (10) years.
 9 Otherwise, the property ceases to qualify as a homestead under this
 10 subsection if the property is leased while the individual is away from
 11 Indiana. Property that qualifies as a homestead under this subsection
 12 shall also be construed as a homestead for purposes of section 37.5 of
 13 this chapter.

14 SECTION 22. IC 6-1.1-12-43, AS AMENDED BY P.L.214-2019,
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2023]: Sec. 43. (a) For purposes of this section:

- 17 (1) "benefit" refers to a deduction under section ~~†~~, 9, 11, 13, 14,
 18 16, 17.4 (before its expiration), 26, 29, 33, 34, 37, or 37.5 of this
 19 chapter;
 20 (2) "closing agent" means a person that closes a transaction;
 21 (3) "customer" means an individual who obtains a loan in a
 22 transaction; and
 23 (4) "transaction" means a single family residential:
 24 (A) first lien purchase money mortgage transaction; or
 25 (B) refinancing transaction.

26 (b) Before closing a transaction after December 31, 2004, a closing
 27 agent must provide to the customer the form referred to in subsection
 28 (c).

29 (c) Before June 1, 2004, the department of local government finance
 30 shall prescribe the form to be provided by closing agents to customers
 31 under subsection (b). The department shall make the form available to
 32 closing agents, county assessors, county auditors, and county treasurers
 33 in hard copy and electronic form. County assessors, county auditors,
 34 and county treasurers shall make the form available to the general
 35 public. The form must:

- 36 (1) on one (1) side:
 37 (A) list each benefit; **and**
 38 (B) list the eligibility criteria for each benefit; **and**
 39 ~~(C) indicate that a new application for a deduction under~~
 40 ~~section † of this chapter is required when residential real~~
 41 ~~property is refinanced;~~
 42 (2) on the other side indicate:



- 1 (A) each action by and each type of documentation from the
 2 customer required to file for each benefit; and
 3 (B) sufficient instructions and information to permit a party to
 4 terminate a standard deduction under section 37 of this chapter
 5 on any property on which the party or the spouse of the party
 6 will no longer be eligible for the standard deduction under
 7 section 37 of this chapter after the party or the party's spouse
 8 begins to reside at the property that is the subject of the
 9 closing, including an explanation of the tax consequences and
 10 applicable penalties, if a party unlawfully claims a standard
 11 deduction under section 37 of this chapter; and
 12 (3) be printed in one (1) of two (2) or more colors prescribed by
 13 the department of local government finance that distinguish the
 14 form from other documents typically used in a closing referred to
 15 in subsection (b).
 16 (d) A closing agent:
 17 (1) may reproduce the form referred to in subsection (c);
 18 (2) in reproducing the form, must use a print color prescribed by
 19 the department of local government finance; and
 20 (3) is not responsible for the content of the form referred to in
 21 subsection (c) and shall be held harmless by the department of
 22 local government finance from any liability for the content of the
 23 form.
 24 (e) This subsection applies to a transaction that is closed after
 25 December 31, 2009. In addition to providing the customer the form
 26 described in subsection (c) before closing the transaction, a closing
 27 agent shall do the following as soon as possible after the closing, and
 28 within the time prescribed by the department of insurance under
 29 IC 27-7-3-15.5:
 30 (1) To the extent determinable, input the information described in
 31 IC 27-7-3-15.5(c)(2) into the system maintained by the
 32 department of insurance under IC 27-7-3-15.5.
 33 (2) Submit the form described in IC 27-7-3-15.5(c) to the data
 34 base described in IC 27-7-3-15.5(c)(2)(D).
 35 (f) A closing agent to which this section applies shall document the
 36 closing agent's compliance with this section with respect to each
 37 transaction in the form of verification of compliance signed by the
 38 customer.
 39 (g) Subject to IC 27-7-3-15.5(d), a closing agent is subject to a civil
 40 penalty of twenty-five dollars (\$25) for each instance in which the
 41 closing agent fails to comply with this section with respect to a
 42 customer. The penalty:



- 1 (1) may be enforced by the state agency that has administrative
 2 jurisdiction over the closing agent in the same manner that the
 3 agency enforces the payment of fees or other penalties payable to
 4 the agency; and
 5 (2) shall be paid into:
 6 (A) the state general fund, if the closing agent fails to comply
 7 with subsection (b); or
 8 (B) the home ownership education account established by
 9 IC 5-20-1-27, if the closing agent fails to comply with
 10 subsection (e) in a transaction that is closed after December
 11 31, 2009.
- 12 (h) A closing agent is not liable for any other damages claimed by
 13 a customer because of:
 14 (1) the closing agent's mere failure to provide the appropriate
 15 document to the customer under subsection (b); or
 16 (2) with respect to a transaction that is closed after December 31,
 17 2009, the closing agent's failure to input the information or submit
 18 the form described in subsection (e).
- 19 (i) The state agency that has administrative jurisdiction over a
 20 closing agent shall:
 21 (1) examine the closing agent to determine compliance with this
 22 section; and
 23 (2) impose and collect penalties under subsection (g).
- 24 SECTION 23. IC 6-1.1-12-45, AS AMENDED BY P.L.257-2019,
 25 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JANUARY 1, 2023]: Sec. 45. (a) Subject to subsections (b) and (c), a
 27 deduction under this chapter applies for an assessment date and for the
 28 property taxes due and payable based on the assessment for that
 29 assessment date, regardless of whether with respect to the real property
 30 or mobile home or manufactured home not assessed as real property:
 31 (1) the title is conveyed one (1) or more times; or
 32 (2) one (1) or more contracts to purchase are entered into;
 33 after that assessment date and on or before the next succeeding
 34 assessment date.
- 35 (b) Subsection (a) applies regardless of whether:
 36 (1) one (1) or more grantees of title under subsection (a)(1); or
 37 (2) one (1) or more contract purchasers under subsection (a)(2);
 38 file a statement under this chapter to claim the deduction.
- 39 (c) A deduction applies under subsection (a) for only one (1) year.
 40 The requirements of this chapter for filing a statement to apply for a
 41 deduction under this chapter apply to subsequent years. A person who
 42 fails to apply for a deduction or credit under this article by the



1 deadlines prescribed by this article may not apply for the deduction or
2 credit retroactively.

3 (d) If:

4 (1) a taxpayer wishes to claim a deduction under this chapter for
5 a desired calendar year in which property taxes are first due and
6 payable;

7 (2) the taxpayer files a statement under this chapter on or before
8 January 5 of the calendar year in which the property taxes are first
9 due and payable; and

10 (3) the eligibility criteria for the deduction are met;

11 the deduction applies for the desired calendar year in which the
12 property taxes are first due and payable.

13 ~~(e) If a person who is receiving a deduction under section 4 of this~~
14 ~~chapter subsequently refinances the property, desires to continue~~
15 ~~claiming the deduction, and remains eligible for the deduction, the~~
16 ~~person must reapply for the deduction for the following assessment~~
17 ~~date.~~

18 ~~(f)~~ (e) A person who is required to record a contract with a county
19 recorder in order to qualify for a deduction under this article must
20 record the contract, or a memorandum of the contract, before, or
21 concurrently with, the filing of the corresponding deduction
22 application.

23 ~~(g)~~ (f) Before a county auditor terminates a deduction under this
24 article, the county auditor shall give to the person claiming the
25 deduction written notice that states the county auditor's intention to
26 terminate the deduction and the county auditor's reason for terminating
27 the deduction. The county auditor may send the notice to the taxpayer
28 claiming the deduction by first class mail or by electronic mail. A
29 notice issued under this subsection is not appealable under IC 6-1.1-15.
30 However, after a deduction is terminated by a county auditor, the
31 taxpayer may appeal the county auditor's action under IC 6-1.1-15.

32 SECTION 24. IC 6-1.1-12-46, AS AMENDED BY P.L.181-2016,
33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JANUARY 1, 2023]: Sec. 46. (a) This section applies to real property
35 for an assessment date in 2011 or a later year if:

36 (1) the real property is not exempt from property taxation for the
37 assessment date;

38 (2) title to the real property is transferred after the assessment date
39 and on or before the December 31 that next succeeds the
40 assessment date;

41 (3) the transferee of the real property applies for an exemption
42 under IC 6-1.1-11 for the next succeeding assessment date; and



1 (4) the county property tax assessment board of appeals
 2 determines that the real property is exempt from property taxation
 3 for that next succeeding assessment date.

4 (b) For the assessment date referred to in subsection (a)(1), real
 5 property is eligible for any deductions for which the transferor under
 6 subsection (a)(2) was eligible for that assessment date under the
 7 following:

- 8 (1) IC 6-1.1-12-1 **(before its repeal)**.
 9 (2) IC 6-1.1-12-9.
 10 (3) IC 6-1.1-12-11.
 11 (4) IC 6-1.1-12-13.
 12 (5) IC 6-1.1-12-14.
 13 (6) IC 6-1.1-12-16.
 14 (7) IC 6-1.1-12-17.4 (before its expiration).
 15 (8) IC 6-1.1-12-18 (before its expiration).
 16 (9) IC 6-1.1-12-22 (before its expiration).
 17 (10) IC 6-1.1-12-37.
 18 (11) IC 6-1.1-12-37.5.

19 (c) For the payment date applicable to the assessment date referred
 20 to in subsection (a)(1), real property is eligible for the credit for
 21 excessive residential property taxes under IC 6-1.1-20.6 for which the
 22 transferor under subsection (a)(2) would be eligible for that payment
 23 date if the transfer had not occurred.

24 SECTION 25. IC 6-1.1-12.5-1, AS AMENDED BY P.L.91-2017,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 1. **(a)** As used in this chapter, "eligible
 27 infrastructure" means the following:

- 28 (1) Storage, compressed natural gas, liquefied natural gas,
 29 transmission, and distribution facilities to be used in the delivery
 30 of natural gas, or supplemental or substitute forms of gas sources
 31 by a natural gas utility.
 32 (2) Facilities and technologies used in the deployment and
 33 transmission of broadband service, however defined or classified
 34 by the Federal Communications Commission, or advanced
 35 services (as defined in 47 CFR 51.5) by a provider of broadband
 36 service or advanced services.
 37 (3) Facilities used in the treatment, storage, or distribution of
 38 water by a water utility.
 39 (4) Facilities used in the collection or treatment of wastewater by
 40 a wastewater utility.

41 **(b) As used in this chapter, "a provider of broadband service or**
 42 **advanced services" includes a telephone company or cable**



1 **company (as defined in IC 6-1.1-8-2(15)).**

2 SECTION 26. IC 6-1.1-13-13, AS ADDED BY P.L.178-2021,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]: Sec. 13. (a) This section applies to both residential real
5 property and commercial property, with an assessed value of three
6 million dollars (\$3,000,000) or less, for which the assessed value was
7 increased for a tax year by an assessing official for any reason other
8 than by the application of the annual adjustment factor used by the
9 assessing official to adjust property values for that year. However, this
10 section does not apply to an assessment if the assessment is based on:

- 11 (1) structural improvements;
12 (2) zoning; or
13 (3) uses;

14 that were not considered in the assessment for the prior tax year.

15 (b) If the taxpayer:

- 16 (1) appeals an increased assessment as described in subsection (a)
17 to the county property tax assessment board of appeals or the
18 Indiana board; and
19 (2) prevails in an appeal described in subdivision (1) or any
20 resulting subsequent appeal of the increased assessment described
21 in subsection (a);

22 the assessing official shall not increase the assessed value of the
23 property until the first year of the next four (4) year cyclical assessment
24 cycle for any reason other than by application of the annual adjustment
25 factor used by the assessing official to adjust property values for a tax
26 year. During this period, the taxpayer may not appeal an increased
27 assessment made by the assessor unless the taxpayer believes that the
28 increased assessment is arbitrary and capricious and not made
29 consistent with the annual adjustment factor used by the assessing
30 official to adjust property values for a tax year. If the taxpayer does
31 appeal during this period on the grounds that the increased assessment
32 is arbitrary and capricious and not made consistent with the annual
33 adjustment factor used by the assessing official to adjust property
34 values for a tax year, the provision shifting the burden to the assessing
35 official to prove that the assessment is correct under
36 IC 6-1.1-15-17.2(d) **(before its repeal) or IC 6-1.1-15-20** does not
37 apply.

38 (c) This section does not apply if:

- 39 (1) the reduction in assessed value is the result of a settlement
40 agreement between the taxpayer and the assessing official; or
41 (2) the appeal is based on a correction of error under
42 IC 6-1.1-15-1.1(a) and IC 6-1.1-15-1.1(b).



1 (d) If the taxpayer who appealed an increased assessment under this
 2 section sells the property, whose assessment was appealed, for fair
 3 market value, notwithstanding subsection (b), the assessor may reassess
 4 the property that was sold.

5 SECTION 27. IC 6-1.1-15-0.8 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2022]: **Sec. 0.8. As used in this chapter,**
 8 **"taxpayer" means:**

9 (1) **an owner of the property at the time of the issuance of the**
 10 **assessment or tax bill;**

11 (2) **a person statutorily or contractually obligated to pay**
 12 **property taxes on the property; or**

13 (3) **a tenant obligated under a lease to reimburse the owner**
 14 **for property taxes on the property.**

15 SECTION 28. IC 6-1.1-15-17.1 IS REPEALED [EFFECTIVE JULY
 16 1, 2022]. ~~Sec. 17.1. In the case of a change occurring after February 28,~~
 17 ~~2015; in the classification of real property:~~

18 (1) ~~the county assessor or township assessor must on the notice~~
 19 ~~required by IC 6-1.1-4-22 specify any changes in land~~
 20 ~~classification and the reasons for the change; and~~

21 (2) ~~the county assessor or township assessor making the change~~
 22 ~~in the classification has the burden of proving that the change in~~
 23 ~~the classification is correct in any review or appeal under this~~
 24 ~~chapter and in any appeals taken to the Indiana board of tax~~
 25 ~~review or to the Indiana tax court.~~

26 SECTION 29. IC 6-1.1-15-17.2 IS REPEALED [EFFECTIVE JULY
 27 1, 2022]. ~~Sec. 17.2. (a) Except as provided in subsection (d), this~~
 28 ~~section applies to any review or appeal of an assessment under this~~
 29 ~~chapter if the assessment that is the subject of the review or appeal is~~
 30 ~~an increase of more than five percent (5%) over the assessment for the~~
 31 ~~same property for the prior tax year. In calculating the change in the~~
 32 ~~assessment for purposes of this section, the assessment to be used for~~
 33 ~~the prior tax year is the original assessment for that prior tax year or, if~~
 34 ~~applicable, the assessment for that prior tax year:~~

35 (1) ~~as last corrected by an assessing official;~~

36 (2) ~~as stipulated or settled by the taxpayer and the assessing~~
 37 ~~official; or~~

38 (3) ~~as determined by the reviewing authority.~~

39 (b) ~~Under this section, the county assessor or township assessor~~
 40 ~~making the assessment has the burden of proving that the assessment~~
 41 ~~is correct in any review or appeal under this chapter and in any appeals~~
 42 ~~taken to the Indiana board of tax review or to the Indiana tax court. If~~



1 a county assessor or township assessor fails to meet the burden of proof
 2 under this section; the taxpayer may introduce evidence to prove the
 3 correct assessment. If neither the assessing official nor the taxpayer
 4 meets the burden of proof under this section; the assessment reverts to
 5 the assessment for the prior tax year; which is the original assessment
 6 for that prior tax year or; if applicable; the assessment for that prior tax
 7 year:

- 8 (1) as last corrected by an assessing official;
- 9 (2) as stipulated or settled by the taxpayer and the assessing
 10 official; or
- 11 (3) as determined by the reviewing authority.

12 (c) This section does not apply to an assessment if the assessment
 13 that is the subject of the review or appeal is based on:

- 14 (1) substantial renovations or new improvements;
- 15 (2) zoning; or
- 16 (3) uses;

17 that were not considered in the assessment for the prior tax year.

18 (d) This subsection applies to real property for which the gross
 19 assessed value of the real property was reduced by the assessing
 20 official or reviewing authority in an appeal conducted under
 21 IC 6-1.1-15. However, this subsection does not apply for an assessment
 22 date if the real property was valued using the income capitalization
 23 approach in the appeal. If the gross assessed value of real property for
 24 an assessment date that follows the latest assessment date that was the
 25 subject of an appeal described in this subsection is increased above the
 26 gross assessed value of the real property for the latest assessment date
 27 covered by the appeal; regardless of the amount of the increase; the
 28 county assessor or township assessor (if any) making the assessment
 29 has the burden of proving that the assessment is correct.

30 SECTION 30. IC 6-1.1-15-18 IS REPEALED [EFFECTIVE JULY
 31 1, 2022]. Sec. 18: (a) This section applies to an appeal to which this
 32 chapter applies; including any review by the board of tax review or the
 33 tax court.

34 (b) This section applies to any proceeding pending or commenced
 35 after June 30, 2012.

36 (c) To accurately determine market-value-in-use; a taxpayer or an
 37 assessing official may:

- 38 (1) in a proceeding concerning residential property; introduce
 39 evidence of the assessments of comparable properties located in
 40 the same taxing district or within two (2) miles of a boundary of
 41 the taxing district; and
- 42 (2) in a proceeding concerning property that is not residential



- 1 property; introduce evidence of the assessments of any relevant;
 2 comparable property.
- 3 However, in a proceeding described in subdivision (2), preference shall
 4 be given to comparable properties that are located in the same taxing
 5 district or within two (2) miles of a boundary of the taxing district. The
 6 determination of whether properties are comparable shall be made
 7 using generally accepted appraisal and assessment practices.
- 8 SECTION 31. IC 6-1.1-15-20 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2022]: **Sec. 20. (a) In an appeal under this**
 11 **chapter, except as provided in subsection (b), the assessment as last**
 12 **determined by an assessing official or the county board is**
 13 **presumed to be equal to the property's true tax value until**
 14 **rebutted by evidence presented by the parties.**
- 15 (b) If a property's assessment increased more than five percent
 16 (5%) over the property's assessment for the prior tax year, then
 17 the assessment is no longer presumed to be equal to the property's
 18 true tax value, and the assessing official has the burden of proof.
- 19 (c) For purposes of this chapter, an assessment for a prior tax
 20 year means the final value:
- 21 (1) as last corrected by an assessing official;
 22 (2) as stipulated or settled by the taxpayer and the assessing
 23 official; or
 24 (3) as determined by a reviewing authority.
- 25 (d) Subsection (b) does not apply if the increase in the
 26 assessment on appeal is based on:
- 27 (1) substantial renovations or new improvements;
 28 (2) zoning; or
 29 (3) uses;
 30 that were not considered in the assessment for the prior tax year.
- 31 (e) Both parties in an appeal under this chapter may present
 32 evidence of the true tax value of the property, seeking to decrease
 33 or increase the assessment.
- 34 (f) In an appeal under this chapter, the Indiana board shall, as
 35 trier of fact, weigh the evidence and decide the true tax value of the
 36 property as compelled by the totality of the probative evidence
 37 before it. The Indiana board's determination of the property's true
 38 tax value may be higher or lower than the assessment or the value
 39 proposed by a party or witness. If the totality of the evidence
 40 presented to the Indiana board is insufficient to determine the
 41 property's true tax value in an appeal governed by subsection (a),
 42 then the property's assessment is presumed to be equal to the



1 **property's true tax value. If the totality of the evidence presented**
 2 **to the Indiana board is insufficient to determine the property's true**
 3 **tax value in an appeal governed by subsection (b), then the**
 4 **property's prior year assessment is presumed to be equal to the**
 5 **property's true tax value.**

6 **(g) The Indiana board shall hear its matters without regard to**
 7 **motions related to notice pleading or judgments on the evidence.**

8 SECTION 32. IC 6-1.1-17-1, AS AMENDED BY P.L.184-2016,
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]: Sec. 1. (a) On or before August 1 of each year, the
 11 county auditor shall submit a certified statement of the assessed value
 12 for the ensuing year to the department of local government finance in
 13 the manner prescribed by the department.

14 (b) The department of local government finance shall make the
 15 certified statement available on the department's computer gateway.

16 (c) Subject to subsection (d), after the county auditor submits a
 17 certified statement under subsection (a) or an amended certified
 18 statement under this subsection with respect to a political subdivision
 19 and before the department of local government finance certifies its
 20 action with respect to the political subdivision under section 16(i) of
 21 this chapter, the county auditor may amend the information concerning
 22 assessed valuation included in the earlier certified statement. The
 23 county auditor shall submit a certified statement amended under this
 24 subsection to the department of local government finance **not later**
 25 **than September 1** in the manner prescribed by the department.

26 (d) ~~Except as provided in subsection (e);~~ Before the county auditor
 27 makes an amendment under subsection (c), the county auditor must
 28 provide an opportunity for public comment on the proposed
 29 amendment at a public hearing. The county auditor must give notice of
 30 the hearing under IC 5-3-1. If the county auditor makes the amendment
 31 as a result of information provided to the county auditor by an assessor,
 32 the county auditor shall give notice of the public hearing to the
 33 assessor.

34 (e) ~~The county auditor is not required to hold a public hearing under~~
 35 ~~subsection (d) if:~~

36 (1) ~~the amendment under subsection (c) is proposed to correct a~~
 37 ~~mathematical error made in the determination of the amount of~~
 38 ~~assessed valuation included in the earlier certified statement;~~

39 (2) ~~the amendment under subsection (c) is proposed to add to the~~
 40 ~~amount of assessed valuation included in the earlier certified~~
 41 ~~statement assessed valuation of omitted property discovered after~~
 42 ~~the county auditor sent the earlier certified statement; or~~



- 1 (3) the county auditor determines that the amendment under
 2 subsection (c) will not result in an increase in the tax rate or tax
 3 rates of the political subdivision.
 4 (4) (e) Beginning in 2018, each county auditor shall submit to the
 5 department of local government finance parcel level data of certified
 6 net assessed values as required by the department. A county auditor
 7 shall submit the parcel level data in the manner and format required by
 8 the department and according to a schedule determined by the
 9 department.
 10 SECTION 33. IC 6-1.1-18-12, AS AMENDED BY P.L.86-2018,
 11 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2022]: Sec. 12. (a) For purposes of this section, "maximum
 13 rate" refers to the maximum:
 14 (1) property tax rate or rates; or
 15 (2) special benefits tax rate or rates;
 16 referred to in the statutes listed in subsection (d).
 17 (b) The maximum rate for taxes first due and payable after 2003 is
 18 the maximum rate that would have been determined under subsection
 19 (e) for taxes first due and payable in 2003 if subsection (e) had applied
 20 for taxes first due and payable in 2003.
 21 (c) The maximum rate must be adjusted each year to account for the
 22 change in assessed value of real property that results from:
 23 (1) an annual adjustment of the assessed value of real property
 24 under IC 6-1.1-4-4.5; or
 25 (2) a reassessment under a county's reassessment plan prepared
 26 under IC 6-1.1-4-4.2.
 27 (d) The statutes to which subsection (a) refers are:
 28 (1) IC 8-10-5-17 **(for taxes due and payable before January 1,**
 29 **2023);**
 30 (2) IC 8-22-3-11;
 31 (3) IC 8-22-3-25 **(for taxes due and payable before January 1,**
 32 **2023);**
 33 (4) IC 12-29-1-1;
 34 (5) IC 12-29-1-2;
 35 (6) IC 12-29-1-3;
 36 (7) IC 12-29-3-6;
 37 (8) IC 13-21-3-12;
 38 (9) IC 13-21-3-15;
 39 (10) IC 14-27-6-30;
 40 (11) IC 14-33-7-3;
 41 (12) IC 14-33-21-5 **(for taxes due and payable before January**
 42 **1, 2023);**



- 1 (13) IC 15-14-7-4;
- 2 (14) IC 15-14-9-1;
- 3 (15) IC 15-14-9-2;
- 4 (16) IC 16-20-2-18;
- 5 (17) IC 16-20-4-27;
- 6 (18) IC 16-20-7-2;
- 7 (19) IC 16-22-14;
- 8 (20) IC 16-23-1-29;
- 9 (21) IC 16-23-3-6;
- 10 (22) IC 16-23-4-2;
- 11 (23) IC 16-23-5-6;
- 12 (24) IC 16-23-7-2;
- 13 (25) IC 16-23-8-2;
- 14 (26) IC 16-23-9-2;
- 15 (27) IC 16-41-15-5;
- 16 (28) IC 16-41-33-4;
- 17 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);
- 18 (30) IC 20-46-6-5 (before its repeal on January 1, 2019);
- 19 (31) IC 20-49-2-10;
- 20 (32) IC 36-1-19-1;
- 21 (33) IC 23-14-66-2;
- 22 (34) IC 23-14-67-3;
- 23 (35) IC 36-7-13-4;
- 24 (36) IC 36-7-14-28;
- 25 (37) IC 36-7-15.1-16;
- 26 (38) IC 36-8-19-8.5 **(for taxes due and payable before January**
- 27 **1, 2023);**
- 28 (39) IC 36-9-6.1-2;
- 29 (40) IC 36-9-17.5-4 **(for taxes due and payable before January**
- 30 **1, 2023);**
- 31 (41) IC 36-9-27-73;
- 32 (42) IC 36-9-29-31;
- 33 (43) IC 36-9-29.1-15;
- 34 (44) IC 36-10-6-2;
- 35 (45) IC 36-10-7-7;
- 36 (46) IC 36-10-7-8;
- 37 (47) IC 36-10-7.5-19 **(for taxes due and payable before**
- 38 **January 1, 2023);**
- 39 (48) IC 36-10-13-5 (before the power to impose a levy was
- 40 removed on January 1, 2019);
- 41 (49) IC 36-10-13-7 (before the power to impose a levy was
- 42 removed on January 1, 2019);



- 1 (50) IC 36-10-14-4 (before its repeal on January 1, 2019);
 2 (51) IC 36-12-7-7;
 3 (52) IC 36-12-7-8;
 4 (53) IC 36-12-12-10;
 5 (54) a statute listed in IC 6-1.1-18.5-9.8 (**for taxes due and**
 6 **payable before January 1, 2023**); and
 7 (55) any statute enacted after December 31, 2003, that:
 8 (A) establishes a maximum rate for any part of the:
 9 (i) property taxes; or
 10 (ii) special benefits taxes;
 11 imposed by a political subdivision; and
 12 (B) does not exempt the maximum rate from the adjustment
 13 under this section.
 14 (e) For property tax rates imposed for property taxes first due and
 15 payable after December 31, 2013, the new maximum rate under a
 16 statute listed in subsection (d) is the tax rate determined under STEP
 17 EIGHT of the following STEPS:
 18 STEP ONE: Determine the maximum rate for the political
 19 subdivision levying a property tax or special benefits tax under
 20 the statute for the previous calendar year.
 21 STEP TWO: Determine the actual percentage change (rounded to
 22 the nearest one-hundredth percent (0.01%)) in the assessed value
 23 of the taxable property from the previous calendar year to the year
 24 in which the affected property taxes will be imposed.
 25 STEP THREE: Determine the three (3) calendar years that
 26 immediately precede the year in which the affected property taxes
 27 will be imposed.
 28 STEP FOUR: Compute separately, for each of the calendar years
 29 determined in STEP THREE, the actual percentage change
 30 (rounded to the nearest one-hundredth percent (0.01%)) in the
 31 assessed value (before the adjustment, if any, under
 32 IC 6-1.1-4-4.5) of the taxable property from the preceding year.
 33 STEP FIVE: Divide the sum of the three (3) quotients computed
 34 in STEP FOUR by three (3).
 35 STEP SIX: Determine the greater of the following:
 36 (A) Zero (0).
 37 (B) The STEP FIVE result.
 38 STEP SEVEN: Determine the greater of the following:
 39 (A) Zero (0).
 40 (B) The result of the STEP TWO percentage minus the STEP
 41 SIX percentage, if any.
 42 STEP EIGHT: Determine the quotient of the STEP ONE tax rate



- 1 divided by the sum of one (1) plus the STEP SEVEN percentage,
2 if any.
- 3 (f) The department of local government finance shall compute the
4 maximum rate allowed under subsection (e) and provide the rate to
5 each political subdivision with authority to levy a tax under a statute
6 listed in subsection (d).
- 7 SECTION 34. IC 6-1.1-18.5-13, AS AMENDED BY P.L.159-2020,
8 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2022]: Sec. 13. (a) With respect to an appeal filed under
10 section 12 of this chapter, the department may find that a civil taxing
11 unit should receive any one (1) or more of the following types of relief:
- 12 (1) Permission to the civil taxing unit to increase its levy in excess
13 of the limitations established under section 3 or 25 of this chapter,
14 as applicable, if in the judgment of the department the increase is
15 reasonably necessary due to increased costs of the civil taxing
16 unit resulting from annexation, consolidation, or other extensions
17 of governmental services by the civil taxing unit to additional
18 geographic areas. With respect to annexation, consolidation, or
19 other extensions of governmental services in a calendar year, if
20 those increased costs are incurred by the civil taxing unit in that
21 calendar year and more than one (1) immediately succeeding
22 calendar year, the unit may appeal under section 12 of this chapter
23 for permission to increase its levy under this subdivision based on
24 those increased costs in any of the following:
- 25 (A) The first calendar year in which those costs are incurred.
26 (B) One (1) or more of the immediately succeeding four (4)
27 calendar years.
- 28 (2) Permission to the civil taxing unit to increase its levy in excess
29 of the limitations established under section 3 or 25 of this chapter,
30 as applicable, if the department finds that the quotient determined
31 under STEP SIX of the following formula is equal to or greater
32 than one and two-hundredths (1.02):
- 33 STEP ONE: Determine the three (3) calendar years that most
34 immediately precede the ensuing calendar year.
35 STEP TWO: Compute separately, for each of the calendar
36 years determined in STEP ONE, the quotient (rounded to the
37 nearest ten-thousandth (0.0001)) of the sum of the civil taxing
38 unit's total assessed value of all taxable property ~~and:~~
- 39 (i) ~~for a particular calendar year before 2007, the total~~
40 ~~assessed value of property tax deductions in the unit under~~
41 ~~IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular~~
42 ~~calendar year; or~~



1 (ii) for a particular calendar year after 2006; the total
 2 assessed value of property tax deductions that applied in the
 3 unit under IC 6-1.1-12-42 in 2006 plus for a particular
 4 calendar year after 2009; the total assessed value of property
 5 tax deductions that applied in the unit under
 6 IC 6-1.1-12-37.5 in 2008;

7 divided by the sum determined under this STEP for the
 8 calendar year immediately preceding the particular calendar
 9 year.

10 STEP THREE: Divide the sum of the three (3) quotients
 11 computed in STEP TWO by three (3).

12 STEP FOUR: Compute separately, for each of the calendar
 13 years determined in STEP ONE, the quotient (rounded to the
 14 nearest ten-thousandth (0.0001)) of the sum of the total
 15 assessed value of all taxable property in all counties and:

16 (i) for a particular calendar year before 2007; the total
 17 assessed value of property tax deductions in all counties
 18 under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the
 19 particular calendar year; or

20 (ii) for a particular calendar year after 2006; the total
 21 assessed value of property tax deductions that applied in all
 22 counties under IC 6-1.1-12-42 in 2006 plus for a particular
 23 calendar year after 2009; the total assessed value of property
 24 tax deductions that applied in the unit under
 25 IC 6-1.1-12-37.5 in 2008;

26 divided by the sum determined under this STEP for the
 27 calendar year immediately preceding the particular calendar
 28 year.

29 STEP FIVE: Divide the sum of the three (3) quotients
 30 computed in STEP FOUR by three (3).

31 STEP SIX: Divide the STEP THREE amount by the STEP
 32 FIVE amount.

33 The civil taxing unit may increase its levy by a percentage not
 34 greater than the percentage by which the STEP THREE amount
 35 exceeds the percentage by which the civil taxing unit may
 36 increase its levy under section 3 or 25 of this chapter, as
 37 applicable, based on the maximum levy growth quotient
 38 determined under section 2 of this chapter.

39 (3) A levy increase may be granted under this subdivision only for
 40 property taxes first due and payable after December 31, 2008.
 41 Permission to a civil taxing unit to increase its levy in excess of
 42 the limitations established under section 3 or 25 of this chapter,



1 as applicable, if the civil taxing unit cannot carry out its
 2 governmental functions for an ensuing calendar year under the
 3 levy limitations imposed by section 3 or 25 of this chapter, as
 4 applicable, due to a natural disaster, an accident, or another
 5 unanticipated emergency.

6 (b) The department of local government finance shall increase the
 7 maximum permissible ad valorem property tax levy under section 3 of
 8 this chapter for the city of Goshen for 2012 and thereafter by an
 9 amount equal to the greater of zero (0) or the result of:

10 (1) the city's total pension costs in 2009 for the 1925 police
 11 pension fund (IC 36-8-6) and the 1937 firefighters' pension fund
 12 (IC 36-8-7); minus

13 (2) the sum of:

14 (A) the total amount of state funds received in 2009 by the city
 15 and used to pay benefits to members of the 1925 police
 16 pension fund (IC 36-8-6) or the 1937 firefighters' pension fund
 17 (IC 36-8-7); plus

18 (B) any previous permanent increases to the city's levy that
 19 were authorized to account for the transfer to the state of the
 20 responsibility to pay benefits to members of the 1925 police
 21 pension fund (IC 36-8-6) and the 1937 firefighters' pension
 22 fund (IC 36-8-7).

23 SECTION 35. IC 6-1.1-18.5-28 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2022]: **Sec. 28. (a) This section applies only**
 26 **to the Sugar Creek Township Fire Protection District in Vigo**
 27 **County.**

28 (b) **Subject to subsection (c), the executive of a district described**
 29 **in subsection (a) may, after approval by the fiscal body of the**
 30 **district, and before August 1, 2022, submit a petition to the**
 31 **department of local government finance requesting an increase in**
 32 **the district's maximum permissible ad valorem property tax levy**
 33 **for property taxes first due and payable in 2023.**

34 (c) **Before the fiscal body of the district may approve a petition**
 35 **under subsection (b), the fiscal body of the district shall hold a**
 36 **public hearing on the petition. The fiscal body shall give notice of**
 37 **the public hearing under IC 5-3-1. At the public hearing, the fiscal**
 38 **body shall make available to the public the following:**

39 (1) **A fiscal plan describing the need for the increase to the**
 40 **levy and the expenditures for which the revenue generated**
 41 **from the increase to the levy will be used.**

42 (2) **A statement that the proposed increase will be a**



1 permanent increase to the district's maximum permissible ad
2 valorem property tax levy.

3 (3) The estimated effect of the proposed increase on
4 taxpayers.

5 After the fiscal body approves the petition, the district shall
6 immediately notify the other civil taxing units and school
7 corporations in the county that are located in a taxing district
8 where the district is also located.

9 (d) If the executive of the district submits a petition under
10 subsection (b), the department of local government finance shall
11 increase the maximum permissible ad valorem property tax levy
12 for property taxes first due and payable in 2023 by not more than
13 one hundred thousand dollars (\$100,000).

14 (e) The district's maximum permissible ad valorem property tax
15 levy for property taxes first due and payable in 2023, as adjusted
16 under this section, shall be used in the determination of the
17 district's maximum permissible ad valorem property tax levy
18 under IC 6-1.1-18.5 for property taxed first due and payable in
19 2024 and thereafter.

20 (f) This section expires June 30, 2026.

21 SECTION 36. IC 6-1.1-18.5-29 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2022]: Sec. 29. (a) This section applies only
24 to the Otter Creek Township in Vigo County.

25 (b) Subject to subsection (c), the executive of a township
26 described in subsection (a) may, after approval by the fiscal body
27 of the township, and before August 1, 2022, submit a petition to the
28 department of local government finance requesting an increase in
29 the township's maximum permissible ad valorem property tax levy
30 for property taxes first due and payable in 2023.

31 (c) Before the fiscal body of the township may approve a
32 petition under subsection (b), the fiscal body of the township shall
33 hold a public hearing on the petition. The fiscal body shall give
34 notice of the public hearing under IC 5-3-1. At the public hearing,
35 the fiscal body shall make available to the public the following:

36 (1) A fiscal plan describing the need for the increase to the
37 levy and the expenditures for which the revenue generated
38 from the increase to the levy will be used.

39 (2) A statement that the proposed increase will be a
40 permanent increase to the township's maximum permissible
41 ad valorem property tax levy.

42 (3) The estimated effect of the proposed increase on



1 taxpayers.
 2 After the fiscal body approves the petition, the township shall
 3 immediately notify the other civil taxing units and school
 4 corporations in the county that are located in a taxing district
 5 where the township is also located.
 6 (d) If the executive of the township submits a petition under
 7 subsection (b), the department of local government finance shall
 8 increase the maximum permissible ad valorem property tax levy
 9 for property taxes first due and payable in 2023 by not more than
 10 seventy-five thousand dollars (\$75,000).
 11 (e) The township's maximum permissible ad valorem property
 12 tax levy for property taxes first due and payable in 2023, as
 13 adjusted under this section, shall be used in the determination of
 14 the township's maximum permissible ad valorem property tax levy
 15 under IC 6-1.1-18.5 for property taxes first due and payable in
 16 2024 and thereafter.
 17 (f) This section expires June 30, 2026.
 18 SECTION 37. IC 6-1.1-18.5-30 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2022]: Sec. 30. (a) This section applies only
 21 to Howard County.
 22 (b) Subject to subsection (c), the executive of a county described
 23 in subsection (a) may, after approval by the fiscal body of the
 24 county, and before August 1, 2022, submit a petition to the
 25 department of local government finance requesting an increase in
 26 the county's maximum permissible ad valorem property tax levy
 27 for property taxes first due and payable in 2023.
 28 (c) Before the fiscal body of the county may approve a petition
 29 under subsection (b), the fiscal body of the county shall hold a
 30 public hearing on the petition. The fiscal body shall give notice of
 31 the public hearing under IC 5-3-1. At the public hearing, the fiscal
 32 body shall make available to the public the following:
 33 (1) A fiscal plan describing the need for the increase to the
 34 levy and the expenditures for which the revenue generated
 35 from the increase to the levy will be used.
 36 (2) A statement that the proposed increase will be a
 37 permanent increase to the township's maximum permissible
 38 ad valorem property tax levy.
 39 (3) The estimated effect of the proposed increase on
 40 taxpayers.
 41 After the fiscal body approves the petition, the county shall
 42 immediately notify the other civil taxing units and school



1 corporations in the county that are located in a taxing district
2 where the county is also located.

3 (d) If the executive of the county submits a petition under
4 subsection (b), the department of local government finance shall
5 increase the maximum permissible ad valorem property tax levy
6 for property taxes first due and payable in 2023 by not more than
7 ninety-seven thousand two hundred and ninety-three dollars
8 (\$97,293).

9 (e) The adjustment under this section is a temporary, one (1)
10 time increase to the county's maximum permissible ad valorem
11 property tax levy for purposes of this chapter.

12 (f) This section expires June 30, 2026.

13 SECTION 38. IC 6-1.1-20-3.6, AS AMENDED BY P.L.38-2021,
14 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2022]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
16 of this chapter, this section applies only to a controlled project
17 described in section 3.5(a) of this chapter.

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

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

28 "Shall _____ (insert the name of the political subdivision)
29 increase property taxes paid to the _____ (insert the type of
30 taxing unit) by homeowners and businesses? If this public
31 question is approved by the voters, the average property tax paid
32 to the _____ (insert the type of taxing unit) per year on a
33 residence would increase by _____% (insert the estimated
34 average percentage of property tax increase paid to the political
35 subdivision on a residence within the political subdivision as
36 determined under subsection (n)) and the average property tax
37 paid to the _____ (insert the type of taxing unit) per year on a
38 business property would increase by _____% (insert the
39 estimated average percentage of property tax increase paid to the
40 political subdivision on a business property within the political
41 subdivision as determined under subsection (o)). The political
42 subdivision may issue bonds or enter into a lease to _____



1 (insert a brief description of the controlled project), which is
 2 estimated to cost _____ (insert the total cost of the project)
 3 over _____ (insert number of years to bond maturity or
 4 termination of lease) years. The most recent property tax
 5 referendum within the boundaries of the political subdivision for
 6 which this public question is being considered was proposed by
 7 _____ (insert name of political subdivision) in _____ (insert
 8 year of most recent property tax referendum) and _____
 9 (insert whether the measure passed or failed).".

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

22 (d) The department of local government finance shall review the
 23 language of the public question to evaluate whether the description of
 24 the controlled project is accurate and is not biased against either a vote
 25 in favor of the controlled project or a vote against the controlled
 26 project. The department of local government finance shall post the
 27 estimated average percentage of property tax increases to be paid to a
 28 political subdivision on a residence and business property that are
 29 certified by the county auditor under subsection (p) on the department's
 30 Internet web site. The department of local government finance may
 31 either approve the ballot language as submitted or recommend that the
 32 ballot language be modified as necessary to ensure that the description
 33 of the controlled project is accurate and is not biased. The department
 34 of local government finance shall certify its approval or
 35 recommendations to the county auditor and the county election board
 36 not more than ten (10) days after the language of the public question is
 37 submitted to the department for review. If the department of local
 38 government finance recommends a modification to the ballot language,
 39 the county election board shall, after reviewing the recommendations
 40 of the department of local government finance, submit modified ballot
 41 language to the department for the department's approval or
 42 recommendation of any additional modifications. The public question



1 may not be certified by the county auditor under subsection (e) unless
 2 the department of local government finance has first certified the
 3 department's final approval of the ballot language for the public
 4 question.

5 (e) The county auditor shall certify the finally approved public
 6 question under IC 3-10-9-3 to the county election board of each county
 7 in which the political subdivision is located. The certification must
 8 occur not later than noon:

9 (1) seventy-four (74) days before a primary election if the public
 10 question is to be placed on the primary or municipal primary
 11 election ballot; or

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

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

35 (f) The circuit court clerk shall certify the results of the public
 36 question to the following:

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

39 (2) The department of local government finance.

40 (g) Subject to the requirements of IC 6-1.1-18.5-8, the political
 41 subdivision may issue the proposed bonds or enter into the proposed
 42 lease rental if a majority of the eligible voters voting on the public



- 1 question vote in favor of the public question.
- 2 (h) If a majority of the eligible voters voting on the public question
- 3 vote in opposition to the public question, both of the following apply:
- 4 (1) The political subdivision may not issue the proposed bonds or
- 5 enter into the proposed lease rental.
- 6 (2) Another public question under this section on the same or a
- 7 substantially similar project may not be submitted to the voters
- 8 earlier than:
- 9 (A) except as provided in clause (B), seven hundred (700)
- 10 days after the date of the public question; or
- 11 (B) three hundred fifty (350) days after the date of the election,
- 12 if a petition that meets the requirements of subsection (m) is
- 13 submitted to the county auditor.
- 14 (i) IC 3, to the extent not inconsistent with this section, applies to an
- 15 election held under this section.
- 16 (j) A political subdivision may not divide a controlled project in
- 17 order to avoid the requirements of this section and section 3.5 of this
- 18 chapter. A person that owns property within a political subdivision or
- 19 a person that is a registered voter residing within a political subdivision
- 20 may file a petition with the department of local government finance
- 21 objecting that the political subdivision has divided a controlled project
- 22 into two (2) or more capital projects in order to avoid the requirements
- 23 of this section and section 3.5 of this chapter. The petition must be filed
- 24 not more than ten (10) days after the political subdivision gives notice
- 25 of the political subdivision's decision under section 3.5 of this chapter
- 26 or a determination under section 5 of this chapter to issue bonds or
- 27 enter into leases for a capital project that the person believes is the
- 28 result of a division of a controlled project that is prohibited by this
- 29 subsection. If the department of local government finance receives a
- 30 petition under this subsection, the department shall not later than thirty
- 31 (30) days after receiving the petition make a final determination on the
- 32 issue of whether the political subdivision divided a controlled project
- 33 in order to avoid the requirements of this section and section 3.5 of this
- 34 chapter. If the department of local government finance determines that
- 35 a political subdivision divided a controlled project in order to avoid the
- 36 requirements of this section and section 3.5 of this chapter and the
- 37 political subdivision continues to desire to proceed with the project, the
- 38 political subdivision may appeal the determination of the department
- 39 of local government finance to the Indiana board of tax review. A
- 40 political subdivision shall be considered to have divided a capital
- 41 project in order to avoid the requirements of this section and section
- 42 3.5 of this chapter if the result of one (1) or more of the subprojects



1 cannot reasonably be considered an independently desirable end in
 2 itself without reference to another capital project. This subsection does
 3 not prohibit a political subdivision from undertaking a series of capital
 4 projects in which the result of each capital project can reasonably be
 5 considered an independently desirable end in itself without reference
 6 to another capital project.

7 (k) This subsection applies to a political subdivision for which a
 8 petition requesting a public question has been submitted under section
 9 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of
 10 the political subdivision may adopt a resolution to withdraw a
 11 controlled project from consideration in a public question. If the
 12 legislative body provides a certified copy of the resolution to the county
 13 auditor and the county election board not later than sixty-three (63)
 14 days before the election at which the public question would be on the
 15 ballot, the public question on the controlled project shall not be placed
 16 on the ballot and the public question on the controlled project shall not
 17 be held, regardless of whether the county auditor has certified the
 18 public question to the county election board. If the withdrawal of a
 19 public question under this subsection requires the county election
 20 board to reprint ballots, the political subdivision withdrawing the
 21 public question shall pay the costs of reprinting the ballots. If a political
 22 subdivision withdraws a public question under this subsection that
 23 would have been held at a special election and the county election
 24 board has printed the ballots before the legislative body of the political
 25 subdivision provides a certified copy of the withdrawal resolution to
 26 the county auditor and the county election board, the political
 27 subdivision withdrawing the public question shall pay the costs
 28 incurred by the county in printing the ballots. If a public question on a
 29 controlled project is withdrawn under this subsection, a public question
 30 under this section on the same controlled project or a substantially
 31 similar controlled project may not be submitted to the voters earlier
 32 than three hundred fifty (350) days after the date the resolution
 33 withdrawing the public question is adopted.

34 (l) If a public question regarding a controlled project is placed on
 35 the ballot to be voted on at an election under this section, the political
 36 subdivision shall submit to the department of local government finance,
 37 at least thirty (30) days before the election, the following information
 38 regarding the proposed controlled project for posting on the
 39 department's Internet web site:

- 40 (1) The cost per square foot of any buildings being constructed as
 41 part of the controlled project.
- 42 (2) The effect that approval of the controlled project would have



- 1 on the political subdivision's property tax rate.
- 2 (3) The maximum term of the bonds or lease.
- 3 (4) The maximum principal amount of the bonds or the maximum
- 4 lease rental for the lease.
- 5 (5) The estimated interest rates that will be paid and the total
- 6 interest costs associated with the bonds or lease.
- 7 (6) The purpose of the bonds or lease.
- 8 (7) In the case of a controlled project proposed by a school
- 9 corporation:
- 10 (A) the current and proposed square footage of school building
- 11 space per student;
- 12 (B) enrollment patterns within the school corporation; and
- 13 (C) the age and condition of the current school facilities.
- 14 (m) If a majority of the eligible voters voting on the public question
- 15 vote in opposition to the public question, a petition may be submitted
- 16 to the county auditor to request that the limit under subsection
- 17 (h)(2)(B) apply to the holding of a subsequent public question by the
- 18 political subdivision. If such a petition is submitted to the county
- 19 auditor and is signed by the lesser of:
- 20 (1) five hundred (500) persons who are either owners of property
- 21 within the political subdivision or registered voters residing
- 22 within the political subdivision; or
- 23 (2) five percent (5%) of the registered voters residing within the
- 24 political subdivision;
- 25 the limit under subsection (h)(2)(B) applies to the holding of a second
- 26 public question by the political subdivision and the limit under
- 27 subsection (h)(2)(A) does not apply to the holding of a second public
- 28 question by the political subdivision.
- 29 (n) At the request of a political subdivision that proposes to impose
- 30 property taxes to pay debt service on bonds or lease rentals on a lease
- 31 for a controlled project, the county auditor of a county in which the
- 32 political subdivision is located shall determine the estimated average
- 33 percentage of property tax increase on a homestead to be paid to the
- 34 political subdivision that must be included in the public question under
- 35 subsection (c) as follows:
- 36 STEP ONE: Determine the average assessed value of a homestead
- 37 located within the political subdivision.
- 38 STEP TWO: For purposes of determining the net assessed value
- 39 of the average homestead located within the political subdivision,
- 40 subtract:
- 41 (A) an amount for the homestead standard deduction under
- 42 IC 6-1.1-12-37 as if the homestead described in STEP ONE



1 was eligible for the deduction; and
 2 (B) an amount for the supplemental homestead deduction
 3 under IC 6-1.1-12-37.5 as if the homestead described in STEP
 4 ONE was eligible for the deduction;
 5 from the result of STEP ONE.
 6 STEP THREE: Divide the result of STEP TWO by one hundred
 7 (100).
 8 STEP FOUR: Determine the overall average tax rate per one
 9 hundred dollars (\$100) of assessed valuation for the current year
 10 imposed on property located within the political subdivision.
 11 STEP FIVE: For purposes of determining net property tax liability
 12 of the average homestead located within the political subdivision:
 13 (A) multiply the result of STEP THREE by the result of STEP
 14 FOUR; and
 15 (B) as appropriate, apply any currently applicable county
 16 property tax credit rates and the credit for excessive property
 17 taxes under IC 6-1.1-20.6-7.5(a)(1).
 18 STEP SIX: Determine the amount of the political subdivision's
 19 part of the result determined in STEP FIVE.
 20 STEP SEVEN: Determine the estimated tax rate that will be
 21 imposed if the public question is approved by the voters.
 22 STEP EIGHT: Multiply the result of STEP SEVEN by the result
 23 of STEP THREE.
 24 STEP NINE: Divide the result of STEP EIGHT by the result of
 25 STEP SIX, expressed as a percentage.
 26 (o) At the request of a political subdivision that proposes to impose
 27 property taxes to pay debt service on bonds or lease rentals on a lease
 28 for a controlled project, the county auditor of a county in which the
 29 political subdivision is located shall determine the estimated average
 30 percentage of property tax increase on a business property to be paid
 31 to the political subdivision that must be included in the public question
 32 under subsection (c) as follows:
 33 STEP ONE: Determine the average assessed value of ~~a homestead~~
 34 **business property** located within the political subdivision.
 35 STEP TWO: Divide the result of STEP ONE by one hundred
 36 (100).
 37 STEP THREE: Determine the overall average tax rate per one
 38 hundred dollars (\$100) of assessed valuation for the current year
 39 imposed on property located within the political subdivision.
 40 STEP FOUR: For purposes of determining net property tax
 41 liability of the average business property located within the
 42 political subdivision:



- 1 (A) multiply the result of STEP TWO by the result of STEP
 2 THREE; and
 3 (B) as appropriate, apply any currently applicable county
 4 property tax credit rates and the credit for excessive property
 5 taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage
 6 was three percent (3%).
 7 STEP FIVE: Determine the amount of the political subdivision's
 8 part of the result determined in STEP FOUR.
 9 STEP SIX: Determine the estimated tax rate that will be imposed
 10 if the public question is approved by the voters.
 11 STEP SEVEN: Multiply the result of STEP TWO by the result of
 12 STEP SIX.
 13 STEP EIGHT: Divide the result of STEP SEVEN by the result of
 14 STEP FIVE, expressed as a percentage.
 15 (p) The county auditor shall certify the estimated average
 16 percentage of property tax increase on a homestead to be paid to the
 17 political subdivision determined under subsection (n), and the
 18 estimated average percentage of property tax increase on a business
 19 property to be paid to the political subdivision determined under
 20 subsection (o), in a manner prescribed by the department of local
 21 government finance, and provide the certification to the political
 22 subdivision that proposes to impose property taxes. The political
 23 subdivision shall provide the certification to the county election board
 24 and include the estimated average percentages in the language of the
 25 public question at the time the language of the public question is
 26 submitted to the county election board for approval as described in
 27 subsection (c).
 28 SECTION 39. IC 6-1.1-20.6-8.5, AS AMENDED BY P.L. 159-2020,
 29 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2022]: Sec. 8.5. (a) This section applies to an individual who:
 31 (1) qualified for a standard deduction granted under
 32 IC 6-1.1-12-37 for the individual's homestead property in the
 33 immediately preceding calendar year (or was married at the time
 34 of death to a deceased spouse who qualified for a standard
 35 deduction granted under IC 6-1.1-12-37 for the individual's
 36 homestead property in the immediately preceding calendar year);
 37 (2) qualifies for a standard deduction granted under
 38 IC 6-1.1-12-37 for the same homestead property in the current
 39 calendar year;
 40 (3) is or will be at least sixty-five (65) years of age on or before
 41 December 31 of the calendar year immediately preceding the
 42 current calendar year; and



- 1 (4) had:
- 2 (A) in the case of an individual who filed a single return,
- 3 adjusted gross income (as defined in Section 62 of the Internal
- 4 Revenue Code) not exceeding thirty thousand dollars
- 5 (\$30,000); or
- 6 (B) in the case of an individual who filed a joint income tax
- 7 return with the individual's spouse, combined adjusted gross
- 8 income (as defined in Section 62 of the Internal Revenue
- 9 Code) not exceeding forty thousand dollars (\$40,000);
- 10 for the calendar year preceding by two (2) years the calendar year
- 11 in which property taxes are first due and payable.
- 12 (b) Except as provided in subsection (g), this section does not apply
- 13 if:
- 14 (1) for an individual who received a credit under this section
- 15 before January 1, 2020, the gross assessed value of the homestead
- 16 on the assessment date for which property taxes are imposed is at
- 17 least two hundred thousand dollars (\$200,000); or
- 18 (2) for an individual who initially applies for a credit under this
- 19 section after December 31, 2019, the assessed value of the
- 20 individual's Indiana real property is at least two hundred thousand
- 21 dollars (\$200,000).
- 22 (c) An individual is entitled to an additional credit under this section
- 23 for property taxes first due and payable for a calendar year on a
- 24 homestead if:
- 25 (1) the individual and the homestead qualify for the credit under
- 26 subsection (a) for the calendar year;
- 27 (2) the homestead is not disqualified for the credit under
- 28 subsection (b) for the calendar year; and
- 29 (3) the filing requirements under subsection (e) are met.
- 30 (d) The amount of the credit is equal to the greater of zero (0) or the
- 31 result of:
- 32 (1) the property tax liability first due and payable on the
- 33 homestead property for the calendar year; minus
- 34 (2) the result of:
- 35 (A) the property tax liability first due and payable on the
- 36 qualified homestead property for the immediately preceding
- 37 year after the application of the credit granted under this
- 38 section for that year; multiplied by
- 39 (B) one and two hundredths (1.02).
- 40 However, property tax liability imposed on any improvements to or
- 41 expansion of the homestead property after the assessment date for
- 42 which property tax liability described in subdivision (2) was imposed



1 shall not be considered in determining the credit granted under this
2 section in the current calendar year.

3 (e) Applications for a credit under this section shall be filed in the
4 manner provided for an application for a deduction under
5 IC 6-1.1-12-9. However, an individual who remains eligible for the
6 credit in the following year is not required to file a statement to apply
7 for the credit in the following year. An individual who receives a credit
8 under this section in a particular year and who becomes ineligible for
9 the credit in the following year shall notify the auditor of the county in
10 which the homestead is located of the individual's ineligibility not later
11 than sixty (60) days after the individual becomes ineligible.

12 (f) The auditor of each county shall, in a particular year, apply a
13 credit provided under this section to each individual who received the
14 credit in the preceding year unless the auditor determines that the
15 individual is no longer eligible for the credit.

16 (g) For purposes of determining the:

- 17 (1) assessed value of the homestead on the assessment date for
18 which property taxes are imposed under subsection (b)(1); or
19 (2) assessed value of the individual's Indiana real property under
20 subsection (b)(2);

21 for an individual who has received a credit under this section in a
22 ~~particular previous~~ year, increases in assessed value that occur after
23 the later of December 31, 2019, or the first year that the individual has
24 received the credit are not considered unless the increase in assessed
25 value is attributable to ~~physical improvements to the property.~~
26 **substantial renovation or new improvements. Where there is an**
27 **increase in assessed value for purposes of the credit under this**
28 **section, the assessor shall provide a report to the county auditor**
29 **describing the substantial renovation or new improvements, if any,**
30 **that were made to the property prior to the increase in assessed**
31 **value.**

32 SECTION 40. IC 6-1.1-28-12, AS AMENDED BY P.L.121-2019,
33 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2022]: Sec. 12. (a) This section applies beginning January 1,
35 2016.

36 (b) Each county property tax assessment board of appeals (referred
37 to as the "county PTABOA" in this section) shall submit annually a
38 report of the ~~notices for an appeal~~ **appeals** filed with the county
39 PTABOA under IC 6-1.1-15-1.1(a) in the preceding year to the
40 department of local government finance, the Indiana board of tax
41 review, and the legislative services agency before ~~April~~ **January 15**
42 of each year. A report submitted to the legislative services agency must



1 be in an electronic format under IC 5-14-6.

2 (c) The report required by subsection (b) must include the following
3 information:

4 (1) The total number of ~~notices~~ **appeals** filed with the county
5 PTABOA.

6 (2) The ~~notices~~; **appeals**, either filed or pending during the year,
7 that were resolved during the year by a preliminary informal
8 meeting under IC 6-1.1-15-1.2.

9 (3) The ~~notices~~; **appeals**, either filed or pending during the year,
10 in which a hearing was conducted during the year by the county
11 PTABOA under IC 6-1.1-15-1.2.

12 (4) The number of written decisions issued during the year by the
13 county PTABOA under IC 6-1.1-15-1.2(j).

14 (5) The number of ~~notices~~ **appeals** pending with the county
15 PTABOA on December 31 of the reporting year.

16 (6) The number of appeals resolved through a preliminary
17 informal meeting under IC 6-1.1-15-1.2 that were:

18 (A) resolved in favor of the taxpayer;

19 (B) resolved in favor of the assessor; or

20 (C) resolved in some other manner.

21 (7) The number of appeals resolved through a written decision
22 issued during the year by the county PTABOA under
23 IC 6-1.1-15-1.2(j) that were:

24 (A) resolved in favor of the taxpayer;

25 (B) resolved in favor of the assessor; or

26 (C) resolved in some other manner.

27 **(8) The total number of parcels in the county.**

28 **(9) The total reduction in assessed valuations requested by**
29 **appellants in the reporting year.**

30 **(10) The total reduction in assessed valuations approved by**
31 **the county PTABOA in the reporting year.**

32 **(11) The average length of time for an appeal in the reporting**
33 **year.**

34 **(12) The number of appeals for:**

35 **(A) agricultural parcels;**

36 **(B) residential parcels;**

37 **(C) commercial parcels;**

38 **(D) industrial parcels;**

39 **(E) utility parcels;**

40 **(F) exempt parcels; and**

41 **(G) mobile or manufactured homes.**

42 **(13) The number of appeals withdrawn.**



1 **(14) The number of appeals where a taxpayer is represented**
 2 **by:**

3 **(A) a tax representative; or**

4 **(B) an attorney.**

5 **(15) Any other information as required by the department of**
 6 **local government finance.**

7 The report may not include any confidential information.

8 (d) A multiple county PTABOA shall submit a separate report under
 9 this section for each county participating in the multiple county
 10 PTABOA. A report filed under this subsection for a county
 11 participating in a multiple county PTABOA must provide information
 12 on the ~~notices~~ **appeals** that originated within the county.

13 SECTION 41. IC 6-1.1-35.7-2, AS AMENDED BY P.L.232-2017,
 14 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2022]: Sec. 2. As used in this chapter, "tax representative"
 16 means a person who represents another person at a proceeding before
 17 the property tax assessment board of appeals or the department. The
 18 term does not include:

19 (1) the owner of the property (or person liable for the taxes under
 20 IC 6-1.1-2-4) that is the subject of the appeal;

21 (2) an individual who is appointed as provided in
 22 IC 6-1.1-15-17.3(e) to represent the owner of the property
 23 concerning the appeal;

24 (3) a permanent full-time employee of the owner of the property
 25 (or person liable for the taxes under IC 6-1.1-2-4) who is the
 26 subject of the appeal;

27 (4) a representative of a local unit of government appearing on
 28 behalf of the unit;

29 (5) a certified public accountant, when the certified public
 30 accountant is representing a client in a matter that relates only to
 31 personal property taxation; or

32 (6) an attorney who is a member in good standing of the Indiana
 33 bar or any person who is a member in good standing of any other
 34 state bar and who has been granted ~~leave by the department to~~
 35 ~~appear pro hac vice.~~ **temporary admission to the Indiana bar**
 36 **in order to represent a party before the property tax**
 37 **assessment board of appeals or the department.**

38 SECTION 42. IC 6-1.1-35.7-4, AS AMENDED BY P.L.178-2021,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2022]: Sec. 4. (a) A township assessor, a county assessor, an
 41 employee of the township assessor or county assessor, or an appraiser:

42 (1) must be competent to perform a particular assessment;



- 1 (2) must acquire the necessary competency to perform the
 2 assessment; or
 3 (3) shall contract with an appraiser who demonstrates competency
 4 to do the assessment.
- 5 (b) If a taxpayer has reason to believe that the township assessor, the
 6 county assessor, an employee of the township assessor or county
 7 assessor, or an appraiser has violated subsection (a) or section 3 of this
 8 chapter, the taxpayer may submit a written complaint to the
 9 department. The department shall respond in writing to the complaint
 10 within thirty (30) days.
- 11 **(c) The department may not review a written complaint**
 12 **submitted under subsection (b) if the complaint is related to a**
 13 **matter that is under appeal.**
- 14 ~~(c)~~ (d) The department may revoke the certification of a township
 15 assessor, a county assessor, an employee of the township assessor or
 16 county assessor, or an appraiser under 50 IAC 15 for gross
 17 incompetence in the performance of an assessment.
- 18 ~~(d)~~ (e) An individual whose certification is revoked by the
 19 department under subsection ~~(c)~~ (d) may appeal the department's
 20 decision to the certification appeal board established under subsection
 21 ~~(e)~~: (f). A decision of the certification appeal board may be appealed to
 22 the tax court in the same manner that a final determination of the
 23 department may be appealed under IC 33-26.
- 24 ~~(e)~~ (f) The certification appeal board is established for the sole
 25 purpose of conducting appeals under this section. The board consists
 26 of the following seven (7) members:
- 27 (1) Two (2) representatives of the department appointed by the
 28 commissioner of the department.
- 29 (2) Two (2) individuals appointed by the governor. The
 30 individuals must be township or county assessors.
- 31 (3) Two (2) individuals appointed by the governor. The
 32 individuals must be licensed appraisers.
- 33 (4) One (1) individual appointed by the governor. The individual
 34 must be a resident of Indiana.
- 35 The commissioner of the department shall designate a member
 36 appointed under subdivision (1) as the chairperson of the board. Not
 37 more than four (4) members of the board may be members of the same
 38 political party. Each member of the board serves at the pleasure of the
 39 appointing authority.
- 40 ~~(f)~~ (g) The certification appeal board shall meet as often as is
 41 necessary to properly perform its duties. Each member of the board is
 42 entitled to the following:



1 (1) The salary per diem provided under IC 4-10-11-2.1(b).

2 (2) Reimbursement for traveling expenses as provided under
3 IC 4-13-1-4.

4 (3) Other expenses actually incurred in connection with the
5 member's duties as provided in the state policies and procedures
6 established by the Indiana department of administration and
7 approved by the budget agency.

8 SECTION 43. IC 6-1.1-37-1, AS AMENDED BY SEA 304-2022,
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2023]: Sec. 1. An officer of state or local government
11 who recklessly violates or fails to perform a duty imposed on the
12 officer under:

13 (1) IC 6-1.1-10-1(b);

14 ~~(2) IC 6-1.1-12-6;~~

15 ~~(3) IC 6-1.1-12-7;~~

16 ~~(4)~~ (2) IC 6-1.1-17-1;

17 ~~(5)~~ (3) IC 6-1.1-17-3(a);

18 ~~(6)~~ (4) IC 6-1.1-17-5(d);

19 ~~(7)~~ (5) IC 6-1.1-18-1;

20 ~~(8)~~ (6) IC 6-1.1-18-5;

21 ~~(9)~~ (7) IC 6-1.1-18-6;

22 ~~(10)~~ (8) IC 6-1.1-20-5;

23 ~~(11)~~ (9) IC 6-1.1-20-6;

24 ~~(12)~~ (10) IC 6-1.1-20-7;

25 ~~(13)~~ (11) IC 6-1.1-30-14; or

26 ~~(14)~~ (12) IC 6-1.1-36-13;

27 commits a Class A misdemeanor. In addition, the officer is liable for
28 the damages sustained by a person as a result of the officer's violation
29 of the provision or the officer's failure to perform the duty.

30 SECTION 44. IC 6-3.6-5-6, AS AMENDED BY P.L.86-2018,
31 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2022]: Sec. 6. (a) This section applies to all counties.

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

37 (c) Revenues from a tax under this section may be used only for the
38 purpose of funding a property tax credit applied on a percentage basis
39 to reduce the property tax liability of taxpayers with tangible property
40 located in the county as authorized under this section. Property taxes
41 imposed due to a referendum in which a majority of the voters in the
42 taxing unit imposing the property taxes approved the property taxes are



- 1 not eligible for a credit under this section.
- 2 (d) The adopting body shall specify by ordinance how the revenue
3 from the tax shall be applied under subdivisions (1) through (4) to
4 provide property tax credits in subsequent years. The allocation must
5 be specified as a percentage of property tax relief revenue for taxpayers
6 within each property category. The ordinance must be adopted as
7 provided in IC 6-3.6-3 and takes effect and applies to property taxes as
8 specified in IC 6-3.6-3-3. The ordinance continues to apply thereafter
9 until it is rescinded or modified. The property tax credits may be
10 allocated to all property categories or among any combination of the
11 following categories:
- 12 (1) For homesteads eligible for a credit under IC 6-1.1-20.6-7.5
13 that limits the taxpayer's property tax liability for the property to
14 one percent (1%).
- 15 (2) For residential property, long term care property, agricultural
16 land, and other tangible property (if any) eligible for a credit
17 under IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax
18 liability for the property to two percent (2%).
- 19 (3) For residential property, as defined in IC 6-1.1-20.6-4.
- 20 (4) For nonresidential real property, personal property, and other
21 tangible property (if any) eligible for a credit under
22 IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax liability
23 for the property to three percent (3%). ~~However, IC 6-3.6-11-2~~
24 ~~applies in Jasper County.~~
- 25 (e) Within a category described in subsection (d) for which an
26 ordinance grants property tax credits, the property tax credit rate must
27 be a uniform percentage for all qualifying taxpayers with property in
28 that category in the county. The credit percentage may be, but does not
29 have to be, uniform for all categories of property listed in subsection
30 (d).
- 31 (f) The county auditor shall allocate the amount of revenue applied
32 as tax credits under this section to the taxing units that imposed the
33 eligible property taxes against which the credits are applied.
- 34 (g) If the adopting body adopts an ordinance to reduce or eliminate
35 the property tax relief credits that are in effect in the county under this
36 chapter, the county auditor shall give notice of the adoption of the
37 ordinance in accordance with IC 5-3-1 not later than thirty (30) days
38 after the date on which the ordinance is adopted.
- 39 SECTION 45. IC 6-3.6-11-2 IS REPEALED [EFFECTIVE JULY
40 1, 2022]. Sec. 2: ~~(a) This section applies to Jasper County's allocation~~
41 ~~of property tax credits provided by a tax rate under IC 6-3.6-5.~~
- 42 ~~(b) A taxpayer that owns an industrial plant located in Jasper~~



1 County is ineligible for a credit under IC 6-3-6-5 against the property
 2 taxes due on the industrial plant if the assessed value of the industrial
 3 plant as of March 1, 2006, exceeded twenty percent (20%) of the total
 4 assessed value of all taxable property in the county on that date. The
 5 general assembly finds that the provisions of this subsection are
 6 necessary because the industrial plant represents such a large
 7 percentage of Jasper County's assessed valuation.

8 SECTION 46. IC 8-22-2-18.5, AS AMENDED BY P.L.61-2012,
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]: Sec. 18.5. (a) The board may negotiate terms and
 11 borrow money from any source for the payment of the costs of airport
 12 capital improvements, including the acquisition of real property or
 13 construction or improvement of revenue producing buildings or
 14 facilities located on an airport and owned and operated by the eligible
 15 entity, subject to the following requirements:

16 (1) The loan contract must be approved by resolution of the board
 17 and the fiscal body of the eligible entity that established the
 18 board.

19 (2) The loan contract must provide for the repayment of the loan
 20 in not more than forty (40) years.

21 (3) The loan contract must state that the indebtedness is that of
 22 the board, is payable solely from revenues of the board that are
 23 derived from either airport operations or from revenue bonds, and
 24 may not be paid by a tax levied on property located within the
 25 district.

26 ~~(4) The loan contract must be submitted to the department of local
 27 government finance, which may approve, disapprove, or reduce
 28 the amount of the proposed loan contract. The department of local
 29 government finance must make a decision on the loan contract
 30 within thirty (30) days after the contract is submitted for review.
 31 The action taken by the department of local government finance
 32 on the proposed loan contract is final.~~

33 (b) A loan contract issued under this chapter is issued for essential
 34 public and governmental purposes. A loan contract, the interest on the
 35 contract, the proceeds received by a holder from the sale of a loan
 36 contract to the extent of the holder's cost of acquisition, proceeds
 37 received upon redemption before maturity, proceeds received at
 38 maturity, and the receipt of the interest and proceeds are exempt from
 39 taxation as provided in IC 6-8-5.

40 (c) After a board enters into a loan contract, the board may use
 41 funds received from state or federal grants to satisfy the repayment of
 42 part or all of the loan contract.



1 SECTION 47. IC 8-22-3.5-9, AS AMENDED BY P.L.156-2020,
 2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 9. (a) As used in this section, "base assessed
 4 value" means, subject to subsection (k):

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

11 (2) to the extent it is not included in subdivision (1), the net
 12 assessed value of property that is assessed as residential property
 13 under the rules of the department of local government finance,
 14 within the airport development zone, as finally determined for the
 15 current assessment date.

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

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

24 (c) The allocation provision must:

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

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

- 32 (1) the proceeds of the taxes attributable to the lesser of:
 33 (A) the assessed value of the tangible property for the
 34 assessment date with respect to which the allocation and
 35 distribution is made; or
 36 (B) the base assessed value;

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

- 39 (2) the excess of the proceeds of the property taxes imposed for
 40 the assessment date with respect to which the allocation and
 41 distribution are made that are attributable to taxes imposed after
 42 being approved by the voters in a referendum or local public



1 question conducted after April 30, 2010, not otherwise included
2 in subdivision (1) shall be allocated to and, when collected, paid
3 into the funds of the taxing unit for which the referendum or local
4 public question was conducted.

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

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

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

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

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

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

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

42 (2) Provide a written notice to the county auditor and the officers



1 who are authorized to fix budgets, tax rates, and tax levies under
 2 IC 6-1.1-17-5 for each of the other taxing units that is wholly or
 3 partly located within the allocation area. The notice must:

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

10 The county auditor shall allocate to the respective taxing units the
 11 amount, if any, of excess tax proceeds determined by the
 12 commission.

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

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

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

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

- 36 (1) the assessed value of the tangible property as valued without
 37 regard to this section; or
 38 (2) the base assessed value.

39 (k) If the commission confirms, or modifies and confirms, a
 40 resolution under section 6 of this chapter and the commission makes
 41 either of the filings required under section 6(c) of this chapter after the
 42 first anniversary of the effective date of the allocation provision, the



1 auditor of the county in which the airport development zone is located
2 shall compute the base assessed value for the allocation area using the
3 assessment date immediately preceding the later of:

- 4 (1) the date on which the documents are filed with the county
5 auditor; or
- 6 (2) the date on which the documents are filed with the department
7 of local government finance.

8 **(l) For an airport development zone established after June 30,**
9 **2024, "residential property" refers to the assessed value of**
10 **property that is allocated to the one percent (1%) homestead land**
11 **and improvement categories in the county tax and billing software**
12 **system, along with the residential assessed value as defined for**
13 **purposes of calculating the rate for the local income tax property**
14 **tax relief credit designated for residential property under**
15 **IC 6-3.6-5-6(d)(3).**

16 SECTION 48. IC 20-46-1-8, AS AMENDED BY P.L.136-2021,
17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2022]: Sec. 8. (a) Subject to subsections (c), (d), and (e) and
19 this chapter, the governing body of a school corporation may adopt a
20 resolution to place a referendum under this chapter on the ballot for any
21 of the following purposes:

- 22 (1) The governing body of the school corporation determines that
23 it cannot, in a calendar year, carry out its public educational duty
24 unless it imposes a referendum tax levy under this chapter.
- 25 (2) The governing body of the school corporation determines that
26 a referendum tax levy under this chapter should be imposed to
27 replace property tax revenue that the school corporation will not
28 receive because of the application of the credit under
29 IC 6-1.1-20.6.
- 30 (3) The governing body makes the determination required under
31 subdivision (1) or (2) and determines to share a portion of the
32 referendum proceeds with a charter school, excluding a virtual
33 charter school, in the manner prescribed in subsection (d).

34 (b) The governing body of the school corporation shall certify a
35 copy of the resolution to place a referendum on the ballot to the
36 following:

- 37 (1) The department of local government finance, including:
38 (A) the language for the question required by section 10 of this
39 chapter, or in the case of a resolution to extend a referendum
40 levy certified to the department of local government finance
41 after March 15, 2016, section 10.1 of this chapter; and
42 (B) a copy of the revenue spending plan adopted under



- 1 subsection (e).
- 2 The language of the public question must include the estimated
3 average percentage increases certified by the county auditor under
4 section 10(e) **or 10.1(f)** of this chapter, **as applicable**. The
5 governing body of the school corporation shall also provide the
6 county auditor's certification described in section 10(e) **or 10.1(f)**
7 of this chapter, **as applicable**. The department of local
8 government finance shall post the values certified by the county
9 auditor to the department's Internet web site. The department shall
10 review the language for compliance with section 10 or 10.1 of this
11 chapter, whichever is applicable, and either approve or reject the
12 language. The department shall send its decision to the governing
13 body of the school corporation not more than ten (10) days after
14 the resolution is submitted to the department. If the language is
15 approved, the governing body of the school corporation shall
16 certify a copy of the resolution, including the language for the
17 question and the department's approval.
- 18 (2) The county fiscal body of each county in which the school
19 corporation is located (for informational purposes only).
- 20 (3) The circuit court clerk of each county in which the school
21 corporation is located.
- 22 (c) If a school safety referendum tax levy under IC 20-46-9 has been
23 approved by the voters in a school corporation at any time in the
24 previous three (3) years, the school corporation may not:
- 25 (1) adopt a resolution to place a referendum under this chapter on
26 the ballot; or
- 27 (2) otherwise place a referendum under this chapter on the ballot.
- 28 (d) The resolution described in subsection (a) must indicate whether
29 proceeds in the school corporation's education fund collected from a
30 tax levy under this chapter will be used to provide a distribution to a
31 charter school or charter schools, excluding a virtual charter school,
32 under IC 20-40-3-5 as well as the amount that will be distributed to the
33 particular charter school or charter schools. A school corporation may
34 request from the designated charter school or charter schools any
35 financial documentation necessary to demonstrate the financial need of
36 the charter school or charter schools.
- 37 (e) As part of the resolution described in subsection (a), the
38 governing body of the school corporation shall adopt a revenue
39 spending plan for the proposed referendum tax levy that includes:
- 40 (1) an estimate of the amount of annual revenue expected to be
41 collected if a levy is imposed under this chapter;
- 42 (2) the specific purposes for which the revenue collected from a



1 levy imposed under this chapter will be used; and

2 (3) an estimate of the annual dollar amounts that will be expended
3 for each purpose described in subdivision (2).

4 (f) A school corporation shall specify in its proposed budget the
5 school corporation's revenue spending plan adopted under subsection
6 (e) and annually present the revenue spending plan at its public hearing
7 on the proposed budget under IC 6-1.1-17-3.

8 SECTION 49. IC 20-46-1-10, AS AMENDED BY P.L.38-2021,
9 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2022]: Sec. 10. (a) This section does not apply to a
11 referendum on a resolution certified to the department of local
12 government finance after March 15, 2016, to extend a referendum levy.

13 (b) The question to be submitted to the voters in the referendum
14 must read as follows:

15 "Shall the school corporation increase property taxes paid to the
16 school corporation by homeowners and businesses for _____
17 (insert number of years) years immediately following the holding
18 of the referendum for the purpose of funding _____ (insert short
19 description of purposes)? If this public question is approved by
20 the voters, the average property tax paid to the school corporation
21 per year on a residence would increase by _____% (insert the
22 estimated average percentage of property tax increase paid to the
23 school corporation on a residence within the school corporation
24 as determined under subsection (c)) and the average property tax
25 paid to the school corporation per year on a business property
26 would increase by _____% (insert the estimated average
27 percentage of property tax increase paid to the school corporation
28 on a business property within the school corporation as
29 determined under subsection (d)). The most recent property tax
30 referendum proposed by the school corporation was held in
31 _____ (insert year) and _____ (insert whether the measure
32 passed or failed)."

33 (c) At the request of the governing body of a school corporation that
34 proposes to impose property taxes under this chapter, the county
35 auditor of the county in which the school corporation is located shall
36 determine the estimated average percentage of property tax increase on
37 a homestead to be paid to the school corporation that must be included
38 in the public question under subsection (b) as follows:

39 STEP ONE: Determine the average assessed value of a homestead
40 located within the school corporation.

41 STEP TWO: For purposes of determining the net assessed value
42 of the average homestead located within the school corporation,



1 subtract:

2 (A) an amount for the homestead standard deduction under

3 IC 6-1.1-12-37 as if the homestead described in STEP ONE

4 was eligible for the deduction; and

5 (B) an amount for the supplemental homestead deduction

6 under IC 6-1.1-12-37.5 as if the homestead described in STEP

7 ONE was eligible for the deduction;

8 from the result of STEP ONE.

9 STEP THREE: Divide the result of STEP TWO by one hundred

10 (100).

11 STEP FOUR: Determine the overall average tax rate per one

12 hundred dollars (\$100) of assessed valuation for the current year

13 imposed on property located within the school corporation.

14 STEP FIVE: For purposes of determining net property tax liability

15 of the average homestead located within the school corporation:

16 (A) multiply the result of STEP THREE by the result of STEP

17 FOUR; and

18 (B) as appropriate, apply any currently applicable county

19 property tax credit rates and the credit for excessive property

20 taxes under IC 6-1.1-20.6-7.5(a)(1).

21 STEP SIX: Determine the amount of the school corporation's part

22 of the result determined in STEP FIVE.

23 STEP SEVEN: Multiply:

24 (A) the tax rate that will be imposed if the public question is

25 approved by the voters; by

26 (B) the result of STEP THREE.

27 STEP EIGHT: Divide the result of STEP SEVEN by the result of

28 STEP SIX, expressed as a percentage.

29 (d) At the request of the governing body of a school corporation that

30 proposes to impose property taxes under this chapter, the county

31 auditor of the county in which the school corporation is located shall

32 determine the estimated average percentage of property tax increase on

33 a business property to be paid to the school corporation that must be

34 included in the public question under subsection (b) as follows:

35 STEP ONE: Determine the average assessed value of a ~~homestead~~

36 **business property** located within the school corporation.

37 STEP TWO: Divide the result of STEP ONE by one hundred

38 (100).

39 STEP THREE: Determine the overall average tax rate per one

40 hundred dollars (\$100) of assessed valuation for the current year

41 imposed on property located within the school corporation.

42 STEP FOUR: For purposes of determining net property tax



- 1 liability of the average business property located within the school
 2 corporation:
- 3 (A) multiply the result of STEP TWO by the result of STEP
 4 THREE; and
- 5 (B) as appropriate, apply any currently applicable county
 6 property tax credit rates and the credit for excessive property
 7 taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage
 8 was three percent (3%).
- 9 STEP FIVE: Determine the amount of the school corporation's
 10 part of the result determined in STEP FOUR.
- 11 STEP SIX: Multiply:
- 12 (A) the result of STEP TWO; by
- 13 (B) the tax rate that will be imposed if the public question is
 14 approved by the voters.
- 15 STEP SEVEN: Divide the result of STEP SIX by the result of
 16 STEP FIVE, expressed as a percentage.
- 17 (e) The county auditor shall certify the estimated average percentage
 18 of property tax increase on a homestead to be paid to the school
 19 corporation determined under subsection (c), and the estimated average
 20 percentage of property tax increase on a business property to be paid
 21 to the school corporation determined under subsection (d), in a manner
 22 prescribed by the department of local government finance, and provide
 23 the certification to the governing body of the school corporation that
 24 proposes to impose property taxes.
- 25 SECTION 50. IC 20-46-1-10.1, AS AMENDED BY P.L.38-2021,
 26 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2022]: Sec. 10.1. (a) This section applies only to a referendum
 28 to allow a school corporation to extend a referendum levy.
- 29 (b) The question to be submitted to the voters in the referendum
 30 must read as follows:
- 31 "Shall the school corporation continue to impose increased
 32 property taxes paid to the school corporation by homeowners and
 33 businesses for ____ (insert number of years) years immediately
 34 following the holding of the referendum for the purpose of
 35 funding _____ (insert short description of purposes)? The
 36 property tax increase requested in this referendum was originally
 37 approved by the voters in _____ (insert the year in which the
 38 referendum tax levy was approved) and originally increased the
 39 average property tax paid to the school corporation per year on a
 40 residence within the school corporation by _____% (insert the
 41 original estimated average percentage of property tax increase on
 42 a residence within the school corporation) and originally



1 increased the average property tax paid to the school corporation
 2 per year on a business property within the school corporation by
 3 _____% (insert the original estimated average percentage of
 4 property tax increase on a business within the school
 5 corporation).".

6 (c) The number of years for which a referendum tax levy may be
 7 extended if the public question under this section is approved may not
 8 exceed eight (8) years.

9 (d) **At the request of the governing body of a school corporation**
 10 **that proposes to impose property taxes under this chapter, the**
 11 **county auditor of the county in which the school corporation is**
 12 **located shall determine the estimated average percentage of**
 13 **property tax increase on a homestead to be paid to the school**
 14 **corporation that must be included in the public question under**
 15 **subsection (b) as follows:**

16 **STEP ONE: Determine the average assessed value of a**
 17 **homestead located within the school corporation for the first**
 18 **year in which the referendum levy was imposed.**

19 **STEP TWO: For purposes of determining the net assessed**
 20 **value of the average homestead located within the school**
 21 **corporation, subtract:**

22 (A) an amount for the homestead standard deduction
 23 under IC 6-1.1-12-37 as if the homestead described in
 24 STEP ONE was eligible for the deduction; and

25 (B) an amount for the supplemental homestead deduction
 26 under IC 6-1.1-12-37.5 as if the homestead described in
 27 STEP ONE was eligible for the deduction;

28 **from the result of STEP ONE.**

29 **STEP THREE: Divide the result of STEP TWO by one**
 30 **hundred (100).**

31 **STEP FOUR: Determine the overall average tax rate per one**
 32 **hundred dollars (\$100) of assessed valuation for the first year**
 33 **in which the referendum levy was imposed on property**
 34 **located within the school corporation.**

35 **STEP FIVE: For purposes of determining net property tax**
 36 **liability of the average homestead located within the school**
 37 **corporation:**

38 (A) multiply the result of STEP THREE by the result of
 39 STEP FOUR; and

40 (B) as appropriate, apply any currently applicable county
 41 property tax credit rates and the credit for excessive
 42 property taxes under IC 6-1.1-20.6-7.5(a)(1).



- 1 **STEP SIX: Determine the amount of the school corporation's**
 2 **part of the result determined in STEP FIVE.**
 3 **STEP SEVEN: Multiply:**
 4 **(A) the tax rate that will be imposed if the public question**
 5 **is approved by the voters; by**
 6 **(B) the result of STEP THREE.**
 7 **STEP EIGHT: Divide the result of STEP SEVEN by the result**
 8 **of STEP SIX, expressed as a percentage.**
 9 **(e) At the request of the governing body of a school corporation**
 10 **that proposes to impose property taxes under this chapter, the**
 11 **county auditor of the county in which the school corporation is**
 12 **located shall determine the estimated average percentage of**
 13 **property tax increase on a business property to be paid to the**
 14 **school corporation that must be included in the public question**
 15 **under subsection (b) as follows:**
 16 **STEP ONE: Determine the average assessed value of business**
 17 **property located within the school corporation for the first**
 18 **year in which the referendum levy was imposed.**
 19 **STEP TWO: Divide the result of STEP ONE by one hundred**
 20 **(100).**
 21 **STEP THREE: Determine the overall average tax rate per**
 22 **one hundred dollars (\$100) of assessed valuation for the first**
 23 **year in which the referendum levy was imposed on property**
 24 **located within the school corporation.**
 25 **STEP FOUR: For purposes of determining net property tax**
 26 **liability of the average business property located within the**
 27 **school corporation:**
 28 **(A) multiply the result of STEP TWO by the result of**
 29 **STEP THREE; and**
 30 **(B) as appropriate, apply any currently applicable county**
 31 **property tax credit rates and the credit for excessive**
 32 **property taxes under IC 6-1.1-20.6-7.5 as if the applicable**
 33 **percentage was three percent (3%).**
 34 **STEP FIVE: Determine the amount of the school**
 35 **corporation's part of the result determined in STEP FOUR.**
 36 **STEP SIX: Multiply:**
 37 **(A) the result of STEP TWO; by**
 38 **(B) the tax rate that will be imposed if the public question**
 39 **is approved by the voters.**
 40 **STEP SEVEN: Divide the result of STEP SIX by the result of**
 41 **STEP FIVE, expressed as a percentage.**
 42 **(f) The county auditor shall certify the estimated average**



1 **percentage of property tax increase on a homestead to be paid to**
 2 **the school corporation determined under subsection (d), and the**
 3 **estimated average percentage of property tax increase on a**
 4 **business property to be paid to the school corporation determined**
 5 **under subsection (e), in a manner prescribed by the department of**
 6 **local government finance, and provide the certification to the**
 7 **governing body of the school corporation that proposes to impose**
 8 **property taxes.**

9 SECTION 51. IC 20-46-9-6, AS AMENDED BY P.L.136-2021,
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2022]: Sec. 6. (a) Subject to this chapter, the governing body
 12 of a school corporation may adopt a resolution to place a referendum
 13 under this chapter on the ballot if the governing body of the school
 14 corporation determines that a referendum levy should be imposed for
 15 measures to improve school safety as described in IC 20-40-20-6(a) or
 16 IC 20-40-20-6(b).

17 (b) A school corporation may, with the approval of the majority of
 18 members of the governing body, distribute a portion of the proceeds of
 19 a tax levy collected under this chapter that is deposited in the fund to
 20 a charter school, excluding a virtual charter school, that is located
 21 within the attendance area of the school corporation, to be used by the
 22 charter school for the purposes described in IC 20-40-20-6(a).

23 (c) The governing body of the school corporation shall certify a
 24 copy of the resolution to the following:

25 (1) The department of local government finance, including:

26 (A) the language for the question required by section 9 of this
 27 chapter, or in the case of a resolution to extend a referendum
 28 levy certified to the department of local government finance,
 29 section 10 of this chapter; and

30 (B) a copy of the revenue spending plan adopted under
 31 subsection (e).

32 The language of the public question must include the estimated
 33 average percentage increases certified by the county auditor under
 34 section 9(d) **or 10(f)** of this chapter, **as applicable**. The governing
 35 body of the school corporation shall also provide the county
 36 auditor's certification described in section 9(d) **or 10(f)** of this
 37 chapter, **as applicable**. The department of local government
 38 finance shall post the values certified by the county auditor to the
 39 department's Internet web site. The department shall review the
 40 language for compliance with section 9 or 10 of this chapter,
 41 whichever is applicable, and either approve or reject the language.
 42 The department shall send its decision to the governing body of



1 the school corporation not more than ten (10) days after the
 2 resolution is submitted to the department. If the language is
 3 approved, the governing body of the school corporation shall
 4 certify a copy of the resolution, including the language for the
 5 question and the department's approval.

6 (2) The county fiscal body of each county in which the school
 7 corporation is located (for informational purposes only).

8 (3) The circuit court clerk of each county in which the school
 9 corporation is located.

10 (d) The resolution described in subsection (a) must indicate whether
 11 proceeds in the school corporation's fund collected from a tax levy
 12 under this chapter will be used to provide a distribution to a charter
 13 school or charter schools, excluding a virtual charter school, under
 14 IC 20-40-20-6(b) as well as the amount that will be distributed to the
 15 particular charter school or charter schools. A school corporation may
 16 request from the designated charter school or charter schools any
 17 financial documentation necessary to demonstrate the financial need of
 18 the charter school or charter schools.

19 (e) As part of the resolution described in subsection (a), the
 20 governing body of the school corporation shall adopt a revenue
 21 spending plan for the proposed referendum tax levy that includes:

22 (1) an estimate of the amount of annual revenue expected to be
 23 collected if a levy is imposed under this chapter;

24 (2) the specific purposes described in IC 20-40-20-6 for which the
 25 revenue collected from a levy imposed under this chapter will be
 26 used; and

27 (3) an estimate of the annual dollar amounts that will be expended
 28 for each purpose described in subdivision (2).

29 (f) A school corporation shall specify in its proposed budget the
 30 school corporation's revenue spending plan adopted under subsection
 31 (e) and annually present the revenue spending plan at its public hearing
 32 on the proposed budget under IC 6-1.1-17-3.

33 SECTION 52. IC 20-46-9-9, AS AMENDED BY P.L.38-2021,
 34 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2022]: Sec. 9. (a) The question to be submitted to the voters
 36 in the referendum must read as follows:

37 "Shall the school corporation increase property taxes paid to the
 38 school corporation by homeowners and businesses for _____
 39 (insert number of years) years immediately following the holding
 40 of the referendum for the purpose of funding _____ (insert short
 41 description of purposes)? If this public question is approved by
 42 the voters, the average property tax paid to the school corporation



1 per year on a residence would increase by _____% (insert the
 2 estimated average percentage of property tax increase paid to the
 3 school corporation on a residence within the school corporation
 4 as determined under subsection (b)) and the average property tax
 5 paid to the school corporation per year on a business property
 6 would increase by _____% (insert the estimated average
 7 percentage of property tax increase paid to the school corporation
 8 on a business property within the school corporation as
 9 determined under subsection (c)). The most recent property tax
 10 referendum proposed by the school corporation was held in
 11 _____ (insert year) and _____ (insert whether the measure
 12 passed or failed)."

13 (b) At the request of the governing body of a school corporation that
 14 proposes to impose property taxes under this chapter, the county
 15 auditor of the county in which the school corporation is located shall
 16 determine the estimated average percentage of property tax increase on
 17 a homestead to be paid to the school corporation that must be included
 18 in the public question under subsection (a) as follows:

19 STEP ONE: Determine the average assessed value of a homestead
 20 located within the school corporation.

21 STEP TWO: For purposes of determining the net assessed value
 22 of the average homestead located within the school corporation,
 23 subtract:

24 (A) an amount for the homestead standard deduction under
 25 IC 6-1.1-12-37 as if the homestead described in STEP ONE
 26 was eligible for the deduction; and

27 (B) an amount for the supplemental homestead deduction
 28 under IC 6-1.1-12-37.5 as if the homestead described in STEP
 29 ONE was eligible for the deduction;

30 from the result of STEP ONE.

31 STEP THREE: Divide the result of STEP TWO by one hundred
 32 (100).

33 STEP FOUR: Determine the overall average tax rate per one
 34 hundred dollars (\$100) of assessed valuation for the current year
 35 imposed on property located within the school corporation.

36 STEP FIVE: For purposes of determining net property tax liability
 37 of the average homestead located within the school corporation:

38 (A) multiply the result of STEP THREE by the result of STEP
 39 FOUR; and

40 (B) as appropriate, apply any currently applicable county
 41 property tax credit rates and the credit for excessive property
 42 taxes under IC 6-1.1-20.6-7.5(a)(1).



- 1 STEP SIX: Determine the amount of the school corporation's part
 2 of the result determined in STEP FIVE.
 3 STEP SEVEN: Multiply:
 4 (A) the tax rate that will be imposed if the public question is
 5 approved by the voters; by
 6 (B) the result of STEP THREE.
 7 STEP EIGHT: Divide the result of STEP SEVEN by the result of
 8 STEP SIX, expressed as a percentage.
 9 (c) At the request of the governing body of a school corporation that
 10 proposes to impose property taxes under this chapter, the county
 11 auditor of the county in which the school corporation is located shall
 12 determine the estimated average percentage of property tax increase on
 13 a business property to be paid to the school corporation that must be
 14 included in the public question under subsection (a) as follows:
 15 STEP ONE: Determine the average assessed value of a ~~homestead~~
 16 **business property** located within the school corporation.
 17 STEP TWO: Divide the result of STEP ONE by one hundred
 18 (100).
 19 STEP THREE: Determine the overall average tax rate per one
 20 hundred dollars (\$100) of assessed valuation for the current year
 21 imposed on property located within the school corporation.
 22 STEP FOUR: For purposes of determining net property tax
 23 liability of the average business property located within the school
 24 corporation:
 25 (A) multiply the result of STEP TWO by the result of STEP
 26 THREE; and
 27 (B) as appropriate, apply any currently applicable county
 28 property tax credit rates and the credit for excessive property
 29 taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage
 30 was three percent (3%).
 31 STEP FIVE: Determine the amount of the school corporation's
 32 part of the result determined in STEP FOUR.
 33 STEP SIX: Multiply:
 34 (A) the result of STEP TWO; by
 35 (B) the tax rate that will be imposed if the public question is
 36 approved by the voters.
 37 STEP SEVEN: Divide the result of STEP SIX by the result of
 38 STEP FIVE, expressed as a percentage.
 39 (d) The county auditor shall certify the estimated average
 40 percentage of property tax increase on a homestead to be paid to the
 41 school corporation determined under subsection (b), and the estimated
 42 average percentage of property tax increase on a business property to



1 be paid to the school corporation determined under subsection (c), in
 2 a manner prescribed by the department of local government finance,
 3 and provide the certification to the governing body of the school
 4 corporation that proposes to impose property taxes.

5 SECTION 53. IC 20-46-9-10, AS AMENDED BY P.L.38-2021,
 6 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2022]: Sec. 10. (a) This section applies only to a referendum
 8 to allow a school corporation to extend a referendum tax levy.

9 (b) The question to be submitted to the voters in the referendum
 10 must read as follows:

11 "Shall the school corporation continue to impose increased
 12 property taxes paid to the school corporation by homeowners and
 13 businesses for _____ (insert number of years) years immediately
 14 following the holding of the referendum for the purpose of
 15 funding _____ (insert short description of purposes)? The
 16 property tax increase requested in this referendum was originally
 17 approved by the voters in _____ (insert the year in which the
 18 referendum tax levy was approved) and originally increased the
 19 average property tax paid to the school corporation per year on a
 20 residence within the school corporation by _____% (insert the
 21 original estimated average percentage of property tax increase on
 22 a residence within the school corporation) and originally
 23 increased the average property tax paid to the school corporation
 24 per year on a business property within the school corporation by
 25 _____% (insert the original estimated average percentage of
 26 property tax increase on a business within the school
 27 corporation).".

28 (c) The number of years for which a referendum tax levy may be
 29 extended if the public question under this section is approved may not
 30 exceed the number of years for which the expiring referendum tax levy
 31 was imposed.

32 (d) **At the request of the governing body of a school corporation**
 33 **that proposes to impose property taxes under this chapter, the**
 34 **county auditor of the county in which the school corporation is**
 35 **located shall determine the estimated average percentage of**
 36 **property tax increase on a homestead to be paid to the school**
 37 **corporation that must be included in the public question under**
 38 **subsection (b) as follows:**

39 **STEP ONE: Determine the average assessed value of a**
 40 **homestead located within the school corporation for the first**
 41 **year in which the referendum levy was imposed.**

42 **STEP TWO: For purposes of determining the net assessed**



1 value of the average homestead located within the school
2 corporation, subtract:

3 (A) an amount for the homestead standard deduction
4 under IC 6-1.1-12-37 as if the homestead described in
5 STEP ONE was eligible for the deduction; and

6 (B) an amount for the supplemental homestead deduction
7 under IC 6-1.1-12-37.5 as if the homestead described in
8 STEP ONE was eligible for the deduction;

9 from the result of STEP ONE.

10 STEP THREE: Divide the result of STEP TWO by one
11 hundred (100).

12 STEP FOUR: Determine the overall average tax rate per one
13 hundred dollars (\$100) of assessed valuation for the first year
14 in which the referendum levy was imposed on property
15 located within the school corporation.

16 STEP FIVE: For purposes of determining net property tax
17 liability of the average homestead located within the school
18 corporation:

19 (A) multiply the result of STEP THREE by the result of
20 STEP FOUR; and

21 (B) as appropriate, apply any currently applicable county
22 property tax credit rates and the credit for excessive
23 property taxes under IC 6-1.1-20.6-7.5(a)(1).

24 STEP SIX: Determine the amount of the school corporation's
25 part of the result determined in STEP FIVE.

26 STEP SEVEN: Multiply:

27 (A) the tax rate that will be imposed if the public question
28 is approved by the voters; by

29 (B) the result of STEP THREE.

30 STEP EIGHT: Divide the result of STEP SEVEN by the result
31 of STEP SIX, expressed as a percentage.

32 (e) At the request of the governing body of a school corporation
33 that proposes to impose property taxes under this chapter, the
34 county auditor of the county in which the school corporation is
35 located shall determine the estimated average percentage of
36 property tax increase on a business property to be paid to the
37 school corporation that must be included in the public question
38 under subsection (b) as follows:

39 STEP ONE: Determine the average assessed value of business
40 property located within the school corporation for the first
41 year in which the referendum levy was imposed.

42 STEP TWO: Divide the result of STEP ONE by one hundred



1 (100).
 2 **STEP THREE: Determine the overall average tax rate per**
 3 **one hundred dollars (\$100) of assessed valuation for the first**
 4 **year in which the referendum levy was imposed on property**
 5 **located within the school corporation.**
 6 **STEP FOUR: For purposes of determining net property tax**
 7 **liability of the average business property located within the**
 8 **school corporation:**
 9 (A) multiply the result of STEP TWO by the result of
 10 STEP THREE; and
 11 (B) as appropriate, apply any currently applicable county
 12 property tax credit rates and the credit for excessive
 13 property taxes under IC 6-1.1-20.6-7.5 as if the applicable
 14 percentage was three percent (3%).
 15 **STEP FIVE: Determine the amount of the school**
 16 **corporation's part of the result determined in STEP FOUR.**
 17 **STEP SIX: Multiply:**
 18 (A) the result of STEP TWO; by
 19 (B) the tax rate that will be imposed if the public question
 20 is approved by the voters.
 21 **STEP SEVEN: Divide the result of STEP SIX by the result of**
 22 **STEP FIVE, expressed as a percentage.**
 23 (f) The county auditor shall certify the estimated average
 24 percentage of property tax increase on a homestead to be paid to
 25 the school corporation determined under subsection (d), and the
 26 estimated average percentage of property tax increase on a
 27 business property to be paid to the school corporation determined
 28 under subsection (e), in a manner prescribed by the department of
 29 local government finance, and provide the certification to the
 30 governing body of the school corporation that proposes to impose
 31 property taxes.
 32 SECTION 54. IC 33-34-8-1, AS AMENDED BY P.L.38-2021,
 33 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2022]: Sec. 1. (a) The following fees and costs apply to cases
 35 in the small claims court:
 36 (1) A township docket fee of five dollars (\$5) plus forty-five
 37 percent (45%) of the infraction or ordinance violation costs fee
 38 under IC 33-37-4-2.
 39 (2) The bailiff's service of process by registered or certified mail
 40 fee of fifteen dollars (\$15) for each service.
 41 (3) The cost for the personal service of process by the bailiff or
 42 other process server of fifteen dollars (\$15) for each service.



- 1 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
 2 to be taxed and charged in the circuit court.
 3 (5) A redocketing fee, if any, of five dollars (\$5).
 4 (6) A document storage fee under IC 33-37-5-20.
 5 (7) An automated record keeping fee under IC 33-37-5-21.
 6 (8) A late fee, if any, under IC 33-37-5-22.
 7 (9) A public defense administration fee under IC 33-37-5-21.2.
 8 (10) A judicial insurance adjustment fee under IC 33-37-5-25.
 9 (11) A judicial salaries fee under IC 33-37-5-26.
 10 (12) A court administration fee under IC 33-37-5-27.
 11 (13) Before July 1, ~~2022~~, **2025**, a pro bono legal services fee
 12 under IC 33-37-5-31.

13 The docket fee and the cost for the initial service of process shall be
 14 paid at the institution of a case. The cost of service after the initial
 15 service shall be assessed and paid after service has been made. The
 16 cost of witness fees shall be paid before the witnesses are called.

17 (b) If the amount of the township docket fee computed under
 18 subsection (a)(1) is not equal to a whole number, the amount shall be
 19 rounded to the next highest whole number.

20 SECTION 55. IC 33-34-8-3, AS AMENDED BY P.L.165-2021,
 21 SECTION 191, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Payment for all costs made as
 23 a result of proceedings in a small claims court shall be to the _____
 24 Township of Marion County Small Claims Court (with the name of the
 25 township inserted). The court shall issue a receipt for all money
 26 received on a form numbered serially in duplicate.

27 (b) This subsection applies only to a low caseload court (as defined
 28 in section 5 of this chapter). All township docket fees and late fees
 29 received by the court shall be paid to the township trustee at the close
 30 of each month.

31 (c) This subsection does not apply to a low caseload court. This
 32 subsection applies to all other township small claims courts in Marion
 33 County. One dollar and fifty cents (\$1.50) of the township docket fee
 34 shall be paid to the township trustee of each low caseload court at the
 35 end of each month. The remaining township docket fees and late fees
 36 received by the court shall be paid to the township trustee at the close
 37 of each month.

38 (d) The court shall:

39 (1) semiannually distribute to the auditor of state:

40 (A) all automated record keeping fees (IC 33-37-5-21)
 41 received by the court for deposit in the homeowner protection
 42 unit account established by IC 4-6-12-9 and the state user fee



- 1 fund established under IC 33-37-9;
- 2 (B) all public defense administration fees collected by the
- 3 court under IC 33-37-5-21.2 for deposit in the state general
- 4 fund;
- 5 (C) sixty percent (60%) of all court administration fees
- 6 collected by the court under IC 33-37-5-27 for deposit in the
- 7 state general fund;
- 8 (D) all judicial insurance adjustment fees collected by the
- 9 court under IC 33-37-5-25 for deposit in the state general fund;
- 10 (E) seventy-five percent (75%) of all judicial salaries fees
- 11 collected by the court under IC 33-37-5-26 for deposit in the
- 12 state general fund; and
- 13 (F) one hundred percent (100%) of the pro bono legal services
- 14 fees collected before July 1, ~~2022~~, **2025**, by the court under
- 15 IC 33-37-5-31; and
- 16 (2) distribute monthly to the county auditor all document storage
- 17 fees received by the court.
- 18 The remaining twenty-five percent (25%) of the judicial salaries fees
- 19 described in subdivision (1)(E) shall be deposited monthly in the
- 20 township general fund of the township in which the court is located.
- 21 The county auditor shall deposit fees distributed under subdivision (2)
- 22 into the clerk's record perpetuation fund under IC 33-37-5-2.
- 23 (e) The court semiannually shall pay to the township trustee of the
- 24 township in which the court is located the remaining forty percent
- 25 (40%) of the court administration fees described under subsection
- 26 (d)(1)(C) to fund the operations of the small claims court in the
- 27 trustee's township.
- 28 SECTION 56. IC 33-37-4-4, AS AMENDED BY P.L.39-2017,
- 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2022]: Sec. 4. (a) The clerk shall collect a civil costs fee of
- 31 one hundred dollars (\$100) from a party filing a civil action. This
- 32 subsection does not apply to the following civil actions:
- 33 (1) Proceedings to enforce a statute defining an infraction under
- 34 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 35 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
- 36 IC 34-4-32 before its repeal).
- 37 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 38 (4) Proceedings in paternity under IC 31-14.
- 39 (5) Proceedings in small claims court under IC 33-34.
- 40 (6) Proceedings in actions described in section 7 of this chapter.
- 41 (b) In addition to the civil costs fee collected under this section, the
- 42 clerk shall collect the following fees, if they are required under



- 1 IC 33-37-5:
 2 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 3 IC 33-37-5-4).
 4 (2) A support and maintenance fee (IC 33-37-5-6).
 5 (3) A document storage fee (IC 33-37-5-20).
 6 (4) An automated record keeping fee (IC 33-37-5-21).
 7 (5) A public defense administration fee (IC 33-37-5-21.2).
 8 (6) A judicial insurance adjustment fee (IC 33-37-5-25).
 9 (7) A judicial salaries fee (IC 33-37-5-26).
 10 (8) A court administration fee (IC 33-37-5-27).
 11 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
 12 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or
 13 IC 33-37-5-28(b)(4)).
 14 (11) For a mortgage foreclosure action, a mortgage foreclosure
 15 counseling and education fee (IC 33-37-5-33) (before its
 16 expiration on July 1, 2017).
 17 (12) Before July 1, ~~2022~~, **2025**, a pro bono legal services fee
 18 (IC 33-37-5-31).

19 SECTION 57. IC 33-37-4-6, AS AMENDED BY P.L.235-2017,
 20 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2022]: Sec. 6. (a) For each small claims action, the clerk shall
 22 collect the following fees:

- 23 (1) From the party filing the action:
 24 (A) a small claims costs fee of thirty-five dollars (\$35);
 25 (B) a small claims service fee of ten dollars (\$10) for each
 26 named defendant that is not a garnishee defendant; and
 27 (C) if the party has named more than three (3) garnishees or
 28 garnishee defendants, a small claims garnishee service fee of
 29 ten dollars (\$10) for each garnishee or garnishee defendant in
 30 excess of three (3).
 31 (2) From any party adding a defendant that is not a garnishee
 32 defendant, a small claims service fee of ten dollars (\$10) for each
 33 defendant that is not a garnishee defendant added in the action.
 34 (3) From any party adding a garnishee or garnishee defendant, a
 35 small claims garnishee service fee of ten dollars (\$10) for each
 36 garnishee or garnishee defendant added to the action. However,
 37 a clerk may not collect a small claims garnishee service fee for the
 38 first three (3) garnishees named in the action.

39 However, a clerk may not collect a small claims costs fee, small claims
 40 service fee, or small claims garnishee service fee for a small claims
 41 action filed by or on behalf of the attorney general.

- 42 (b) A clerk may not collect a fee under subsection (a)(1)(B),



1 (a)(1)(C), (a)(2), or (a)(3) for a small claims action filed through the
 2 Indiana electronic filing system adopted by the Indiana supreme court.

3 (c) In addition to a small claims costs fee, small claims service fee,
 4 and small claims garnishee service fee collected under this section, the
 5 clerk shall collect the following fees, if they are required under
 6 IC 33-37-5:

7 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 8 IC 33-37-5-4).

9 (2) A document storage fee (IC 33-37-5-20).

10 (3) An automated record keeping fee (IC 33-37-5-21).

11 (4) A public defense administration fee (IC 33-37-5-21.2).

12 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

13 (6) A judicial salaries fee (IC 33-37-5-26).

14 (7) A court administration fee (IC 33-37-5-27).

15 (8) Before July 1, ~~2022~~, **2025**, a pro bono legal services fee
 16 (IC 33-37-5-31).

17 SECTION 58. IC 33-37-4-7, AS AMENDED BY P.L.194-2017,
 18 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2022]: Sec. 7. (a) Except as provided under subsection (c), the
 20 clerk shall collect from the party filing the action a probate costs fee of
 21 one hundred twenty dollars (\$120) for each action filed under any of
 22 the following:

23 (1) IC 29 (probate).

24 (2) IC 30 (trusts and fiduciaries).

25 (b) In addition to the probate costs fee collected under subsection
 26 (a), the clerk shall collect from the party filing the action the following
 27 fees, if they are required under IC 33-37-5:

28 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 29 IC 33-37-5-4).

30 (2) A document storage fee (IC 33-37-5-20).

31 (3) An automated record keeping fee (IC 33-37-5-21).

32 (4) A public defense administration fee (IC 33-37-5-21.2).

33 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

34 (6) A judicial salaries fee (IC 33-37-5-26).

35 (7) A court administration fee (IC 33-37-5-27).

36 (8) Before July 1, ~~2022~~, **2025**, a pro bono legal services fee
 37 (IC 33-37-5-31).

38 (c) A clerk may not collect a court costs fee for the filing of the
 39 following exempted actions:

40 (1) Petition to open a safety deposit box.

41 (2) Filing an inheritance tax return, unless proceedings other than
 42 the court's approval of the return become necessary.



1 (3) Offering a will for probate under IC 29-1-7, unless
 2 proceedings other than admitting the will to probate become
 3 necessary.

4 (4) Filing a closing statement for an estate described in
 5 IC 29-1-8-4.

6 SECTION 59. IC 33-37-5-31, AS AMENDED BY P.L.39-2017,
 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2022]: Sec. 31. In each:

9 (1) civil action in which the clerk is required to collect a civil
 10 costs fee under IC 33-37-4-4(a);

11 (2) small claims action in which:

12 (A) a party is required to pay a township docket fee under
 13 IC 33-34-8-1(a)(1); or

14 (B) the clerk is required to collect a small claims costs fee
 15 under IC 33-37-4-6; or

16 (3) probate action in which the clerk is required to collect a
 17 probate costs fee under IC 33-37-4-7(a);

18 the clerk shall before July 1, ~~2022~~, **2025**, collect a pro bono legal
 19 services fee of one dollar (\$1).

20 SECTION 60. IC 33-37-7-2, AS AMENDED BY P.L.165-2021,
 21 SECTION 193, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) The clerk of a circuit court
 23 shall distribute semiannually to the auditor of state as the state share for
 24 deposit in the homeowner protection unit account established by
 25 IC 4-6-12-9 one hundred percent (100%) of the automated record
 26 keeping fees collected under IC 33-37-5-21 with respect to actions
 27 resulting in the accused person entering into a pretrial diversion
 28 program agreement under IC 33-39-1-8 or a deferral program
 29 agreement under IC 34-28-5-1 and for deposit in the state general fund
 30 seventy percent (70%) of the amount of fees collected under the
 31 following:

32 (1) IC 33-37-4-1(a) (criminal costs fees).

33 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

34 (3) IC 33-37-4-3(a) (juvenile costs fees).

35 (4) IC 33-37-4-4(a) (civil costs fees).

36 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

37 (6) IC 33-37-4-7(a) (probate costs fees).

38 (7) IC 33-37-5-17 (deferred prosecution fees).

39 (b) The clerk of a circuit court shall distribute semiannually to the
 40 auditor of state for deposit in the state user fee fund established in
 41 IC 33-37-9-2 the following:

42 (1) Twenty-five percent (25%) of the drug abuse, prosecution,



- 1 interdiction, and correction fees collected under
 2 IC 33-37-4-1(b)(5).
- 3 (2) Twenty-five percent (25%) of the alcohol and drug
 4 countermeasures fees collected under IC 33-37-4-1(b)(6),
 5 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 6 (3) One hundred percent (100%) of the child abuse prevention
 7 fees collected under IC 33-37-4-1(b)(7).
- 8 (4) One hundred percent (100%) of the domestic violence
 9 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 10 (5) One hundred percent (100%) of the highway worksite zone
 11 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 12 (6) Seventy-five percent (75%) of the safe schools fee collected
 13 under IC 33-37-5-18.
- 14 (7) One hundred percent (100%) of the automated record keeping
 15 fee collected under IC 33-37-5-21 not distributed under
 16 subsection (a).
- 17 (c) The clerk of a circuit court shall distribute monthly to the county
 18 auditor the following:
- 19 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 20 interdiction, and correction fees collected under
 21 IC 33-37-4-1(b)(5).
- 22 (2) Seventy-five percent (75%) of the alcohol and drug
 23 countermeasures fees collected under IC 33-37-4-1(b)(6),
 24 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 25 The county auditor shall deposit fees distributed by a clerk under this
 26 subsection into the county drug free community fund established under
 27 IC 5-2-11.
- 28 (d) The clerk of a circuit court shall distribute monthly to the county
 29 auditor one hundred percent (100%) of the late payment fees collected
 30 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 31 by a clerk under this subsection as follows:
- 32 (1) If directed to do so by an ordinance adopted by the county
 33 fiscal body, the county auditor shall deposit forty percent (40%)
 34 of the fees in the clerk's record perpetuation fund established
 35 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 36 county general fund.
- 37 (2) If the county fiscal body has not adopted an ordinance
 38 described in subdivision (1), the county auditor shall deposit all
 39 the fees in the county general fund.
- 40 (e) The clerk of the circuit court shall distribute semiannually to the
 41 auditor of state for deposit in the sexual assault victims assistance fund
 42 established by IC 5-2-6-23(d) one hundred percent (100%) of the



1 sexual assault victims assistance fees collected under IC 33-37-5-23.

2 (f) The clerk of a circuit court shall distribute monthly to the county
3 auditor the following:

4 (1) One hundred percent (100%) of the support and maintenance
5 fees for cases designated as non-Title IV-D child support cases in
6 the Indiana support enforcement tracking system (ISETS) or the
7 successor statewide automated support enforcement system
8 collected under IC 33-37-5-6.

9 (2) The percentage share of the support and maintenance fees for
10 cases designated as Title IV-D child support cases in ISETS or the
11 successor statewide automated support enforcement system
12 collected under IC 33-37-5-6 that is reimbursable to the county at
13 the federal financial participation rate.

14 The county clerk shall distribute monthly to the department of child
15 services the percentage share of the support and maintenance fees for
16 cases designated as Title IV-D child support cases in ISETS, or the
17 successor statewide automated support enforcement system, collected
18 under IC 33-37-5-6 that is not reimbursable to the county at the
19 applicable federal financial participation rate.

20 (g) The clerk of a circuit court shall distribute monthly to the county
21 auditor the following:

22 (1) One hundred percent (100%) of the small claims service fee
23 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
24 the county general fund.

25 (2) One hundred percent (100%) of the small claims garnishee
26 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
27 deposit in the county general fund.

28 (3) Twenty-five percent (25%) of the safe schools fee collected
29 under IC 33-37-5-18 for deposit in the county general fund.

30 (h) This subsection does not apply to court administration fees
31 collected in small claims actions filed in a court described in IC 33-34.
32 The clerk of a circuit court shall semiannually distribute to the auditor
33 of state for deposit in the state general fund one hundred percent
34 (100%) of the following:

35 (1) The public defense administration fee collected under
36 IC 33-37-5-21.2.

37 (2) The judicial salaries fees collected under IC 33-37-5-26.

38 (3) The DNA sample processing fees collected under
39 IC 33-37-5-26.2.

40 (4) The court administration fees collected under IC 33-37-5-27.

41 (5) The judicial insurance adjustment fee collected under
42 IC 33-37-5-25.



1 (i) The proceeds of the service fee collected under
 2 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 3 follows:

4 (1) The clerk shall distribute one hundred percent (100%) of the
 5 service fees collected in a circuit, superior, county, or probate
 6 court to the county auditor for deposit in the county general fund.

7 (2) The clerk shall distribute one hundred percent (100%) of the
 8 service fees collected in a city or town court to the city or town
 9 fiscal officer for deposit in the city or town general fund.

10 (j) The proceeds of the garnishee service fee collected under
 11 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 12 follows:

13 (1) The clerk shall distribute one hundred percent (100%) of the
 14 garnishee service fees collected in a circuit, superior, county, or
 15 probate court to the county auditor for deposit in the county
 16 general fund.

17 (2) The clerk shall distribute one hundred percent (100%) of the
 18 garnishee service fees collected in a city or town court to the city
 19 or town fiscal officer for deposit in the city or town general fund.

20 (k) The clerk of the circuit court shall distribute semiannually to the
 21 auditor of state for deposit in the home ownership education account
 22 established by IC 5-20-1-27 one hundred percent (100%) of the
 23 following:

24 (1) The mortgage foreclosure counseling and education fees
 25 collected under IC 33-37-5-33 (before its expiration on July 1,
 26 2017).

27 (2) Any civil penalties imposed and collected by a court for a
 28 violation of a court order in a foreclosure action under
 29 IC 32-30-10.5.

30 (l) The clerk of a circuit court shall distribute semiannually to the
 31 auditor of state one hundred percent (100%) of the pro bono legal
 32 services fees collected before July 1, ~~2022~~, **2025**, under IC 33-37-5-31.
 33 The auditor of state shall transfer semiannually the pro bono legal
 34 services fees to the Indiana Bar Foundation (or a successor entity) as
 35 the entity designated to organize and administer the interest on lawyers
 36 trust accounts (IOLTA) program under Rule 1.15 of the Rules of
 37 Professional Conduct of the Indiana supreme court. The Indiana Bar
 38 Foundation shall:

39 (1) deposit in an appropriate account and otherwise manage the
 40 fees the Indiana Bar Foundation receives under this subsection in
 41 the same manner the Indiana Bar Foundation deposits and
 42 manages the net earnings the Indiana Bar Foundation receives



1 from IOLTA accounts; and

2 (2) use the fees the Indiana Bar Foundation receives under this
3 subsection to assist or establish approved pro bono legal services
4 programs.

5 The handling and expenditure of the pro bono legal services fees
6 received under this section by the Indiana Bar Foundation (or its
7 successor entity) are subject to audit by the state board of accounts. The
8 amounts necessary to make the transfers required by this subsection are
9 appropriated from the state general fund.

10 SECTION 61. IC 33-37-7-8, AS AMENDED BY P.L.165-2021,
11 SECTION 194, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The clerk of a city or town
13 court shall distribute semiannually to the auditor of state as the state
14 share for deposit in the homeowner protection unit account established
15 by IC 4-6-12-9 one hundred percent (100%) of the automated record
16 keeping fees collected under IC 33-37-5-21 with respect to actions
17 resulting in the accused person entering into a pretrial diversion
18 program agreement under IC 33-39-1-8 or a deferral program
19 agreement under IC 34-28-5-1 and for deposit in the state general fund
20 fifty-five percent (55%) of the amount of fees collected under the
21 following:

- 22 (1) IC 33-37-4-1(a) (criminal costs fees).
- 23 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 24 (3) IC 33-37-4-4(a) (civil costs fees).
- 25 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 26 (5) IC 33-37-5-17 (deferred prosecution fees).

27 (b) The city or town fiscal officer shall distribute monthly to the
28 county auditor as the county share twenty percent (20%) of the amount
29 of fees collected under the following:

- 30 (1) IC 33-37-4-1(a) (criminal costs fees).
- 31 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 32 (3) IC 33-37-4-4(a) (civil costs fees).
- 33 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 34 (5) IC 33-37-5-17 (deferred prosecution fees).

35 (c) The city or town fiscal officer shall retain twenty-five percent
36 (25%) as the city or town share of the fees collected under the
37 following:

- 38 (1) IC 33-37-4-1(a) (criminal costs fees).
- 39 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 40 (3) IC 33-37-4-4(a) (civil costs fees).
- 41 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 42 (5) IC 33-37-5-17 (deferred prosecution fees).



1 (d) The clerk of a city or town court shall distribute semiannually to
 2 the auditor of state for deposit in the state user fee fund established in
 3 IC 33-37-9 the following:

4 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 5 interdiction, and correction fees collected under
 6 IC 33-37-4-1(b)(5).

7 (2) Twenty-five percent (25%) of the alcohol and drug
 8 countermeasures fees collected under IC 33-37-4-1(b)(6),
 9 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

10 (3) One hundred percent (100%) of the highway worksite zone
 11 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

12 (4) Seventy-five percent (75%) of the safe schools fee collected
 13 under IC 33-37-5-18.

14 (5) One hundred percent (100%) of the automated record keeping
 15 fee collected under IC 33-37-5-21 not distributed under
 16 subsection (a).

17 (e) The clerk of a city or town court shall distribute monthly to the
 18 county auditor the following:

19 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 20 interdiction, and correction fees collected under
 21 IC 33-37-4-1(b)(5).

22 (2) Seventy-five percent (75%) of the alcohol and drug
 23 countermeasures fees collected under IC 33-37-4-1(b)(6),
 24 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

25 The county auditor shall deposit fees distributed by a clerk under this
 26 subsection into the county drug free community fund established under
 27 IC 5-2-11.

28 (f) The clerk of a city or town court shall distribute monthly to the
 29 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
 30 percent (100%) of the following:

31 (1) The late payment fees collected under IC 33-37-5-22.

32 (2) The small claims service fee collected under
 33 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

34 (3) The small claims garnishee service fee collected under
 35 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

36 (4) Twenty-five percent (25%) of the safe schools fee collected
 37 under IC 33-37-5-18.

38 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
 39 fees distributed by a clerk under this subsection in the city or town
 40 general fund.

41 (g) The clerk of a city or town court shall semiannually distribute to
 42 the auditor of state for deposit in the state general fund one hundred



- 1 percent (100%) of the following:
- 2 (1) The public defense administration fee collected under
- 3 IC 33-37-5-21.2.
- 4 (2) The DNA sample processing fees collected under
- 5 IC 33-37-5-26.2.
- 6 (3) The court administration fees collected under IC 33-37-5-27.
- 7 (4) The judicial insurance adjustment fee collected under
- 8 IC 33-37-5-25.
- 9 (h) The clerk of a city or town court shall semiannually distribute to
- 10 the auditor of state for deposit in the state general fund seventy-five
- 11 percent (75%) of the judicial salaries fee collected under
- 12 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
- 13 percent (25%) of the judicial salaries fee collected under
- 14 IC 33-37-5-26. The funds retained by the city or town shall be
- 15 prioritized to fund city or town court operations.
- 16 (i) The clerk of a city or town court shall distribute semiannually to
- 17 the auditor of state one hundred percent (100%) of the pro bono legal
- 18 services fees collected before July 1, ~~2022~~, **2025**, under IC 33-37-5-31.
- 19 The auditor of state shall transfer semiannually the pro bono legal
- 20 services fees to the Indiana Bar Foundation (or a successor entity) as
- 21 the entity designated to organize and administer the interest on lawyers
- 22 trust accounts (IOLTA) program under Rule 1.15 of the Rules of
- 23 Professional Conduct of the Indiana supreme court. The Indiana Bar
- 24 Foundation shall:
- 25 (1) deposit in an appropriate account and otherwise manage the
- 26 fees the Indiana Bar Foundation receives under this subsection in
- 27 the same manner the Indiana Bar Foundation deposits and
- 28 manages the net earnings the Indiana Bar Foundation receives
- 29 from IOLTA accounts; and
- 30 (2) use the fees the Indiana Bar Foundation receives under this
- 31 subsection to assist or establish approved pro bono legal services
- 32 programs.
- 33 The handling and expenditure of the pro bono legal services fees
- 34 received under this section by the Indiana Bar Foundation (or its
- 35 successor entity) are subject to audit by the state board of accounts. The
- 36 amounts necessary to make the transfers required by this subsection are
- 37 appropriated from the state general fund.
- 38 SECTION 62. IC 34-30-2-16.6, AS AMENDED BY P.L.86-2018,
- 39 SECTION 238, IS AMENDED TO READ AS FOLLOWS
- 40 [EFFECTIVE JANUARY 1, 2023]: Sec. 16.6. ~~(a) IC 6-1.1-12-2~~
- 41 ~~(Concerning a closing agent for failure to perform certain tasks for~~
- 42 ~~purposes of obtaining a property tax deduction for the property):~~



1 ~~(b)~~ IC 6-1.1-12-43 (Concerning a closing agent's failure to provide
2 a form concerning property tax benefits).

3 SECTION 63. IC 36-1-10-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. Notwithstanding
5 sections 6, 12, 16, and 17 of this chapter, the following procedure shall
6 be followed whenever a lease does not contain an option to purchase:

7 ~~(1) The term of the lease may not be longer than ten (10) years;~~
8 ~~however, a lease may be for a longer term if the lease is approved~~
9 ~~by the department of local government finance.~~

10 ~~(2) (1)~~ The lease must provide that the lease is subject to annual
11 appropriation by the appropriate fiscal body.

12 ~~(3) (2)~~ The leasing agent must have a copy of the lease filed and
13 kept in a place available for public inspection.

14 A leasing agent may lease part of a structure.

15 SECTION 64. IC 36-1-10-16 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. (a) A political
17 subdivision or agency owning a structure with respect to which its
18 revenue bonds are outstanding may, to refinance those bonds, convey
19 the structure to the lessor in fee simple and lease it from the lessor in
20 accordance with this chapter. ~~subject to the approval of the department~~
21 ~~of local government finance.~~

22 (b) The price of a purchase under this section must be at least the
23 sum of:

24 (1) the principal amount of the outstanding revenue bonds;

25 (2) interest on those bonds to the maturity date of bonds not
26 subject to redemption before maturity and to the first redemption
27 date of bonds subject to redemption before maturity; and

28 (3) the redemption premiums on all bonds subject to redemption
29 before maturity.

30 An amount not less than this sum shall be deposited in trust for the
31 payment of the outstanding revenue bonds in a manner consistent with
32 the ordinance or trust agreement under which the bonds were issued.

33 The money deposited in the trust, and investment income from it, not
34 required for the payment of the bonds, shall be applied to the payment
35 of the obligations issued by the lessor for the acquisition of the
36 structure, and to a corresponding reduction of rentals for the leasing
37 agent.

38 (c) Each lease entered into under this section must include an option
39 permitting the political subdivision or agency to purchase the structure
40 at a price not exceeding the amount required to retire all outstanding
41 obligations issued by the lessor to acquire the property covered by the
42 lease. The lease and sale of a parking facility under this section does



- 1 not preclude the lease of air rights.
- 2 SECTION 65. IC 36-7-14-22.7, AS ADDED BY P.L.169-2006,
3 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]: Sec. 22.7. (a) The commission may dispose of real
5 property to which section 22.5 of this chapter applies by following the
6 procedure set forth in this section.
- 7 (b) The commission shall first have the property appraised by two
8 (2) appraisers. The appraisers must be:
- 9 (1) persons who are professionally engaged in making appraisals;
10 (2) persons who are licensed under IC 25-34.1; or
11 (3) employees of the political subdivision familiar with the value
12 of the property.
- 13 The appraisers shall make a joint appraisal of the property.
- 14 (c) The commission may:
- 15 (1) negotiate a sale or transfer; and
16 (2) dispose of the property;
17 at a value that is not less than the appraised value determined under
18 subsection (b).
- 19 (d) Disposal of real property under this ~~chapter~~ **section** is subject to
20 the approval of the commission. The commission may not approve a
21 disposal of property without conducting a public hearing after giving
22 notice under IC 5-3-1.
- 23 (e) In addition to any other reason for disapproving a disposal of
24 property under this section, the commission may disapprove a sale of
25 a tract of residential property to any bidder who does not by affidavit
26 declare that the bidder will reside on that property for at least one (1)
27 year after the bidder obtains possession of the property.
- 28 SECTION 66. IC 36-7-14-39, AS AMENDED BY P.L.38-2021,
29 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2022]: Sec. 39. (a) As used in this section:
- 31 "Allocation area" means that part of a redevelopment project area
32 to which an allocation provision of a declaratory resolution adopted
33 under section 15 of this chapter refers for purposes of distribution and
34 allocation of property taxes.
- 35 "Base assessed value" means, subject to subsection (j), the
36 following:
- 37 (1) If an allocation provision is adopted after June 30, 1995, in a
38 declaratory resolution or an amendment to a declaratory
39 resolution establishing an economic development area:
- 40 (A) 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); plus
 2 (B) to the extent that it is not included in clause (A), the net
 3 assessed value of property that is assessed as residential
 4 property under the rules of the department of local government
 5 finance, within the allocation area, as finally determined for
 6 the current assessment date.
- 7 (2) If an allocation provision is adopted after June 30, 1997, in a
 8 declaratory resolution or an amendment to a declaratory
 9 resolution establishing a redevelopment project area:
 10 (A) 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); plus
 14 (B) to the extent that it is not included in clause (A), the net
 15 assessed value of property that is assessed as residential
 16 property under the rules of the department of local government
 17 finance, as finally determined for the current assessment date.
- 18 (3) If:
 19 (A) an allocation provision adopted before June 30, 1995, in
 20 a declaratory resolution or an amendment to a declaratory
 21 resolution establishing a redevelopment project area expires
 22 after June 30, 1997; and
 23 (B) after June 30, 1997, a new allocation provision is included
 24 in an amendment to the declaratory resolution;
 25 the net assessed value of all the property as finally determined for
 26 the assessment date immediately preceding the effective date of
 27 the allocation provision adopted after June 30, 1997, as adjusted
 28 under subsection (h).
- 29 (4) Except as provided in subdivision (5), for all other allocation
 30 areas, 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).
- 34 (5) If an allocation area established in an economic development
 35 area before July 1, 1995, is expanded after June 30, 1995, the
 36 definition in subdivision (1) applies to the expanded part of the
 37 area added after June 30, 1995.
- 38 (6) If an allocation area established in a redevelopment project
 39 area before July 1, 1997, is expanded after June 30, 1997, the
 40 definition in subdivision (2) applies to the expanded part of the
 41 area added after June 30, 1997.
- 42 Except as provided in section 39.3 of this chapter, "property taxes"



1 means taxes imposed under IC 6-1.1 on real property. However, upon
2 approval by a resolution of the redevelopment commission adopted
3 before June 1, 1987, "property taxes" also includes taxes imposed
4 under IC 6-1.1 on depreciable personal property. If a redevelopment
5 commission adopted before June 1, 1987, a resolution to include within
6 the definition of property taxes, taxes imposed under IC 6-1.1 on
7 depreciable personal property that has a useful life in excess of eight
8 (8) years, the commission may by resolution determine the percentage
9 of taxes imposed under IC 6-1.1 on all depreciable personal property
10 that will be included within the definition of property taxes. However,
11 the percentage included must not exceed twenty-five percent (25%) of
12 the taxes imposed under IC 6-1.1 on all depreciable personal property.

13 (b) A declaratory resolution adopted under section 15 of this chapter
14 on or before the allocation deadline determined under subsection (i)
15 may include a provision with respect to the allocation and distribution
16 of property taxes for the purposes and in the manner provided in this
17 section. A declaratory resolution previously adopted may include an
18 allocation provision by the amendment of that declaratory resolution on
19 or before the allocation deadline determined under subsection (i) in
20 accordance with the procedures required for its original adoption. A
21 declaratory resolution or amendment that establishes an allocation
22 provision must include a specific finding of fact, supported by
23 evidence, that the adoption of the allocation provision will result in
24 new property taxes in the area that would not have been generated but
25 for the adoption of the allocation provision. For an allocation area
26 established before July 1, 1995, the expiration date of any allocation
27 provisions for the allocation area is June 30, 2025, or the last date of
28 any obligations that are outstanding on July 1, 2015, whichever is later.
29 A declaratory resolution or an amendment that establishes an allocation
30 provision after June 30, 1995, must specify an expiration date for the
31 allocation provision. For an allocation area established before July 1,
32 2008, the expiration date may not be more than thirty (30) years after
33 the date on which the allocation provision is established. For an
34 allocation area established after June 30, 2008, the expiration date may
35 not be more than twenty-five (25) years after the date on which the first
36 obligation was incurred to pay principal and interest on bonds or lease
37 rentals on leases payable from tax increment revenues. However, with
38 respect to bonds or other obligations that were issued before July 1,
39 2008, if any of the bonds or other obligations that were scheduled when
40 issued to mature before the specified expiration date and that are
41 payable only from allocated tax proceeds with respect to the allocation
42 area remain outstanding as of the expiration date, the allocation



1 provision does not expire until all of the bonds or other obligations are
 2 no longer outstanding. Notwithstanding any other law, in the case of an
 3 allocation area that is established after June 30, 2019, and that is
 4 located in a redevelopment project area described in section
 5 25.1(c)(3)(C) of this chapter, an economic development area described
 6 in section 25.1(c)(3)(C) of this chapter, or an urban renewal project
 7 area described in section 25.1(c)(3)(C) of this chapter, the expiration
 8 date of the allocation provision may not be more than thirty-five (35)
 9 years after the date on which the allocation provision is established.
 10 The allocation provision may apply to all or part of the redevelopment
 11 project area. The allocation provision must require that any property
 12 taxes subsequently levied by or for the benefit of any public body
 13 entitled to a distribution of property taxes on taxable property in the
 14 allocation area be allocated and distributed as follows:

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

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

19 or

20 (B) the base assessed value;

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

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

31 (3) Except as otherwise provided in this section, property tax
 32 proceeds in excess of those described in subdivisions (1) and (2)
 33 shall be allocated to the redevelopment district and, when
 34 collected, paid into an allocation fund for that allocation area that
 35 may be used by the redevelopment district only to do one (1) or
 36 more of the following:

37 (A) Pay the principal of and interest on any obligations
 38 payable solely from allocated tax proceeds which are incurred
 39 by the redevelopment district for the purpose of financing or
 40 refinancing the redevelopment of that allocation area.

41 (B) Establish, augment, or restore the debt service reserve for
 42 bonds payable solely or in part from allocated tax proceeds in



- 1 that allocation area.
- 2 (C) Pay the principal of and interest on bonds payable from
- 3 allocated tax proceeds in that allocation area and from the
- 4 special tax levied under section 27 of this chapter.
- 5 (D) Pay the principal of and interest on bonds issued by the
- 6 unit to pay for local public improvements that are physically
- 7 located in or physically connected to that allocation area.
- 8 (E) Pay premiums on the redemption before maturity of bonds
- 9 payable solely or in part from allocated tax proceeds in that
- 10 allocation area.
- 11 (F) Make payments on leases payable from allocated tax
- 12 proceeds in that allocation area under section 25.2 of this
- 13 chapter.
- 14 (G) Reimburse the unit for expenditures made by it for local
- 15 public improvements (which include buildings, parking
- 16 facilities, and other items described in section 25.1(a) of this
- 17 chapter) that are physically located in or physically connected
- 18 to that allocation area.
- 19 (H) Reimburse the unit for rentals paid by it for a building or
- 20 parking facility that is physically located in or physically
- 21 connected to that allocation area under any lease entered into
- 22 under IC 36-1-10.
- 23 (I) For property taxes first due and payable before January 1,
- 24 2009, pay all or a part of a property tax replacement credit to
- 25 taxpayers in an allocation area as determined by the
- 26 redevelopment commission. This credit equals the amount
- 27 determined under the following STEPS for each taxpayer in a
- 28 taxing district (as defined in IC 6-1.1-1-20) that contains all or
- 29 part of the allocation area:
- 30 STEP ONE: Determine that part of the sum of the amounts
- 31 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
- 32 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
- 33 IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to
- 34 the taxing district.
- 35 STEP TWO: Divide:
- 36 (i) that part of each county's eligible property tax
- 37 replacement amount (as defined in IC 6-1.1-21-2 (before its
- 38 repeal)) for that year as determined under IC 6-1.1-21-4
- 39 (before its repeal) that is attributable to the taxing district;
- 40 by
- 41 (ii) the STEP ONE sum.
- 42 STEP THREE: Multiply:



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- (i) the STEP TWO quotient; times
- (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

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

- (i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.



- 1 (ii) Make any reimbursements required under this
- 2 subdivision.
- 3 (iii) Pay any expenses required under this subdivision.
- 4 (iv) Establish, augment, or restore any debt service reserve
- 5 under this subdivision.
- 6 (M) Expend money and provide financial assistance as
- 7 authorized in section 12.2(a)(27) of this chapter.
- 8 The allocation fund may not be used for operating expenses of the
- 9 commission.
- 10 (4) Except as provided in subsection (g), before June 15 of each
- 11 year, the commission shall do the following:
- 12 (A) Determine the amount, if any, by which the assessed value
- 13 of the taxable property in the allocation area for the most
- 14 recent assessment date minus the base assessed value, when
- 15 multiplied by the estimated tax rate of the allocation area, will
- 16 exceed the amount of assessed value needed to produce the
- 17 property taxes necessary to make, when due, principal and
- 18 interest payments on bonds described in subdivision (3), plus
- 19 the amount necessary for other purposes described in
- 20 subdivision (3).
- 21 (B) Provide a written notice to the county auditor, the fiscal
- 22 body of the county or municipality that established the
- 23 department of redevelopment, and the officers who are
- 24 authorized to fix budgets, tax rates, and tax levies under
- 25 IC 6-1.1-17-5 for each of the other taxing units that is wholly
- 26 or partly located within the allocation area. The county auditor,
- 27 upon receiving the notice, shall forward this notice (in an
- 28 electronic format) to the department of local government
- 29 finance not later than June 15 of each year. The notice must:
- 30 (i) state the amount, if any, of excess assessed value that the
- 31 commission has determined may be allocated to the
- 32 respective taxing units in the manner prescribed in
- 33 subdivision (1); or
- 34 (ii) state that the commission has determined that there is no
- 35 excess assessed value that may be allocated to the respective
- 36 taxing units in the manner prescribed in subdivision (1).
- 37 The county auditor shall allocate to the respective taxing units
- 38 the amount, if any, of excess assessed value determined by the
- 39 commission. The commission may not authorize an allocation
- 40 of assessed value to the respective taxing units under this
- 41 subdivision if to do so would endanger the interests of the
- 42 holders of bonds described in subdivision (3) or lessors under



1 section 25.3 of this chapter.
 2 (C) If:
 3 (i) 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 (ii) the amount necessary for other purposes described in
 9 subdivision (3);
 10 the commission shall submit to the legislative body of the unit
 11 its determination of the excess assessed value that the
 12 commission proposes to allocate to the respective taxing units
 13 in the manner prescribed in subdivision (1). The legislative
 14 body of the unit may approve the commission's determination
 15 or modify the amount of the excess assessed value that will be
 16 allocated to the respective taxing units in the manner
 17 prescribed in subdivision (1).
 18 (5) Notwithstanding subdivision (4), in the case of an allocation
 19 area that is established after June 30, 2019, and that is located in
 20 a redevelopment project area described in section 25.1(c)(3)(C)
 21 of this chapter, an economic development area described in
 22 section 25.1(c)(3)(C) of this chapter, or an urban renewal project
 23 area described in section 25.1(c)(3)(C) of this chapter, for each
 24 year the allocation provision is in effect, if the amount of excess
 25 assessed value determined by the commission under subdivision
 26 (4)(A) is expected to generate more than two hundred percent
 27 (200%) of:
 28 (A) the amount of allocated tax proceeds necessary to make,
 29 when due, principal and interest payments on bonds described
 30 in subdivision (3) for the project; plus
 31 (B) the amount necessary for other purposes described in
 32 subdivision (3) for the project;
 33 the amount of the excess assessed value that generates more than
 34 two hundred percent (200%) of the amounts described in clauses
 35 (A) and (B) shall be allocated to the respective taxing units in the
 36 manner prescribed by subdivision (1).
 37 (c) For the purpose of allocating taxes levied by or for any taxing
 38 unit or units, the assessed value of taxable property in a territory in the
 39 allocation area that is annexed by any taxing unit after the effective
 40 date of the allocation provision of the declaratory resolution is the
 41 lesser of:
 42 (1) the assessed value of the property for the assessment date with



1 respect to which the allocation and distribution is made; or
 2 (2) the base assessed value.
 3 (d) Property tax proceeds allocable to the redevelopment district
 4 under subsection (b)(3) may, subject to subsection (b)(4), be
 5 irrevocably pledged by the redevelopment district for payment as set
 6 forth in subsection (b)(3).
 7 (e) Notwithstanding any other law, each assessor shall, upon
 8 petition of the redevelopment commission, reassess the taxable
 9 property situated upon or in, or added to, the allocation area, effective
 10 on the next assessment date after the petition.
 11 (f) Notwithstanding any other law, the assessed value of all taxable
 12 property in the allocation area, for purposes of tax limitation, property
 13 tax replacement, and formulation of the budget, tax rate, and tax levy
 14 for each political subdivision in which the property is located is the
 15 lesser of:
 16 (1) the assessed value of the property as valued without regard to
 17 this section; or
 18 (2) the base assessed value.
 19 (g) If any part of the allocation area is located in an enterprise zone
 20 created under IC 5-28-15, the unit that designated the allocation area
 21 shall create funds as specified in this subsection. A unit that has
 22 obligations, bonds, or leases payable from allocated tax proceeds under
 23 subsection (b)(3) shall establish an allocation fund for the purposes
 24 specified in subsection (b)(3) and a special zone fund. Such a unit
 25 shall, until the end of the enterprise zone phase out period, deposit each
 26 year in the special zone fund any amount in the allocation fund derived
 27 from property tax proceeds in excess of those described in subsection
 28 (b)(1) and (b)(2) from property located in the enterprise zone that
 29 exceeds the amount sufficient for the purposes specified in subsection
 30 (b)(3) for the year. The amount sufficient for purposes specified in
 31 subsection (b)(3) for the year shall be determined based on the pro rata
 32 portion of such current property tax proceeds from the part of the
 33 enterprise zone that is within the allocation area as compared to all
 34 such current property tax proceeds derived from the allocation area. A
 35 unit that has no obligations, bonds, or leases payable from allocated tax
 36 proceeds under subsection (b)(3) shall establish a special zone fund
 37 and deposit all the property tax proceeds in excess of those described
 38 in subsection (b)(1) and (b)(2) in the fund derived from property tax
 39 proceeds in excess of those described in subsection (b)(1) and (b)(2)
 40 from property located in the enterprise zone. The unit that creates the
 41 special zone fund shall use the fund (based on the recommendations of
 42 the urban enterprise association) for programs in job training, job



1 enrichment, and basic skill development that are designed to benefit
 2 residents and employers in the enterprise zone or other purposes
 3 specified in subsection (b)(3), except that where reference is made in
 4 subsection (b)(3) to allocation area it shall refer for purposes of
 5 payments from the special zone fund only to that part of the allocation
 6 area that is also located in the enterprise zone. Those programs shall
 7 reserve at least one-half (1/2) of their enrollment in any session for
 8 residents of the enterprise zone.

9 (h) The state board of accounts and department of local government
 10 finance shall make the rules and prescribe the forms and procedures
 11 that they consider expedient for the implementation of this chapter.
 12 After each reassessment in an area under a reassessment plan prepared
 13 under IC 6-1.1-4-4.2, the department of local government finance shall
 14 adjust the base assessed value one (1) time to neutralize any effect of
 15 the reassessment of the real property in the area on the property tax
 16 proceeds allocated to the redevelopment district under this section.
 17 After each annual adjustment under IC 6-1.1-4-4.5, the department of
 18 local government finance shall adjust the base assessed value one (1)
 19 time to neutralize any effect of the annual adjustment on the property
 20 tax proceeds allocated to the redevelopment district under this section.

21 However, the adjustments under this subsection:

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

24 (2) may not produce less property tax proceeds allocable to the
 25 redevelopment district under subsection (b)(3) than would
 26 otherwise have been received if the reassessment under the
 27 reassessment plan or the annual adjustment had not occurred; and

28 (3) may decrease base assessed value only to the extent that
 29 assessed values in the allocation area have been decreased due to
 30 annual adjustments or the reassessment under the reassessment
 31 plan.

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

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

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

40 (2) Subject to subdivision (3), the initial allocation deadline and
 41 subsequent allocation deadlines are automatically extended in
 42 increments of five (5) years, so that allocation deadlines



1 subsequent to the initial allocation deadline fall on December 31,
2 2016, and December 31 of each fifth year thereafter.

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

6 (A) terminates the automatic extension of allocation deadlines
7 under subdivision (2); and

8 (B) specifically designates a particular date as the final
9 allocation deadline.

10 (j) If a redevelopment commission adopts a declaratory resolution
11 or an amendment to a declaratory resolution that contains an allocation
12 provision and the redevelopment commission makes either of the
13 filings required under section 17(e) of this chapter after the first
14 anniversary of the effective date of the allocation provision, the auditor
15 of the county in which the unit is located shall compute the base
16 assessed value for the allocation area using the assessment date
17 immediately preceding the later of:

18 (1) the date on which the documents are filed with the county
19 auditor; or

20 (2) the date on which the documents are filed with the department
21 of local government finance.

22 **(k) For an allocation area established after June 30, 2024,**
23 **"residential property" refers to the assessed value of property that**
24 **is allocated to the one percent (1%) homestead land and**
25 **improvement categories in the county tax and billing software**
26 **system, along with the residential assessed value as defined for**
27 **purposes of calculating the rate for the local income tax property**
28 **tax relief credit designated for residential property under**
29 **IC 6-3.6-5-6(d)(3).**

30 SECTION 67. IC 36-7-15.1-26, AS AMENDED BY P.L.156-2020,
31 SECTION 140, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2022]: Sec. 26. (a) As used in this section:

33 "Allocation area" means that part of a redevelopment project area
34 to which an allocation provision of a resolution adopted under section
35 8 of this chapter refers for purposes of distribution and allocation of
36 property taxes.

37 "Base assessed value" means, subject to subsection (j), the
38 following:

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

42 (A) the net assessed value of all the property as finally



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



1 definition in subdivision (2) applies to the expanded part of the
 2 area added after June 30, 1997.
 3 Except as provided in section 26.2 of this chapter, "property taxes"
 4 means taxes imposed under IC 6-1.1 on real property. However, upon
 5 approval by a resolution of the redevelopment commission adopted
 6 before June 1, 1987, "property taxes" also includes taxes imposed
 7 under IC 6-1.1 on depreciable personal property. If a redevelopment
 8 commission adopted before June 1, 1987, a resolution to include within
 9 the definition of property taxes, taxes imposed under IC 6-1.1 on
 10 depreciable personal property that has a useful life in excess of eight
 11 (8) years, the commission may by resolution determine the percentage
 12 of taxes imposed under IC 6-1.1 on all depreciable personal property
 13 that will be included within the definition of property taxes. However,
 14 the percentage included must not exceed twenty-five percent (25%) of
 15 the taxes imposed under IC 6-1.1 on all depreciable personal property.
 16 (b) A resolution adopted under section 8 of this chapter on or before
 17 the allocation deadline determined under subsection (i) may include a
 18 provision with respect to the allocation and distribution of property
 19 taxes for the purposes and in the manner provided in this section. A
 20 resolution previously adopted may include an allocation provision by
 21 the amendment of that resolution on or before the allocation deadline
 22 determined under subsection (i) in accordance with the procedures
 23 required for its original adoption. A declaratory resolution or
 24 amendment that establishes an allocation provision must include a
 25 specific finding of fact, supported by evidence, that the adoption of the
 26 allocation provision will result in new property taxes in the area that
 27 would not have been generated but for the adoption of the allocation
 28 provision. For an allocation area established before July 1, 1995, the
 29 expiration date of any allocation provisions for the allocation area is
 30 June 30, 2025, or the last date of any obligations that are outstanding
 31 on July 1, 2015, whichever is later. However, for an allocation area
 32 identified as the Consolidated Allocation Area in the report submitted
 33 in 2013 to the fiscal body under section 36.3 of this chapter, the
 34 expiration date of any allocation provisions for the allocation area is
 35 January 1, 2051. A declaratory resolution or an amendment that
 36 establishes an allocation provision after June 30, 1995, must specify an
 37 expiration date for the allocation provision. For an allocation area
 38 established before July 1, 2008, the expiration date may not be more
 39 than thirty (30) years after the date on which the allocation provision
 40 is established. For an allocation area established after June 30, 2008,
 41 the expiration date may not be more than twenty-five (25) years after
 42 the date on which the first obligation was incurred to pay principal and



1 interest on bonds or lease rentals on leases payable from tax increment
 2 revenues. However, with respect to bonds or other obligations that were
 3 issued before July 1, 2008, if any of the bonds or other obligations that
 4 were scheduled when issued to mature before the specified expiration
 5 date and that are payable only from allocated tax proceeds with respect
 6 to the allocation area remain outstanding as of the expiration date, the
 7 allocation provision does not expire until all of the bonds or other
 8 obligations are no longer outstanding. The allocation provision may
 9 apply to all or part of the redevelopment project area. The allocation
 10 provision must require that any property taxes subsequently levied by
 11 or for the benefit of any public body entitled to a distribution of
 12 property taxes on taxable property in the allocation area be allocated
 13 and distributed as follows:

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

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

18 or

19 (B) the base assessed value;

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

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

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

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

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



- 1 (C) Pay the principal of and interest on bonds payable from
- 2 allocated tax proceeds in that allocation area and from the
- 3 special tax levied under section 19 of this chapter.
- 4 (D) Pay the principal of and interest on bonds issued by the
- 5 consolidated city to pay for local public improvements that are
- 6 physically located in or physically connected to that allocation
- 7 area.
- 8 (E) Pay premiums on the redemption before maturity of bonds
- 9 payable solely or in part from allocated tax proceeds in that
- 10 allocation area.
- 11 (F) Make payments on leases payable from allocated tax
- 12 proceeds in that allocation area under section 17.1 of this
- 13 chapter.
- 14 (G) Reimburse the consolidated city for expenditures for local
- 15 public improvements (which include buildings, parking
- 16 facilities, and other items set forth in section 17 of this
- 17 chapter) that are physically located in or physically connected
- 18 to that allocation area.
- 19 (H) Reimburse the unit for rentals paid by it for a building or
- 20 parking facility that is physically located in or physically
- 21 connected to that allocation area under any lease entered into
- 22 under IC 36-1-10.
- 23 (I) Reimburse public and private entities for expenses incurred
- 24 in training employees of industrial facilities that are located:
- 25 (i) in the allocation area; and
- 26 (ii) on a parcel of real property that has been classified as
- 27 industrial property under the rules of the department of local
- 28 government finance.
- 29 However, the total amount of money spent for this purpose in
- 30 any year may not exceed the total amount of money in the
- 31 allocation fund that is attributable to property taxes paid by the
- 32 industrial facilities described in this clause. The
- 33 reimbursements under this clause must be made within three
- 34 (3) years after the date on which the investments that are the
- 35 basis for the increment financing are made.
- 36 (J) Pay the costs of carrying out an eligible efficiency project
- 37 (as defined in IC 36-9-41-1.5) within the unit that established
- 38 the redevelopment commission. However, property tax
- 39 proceeds may be used under this clause to pay the costs of
- 40 carrying out an eligible efficiency project only if those
- 41 property tax proceeds exceed the amount necessary to do the
- 42 following:



- 1 (i) Make, when due, any payments required under clauses
- 2 (A) through (I), including any payments of principal and
- 3 interest on bonds and other obligations payable under this
- 4 subdivision, any payments of premiums under this
- 5 subdivision on the redemption before maturity of bonds, and
- 6 any payments on leases payable under this subdivision.
- 7 (ii) Make any reimbursements required under this
- 8 subdivision.
- 9 (iii) Pay any expenses required under this subdivision.
- 10 (iv) Establish, augment, or restore any debt service reserve
- 11 under this subdivision.

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

14 The special fund may not be used for operating expenses of the
 15 commission.

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

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

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

33 The notice must:

- 34 (i) state the amount, if any, of excess assessed value that the
- 35 commission has determined may be allocated to the
- 36 respective taxing units in the manner prescribed in
- 37 subdivision (1); or
- 38 (ii) state that the commission has determined that there is no
- 39 excess assessed value that may be allocated to the respective
- 40 taxing units in the manner prescribed in subdivision (1).

41 The county auditor shall allocate to the respective taxing units
 42 the amount, if any, of excess assessed value determined by the



1 commission. The commission may not authorize an allocation
 2 to the respective taxing units under this subdivision if to do so
 3 would endanger the interests of the holders of bonds described
 4 in subdivision (3).

5 (C) If:

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

11 (ii) the amount necessary for other purposes described in
 12 subdivision (3) and subsection (g);

13 the commission shall submit to the legislative body of the unit
 14 the commission's determination of the excess assessed value
 15 that the commission proposes to allocate to the respective
 16 taxing units in the manner prescribed in subdivision (1). The
 17 legislative body of the unit may approve the commission's
 18 determination or modify the amount of the excess assessed
 19 value that will be allocated to the respective taxing units in the
 20 manner prescribed in subdivision (1).

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

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

27 (2) the base assessed value.

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

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

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

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



- 1 (2) the base assessed value.
- 2 (g) If any part of the allocation area is located in an enterprise zone
 3 created under IC 5-28-15, the unit that designated the allocation area
 4 shall create funds as specified in this subsection. A unit that has
 5 obligations, bonds, or leases payable from allocated tax proceeds under
 6 subsection (b)(3) shall establish an allocation fund for the purposes
 7 specified in subsection (b)(3) and a special zone fund. Such a unit
 8 shall, until the end of the enterprise zone phase out period, deposit each
 9 year in the special zone fund the amount in the allocation fund derived
 10 from property tax proceeds in excess of those described in subsection
 11 (b)(1) and (b)(2) from property located in the enterprise zone that
 12 exceeds the amount sufficient for the purposes specified in subsection
 13 (b)(3) for the year. A unit that has no obligations, bonds, or leases
 14 payable from allocated tax proceeds under subsection (b)(3) shall
 15 establish a special zone fund and deposit all the property tax proceeds
 16 in excess of those described in subsection (b)(1) and (b)(2) in the fund
 17 derived from property tax proceeds in excess of those described in
 18 subsection (b)(1) and (b)(2) from property located in the enterprise
 19 zone. The unit that creates the special zone fund shall use the fund,
 20 based on the recommendations of the urban enterprise association, for
 21 one (1) or more of the following purposes:
- 22 (1) To pay for programs in job training, job enrichment, and basic
 23 skill development designed to benefit residents and employers in
 24 the enterprise zone. The programs must reserve at least one-half
 25 (1/2) of the enrollment in any session for residents of the
 26 enterprise zone.
- 27 (2) To make loans and grants for the purpose of stimulating
 28 business activity in the enterprise zone or providing employment
 29 for enterprise zone residents in the enterprise zone. These loans
 30 and grants may be made to the following:
- 31 (A) Businesses operating in the enterprise zone.
- 32 (B) Businesses that will move their operations to the enterprise
 33 zone if such a loan or grant is made.
- 34 (3) To provide funds to carry out other purposes specified in
 35 subsection (b)(3). However, where reference is made in
 36 subsection (b)(3) to the allocation area, the reference refers for
 37 purposes of payments from the special zone fund only to that part
 38 of the allocation area that is also located in the enterprise zone.
- 39 (h) The state board of accounts and department of local government
 40 finance shall make the rules and prescribe the forms and procedures
 41 that they consider expedient for the implementation of this chapter.
 42 After each reassessment under a reassessment plan prepared under



1 IC 6-1.1-4-4.2, the department of local government finance shall adjust
 2 the base assessed value one (1) time to neutralize any effect of the
 3 reassessment of the real property in the area on the property tax
 4 proceeds allocated to the redevelopment district under this section.
 5 After each annual adjustment under IC 6-1.1-4-4.5, the department of
 6 local government finance shall adjust the base assessed value to
 7 neutralize any effect of the annual adjustment on the property tax
 8 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 reassessment under the
 14 reassessment plan or annual adjustment had not occurred. The
 15 department of local government finance may prescribe procedures for
 16 county and township officials to follow to assist the department in
 17 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 (j) If the commission adopts a declaratory resolution or an
 34 amendment to a declaratory resolution that contains an allocation
 35 provision and the commission makes either of the filings required
 36 under section 10(e) of this chapter after the first anniversary of the
 37 effective date of the allocation provision, the auditor of the county in
 38 which the unit is located shall compute the base assessed value for the
 39 allocation area using the assessment date immediately preceding the
 40 later of:

41 (1) the date on which the documents are filed with the county
 42 auditor; or



1 (2) the date on which the documents are filed with the department
2 of local government finance.

3 **(k) For an allocation area established after June 30, 2024,**
4 **"residential property" refers to the assessed value of property that**
5 **is allocated to the one percent (1%) homestead land and**
6 **improvement categories in the county tax and billing software**
7 **system, along with the residential assessed value as defined for**
8 **purposes of calculating the rate for the local income tax property**
9 **tax relief credit designated for residential property under**
10 **IC 6-3.6-5-6(d)(3).**

11 SECTION 68. IC 36-7-15.1-53, AS AMENDED BY P.L.156-2020,
12 SECTION 141, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2022]: Sec. 53. (a) As used in this section:

14 "Allocation area" means that part of a redevelopment project area
15 to which an allocation provision of a resolution adopted under section
16 40 of this chapter refers for purposes of distribution and allocation of
17 property taxes.

18 "Base assessed value" means, subject to subsection (j):

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

23 (2) to the extent that it is not included in subdivision (1), the net
24 assessed value of property that is assessed as residential property
25 under the rules of the department of local government finance, as
26 finally determined for the current assessment date.

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

29 (b) A resolution adopted under section 40 of this chapter on or
30 before the allocation deadline determined under subsection (i) may
31 include a provision with respect to the allocation and distribution of
32 property taxes for the purposes and in the manner provided in this
33 section. A resolution previously adopted may include an allocation
34 provision by the amendment of that resolution on or before the
35 allocation deadline determined under subsection (i) in accordance with
36 the procedures required for its original adoption. A declaratory
37 resolution or an amendment that establishes an allocation provision
38 must be approved by resolution of the legislative body of the excluded
39 city and must specify an expiration date for the allocation provision.
40 For an allocation area established before July 1, 2008, the expiration
41 date may not be more than thirty (30) years after the date on which the
42 allocation provision is established. For an allocation area established



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

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

18 (A) the assessed value of the property for the assessment date
 19 with respect to which the allocation and distribution is made;
 20 or

21 (B) the base assessed value;

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

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

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

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

42 (B) Establish, augment, or restore the debt service reserve for



- 1 bonds payable solely or in part from allocated tax proceeds in
 2 that allocation area.
- 3 (C) Pay the principal of and interest on bonds payable from
 4 allocated tax proceeds in that allocation area and from the
 5 special tax levied under section 50 of this chapter.
- 6 (D) Pay the principal of and interest on bonds issued by the
 7 excluded city to pay for local public improvements that are
 8 physically located in or physically connected to that allocation
 9 area.
- 10 (E) Pay premiums on the redemption before maturity of bonds
 11 payable solely or in part from allocated tax proceeds in that
 12 allocation area.
- 13 (F) Make payments on leases payable from allocated tax
 14 proceeds in that allocation area under section 46 of this
 15 chapter.
- 16 (G) Reimburse the excluded city for expenditures for local
 17 public improvements (which include buildings, park facilities,
 18 and other items set forth in section 45 of this chapter) that are
 19 physically located in or physically connected to that allocation
 20 area.
- 21 (H) Reimburse the unit for rentals paid by it for a building or
 22 parking facility that is physically located in or physically
 23 connected to that allocation area under any lease entered into
 24 under IC 36-1-10.
- 25 (I) Reimburse public and private entities for expenses incurred
 26 in training employees of industrial facilities that are located:
 27 (i) in the allocation area; and
 28 (ii) on a parcel of real property that has been classified as
 29 industrial property under the rules of the department of local
 30 government finance.
- 31 However, the total amount of money spent for this purpose in
 32 any year may not exceed the total amount of money in the
 33 allocation fund that is attributable to property taxes paid by the
 34 industrial facilities described in this clause. The
 35 reimbursements under this clause must be made within three
 36 (3) years after the date on which the investments that are the
 37 basis for the increment financing are made.
- 38 The special fund may not be used for operating expenses of the
 39 commission.
- 40 (4) Before June 15 of each year, the commission shall do the
 41 following:
 42 (A) Determine the amount, if any, by which the assessed value



1 of the taxable property in the allocation area for the most
 2 recent assessment date minus the base assessed value, when
 3 multiplied by the estimated tax rate of the allocation area, will
 4 exceed the amount of assessed value needed to provide the
 5 property taxes necessary to make, when due, principal and
 6 interest payments on bonds described in subdivision (3) plus
 7 the amount necessary for other purposes described in
 8 subdivision (3) and subsection (g).

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

16 (i) state the amount, if any, of excess assessed value that the
 17 commission has determined may be allocated to the
 18 respective taxing units in the manner prescribed in
 19 subdivision (1); or

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

23 The county auditor shall allocate to the respective taxing units
 24 the amount, if any, of excess assessed value determined by the
 25 commission. The commission may not authorize an allocation
 26 to the respective taxing units under this subdivision if to do so
 27 would endanger the interests of the holders of bonds described
 28 in subdivision (3).

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

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

35 (2) the base assessed value.

36 (d) Property tax proceeds allocable to the redevelopment district
 37 under subsection (b)(3) may, subject to subsection (b)(4), be
 38 irrevocably pledged by the redevelopment district for payment as set
 39 forth in subsection (b)(3).

40 (e) Notwithstanding any other law, each assessor shall, upon
 41 petition of the commission, reassess the taxable property situated upon
 42 or in, or added to, the allocation area, effective on the next assessment



1 date after the petition.

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

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

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

- 30 (1) To pay for programs in job training, job enrichment, and basic
31 skill development designed to benefit residents and employers in
32 the enterprise zone. The programs must reserve at least one-half
33 (1/2) of the enrollment in any session for residents of the
34 enterprise zone.
35 (2) To make loans and grants for the purpose of stimulating
36 business activity in the enterprise zone or providing employment
37 for enterprise zone residents in an enterprise zone. These loans
38 and grants may be made to the following:
39 (A) Businesses operating in the enterprise zone.
40 (B) Businesses that will move their operations to the enterprise
41 zone if such a loan or grant is made.
42 (3) To provide funds to carry out other purposes specified in



1 subsection (b)(3). However, where reference is made in
 2 subsection (b)(3) to the allocation area, the reference refers, for
 3 purposes of payments from the special zone fund, only to that part
 4 of the allocation area that is also located in the enterprise zone.

5 (h) The state board of accounts and department of local government
 6 finance shall make the rules and prescribe the forms and procedures
 7 that they consider expedient for the implementation of this chapter.
 8 After each reassessment of real property in an area under a county's
 9 reassessment plan prepared under IC 6-1.1-4-4.2, the department of
 10 local government finance shall adjust the base assessed value one (1)
 11 time to neutralize any effect of the reassessment of the real property in
 12 the area on the property tax proceeds allocated to the redevelopment
 13 district under this section. After each annual adjustment under
 14 IC 6-1.1-4-4.5, the department of local government finance shall adjust
 15 the base assessed value to neutralize any effect of the annual
 16 adjustment on the property tax proceeds allocated to the redevelopment
 17 district under this section. However, the adjustments under this
 18 subsection may not include the effect of property tax abatements under
 19 IC 6-1.1-12.1, and these adjustments may not produce less property tax
 20 proceeds allocable to the redevelopment district under subsection
 21 (b)(3) than would otherwise have been received if the reassessment
 22 under the county's reassessment plan or annual adjustment had not
 23 occurred. The department of local government finance may prescribe
 24 procedures for county and township officials to follow to assist the
 25 department in 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 (j) If the commission adopts a declaratory resolution or an
 42 amendment to a declaratory resolution that contains an allocation



1 provision and the commission makes either of the filings required
 2 under section 10(e) of this chapter after the first anniversary of the
 3 effective date of the allocation provision, the auditor of the county in
 4 which the unit is located shall compute the base assessed value for the
 5 allocation area using the assessment date immediately preceding the
 6 later of:

- 7 (1) the date on which the documents are filed with the county
- 8 auditor; or
- 9 (2) the date on which the documents are filed with the department
- 10 of local government finance.

11 **(k) For an allocation area established after June 30, 2024,**
 12 **"residential property" refers to the assessed value of property that**
 13 **is allocated to the one percent (1%) homestead land and**
 14 **improvement categories in the county tax and billing software**
 15 **system, along with the residential assessed value as defined for**
 16 **purposes of calculating the rate for the local income tax property**
 17 **tax relief credit designated for residential property under**
 18 **IC 6-3.6-5-6(d)(3).**

19 SECTION 69. IC 36-7-30-25, AS AMENDED BY P.L.156-2020,
 20 SECTION 142, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2022]: Sec. 25. (a) The following definitions
 22 apply throughout this section:

- 23 (1) "Allocation area" means that part of a military base reuse area
- 24 to which an allocation provision of a declaratory resolution
- 25 adopted under section 10 of this chapter refers for purposes of
- 26 distribution and allocation of property taxes.
- 27 (2) "Base assessed value" means, subject to subsection (i):
- 28 (A) the net assessed value of all the property as finally
- 29 determined for the assessment date immediately preceding the
- 30 adoption date of the allocation provision of the declaratory
- 31 resolution, as adjusted under subsection (h); plus
- 32 (B) to the extent that it is not included in clause (A) or (C), the
- 33 net assessed value of any and all parcels or classes of parcels
- 34 identified as part of the base assessed value in the declaratory
- 35 resolution or an amendment thereto, as finally determined for
- 36 any subsequent assessment date; plus
- 37 (C) to the extent that it is not included in clause (A) or (B), the
- 38 net assessed value of property that is assessed as residential
- 39 property under the rules of the department of local government
- 40 finance, within the allocation area, as finally determined for
- 41 the current assessment date.

42 Clause (C) applies only to allocation areas established in a



1 military reuse area after June 30, 1997, and to the part of an
 2 allocation area that was established before June 30, 1997, and that
 3 is added to an existing allocation area after June 30, 1997.

4 (3) "Property taxes" means taxes imposed under IC 6-1.1 on real
 5 property.

6 (b) A declaratory resolution adopted under section 10 of this chapter
 7 before the date set forth in IC 36-7-14-39(b) pertaining to declaratory
 8 resolutions adopted under IC 36-7-14-15 may include a provision with
 9 respect to the allocation and distribution of property taxes for the
 10 purposes and in the manner provided in this section. A declaratory
 11 resolution previously adopted may include an allocation provision by
 12 the amendment of that declaratory resolution in accordance with the
 13 procedures set forth in section 13 of this chapter. The allocation
 14 provision may apply to all or part of the military base reuse area. The
 15 allocation provision must require that any property taxes subsequently
 16 levied by or for the benefit of any public body entitled to a distribution
 17 of property taxes on taxable property in the allocation area be allocated
 18 and distributed as follows:

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

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

24 (B) the base assessed value;

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

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

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

41 (A) Pay the principal of and interest and redemption premium
 42 on any obligations incurred by the military base reuse district



- 1 or any other entity for the purpose of financing or refinancing
- 2 military base reuse activities in or directly serving or
- 3 benefiting that allocation area.
- 4 (B) Establish, augment, or restore the debt service reserve for
- 5 bonds payable solely or in part from allocated tax proceeds in
- 6 that allocation area or from other revenues of the reuse
- 7 authority, including lease rental revenues.
- 8 (C) Make payments on leases payable solely or in part from
- 9 allocated tax proceeds in that allocation area.
- 10 (D) Reimburse any other governmental body for expenditures
- 11 made for local public improvements (or structures) in or
- 12 directly serving or benefiting that allocation area.
- 13 (E) Pay expenses incurred by the reuse authority, any other
- 14 department of the unit, or a department of another
- 15 governmental entity for local public improvements or
- 16 structures that are in the allocation area or directly serving or
- 17 benefiting the allocation area, including expenses for the
- 18 operation and maintenance of these local public improvements
- 19 or structures if the reuse authority determines those operation
- 20 and maintenance expenses are necessary or desirable to carry
- 21 out the purposes of this chapter.
- 22 (F) Reimburse public and private entities for expenses
- 23 incurred in training employees of industrial facilities that are
- 24 located:
- 25 (i) in the allocation area; and
- 26 (ii) on a parcel of real property that has been classified as
- 27 industrial property under the rules of the department of local
- 28 government finance.
- 29 However, the total amount of money spent for this purpose in
- 30 any year may not exceed the total amount of money in the
- 31 allocation fund that is attributable to property taxes paid by the
- 32 industrial facilities described in this clause. The
- 33 reimbursements under this clause must be made not more than
- 34 three (3) years after the date on which the investments that are
- 35 the basis for the increment financing are made.
- 36 (G) Expend money and provide financial assistance as
- 37 authorized in section 9(a)(25) of this chapter.
- 38 Except as provided in clause (E), the allocation fund may not be
- 39 used for operating expenses of the reuse authority.
- 40 (4) Except as provided in subsection (g), before July 15 of each
- 41 year the reuse authority shall do the following:
- 42 (A) Determine the amount, if any, by which property taxes



1 payable to the allocation fund in the following year will exceed
 2 the amount of property taxes necessary to make, when due,
 3 principal and interest payments on bonds described in
 4 subdivision (3) plus the amount necessary for other purposes
 5 described in subdivision (3).

6 (B) Provide a written notice to the county auditor, the fiscal
 7 body of the unit that established the reuse authority, and the
 8 officers who are authorized to fix budgets, tax rates, and tax
 9 levies under IC 6-1.1-17-5 for each of the other taxing units
 10 that is wholly or partly located within the allocation area. The
 11 notice must:

- 12 (i) state the amount, if any, of excess property taxes that the
 13 reuse authority has determined may be paid to the respective
 14 taxing units in the manner prescribed in subdivision (1); or
 15 (ii) state that the reuse authority has determined that there
 16 are no excess property tax proceeds that may be allocated to
 17 the respective taxing units in the manner prescribed in
 18 subdivision (1).

19 The county auditor shall allocate to the respective taxing units
 20 the amount, if any, of excess property tax proceeds determined
 21 by the reuse authority. The reuse authority may not authorize
 22 a payment to the respective taxing units under this subdivision
 23 if to do so would endanger the interest of the holders of bonds
 24 described in subdivision (3) or lessors under section 19 of this
 25 chapter.

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

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

33 (d) Property tax proceeds allocable to the military base reuse district
 34 under subsection (b)(3) may, subject to subsection (b)(4), be
 35 irrevocably pledged by the military base reuse district for payment as
 36 set forth in subsection (b)(3).

37 (e) Notwithstanding any other law, each assessor shall, upon
 38 petition of the reuse authority, reassess the taxable property situated
 39 upon or in or added to the allocation area, effective on the next
 40 assessment date after the petition.

41 (f) Notwithstanding any other law, the assessed value of all taxable
 42 property in the allocation area, for purposes of tax limitation, property



1 tax replacement, and the making of the budget, tax rate, and tax levy
2 for each political subdivision in which the property is located is the
3 lesser of:

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

7 (g) If any part of the allocation area is located in an enterprise zone
8 created under IC 5-28-15, the unit that designated the allocation area
9 shall create funds as specified in this subsection. A unit that has
10 obligations, bonds, or leases payable from allocated tax proceeds under
11 subsection (b)(3) shall establish an allocation fund for the purposes
12 specified in subsection (b)(3) and a special zone fund. Such a unit
13 shall, until the end of the enterprise zone phase out period, deposit each
14 year in the special zone fund any amount in the allocation fund derived
15 from property tax proceeds in excess of those described in subsection
16 (b)(1) and (b)(2) from property located in the enterprise zone that
17 exceeds the amount sufficient for the purposes specified in subsection
18 (b)(3) for the year. The amount sufficient for purposes specified in
19 subsection (b)(3) for the year shall be determined based on the pro rata
20 part of such current property tax proceeds from the part of the
21 enterprise zone that is within the allocation area as compared to all
22 such current property tax proceeds derived from the allocation area. A
23 unit that does not have obligations, bonds, or leases payable from
24 allocated tax proceeds under subsection (b)(3) shall establish a special
25 zone fund and deposit all the property tax proceeds in excess of those
26 described in subsection (b)(1) and (b)(2) that are derived from property
27 in the enterprise zone in the fund. The unit that creates the special zone
28 fund shall use the fund (based on the recommendations of the urban
29 enterprise association) for programs in job training, job enrichment,
30 and basic skill development that are designed to benefit residents and
31 employers in the enterprise zone or other purposes specified in
32 subsection (b)(3), except that where reference is made in subsection
33 (b)(3) to allocation area it shall refer for purposes of payments from the
34 special zone fund only to that part of the allocation area that is also
35 located in the enterprise zone. The programs shall reserve at least
36 one-half (1/2) of their enrollment in any session for residents of the
37 enterprise zone.

38 (h) After each reassessment of real property in an area under the
39 county's reassessment plan under IC 6-1.1-4-4.2, the department of
40 local government finance shall adjust the base assessed value one (1)
41 time to neutralize any effect of the reassessment of the real property in
42 the area on the property tax proceeds allocated to the military base



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

14 (i) If the reuse authority adopts a declaratory resolution or an
 15 amendment to a declaratory resolution that contains an allocation
 16 provision and the reuse authority makes either of the filings required
 17 under section 12(c) or 13(f) of this chapter after the first anniversary of
 18 the effective date of the allocation provision, the auditor of the county
 19 in which the military base reuse district is located shall compute the
 20 base assessed value for the allocation area using the assessment date
 21 immediately preceding the later of:

- 22 (1) the date on which the documents are filed with the county
 23 auditor; or
- 24 (2) the date on which the documents are filed with the department
 25 of local government finance.

26 **(j) For an allocation area established after June 30, 2024,**
 27 **"residential property" refers to the assessed value of property that**
 28 **is allocated to the one percent (1%) homestead land and**
 29 **improvement categories in the county tax and billing software**
 30 **system, along with the residential assessed value as defined for**
 31 **purposes of calculating the rate for the local income tax property**
 32 **tax relief credit designated for residential property under**
 33 **IC 6-3.6-5-6(d)(3).**

34 SECTION 70. IC 36-7-30.5-30, AS AMENDED BY P.L.156-2020,
 35 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2022]: Sec. 30. (a) The following definitions
 37 apply throughout this section:

- 38 (1) "Allocation area" means that part of a military base
 39 development area to which an allocation provision of a
 40 declaratory resolution adopted under section 16 of this chapter
 41 refers for purposes of distribution and allocation of property taxes.
- 42 (2) "Base assessed value" means, subject to subsection (i):



- 1 (A) the net assessed value of all the property as finally
 2 determined for the assessment date immediately preceding the
 3 adoption date of the allocation provision of the declaratory
 4 resolution, as adjusted under subsection (h); plus
 5 (B) to the extent that it is not included in clause (A) or (C), the
 6 net assessed value of any and all parcels or classes of parcels
 7 identified as part of the base assessed value in the declaratory
 8 resolution or an amendment to the declaratory resolution, as
 9 finally determined for any subsequent assessment date; plus
 10 (C) to the extent that it is not included in clause (A) or (B), the
 11 net assessed value of property that is assessed as residential
 12 property under the rules of the department of local government
 13 finance, within the allocation area, as finally determined for
 14 the current assessment date.
- 15 (3) "Property taxes" means taxes imposed under IC 6-1.1 on real
 16 property.
- 17 (b) A declaratory resolution adopted under section 16 of this chapter
 18 before the date set forth in IC 36-7-14-39(b) pertaining to declaratory
 19 resolutions adopted under IC 36-7-14-15 may include a provision with
 20 respect to the allocation and distribution of property taxes for the
 21 purposes and in the manner provided in this section. A declaratory
 22 resolution previously adopted may include an allocation provision by
 23 the amendment of that declaratory resolution in accordance with the
 24 procedures set forth in section 18 of this chapter. The allocation
 25 provision may apply to all or part of the military base development
 26 area. The allocation provision must require that any property taxes
 27 subsequently levied by or for the benefit of any public body entitled to
 28 a distribution of property taxes on taxable property in the allocation
 29 area be allocated and distributed as follows:
- 30 (1) Except as otherwise provided in this section, the proceeds of
 31 the taxes attributable to the lesser of:
- 32 (A) the assessed value of the property for the assessment date
 33 with respect to which the allocation and distribution is made;
 34 or
 35 (B) the base assessed value;
- 36 shall be allocated to and, when collected, paid into the funds of
 37 the respective taxing units.
- 38 (2) The excess of the proceeds of the property taxes imposed for
 39 the assessment date with respect to which the allocation and
 40 distribution is made that are attributable to taxes imposed after
 41 being approved by the voters in a referendum or local public
 42 question conducted after April 30, 2010, not otherwise included



1 in subdivision (1) shall be allocated to and, when collected, paid
 2 into the funds of the taxing unit for which the referendum or local
 3 public question was conducted.

4 (3) Except as otherwise provided in this section, property tax
 5 proceeds in excess of those described in subdivisions (1) and (2)
 6 shall be allocated to the development authority and, when
 7 collected, paid into an allocation fund for that allocation area that
 8 may be used by the development authority and only to do one (1)
 9 or more of the following:

10 (A) Pay the principal of and interest and redemption premium
 11 on any obligations incurred by the development authority or
 12 any other entity for the purpose of financing or refinancing
 13 military base development or reuse activities in or directly
 14 serving or benefiting that allocation area.

15 (B) Establish, augment, or restore the debt service reserve for
 16 bonds payable solely or in part from allocated tax proceeds in
 17 that allocation area or from other revenues of the development
 18 authority, including lease rental revenues.

19 (C) Make payments on leases payable solely or in part from
 20 allocated tax proceeds in that allocation area.

21 (D) Reimburse any other governmental body for expenditures
 22 made for local public improvements (or structures) in or
 23 directly serving or benefiting that allocation area.

24 (E) For property taxes first due and payable before 2009, pay
 25 all or a part of a property tax replacement credit to taxpayers
 26 in an allocation area as determined by the development
 27 authority. This credit equals the amount determined under the
 28 following STEPS for each taxpayer in a taxing district (as
 29 defined in IC 6-1.1-1-20) that contains all or part of the
 30 allocation area:

31 STEP ONE: Determine that part of the sum of the amounts
 32 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
 33 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
 34 IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to
 35 the taxing district.

36 STEP TWO: Divide:

37 (i) that part of each county's eligible property tax
 38 replacement amount (as defined in IC 6-1.1-21-2 (before its
 39 repeal)) for that year as determined under IC 6-1.1-21-4
 40 (before its repeal) that is attributable to the taxing district;
 41 by

42 (ii) the STEP ONE sum.



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STEP THREE: Multiply:
(i) the STEP TWO quotient; by
(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter (before its repeal) in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefiting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

(H) Expend money and provide financial assistance as authorized in section 15(26) of this chapter.

The allocation fund may not be used for operating expenses of the development authority.

(4) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

- (A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivisions (2) and (3).
- (B) Provide a written notice to the appropriate county auditors



1 and the fiscal bodies and other officers who are authorized to
 2 fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for
 3 each of the other taxing units that is wholly or partly located
 4 within the allocation area. The notice must:

5 (i) state the amount, if any, of the excess property taxes that
 6 the development authority has determined may be paid to
 7 the respective taxing units in the manner prescribed in
 8 subdivision (1); or

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

13 The county auditors shall allocate to the respective taxing units
 14 the amount, if any, of excess assessed value determined by the
 15 development authority. The development authority may not
 16 authorize a payment to the respective taxing units under this
 17 subdivision if to do so would endanger the interest of the
 18 holders of bonds described in subdivision (3) or lessors under
 19 section 24 of this chapter. Property taxes received by a taxing
 20 unit under this subdivision before 2009 are eligible for the
 21 property tax replacement credit provided under IC 6-1.1-21
 22 (before its repeal).

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

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

30 (d) Property tax proceeds allocable to the military base development
 31 district under subsection (b)(3) may, subject to subsection (b)(4), be
 32 irrevocably pledged by the military base development district for
 33 payment as set forth in subsection (b)(3).

34 (e) Notwithstanding any other law, each assessor shall, upon
 35 petition of the development authority, reassess the taxable property
 36 situated upon or in or added to the allocation area, effective on the next
 37 assessment date after the petition.

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



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

4 (g) If any part of the allocation area is located in an enterprise zone
 5 created under IC 5-28-15, the development authority shall create funds
 6 as specified in this subsection. A development authority that has
 7 obligations, bonds, or leases payable from allocated tax proceeds under
 8 subsection (b)(3) shall establish an allocation fund for the purposes
 9 specified in subsection (b)(3) and a special zone fund. The
 10 development authority shall, until the end of the enterprise zone phase
 11 out period, deposit each year in the special zone fund any amount in the
 12 allocation fund derived from property tax proceeds in excess of those
 13 described in subsection (b)(1) and (b)(2) from property located in the
 14 enterprise zone that exceeds the amount sufficient for the purposes
 15 specified in subsection (b)(3) for the year. The amount sufficient for
 16 purposes specified in subsection (b)(3) for the year shall be determined
 17 based on the pro rata part of such current property tax proceeds from
 18 the part of the enterprise zone that is within the allocation area as
 19 compared to all such current property tax proceeds derived from the
 20 allocation area. A development authority that does not have
 21 obligations, bonds, or leases payable from allocated tax proceeds under
 22 subsection (b)(3) shall establish a special zone fund and deposit all the
 23 property tax proceeds in excess of those described in subsection (b)(1)
 24 and (b)(2) that are derived from property in the enterprise zone in the
 25 fund. The development authority that creates the special zone fund
 26 shall use the fund (based on the recommendations of the urban
 27 enterprise association) for programs in job training, job enrichment,
 28 and basic skill development that are designed to benefit residents and
 29 employers in the enterprise zone or for other purposes specified in
 30 subsection (b)(3), except that where reference is made in subsection
 31 (b)(3) to an allocation area it shall refer for purposes of payments from
 32 the special zone fund only to that part of the allocation area that is also
 33 located in the enterprise zone. The programs shall reserve at least
 34 one-half (1/2) of their enrollment in any session for residents of the
 35 enterprise zone.

36 (h) After each reassessment of real property in an area under a
 37 reassessment plan prepared under IC 6-1.1-4-4.2, the department of
 38 local government finance shall adjust the base assessed value one (1)
 39 time to neutralize any effect of the reassessment of the real property in
 40 the area on the property tax proceeds allocated to the military base
 41 development district under this section. After each annual adjustment
 42 under IC 6-1.1-4-4.5, the department of local government finance shall



1 adjust the base assessed value to neutralize any effect of the annual
 2 adjustment on the property tax proceeds allocated to the military base
 3 development district under this section. However, the adjustments
 4 under this subsection may not include the effect of property tax
 5 abatements under IC 6-1.1-12.1, and these adjustments may not
 6 produce less property tax proceeds allocable to the military base
 7 development district under subsection (b)(3) than would otherwise
 8 have been received if the reassessment under the county's reassessment
 9 plan or annual adjustment had not occurred. The department of local
 10 government finance may prescribe procedures for county and township
 11 officials to follow to assist the department in making the adjustments.

12 (i) If the development authority adopts a declaratory resolution or
 13 an amendment to a declaratory resolution that contains an allocation
 14 provision and the development authority makes either of the filings
 15 required under section 17(e) or 18(f) of this chapter after the first
 16 anniversary of the effective date of the allocation provision, the auditor
 17 of the county in which the military base development district is located
 18 shall compute the base assessed value for the allocation area using the
 19 assessment date immediately preceding the later of:

- 20 (1) the date on which the documents are filed with the county
 21 auditor; or
 22 (2) the date on which the documents are filed with the department
 23 of local government finance.

24 **(j) For an allocation area established after June 30, 2024,**
 25 **"residential property" refers to the assessed value of property that**
 26 **is allocated to the one percent (1%) homestead land and**
 27 **improvement categories in the county tax and billing software**
 28 **system, along with the residential assessed value as defined for**
 29 **purposes of calculating the rate for the local income tax property**
 30 **tax relief credit designated for residential property under**
 31 **IC 6-3.6-5-6(d)(3).**

32 SECTION 71. IC 36-8-8-14.2, AS ADDED BY P.L.159-2020,
 33 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2022]: Sec. 14.2. (a) This section applies to every unit that is
 35 an employer of one (1) or more individuals who are active members of
 36 the 1977 fund.

37 (b) As used in this section, "survivor" means:

- 38 (1) a surviving spouse of a deceased member of the 1977 fund; or
 39 (2) a surviving natural child, stepchild, or adopted child of a
 40 deceased member of the 1977 fund;

41 who is entitled to health insurance coverage under section 14.1(h) of
 42 this chapter.



1 (c) If a unit is obligated under section 14.1(h) of this chapter to pay
 2 for health insurance coverage for one (1) or more survivors of a
 3 deceased member of the 1977 fund who died in the line of duty, the
 4 legislative body of the unit may establish a public safety officer
 5 survivors' health coverage cumulative fund under this section to pay for
 6 health coverage under section 14.1(h) of this chapter.

7 (d) The fiscal body of a unit may provide money for a public safety
 8 officer survivors' health coverage cumulative fund established under
 9 subsection (c) by levying a tax in compliance with IC 6-1.1-41 on the
 10 taxable property in the unit.

11 (e) The property tax rate that may be imposed under this section for
 12 property taxes first due and payable during a particular year may not
 13 exceed the rate necessary to pay the annual cost of the health coverage
 14 that the unit is obligated to pay under section 14.1(h) of this chapter.
 15 The unit shall provide any documentation requested by the department
 16 of local government finance that is necessary to certify the rate adopted
 17 by the unit. The unit's maximum permissible ad valorem property tax
 18 levy determined under IC 6-1.1-18.5-3 excludes the property tax levied
 19 under this section. **The property tax rate imposed under this section**
 20 **is exempt from the adjustment under IC 6-1.1-18-12.**

21 (f) The tax money collected under this section shall be held in a
 22 special fund to be known as the public safety officer survivors' health
 23 coverage cumulative fund.

24 (g) In a consolidated city, money may be transferred from the public
 25 safety officer survivors' health coverage cumulative fund to the fund of
 26 a department of the consolidated city responsible for carrying out a
 27 purpose for which the public safety officer survivors' health coverage
 28 cumulative fund was created. The department may not expend any
 29 money transferred under this subsection until an appropriation is made,
 30 and the department may not expend any money transferred under this
 31 subsection for operating costs of the department.

32 SECTION 72. IC 36-9-27-48, AS AMENDED BY P.L.127-2017,
 33 SECTION 339, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2022]: Sec. 48. (a) Whenever, in the
 35 construction or reconstruction of a regulated drain, the county surveyor
 36 determines that:

- 37 (1) the proposed drain will cross a pipeline, cable, or similar
 38 equipment of a public utility; and
- 39 (2) the equipment will interfere with the proper operation of the
 40 drain;

41 the county surveyor shall include in the county surveyor's plans the
 42 relocation requirements of the equipment. The county surveyor shall,



1 by registered mail **or certified mail**, send a copy of the requirements
2 to the public utility owning the equipment.

3 (b) If requested by the public utility, the county surveyor shall meet
4 with the public utility at a time and place to be fixed by the county
5 surveyor and hear objections to the requirements. After the hearing, the
6 county surveyor may change the requirements as justice may require.

7 (c) If the board finds that the relocation of a pipeline, cable, or
8 similar equipment owned by a public utility is necessary in the
9 construction or reconstruction of a regulated drain, the cost of
10 relocation shall be paid by the public utility.

11 SECTION 73. [EFFECTIVE JULY 1, 2022] (a) **IC 6-1.1-12-9,**
12 **IC 6-1.1-12-14, and IC 6-1.1-20.6-8.5, all as amended by this act,**
13 **apply to taxable years beginning after December 31, 2022.**

14 (b) **This SECTION expires July 1, 2025.**

15 SECTION 74. [EFFECTIVE JULY 1, 2022] (a) **IC 6-1.1-15-20, as**
16 **added by this act, applies to:**

17 (1) **all appeals or reviews that are pending after June 30, 2022,**
18 **but that have not yet had an evidentiary hearing before the**
19 **Indiana board of tax review by July 1, 2022; and**

20 (2) **all appeals or reviews that are filed after June 30, 2022.**

21 (b) **Notwithstanding the repeal of IC 6-1.1-15-17.1,**
22 **IC 6-1.1-15-17.2, and IC 6-1.1-15-18 by this act, IC 6-1.1-15-17.1,**
23 **IC 6-1.1-15-17.2, and IC 6-1.1-15-18 shall be applied as if they**
24 **remain in effect in an appeal or review that is pending after June**
25 **30, 2022, and that has had an evidentiary hearing before the**
26 **Indiana board of tax review that occurred before July 1, 2022.**

27 (c) **This SECTION expires July 1, 2025.**

28 SECTION 75. [EFFECTIVE JANUARY 1, 2020
29 (RETROACTIVE)] (a) **This SECTION applies notwithstanding**
30 **IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or**
31 **provision.**

32 (b) **This SECTION applies to assessment dates after December**
33 **31, 2019, and before January 1, 2022.**

34 (c) **As used in this SECTION, "eligible property" means any**
35 **real property:**

36 (1) **that is owned, occupied, and used by a taxpayer that is a**
37 **church or religious society and is used for one (1) or more of**
38 **the purposes described in IC 6-1.1-10-16 or IC 6-1.1-10-21;**

39 (2) **that is a parcel that was purchased by the taxpayer in**
40 **2019;**

41 (3) **on which property taxes were imposed for the 2020 and**
42 **2021 assessment dates; and**



1 (4) that would have been eligible for an exemption under
2 IC 6-1.1-10-16 or IC 6-1.1-10-21 for the 2020 and 2021
3 assessment dates if an exemption application had been
4 properly and timely filed under IC 6-1.1 for the property.

5 (d) Before September 1, 2022, the owner of eligible property
6 may file a property tax exemption application and supporting
7 documents claiming a property tax exemption under this
8 SECTION for the eligible property for the 2020 and 2021
9 assessment dates.

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

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

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

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

22 (g) The exemption allowed by this SECTION shall be applied
23 without the need for any further ruling or action by the county
24 assessor, the county auditor, or the county property tax assessment
25 board of appeals of the county in which the eligible property is
26 located or by the Indiana board of tax review.

27 (h) To the extent the owner of the eligible property has paid any
28 property taxes, penalties, or interest with respect to the eligible
29 property for an applicable date and to the extent that the eligible
30 property is exempt from taxation as provided in this SECTION,
31 the owner of the eligible property is entitled to a refund of the
32 amounts paid. The owner is not entitled to any interest on the
33 refund under IC 6-1.1 or any other law to the extent interest has
34 not been paid by or on behalf of the owner. Notwithstanding the
35 filing deadlines for a claim under IC 6-1.1-26, any claim for a
36 refund filed by the owner of eligible property under this SECTION
37 before September 1, 2022, is considered timely filed. The county
38 auditor shall pay the refund due under this SECTION in one (1)
39 installment.

40 (i) This SECTION expires June 30, 2024.

41 SECTION 76. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1260, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-12-1-18, AS AMENDED BY P.L.165-2021, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 18. Except **for allotment stipulations** provided in IC 4-12-1-18, federal funds received by an instrumentality are appropriated for purposes specified by the federal government **and the general assembly, if that body elects to appropriate federal funds**, subject to allotment by the budget agency. The provisions of this chapter and other laws concerning the acceptance, disbursement, review, and approval of grants, loans, and gifts made by the federal government or any other source to the state or its agencies apply to instrumentalities.

SECTION 2. IC 4-12-18-4, AS ADDED BY P.L.64-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) ~~There is created the economic stimulus fund. Within the economic stimulus fund~~ The auditor of state shall create a **one (1) or more separate account economic stimulus funds** for each separate federal stimulus legislation enacted. All discretionary funds received by the state must be deposited in ~~the a~~ corresponding ~~account within the~~ economic stimulus fund unless prohibited by federal law.

(b) ~~The economic stimulus fund is~~ **Economic stimulus funds are** separate from the state general fund and all other state funds and accounts.

(c) **For purposes of SECTION 26 of P.L.165-2021, "deposit" means to comply with the purposes, eligible uses, and stipulations of the statutory fund referenced unless federal law or regulations conflict with the statutory fund purposes, eligible uses, and stipulations.**

SECTION 3. IC 4-12-18-5, AS ADDED BY P.L.64-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. Discretionary funds deposited into ~~the an~~ economic stimulus fund during a period in which the general assembly is convened in a regular session, an emergency session under IC 2-2.1-1.2, or a special session may not be allotted or expended



unless appropriated by the general assembly or reviewed by the budget committee. **Appropriations made by the general assembly do not revert until the end of the biennium in which they are appropriated.**

SECTION 4. IC 4-12-18-6, AS ADDED BY P.L.64-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. Before discretionary funds deposited into ~~the~~ **an** economic stimulus fund during a period in which the general assembly is not convened in a regular session, an emergency session under IC 2-2.1-1.2, or a special session may be allotted to or expended by a state agency or instrumentality, the allotment or expenditure must be reviewed by the budget committee. **Money is considered continuously appropriated for the period of the federal award after budget committee review.**

SECTION 5. IC 6-1.1-3-7, AS AMENDED BY P.L.108-2019, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 7. (a) Except as provided in subsections (b), ~~and~~ (c), **and (f)**, a taxpayer shall, on or before the filing date of each year, file a personal property return with:

- (1) the assessor of each township in which the taxpayer's personal property is subject to assessment;
- (2) the county assessor if there is no township assessor for a township in which the taxpayer's personal property is subject to assessment; or
- (3) after 2020, the personal property online submission portal developed and maintained by the department under section 26 of this chapter.

(b) The township assessor or county assessor may grant a taxpayer an extension of not more than thirty (30) days to file the taxpayer's return if:

- (1) the taxpayer submits a written or an electronic application for an extension prior to the filing date; and
- (2) the taxpayer is prevented from filing a timely return because of sickness, absence from the county, or any other good and sufficient reason.

(c) If a taxpayer:

- (1) has personal property subject to assessment in more than one (1) township in a county; or
- (2) has personal property that is subject to assessment and that is located in two (2) or more taxing districts within the same township;

the taxpayer shall file a single return with the county assessor and



attach a schedule listing, by township, all the taxpayer's personal property and the property's assessed value. The taxpayer shall provide the county assessor with the information necessary for the county assessor to allocate the assessed value of the taxpayer's personal property among the townships listed on the return and among taxing districts, including the street address, the township, and the location of the property. The taxpayer may, in the alternative, submit the taxpayer's personal property information and the property's assessed value through the personal property online submission portal developed under section 26 of this chapter.

(d) The county assessor shall provide to each affected township assessor (if any) in the county all information filed by a taxpayer under subsection (c) that affects the township.

(e) The county assessor may refuse to accept a personal property tax return that does not comply with subsection (c). For purposes of IC 6-1.1-37-7, a return to which subsection (c) applies is filed on the date it is filed with the county assessor with the schedule required by subsection (c) attached.

(f) This subsection applies to a church that:

- (1) has filed a personal property tax return under this section for each of the five (5) years preceding a particular year; and**
- (2) on each of the returns described in subdivision (1) has not owed any tax liability due to exemptions under IC 6-1.1 for which the church has been deemed eligible.**

Notwithstanding any other law, a church is not required to file a personal property tax return for a year under this section unless there is a change in ownership of any personal property included on a return described in subdivision (1), or any other change that results in the personal property no longer being eligible for an exemption under IC 6-1.1, or the church would otherwise be liable for property tax imposed on personal property owned by the church."

Page 1, line 1, delete "JULY 1," and insert "UPON PASSAGE].".

Page 1, line 2, delete "2022].".

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-8-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 25.5. The department of local government finance shall notify a company subject to taxation under this chapter if any of the company's property that was previously assessed by the department of local government finance under this chapter will instead be assessed by the township



assessor, or the county assessor if there is not a township assessor for the township, under this chapter."

Page 3, line 16, delete "JULY 1, 2022]:" and insert "UPON PASSAGE]:".

Page 6, between lines 19 and 20, begin a new paragraph and insert:
 "SECTION 11. IC 6-1.1-12-9, AS AMENDED BY P.L.159-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) An individual may obtain a deduction from the assessed value of the individual's real property, or mobile home or manufactured home which is not assessed as real property, if:

- (1) the individual is at least sixty-five (65) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;
- (2) for assessment dates before January 1, 2020, the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of:

- (A) the individual and the individual's spouse; or
- (B) the individual and all other individuals with whom:
 - (i) the individual shares ownership; or
 - (ii) the individual is purchasing the property under a contract;

as joint tenants or tenants in common;

for the calendar year preceding the year in which the deduction is claimed did not exceed twenty-five thousand dollars (\$25,000);

- (3) for assessment dates after December 31, 2019:
 - (A) the individual had, in the case of an individual who filed a single return, adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand dollars (\$30,000);
 - (B) the individual had, in the case of an individual who filed a joint income tax return with the individual's spouse, combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding forty thousand dollars (\$40,000); or
 - (C) the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of the individual and all other individuals with whom:
 - (i) the individual shares ownership; or
 - (ii) the individual is purchasing the property under a contract;
 as joint tenants or tenants in common did not exceed forty thousand dollars (\$40,000);



for the calendar year preceding by two (2) years the calendar year in which the property taxes are first due and payable;

(4) the individual has owned the real property, mobile home, or manufactured home for at least one (1) year before claiming the deduction; or the individual has been buying the real property, mobile home, or manufactured home under a contract that provides that the individual is to pay the property taxes on the real property, mobile home, or manufactured home for at least one (1) year before claiming the deduction, and the contract or a memorandum of the contract is recorded in the county recorder's office;

(5) for assessment dates:

(A) before January 1, 2020, the individual and any individuals covered by subdivision (2)(B) reside on the real property, mobile home, or manufactured home; or

(B) after December 31, 2019, the individual and any individuals covered by subdivision (3)(C) reside on the real property, mobile home, or manufactured home;

(6) except as provided in subsection (i), the assessed value of the real property, mobile home, or manufactured home does not exceed two hundred thousand dollars (\$200,000).

(7) the individual receives no other property tax deduction for the year in which the deduction is claimed, except the deductions provided by sections 1, 37, (for assessment dates after February 28, 2008) 37.5, and 38 of this chapter; and

(8) the person:

(A) owns the real property, mobile home, or manufactured home; or

(B) is buying the real property, mobile home, or manufactured home under contract;

on the date the statement required by section 10.1 of this chapter is filed.

(b) Except as provided in subsection (h), in the case of real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the real property; or

(2) fourteen thousand dollars (\$14,000).

(c) Except as provided in subsection (h) and section 40.5 of this chapter, in the case of a mobile home that is not assessed as real property or a manufactured home which is not assessed as real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the mobile home or



manufactured home; or

(2) fourteen thousand dollars (\$14,000).

(d) An individual may not be denied the deduction provided under this section because the individual is absent from the real property, mobile home, or manufactured home while in a nursing home or hospital.

(e) For purposes of this section, if real property, a mobile home, or a manufactured home is owned by:

(1) tenants by the entirety;

(2) joint tenants; or

(3) tenants in common;

only one (1) deduction may be allowed. However, the age requirement is satisfied if any one (1) of the tenants is at least sixty-five (65) years of age.

(f) A surviving spouse is entitled to the deduction provided by this section if:

(1) the surviving spouse is at least sixty (60) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;

(2) the surviving spouse's deceased husband or wife was at least sixty-five (65) years of age at the time of a death;

(3) the surviving spouse has not remarried; and

(4) the surviving spouse satisfies the requirements prescribed in subsection (a)(2) through (a)(8).

(g) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

(h) In the case of tenants covered by subsection (a)(2)(B) or (a)(3)(C), if all of the tenants are not at least sixty-five (65) years of age, the deduction allowed under this section shall be reduced by an amount equal to the deduction multiplied by a fraction. The numerator of the fraction is the number of tenants who are not at least sixty-five (65) years of age, and the denominator is the total number of tenants.

(i) For purposes of determining the assessed value of the real property, mobile home, or manufactured home under subsection (a)(6) for an individual who has received a deduction under this section in a **particular previous** year, increases in assessed value that occur after the later of:

(1) December 31, 2019; or

(2) the first year that the individual has received the deduction; are not considered unless the increase in assessed value is attributable



to physical improvements to the property: **substantial renovation or new improvements. Where there is an increase in assessed value for purposes of the deduction under this section, the assessor shall provide a report to the county auditor describing the substantial renovation or new improvements, if any, that were made to the property prior to the increase in assessed value.**

SECTION 12. IC 6-1.1-12-14, AS AMENDED BY P.L.159-2020, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. (a) Except as provided in subsection (c) and except as provided in section 40.5 of this chapter, an individual may have the sum of fourteen thousand dollars (\$14,000) deducted from the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual owns (or the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;
- (2) the individual received an honorable discharge;
- (3) the individual either:
 - (A) has a total disability; or
 - (B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%);
- (4) the individual's disability is evidenced by:
 - (A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or
 - (B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and
- (5) the individual:
 - (A) owns the real property, mobile home, or manufactured home; or
 - (B) is buying the real property, mobile home, or manufactured home under contract;

on the date the statement required by section 15 of this chapter is filed.

(b) Except as provided in subsections (c) and (d), the surviving



spouse of an individual may receive the deduction provided by this section if:

- (1) the individual satisfied the requirements of subsection (a)(1) through (a)(4) at the time of death; or
- (2) the individual:
 - (A) was killed in action;
 - (B) died while serving on active duty in the military or naval forces of the United States; or
 - (C) died while performing inactive duty training in the military or naval forces of the United States; and

the surviving spouse satisfies the requirement of subsection (a)(5) at the time the deduction statement is filed. The surviving spouse is entitled to the deduction regardless of whether the property for which the deduction is claimed was owned by the deceased veteran or the surviving spouse before the deceased veteran's death.

(c) Except as provided in subsection (f), no one is entitled to the deduction provided by this section if the assessed value of the individual's Indiana real property, Indiana mobile home not assessed as real property, and Indiana manufactured home not assessed as real property, as shown by the tax duplicate, exceeds the assessed value limit specified in subsection (d).

(d) Except as provided in subsection (f), for the:

- (1) January 1, 2017, January 1, 2018, and January 1, 2019, assessment dates, the assessed value limit for purposes of subsection (c) is one hundred seventy-five thousand dollars (\$175,000); and
- (2) January 1, 2020, assessment date and for each assessment date thereafter, the assessed value limit for purposes of subsection (c) is two hundred thousand dollars (\$200,000).

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

(f) For purposes of determining the assessed value of the real property, mobile home, or manufactured home under subsection (d) for an individual who has received a deduction under this section in a **particular previous** year, increases in assessed value that occur after the later of:

- (1) December 31, 2019; or



(2) the first year that the individual has received the deduction; are not considered unless the increase in assessed value is attributable to ~~physical improvements to the property.~~ **substantial renovation or new improvements. Where there is an increase in assessed value for purposes of the deduction under this section, the assessor shall provide a report to the county auditor describing the substantial renovation or new improvements, if any, that were made to the property prior to the increase in assessed value."**

Page 6, line 30, delete "JULY" and insert "UPON PASSAGE].".

Page 6, line 31, delete "1, 2022].".

Page 6, line 41, delete "JULY" and insert "UPON PASSAGE].".

Page 6, line 42, delete "1, 2022].".

Page 8, line 3, delete "JULY" and insert "UPON PASSAGE].".

Page 8, line 4, delete "1, 2022].".

Page 8, line 24, delete "JULY" and insert "UPON PASSAGE].".

Page 8, line 25, delete "1, 2022].".

Page 8, line 33, delete "value." and insert "**value, and the assessing official has the burden to present probative evidence sufficient to substantiate the true tax value."**

Page 23, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 25. IC 6-1.1-20.6-8.5, AS AMENDED BY P.L.159-2020, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8.5. (a) This section applies to an individual who:

- (1) qualified for a standard deduction granted under IC 6-1.1-12-37 for the individual's homestead property in the immediately preceding calendar year (or was married at the time of death to a deceased spouse who qualified for a standard deduction granted under IC 6-1.1-12-37 for the individual's homestead property in the immediately preceding calendar year);
- (2) qualifies for a standard deduction granted under IC 6-1.1-12-37 for the same homestead property in the current calendar year;
- (3) is or will be at least sixty-five (65) years of age on or before December 31 of the calendar year immediately preceding the current calendar year; and
- (4) had:
 - (A) in the case of an individual who filed a single return, adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand dollars (\$30,000); or
 - (B) in the case of an individual who filed a joint income tax



return with the individual's spouse, combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding forty thousand dollars (\$40,000); for the calendar year preceding by two (2) years the calendar year in which property taxes are first due and payable.

(b) Except as provided in subsection (g), this section does not apply if:

- (1) for an individual who received a credit under this section before January 1, 2020, the gross assessed value of the homestead on the assessment date for which property taxes are imposed is at least two hundred thousand dollars (\$200,000); or
- (2) for an individual who initially applies for a credit under this section after December 31, 2019, the assessed value of the individual's Indiana real property is at least two hundred thousand dollars (\$200,000).

(c) An individual is entitled to an additional credit under this section for property taxes first due and payable for a calendar year on a homestead if:

- (1) the individual and the homestead qualify for the credit under subsection (a) for the calendar year;
- (2) the homestead is not disqualified for the credit under subsection (b) for the calendar year; and
- (3) the filing requirements under subsection (e) are met.

(d) The amount of the credit is equal to the greater of zero (0) or the result of:

- (1) the property tax liability first due and payable on the homestead property for the calendar year; minus
- (2) the result of:
 - (A) the property tax liability first due and payable on the qualified homestead property for the immediately preceding year after the application of the credit granted under this section for that year; multiplied by
 - (B) one and two hundredths (1.02).

However, property tax liability imposed on any improvements to or expansion of the homestead property after the assessment date for which property tax liability described in subdivision (2) was imposed shall not be considered in determining the credit granted under this section in the current calendar year.

(e) Applications for a credit under this section shall be filed in the manner provided for an application for a deduction under IC 6-1.1-12-9. However, an individual who remains eligible for the credit in the following year is not required to file a statement to apply



for the credit in the following year. An individual who receives a credit under this section in a particular year and who becomes ineligible for the credit in the following year shall notify the auditor of the county in which the homestead is located of the individual's ineligibility not later than sixty (60) days after the individual becomes ineligible.

(f) The auditor of each county shall, in a particular year, apply a credit provided under this section to each individual who received the credit in the preceding year unless the auditor determines that the individual is no longer eligible for the credit.

(g) For purposes of determining the:

- (1) assessed value of the homestead on the assessment date for which property taxes are imposed under subsection (b)(1); or
- (2) assessed value of the individual's Indiana real property under subsection (b)(2);

for an individual who has received a credit under this section in a ~~particular~~ **previous** year, increases in assessed value that occur after the later of December 31, 2019, or the first year that the individual has received the credit are not considered unless the increase in assessed value is attributable to ~~physical improvements to the property:~~ **substantial renovation or new improvements. Where there is an increase in assessed value for purposes of the credit under this section, the assessor shall provide a report to the county auditor describing the substantial renovation or new improvements, if any, that were made to the property prior to the increase in assessed value."**

Page 94, after line 5, begin a new paragraph and insert:

"SECTION 51. IC 36-9-27-48, AS AMENDED BY P.L.127-2017, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 48. (a) Whenever, in the construction or reconstruction of a regulated drain, the county surveyor determines that:

- (1) the proposed drain will cross a pipeline, cable, or similar equipment of a public utility; and
- (2) the equipment will interfere with the proper operation of the drain;

the county surveyor shall include in the county surveyor's plans the relocation requirements of the equipment. The county surveyor shall, by registered mail **or certified mail**, send a copy of the requirements to the public utility owning the equipment.

(b) If requested by the public utility, the county surveyor shall meet with the public utility at a time and place to be fixed by the county surveyor and hear objections to the requirements. After the hearing, the



county surveyor may change the requirements as justice may require.

(c) If the board finds that the relocation of a pipeline, cable, or similar equipment owned by a public utility is necessary in the construction or reconstruction of a regulated drain, the cost of relocation shall be paid by the public utility.

SECTION 52. [EFFECTIVE JULY 1, 2022] (a) IC 6-1.1-12-9, IC 6-1.1-12-14, and IC 6-1.1-20.6-8.5, all as amended by this act, apply to taxable years beginning after December 31, 2022.

(b) This SECTION expires July 1, 2025.

SECTION 53. [EFFECTIVE UPON PASSAGE] (a) For the biennium beginning July 1, 2021, and ending June 30, 2023, the budget agency shall augment from the state general fund the amount appropriated for the secretary of state's administration fund by an amount not to exceed three million two hundred thousand dollars (\$3,200,000), the amount necessary to meet the secretary of state's obligation for election security consultant services.

(b) For the biennium beginning July 1, 2021, and ending June 30, 2023, if the office of management and budget determines that funds appropriated for the career accelerator fund in P.L.165-2021 are an ineligible use of funds under the United States Treasury's guidance on the American Rescue Plan Act of 2021, then the budget agency shall augment from the state general fund the amount appropriated for the career accelerator fund in P.L.165-2021 by an amount not to exceed ten million dollars (\$10,000,000).

(c) For the state fiscal year:

(1) beginning July 1, 2021, and ending June 30, 2022; and

(2) beginning July 1, 2022, and ending June 30, 2023;

the budget agency may augment from the state general fund as necessary the amounts appropriated for local law enforcement training grants in P.L.165-2021 by an amount not to exceed the amount necessary to fully fund the grants awarded by the criminal justice institute during each state fiscal year.

(d) This SECTION expires July 1, 2024.



SECTION 54. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1260 as introduced).

BROWN T

Committee Vote: yeas 19, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1260 be amended to read as follows:

Page 3, line 38, after "church" insert "**or religious society**".

Page 3, line 40, delete "particular".

Page 4, line 1, after "church" insert "**or religious society**".

Page 4, line 2, after "church" insert "**or religious society**".

Page 4, line 3, delete "under this section" and insert "**after the five (5) year period described in subdivision (1)**".

Page 4, line 7, after "church" insert "**or religious society**".

Page 4, line 9, delete "church." and insert "**church or religious society**".

(Reference is to HB 1260 as printed January 24, 2022.)

THOMPSON

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1260, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 12 through 15, begin a new paragraph and insert:

"SECTION 2. IC 4-12-18-4, AS ADDED BY P.L.64-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) There is created the economic stimulus fund. Within the economic stimulus fund the auditor of state shall

EH 1260—LS 6580/DI 134



create a separate account for each separate federal stimulus legislation enacted. All discretionary funds received by the state must be deposited in the corresponding account within the economic stimulus fund unless prohibited by federal law.

(b) The economic stimulus fund is separate from the state general fund and all other state funds and accounts."

Page 2, delete lines 1 through 8.

Page 5, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-8-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 25.5. (a) A township assessor or county assessor (whichever is applicable) shall notify the department of local government finance of all new fixed property that the township assessor, or the county assessor if there is no township assessor for the township, will begin assessing under section 24 of this chapter and the assessment date on which the township assessor or county assessor will begin assessing the new fixed property under section 24 of this chapter.**

(b) The department of local government finance shall notify a company subject to taxation under this chapter if any of the company's property that was previously assessed by the department of local government finance under this chapter will instead be assessed by the township assessor, or the county assessor if there is not a township assessor for the township, under this chapter."

Page 6, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 9. IC 6-1.1-8-27, AS AMENDED BY P.L.148-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 27. (a) On or before July 1, for years ending before January 1, 2017, and on or before June 15 for years beginning after December 31, 2016, the department of local government finance shall certify to the county assessor and the county auditor of each county the distributable property assessed values which the department determines are distributable to the taxing districts of the county. In addition, if a public utility company has appealed the department of local government finance's assessment of the company's distributable property, the department shall notify the county auditor of the appeal.**

(b) The county assessor shall review the department of local government finance's certification under subsection (a) to determine if any of a public utility company's property which has a definite situs in the county has been omitted. The county auditor shall enter for taxation



the assessed valuation of a public utility company's distributable property which the department distributes to a taxing district of the county.

(c) The county assessor may exempt designated infrastructure development zone broadband assets (as defined IC 6-1.1-12.5-1). This includes the eligible broadband infrastructure assets located in a designated infrastructure development zone of a centrally assessed telephone company or cable company (as defined in IC 6-1.1-8-2 (15)).

(d) A centrally assessed telephone company or cable company (as defined in section 2(15) of this chapter) that makes eligible infrastructure investments in a designated infrastructure development zone established under the provisions of IC 6-1.1-12.5-5 in facilities and technologies used:

- (1) in the deployment and transmission of broadband service;**
- (2) in advanced services that increase the availability of broadband service;**
- (3) in advanced service; or**
- (4) under any combination of subdivisions (1), (2), or (3);**

is exempt from property taxation as set forth under IC 6-1.1-12.5-5.

(e) Upon conclusion of the certification process by the department of local government finance under this section, the centrally assessed telephone company or cable company (as defined in section 2(15) of this chapter) shall produce and submit, not later than July 1 of each assessment year, an annual report to the county assessor that includes sufficient information necessary for county assessor or county auditor to identify the broadband infrastructure investments that are eligible to be exempt from property taxes.

(f) The county auditor shall reduce the department of local government finance's certified values for each applicable state assessed personal property record that qualifies for the exemption prior to the certification of the county's net assessed values to the department. This shall include the certified values for the centrally assessed telephone company or cable company (as defined in section 2(15) of this chapter)."

Page 7, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 10. IC 6-1.1-12-1 IS REPEALED [EFFECTIVE JANUARY 1, 2023]. Sec. 1: (a) The following definitions apply throughout this section:

- (1) "installment loan" means a loan under which:



- (A) a lender advances money for the purchase of:
 - (i) a mobile home that is not assessed as real property; or
 - (ii) a manufactured home that is not assessed as real property; and

- (B) a borrower repays the lender in installments in accordance with the terms of an installment agreement.

(2) "Mortgage" means a lien against property that:

- (A) an owner of the property grants to secure an obligation, such as a debt, according to terms set forth in a written instrument, such as a deed or a contract; and

- (B) is extinguished upon payment or performance according to the terms of the written instrument.

The term includes a reverse mortgage.

(b) Each year a person who is a resident of this state may receive a deduction from the assessed value of:

- (1) mortgaged real property; an installment loan financed mobile home that is not assessed as real property; or an installment loan financed manufactured home that is not assessed as real property; with the mortgage or installment loan instrument recorded with the county recorder's office; that the person owns;

- (2) real property; a mobile home that is not assessed as real property; or a manufactured home that is not assessed as real property that the person is buying under a contract; with the contract or a memorandum of the contract recorded in the county recorder's office; which provides that the person is to pay the property taxes on the real property, mobile home, or manufactured home; or

- (3) real property; a mobile home that is not assessed as real property; or a manufactured home that the person owns or is buying on a contract described in subdivision (2) on which the person has a home equity line of credit that is recorded in the county recorder's office.

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

- (1) the balance of the mortgage or contract indebtedness (including a home equity line of credit) on the assessment date of that year;

- (2) one-half (1/2) of the assessed value of the real property; mobile home; or manufactured home; or

- (3) three thousand dollars (\$3,000);

whichever is least.



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

(e) The person must:

- (1) own the real property, mobile home, or manufactured home;
- or
- (2) be buying the real property, mobile home, or manufactured home under contract;

on the date the statement is filed under section 2 of this chapter.

SECTION 11. IC 6-1.1-12-2 IS REPEALED [EFFECTIVE JANUARY 1, 2023]. Sec. 2: (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, for a person to qualify for the deduction provided by section 1 of this chapter a statement must be filed under subsection (b) or (c). Regardless of the manner in which a statement is filed, the mortgage, contract, or memorandum (including a home equity line of credit) must be recorded with the county recorder's office to qualify for a deduction under section 1 of this chapter.

(b) Subject to subsection (c), to apply for the deduction under section 1 of this chapter with respect to real property, the person recording the mortgage, home equity line of credit, contract, or memorandum of the contract with the county recorder may file a written statement with the county recorder containing the information described in subsection (c)(1); (c)(2); (c)(3); (c)(4); (c)(6); (c)(7); and (c)(8). The statement must be prepared on the form prescribed by the department of local government finance and be signed by the property owner or contract purchaser under the penalties of perjury. The form must have a place for the county recorder to insert the record number and page where the mortgage, home equity line of credit, contract, or memorandum of the contract is recorded. Upon receipt of the form and the recording of the mortgage, home equity line of credit, contract, or memorandum of the contract, the county recorder shall insert on the form the record number and page where the mortgage, home equity line of credit, contract, or memorandum of the contract is recorded and forward the completed form to the county auditor. The county recorder may not impose a charge for the county recorder's duties under this subsection. The statement must be completed and dated in the calendar year for which the person wishes to obtain the deduction and filed with



the county recorder on or before January 5 of the immediately succeeding calendar year:

(c) With respect to:

- (1) real property as an alternative to a filing under subsection (b);
- or
- (2) a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property;

to apply for a deduction under section 1 of this chapter, a person who desires to claim the deduction may file a statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed and dated in the immediately preceding calendar year and filed with the county auditor on or before January 5 of the calendar year in which the property taxes are first due and payable. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. In addition to the statement required by this subsection, a contract buyer who desires to claim the deduction must submit a copy of the recorded contract or recorded memorandum of the contract, which must contain a legal description sufficient to meet the requirements of IC 6-1.1-5, with the first statement that the buyer files under this section with respect to a particular parcel of real property:

(d) Upon receipt of:

- (1) the statement under subsection (b); or
- (2) the statement under subsection (c) and the recorded contract or recorded memorandum of the contract;

the county auditor shall assign a separate description and identification number to the parcel of real property being sold under the contract.

(e) The statement referred to in subsections (b) and (c) must be verified under penalties for perjury. The statement must contain the following information:

- (1) The balance of the person's mortgage, home equity line of credit, or contract indebtedness that is recorded in the county recorder's office on the assessment date of the year for which the deduction is claimed;
- (2) The assessed value of the real property, mobile home, or manufactured home;
- (3) The full name and complete residence address of the person and of the mortgagee or contract seller.



(4) The name and residence of any assignee or bona fide owner or holder of the mortgage, home equity line of credit, or contract, if known; and if not known, the person shall state that fact.

(5) The record number and page where the mortgage, contract, or memorandum of the contract is recorded.

(6) A brief description of the real property, mobile home, or manufactured home which is encumbered by the mortgage or home equity line of credit or sold under the contract.

(7) If the person is not the sole legal or equitable owner of the real property, mobile home, or manufactured home, the exact share of the person's interest in it.

(8) The name of any other county in which the person has applied for a deduction under this section and the amount of deduction claimed in that application.

(f) The authority for signing a deduction application filed under this section may not be delegated by the real property, mobile home, or manufactured home owner or contract buyer to any person except upon an executed power of attorney. The power of attorney may be contained in the recorded mortgage, contract, or memorandum of the contract, or in a separate instrument.

(g) A closing agent (as defined in section 43(a)(2) of this chapter) is not liable for any damages claimed by the property owner or contract purchaser because of:

(1) the closing agent's failure to provide the written statement described in subsection (b);

(2) the closing agent's failure to file the written statement described in subsection (b);

(3) any omission or inaccuracy in the written statement described in subsection (b) that is filed with the county recorder by the closing agent; or

(4) any determination made with respect to a property owner's or contract purchaser's eligibility for the deduction under section 4 of this chapter.

(h) The county recorder may not refuse to record a mortgage, contract, or memorandum because the written statement described in subsection (b):

(1) is not included with the mortgage, home equity line of credit, contract, or memorandum of the contract;

(2) does not contain the signatures required by subsection (b);

(3) does not contain the information described in subsection (e); or

(4) is otherwise incomplete or inaccurate.



(i) The form prescribed by the department of local government finance under subsection (b) and the instructions for the form must both include a statement:

(1) that explains that a person is not entitled to a deduction under section 1 of this chapter unless the person has a balance on the person's mortgage or contract indebtedness that is recorded in the county recorder's office (including any home equity line of credit that is recorded in the county recorder's office) that is the basis for the deduction; and

(2) that specifies the penalties for perjury.

(j) The department of local government finance shall develop a notice:

(1) that must be displayed in a place accessible to the public in the office of each county auditor;

(2) that includes the information described in subsection (i); and

(3) that explains that the form prescribed by the department of local government finance to claim the deduction under section 1 of this chapter must be signed by the property owner or contract purchaser under the penalties of perjury.

SECTION 12. IC 6-1.1-12-3 IS REPEALED [EFFECTIVE JANUARY 1, 2023]. Sec. 3: An individual may claim the deduction provided by section 1 of this chapter for the assessment date in a year in the manner prescribed in section 4 of this chapter if during the filing period prescribed in section 2 of this chapter that applies to the assessment date the individual was:

(1) a member of the United States armed forces; and

(2) away from the county of his residence as a result of military service.

SECTION 5. IC 6-1.1-12-4 IS REPEALED [EFFECTIVE JANUARY 1, 2023]. Sec. 4: (a) An individual who satisfies the requirements of section 3 of this chapter may file a claim for a deduction, or deductions, provided by section 1 of this chapter during the year following the year in which the individual is discharged from military service. The individual shall file the claim, on the forms prescribed for claiming a deduction under section 2 of this chapter, with the auditor of the county in which the real property is located. The claim shall specify the particular year, or years, for which the deduction is claimed. The individual shall attach to the claim an affidavit which states the facts concerning the individual's absence as a member of the United States armed forces.

(b) The county property tax assessment board of appeals shall examine the individual's claim and shall determine the amount of



deduction; or deductions; the individual is entitled to and the year; or years; for which deductions are due. Based on the board's determination; the county auditor shall calculate the excess taxes paid by the individual and shall refund the excess to the individual from funds not otherwise appropriated. The county auditor shall issue; and the county treasurer shall pay; a warrant for the amount; if any; to which the individual is entitled.

SECTION 13. IC 6-1.1-12-5 IS REPEALED [EFFECTIVE JANUARY 1, 2023]. Sec. 5: A county auditor shall determine the amount of the deduction provided by section 1 of this chapter that an individual is entitled to and shall make an allowance for the deduction without a claim being filed if:

- (1) the county auditor determines that the individual satisfies the requirements of section 3 of this chapter; and
- (2) the individual is a resident of; and the real property is located in; the county that the auditor serves.

SECTION 14. IC 6-1.1-12-6 IS REPEALED [EFFECTIVE JANUARY 1, 2023]. Sec. 6: (a) The auditor of a county (referred to in this section as the "first county") with whom a deduction application is filed under section 2 of this chapter shall immediately prepare and transmit a copy of the application to the auditor of any other county (referred to in this section as the "second county") if:

- (1) the residence of the applicant is located in the second county; or
- (2) the applicant has applied for a deduction under section 2 of this chapter in the second county.

(b) The county property tax assessment board of appeals of the second county shall note on the copy of the application either:

- (1) the amount of the deduction provided under section 1 of this chapter that has been granted in the second county; or
- (2) that no deduction application has been filed under section 2 of this chapter in the second county.

The board shall then return the copy to the auditor of the first county.

(c) The county property tax assessment board of appeals of the first county shall then take appropriate action on the application. The board may not grant a deduction provided under section 1 of this chapter in an amount which will exceed the difference between the amount granted in any other county and the maximum amount permitted the applicant under section 1 of this chapter.

SECTION 15. IC 6-1.1-12-7 IS REPEALED [EFFECTIVE JANUARY 1, 2023]. Sec. 7: Each year; the county auditor shall ascertain if more than one (1) application has been filed by the same



person. The county auditor shall take appropriate action to grant the deductions provided under section † of this chapter in amounts that do not exceed the maximum allowed each person under section † of this chapter."

Delete page 8.

Page 9, delete lines 1 through 12.

Page 10, line 28, strike "two hundred thousand dollars (\$200,000)." and insert "**three hundred thousand dollars (\$300,000)**."

Page 10, line 31, strike "1,".

Page 14, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 19. IC 6-1.1-12-17.8, AS AMENDED BY P.L.257-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 17.8. (a) An individual who 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 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 †, 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 ~~9~~, 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 ~~9~~, 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 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, 2019, 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.

SECTION 20. IC 6-1.1-12-37, AS AMENDED BY P.L.156-2020, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 37. (a) The following definitions apply throughout this section:

- (1) "Dwelling" means any of the following:
 - (A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.
 - (B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.
 - (C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.
- (2) "Homestead" means an individual's principal place of residence:
 - (A) that is located in Indiana;
 - (B) that:



- (i) the individual owns;
 - (ii) the individual is buying under a contract recorded in the county recorder's office, or evidenced by a memorandum of contract recorded in the county recorder's office under IC 36-2-11-20, that provides that the individual is to pay the property taxes on the residence, and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;
 - (iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or
 - (iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and
- (C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

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

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

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

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

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

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



not assessed as real property; or

(2) for assessment dates:

(A) before January 1, 2023, forty-five thousand dollars (\$45,000); or

(B) after December 31, 2022, forty-eight thousand dollars (\$48,000).

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

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

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

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

(3) the names of:

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

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

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

if the applicant is an individual; or

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

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

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

if the applicant is not an individual; and



(4) either:

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

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

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

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

(iii) The last five (5) digits of a preparer tax identification number that is obtained by the individual through the Internal Revenue Service of the United States.

(iv) If the individual does not have a driver's license, a state identification card, or an Internal Revenue Service preparer tax identification number, the last five (5) digits of a control number that is on a document issued to the individual by the United States government.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed and dated in the immediately preceding calendar year and filed with the county auditor on or before January 5 of the calendar year in which the property taxes are first due and payable.

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

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

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

(A) a deduction under this section in the person's name as an



individual or a spouse; or

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

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

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

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

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

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

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole



purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.6-5 (after December 31, 2016). Each county auditor shall submit data on deductions applicable to the current tax year on or before March 15 of each year in a manner prescribed by the department of local government finance.

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

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

- (1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.
- (2) The property is the principal place of residence of an individual.
- (3) The property is owned by an entity that is not described in subsection (a)(2)(B).
- (4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.
- (5) The property was eligible for the standard deduction under this section on March 1, 2009.

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

- (1) imposed for an assessment date in 2009; and
- (2) first due and payable in 2010;

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

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



- (1) a deck or patio;
- (2) a gazebo; or
- (3) another residential yard structure, as defined in rules adopted by the department of local government finance (other than a swimming pool);

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

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

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

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

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

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

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

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

- (o) If:

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

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction; the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not



eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal when the county auditor informs the property owner of the county auditor's determination under this subsection.

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

(1) either:

(A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or

(B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

(A) the property on which the homestead is currently located was vacant land; or

(B) the construction of the dwelling that constitutes the homestead was not completed; and

(3) either:

(A) the individual files the certified statement required by subsection (e); or

(B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead.

An individual who satisfies the requirements of subdivisions (1) through (3) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6.

(q) This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring



after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

(r) This subsection:

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

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

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

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana; and

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. The property continues to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana and is serving on active duty, if the individual has lived at the property at any time during the past ten (10) years. Otherwise, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from



Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.

SECTION 21. IC 6-1.1-12-43, AS AMENDED BY P.L.214-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 43. (a) For purposes of this section:

- (1) "benefit" refers to a deduction under section ~~±~~, 9, 11, 13, 14, 16, 17.4 (before its expiration), 26, 29, 33, 34, 37, or 37.5 of this chapter;
- (2) "closing agent" means a person that closes a transaction;
- (3) "customer" means an individual who obtains a loan in a transaction; and
- (4) "transaction" means a single family residential:
 - (A) first lien purchase money mortgage transaction; or
 - (B) refinancing transaction.

(b) Before closing a transaction after December 31, 2004, a closing agent must provide to the customer the form referred to in subsection (c).

(c) Before June 1, 2004, the department of local government finance shall prescribe the form to be provided by closing agents to customers under subsection (b). The department shall make the form available to closing agents, county assessors, county auditors, and county treasurers in hard copy and electronic form. County assessors, county auditors, and county treasurers shall make the form available to the general public. The form must:

- (1) on one (1) side:
 - (A) list each benefit; **and**
 - (B) list the eligibility criteria for each benefit; **and**
 - ~~(C) indicate that a new application for a deduction under section ± of this chapter is required when residential real property is refinanced;~~
- (2) on the other side indicate:
 - (A) each action by and each type of documentation from the customer required to file for each benefit; and
 - (B) sufficient instructions and information to permit a party to terminate a standard deduction under section 37 of this chapter on any property on which the party or the spouse of the party will no longer be eligible for the standard deduction under section 37 of this chapter after the party or the party's spouse begins to reside at the property that is the subject of the closing, including an explanation of the tax consequences and applicable penalties, if a party unlawfully claims a standard



deduction under section 37 of this chapter; and
 (3) be printed in one (1) of two (2) or more colors prescribed by the department of local government finance that distinguish the form from other documents typically used in a closing referred to in subsection (b).

(d) A closing agent:

- (1) may reproduce the form referred to in subsection (c);
- (2) in reproducing the form, must use a print color prescribed by the department of local government finance; and
- (3) is not responsible for the content of the form referred to in subsection (c) and shall be held harmless by the department of local government finance from any liability for the content of the form.

(e) This subsection applies to a transaction that is closed after December 31, 2009. In addition to providing the customer the form described in subsection (c) before closing the transaction, a closing agent shall do the following as soon as possible after the closing, and within the time prescribed by the department of insurance under IC 27-7-3-15.5:

- (1) To the extent determinable, input the information described in IC 27-7-3-15.5(c)(2) into the system maintained by the department of insurance under IC 27-7-3-15.5.
- (2) Submit the form described in IC 27-7-3-15.5(c) to the data base described in IC 27-7-3-15.5(c)(2)(D).

(f) A closing agent to which this section applies shall document the closing agent's compliance with this section with respect to each transaction in the form of verification of compliance signed by the customer.

(g) Subject to IC 27-7-3-15.5(d), a closing agent is subject to a civil penalty of twenty-five dollars (\$25) for each instance in which the closing agent fails to comply with this section with respect to a customer. The penalty:

- (1) may be enforced by the state agency that has administrative jurisdiction over the closing agent in the same manner that the agency enforces the payment of fees or other penalties payable to the agency; and
- (2) shall be paid into:
 - (A) the state general fund, if the closing agent fails to comply with subsection (b); or
 - (B) the home ownership education account established by IC 5-20-1-27, if the closing agent fails to comply with subsection (e) in a transaction that is closed after December



31, 2009.

(h) A closing agent is not liable for any other damages claimed by a customer because of:

- (1) the closing agent's mere failure to provide the appropriate document to the customer under subsection (b); or
- (2) with respect to a transaction that is closed after December 31, 2009, the closing agent's failure to input the information or submit the form described in subsection (e).

(i) The state agency that has administrative jurisdiction over a closing agent shall:

- (1) examine the closing agent to determine compliance with this section; and
- (2) impose and collect penalties under subsection (g).

SECTION 22. IC 6-1.1-12-45, AS AMENDED BY P.L.257-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 45. (a) Subject to subsections (b) and (c), a deduction under this chapter applies for an assessment date and for the property taxes due and payable based on the assessment for that assessment date, regardless of whether with respect to the real property or mobile home or manufactured home not assessed as real property:

- (1) the title is conveyed one (1) or more times; or
- (2) one (1) or more contracts to purchase are entered into;

after that assessment date and on or before the next succeeding assessment date.

(b) Subsection (a) applies regardless of whether:

- (1) one (1) or more grantees of title under subsection (a)(1); or
- (2) one (1) or more contract purchasers under subsection (a)(2);

file a statement under this chapter to claim the deduction.

(c) A deduction applies under subsection (a) for only one (1) year. The requirements of this chapter for filing a statement to apply for a deduction under this chapter apply to subsequent years. A person who fails to apply for a deduction or credit under this article by the deadlines prescribed by this article may not apply for the deduction or credit retroactively.

(d) If:

- (1) a taxpayer wishes to claim a deduction under this chapter for a desired calendar year in which property taxes are first due and payable;
- (2) the taxpayer files a statement under this chapter on or before January 5 of the calendar year in which the property taxes are first due and payable; and
- (3) the eligibility criteria for the deduction are met;



the deduction applies for the desired calendar year in which the property taxes are first due and payable.

~~(e)~~ If a person who is receiving a deduction under section † of this chapter subsequently refinances the property, desires to continue claiming the deduction, and remains eligible for the deduction, the person must reapply for the deduction for the following assessment date:

~~(f)~~ (e) A person who is required to record a contract with a county recorder in order to qualify for a deduction under this article must record the contract, or a memorandum of the contract, before, or concurrently with, the filing of the corresponding deduction application.

~~(g)~~ (f) Before a county auditor terminates a deduction under this article, the county auditor shall give to the person claiming the deduction written notice that states the county auditor's intention to terminate the deduction and the county auditor's reason for terminating the deduction. The county auditor may send the notice to the taxpayer claiming the deduction by first class mail or by electronic mail. A notice issued under this subsection is not appealable under IC 6-1.1-15. However, after a deduction is terminated by a county auditor, the taxpayer may appeal the county auditor's action under IC 6-1.1-15.

SECTION 23. IC 6-1.1-12-46, AS AMENDED BY P.L.181-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 46. (a) This section applies to real property for an assessment date in 2011 or a later year if:

- (1) the real property is not exempt from property taxation for the assessment date;
- (2) title to the real property is transferred after the assessment date and on or before the December 31 that next succeeds the assessment date;
- (3) the transferee of the real property applies for an exemption under IC 6-1.1-11 for the next succeeding assessment date; and
- (4) the county property tax assessment board of appeals determines that the real property is exempt from property taxation for that next succeeding assessment date.

(b) For the assessment date referred to in subsection (a)(1), real property is eligible for any deductions for which the transferor under subsection (a)(2) was eligible for that assessment date under the following:

- (1) IC 6-1.1-12-1 **(before its repeal)**.
- (2) IC 6-1.1-12-9.
- (3) IC 6-1.1-12-11.

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- (4) IC 6-1.1-12-13.
- (5) IC 6-1.1-12-14.
- (6) IC 6-1.1-12-16.
- (7) IC 6-1.1-12-17.4 (before its expiration).
- (8) IC 6-1.1-12-18 (before its expiration).
- (9) IC 6-1.1-12-22 (before its expiration).
- (10) IC 6-1.1-12-37.
- (11) IC 6-1.1-12-37.5.

(c) For the payment date applicable to the assessment date referred to in subsection (a)(1), real property is eligible for the credit for excessive residential property taxes under IC 6-1.1-20.6 for which the transferor under subsection (a)(2) would be eligible for that payment date if the transfer had not occurred.

SECTION 24. IC 6-1.1-12.5-1, AS AMENDED BY P.L.91-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. **(a)** As used in this chapter, "eligible infrastructure" means the following:

- (1) Storage, compressed natural gas, liquefied natural gas, transmission, and distribution facilities to be used in the delivery of natural gas, or supplemental or substitute forms of gas sources by a natural gas utility.
- (2) Facilities and technologies used in the deployment and transmission of broadband service, however defined or classified by the Federal Communications Commission, or advanced services (as defined in 47 CFR 51.5) by a provider of broadband service or advanced services.
- (3) Facilities used in the treatment, storage, or distribution of water by a water utility.
- (4) Facilities used in the collection or treatment of wastewater by a wastewater utility.

(b) As used in this chapter, "a provider of broadband service or advanced services" includes a telephone company or cable company (as defined in IC 6-1.1-8-2(15)).

SECTION 25. IC 6-1.1-13-13, AS ADDED BY P.L.178-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 13. (a) This section applies to both residential real property and commercial property, with an assessed value of three million dollars (\$3,000,000) or less, for which the assessed value was increased for a tax year by an assessing official for any reason other than by the application of the annual adjustment factor used by the assessing official to adjust property values for that year. However, this section does not apply to an assessment if the assessment



is based on:

- (1) structural improvements;
- (2) zoning; or
- (3) uses;

that were not considered in the assessment for the prior tax year.

(b) If the taxpayer:

- (1) appeals an increased assessment as described in subsection (a) to the county property tax assessment board of appeals or the Indiana board; and
- (2) prevails in an appeal described in subdivision (1) or any resulting subsequent appeal of the increased assessment described in subsection (a);

the assessing official shall not increase the assessed value of the property until the first year of the next four (4) year cyclical assessment cycle for any reason other than by application of the annual adjustment factor used by the assessing official to adjust property values for a tax year. During this period, the taxpayer may not appeal an increased assessment made by the assessor unless the taxpayer believes that the increased assessment is arbitrary and capricious and not made consistent with the annual adjustment factor used by the assessing official to adjust property values for a tax year. If the taxpayer does appeal during this period on the grounds that the increased assessment is arbitrary and capricious and not made consistent with the annual adjustment factor used by the assessing official to adjust property values for a tax year, the provision shifting the burden to the assessing official to prove that the assessment is correct under ~~IC 6-1.1-15-17.2(d)~~ **IC 6-1.1-15-17.2(e)** does not apply.

(c) This section does not apply if:

- (1) the reduction in assessed value is the result of a settlement agreement between the taxpayer and the assessing official; or
- (2) the appeal is based on a correction of error under IC 6-1.1-15-1.1(a) and IC 6-1.1-15-1.1(b).

(d) If the taxpayer who appealed an increased assessment under this section sells the property, whose assessment was appealed, for fair market value, notwithstanding subsection (b), the assessor may reassess the property that was sold."

Page 14, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 15. IC 6-1.1-15-17.2, AS AMENDED BY P.L.121-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17.2. **(a) As used in this section, "substantially correct" means:**

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(1) for the assessor, that the assessor has proved that the value of the property is within five percent (5%) of the appealed assessment; and

(2) for the taxpayer, that the taxpayer has proved that the value of the property is within five percent (5%) of the taxpayer's contention of value.

~~(a)~~ **(b)** Except as provided in subsection ~~(d)~~; **(e)**, this section applies to any review or appeal of an assessment under this chapter if the assessment that is the subject of the review or appeal is an increase of more than five percent (5%) over the assessment for the same property for the prior tax year. In calculating the change in the assessment for purposes of this section, the assessment to be used for the prior tax year is the original assessment for that prior tax year or, if applicable, the assessment for that prior tax year:

- (1) as last corrected by an assessing official;
- (2) as stipulated or settled by the taxpayer and the assessing official; or
- (3) as determined by the reviewing authority.

~~(b)~~ **(c)** Under this section, the county assessor or township assessor making the assessment has the burden of proving that the assessment is **substantially** correct in any review or appeal under this chapter and in any appeals taken to the Indiana board of tax review or to the Indiana tax court. If a county assessor or township assessor fails to meet the burden of proof under this section, the taxpayer may introduce evidence to prove ~~the a~~ **a substantially** correct assessment. If neither the assessing official nor the taxpayer meets the burden of proof under this section, the assessment reverts to the assessment for the prior tax year, which is the original assessment for that prior tax year or, if applicable, the assessment for that prior tax year:

- (1) as last corrected by an assessing official;
- (2) as stipulated or settled by the taxpayer and the assessing official; or
- (3) as determined by the reviewing authority.

In appeals where the taxpayer contends that the assessment should be greater than the assessment for the prior tax year, the final assessed value may not be less than the taxpayer's contention of value in the appeal.

~~(c)~~ **(d)** This section does not apply to an assessment if the assessment that is the subject of the review or appeal is based on:

- (1) substantial renovations or new improvements;
- (2) zoning; or
- (3) uses;



that were not considered in the assessment for the prior tax year.

~~(d)~~ (e) This subsection applies to real property for which the gross assessed value of the real property was reduced by the assessing official or reviewing authority in an appeal conducted under IC 6-1.1-15. However, this subsection does not apply for an assessment date if the real property was valued using the income capitalization approach in the appeal. If the gross assessed value of real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in this subsection is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, regardless of the amount of the increase, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is correct."

Delete pages 15 through 16.

Page 17, delete lines 1 through 21.

Page 23, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 24. IC 6-1.1-18.5-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 28. (a) This section applies only to the Sugar Creek Township Fire Protection District in Vigo County.**

(b) Subject to subsection (c), the executive of a district described in subsection (a) may, after approval by the fiscal body of the district, and before August 1, 2022, submit a petition to the department of local government finance requesting an increase in the district's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2023.

(c) Before the fiscal body of the township may approve a petition under subsection (b), the fiscal body of the township shall hold a public hearing on the petition. The fiscal body shall give notice of the public hearing under IC 5-3-1. At the public hearing, the fiscal body shall make available to the public the following:

- (1) A fiscal plan describing the need for the increase to the levy and the expenditures for which the revenue generated from the increase to the levy will be used.**
- (2) A statement that the proposed increase will be a permanent increase to the district's maximum permissible ad valorem property tax levy.**
- (3) The estimated effect of the proposed increase on taxpayers.**

After the fiscal body approves the petition, the district shall immediately notify the other civil taxing units and school



corporations in the county that are located in a taxing district where the district is also located.

(d) If the executive of the district submits a petition under subsection (b), the department of local government finance shall increase the maximum permissible ad valorem property tax levy for property taxes first due and payable in 2023 by not more than one hundred thousand dollars (\$100,000).

(e) The district's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2023, as adjusted under this section, shall be used in the determination of the district's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxed first due and payable in 2024 and thereafter.

(f) This section expires June 30, 2026.

SECTION 25. IC 6-1.1-18.5-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 29. (a) This section applies only to the Otter Creek Township in Vigo County.

(b) Subject to subsection (c), the executive of a township described in subsection (a) may, after approval by the fiscal body of the township, and before August 1, 2022, submit a petition to the department of local government finance requesting an increase in the township's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2023.

(c) Before the fiscal body of the township may approve a petition under subsection (b), the fiscal body of the township shall hold a public hearing on the petition. The fiscal body shall give notice of the public hearing under IC 5-3-1. At the public hearing, the fiscal body shall make available to the public the following:

- (1) A fiscal plan describing the need for the increase to the levy and the expenditures for which the revenue generated from the increase to the levy will be used.
- (2) A statement that the proposed increase will be a permanent increase to the township's maximum permissible ad valorem property tax levy.
- (3) The estimated effect of the proposed increase on taxpayers.

After the fiscal body approves the petition, the township shall immediately notify the other civil taxing units and school corporations in the county that are located in a taxing district where the township is also located.

(d) If the executive of the township submits a petition under



subsection (b), the department of local government finance shall increase the maximum permissible ad valorem property tax levy for property taxes first due and payable in 2023 by not more than seventy-five thousand dollars (\$75,000).

(e) The township's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2023, as adjusted under this section, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2024 and thereafter.

(f) This section expires June 30, 2026.

SECTION 26. IC 6-1.1-18.5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 30. (a) This section applies only to Howard County.**

(b) Subject to subsection (c), the executive of a county described in subsection (a) may, after approval by the fiscal body of the county, and before August 1, 2022, submit a petition to the department of local government finance requesting an increase in the county's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2023.

(c) Before the fiscal body of the county may approve a petition under subsection (b), the fiscal body of the county shall hold a public hearing on the petition. The fiscal body shall give notice of the public hearing under IC 5-3-1. At the public hearing, the fiscal body shall make available to the public the following:

- (1) A fiscal plan describing the need for the increase to the levy and the expenditures for which the revenue generated from the increase to the levy will be used.
- (2) A statement that the proposed increase will be a permanent increase to the township's maximum permissible ad valorem property tax levy.
- (3) The estimated effect of the proposed increase on taxpayers.

After the fiscal body approves the petition, the county shall immediately notify the other civil taxing units and school corporations in the county that are located in a taxing district where the county is also located.

(d) If the executive of the county submits a petition under subsection (b), the department of local government finance shall increase the maximum permissible ad valorem property tax levy for property taxes first due and payable in 2023 by not more than



ninety-seven thousand two hundred and ninety-three dollars (\$97,293).

(e) The county's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2023, as adjusted under this section, shall be used in the determination of the county's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2024 and thereafter.

(f) This section expires June 30, 2026."

Page 36, between lines 31 and 32, begin a new paragraph and insert:
"SECTION 25. IC 6-1.1-37-1, AS AMENDED BY P.L.1-2010, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 1. An officer of state or local government who recklessly violates or fails to perform a duty imposed on him under:

- (1) IC 6-1.1-10-1(b);
- (2) IC 6-1.1-12-6;
- ~~(3) IC 6-1.1-12-7;~~
- ~~(4) (3) IC 6-1.1-17-1;~~
- ~~(5) (4) IC 6-1.1-17-3(a);~~
- ~~(6) (5) IC 6-1.1-17-5(d)(1);~~
- ~~(7) (6) IC 6-1.1-18-1;~~
- ~~(8) (7) IC 6-1.1-18-5;~~
- ~~(9) (8) IC 6-1.1-18-6;~~
- ~~(10) (9) IC 6-1.1-20-5;~~
- ~~(11) (10) IC 6-1.1-20-6;~~
- ~~(12) (11) IC 6-1.1-20-7;~~
- ~~(13) (12) IC 6-1.1-30-14; or~~
- ~~(14) (13) IC 6-1.1-36-13;~~

commits a Class A misdemeanor. In addition, the officer is liable for the damages sustained by a person as a result of the officer's violation of the provision or the officer's failure to perform the duty.

SECTION 26. IC 6-3.6-5-6, AS AMENDED BY P.L.86-2018, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: 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.

(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 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 residential property, as defined in IC 6-1.1-20.6-4.

(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).

(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.

(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 14. IC 6-3.6-11-2 IS REPEALED [EFFECTIVE JULY

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1, 2022]. 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:".

Page 54, line 35, reset in roman "Before July 1,".

Page 54, line 35, delete "A" and insert "2025, a".

Page 55, line 38, reset in roman "before July 1,".

Page 55, line 38, after "2022," insert "2025,".

Page 56, line 41, reset in roman "Before July 1,".

Page 56, line 41, delete "A" and insert "2025, a".

Page 57, line 39, reset in roman "Before July 1,".

Page 57, line 39, delete "A" and insert "2025, a".

Page 58, line 18, reset in roman "Before July 1,".

Page 58, line 18, delete "A" and insert "2025, a".

Page 58, line 42, reset in roman "before July 1,".

Page 58, line 42, after "2022," insert "2025,".

Page 62, line 14, reset in roman "before July 1,".

Page 62, line 14, after "2022," insert "2025,".

Page 64, line 42, reset in roman "before July 1,".

Page 64, line 42, after "2022," insert "2025,".

Page 65, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 44. IC 34-30-2-16.6, AS AMENDED BY P.L.86-2018, SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 16.6. (a) ~~IC 6-1-1-12-2~~ (Concerning a closing agent for failure to perform certain tasks for purposes of obtaining a property tax deduction for the property):

(b) IC 6-1.1-12-43 (Concerning a closing agent's failure to provide a form concerning property tax benefits).

SECTION 45. IC 36-1-3.5-5, AS AMENDED BY P.L.119-2012, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) This section applies to Lake County.

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of the county:

(1) Frequency of salary payments (formerly governed by



IC 17-3-73-2).

(2) Mileage allowances for deputy county auditors (formerly governed by IC 17-3-29-1).

~~(3) County purchasing agency (formerly governed by IC 17-2-77).~~

~~(4)~~ **(3)** County data processing agency (formerly governed by IC 17-2-74).

SECTION 46. IC 36-1-3.5-7, AS AMENDED BY P.L.119-2012, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) This section applies to St. Joseph County.

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of the county

~~(1) County purchasing agency (formerly governed by IC 17-2-77).~~

~~(2)~~ County data processing agency (formerly governed by IC 17-2-74).

SECTION 47. IC 36-2-3.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 7. (a) This section applies to Lake County.**

(b) The county executive shall have jurisdiction over the county purchasing agency.

SECTION 48. IC 36-2-3.5-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 7.5. (a) This section applies to St. Joseph County.**

(b) The county executive shall have jurisdiction over the county purchasing agency."

Page 104, delete lines 32 through 42.

Page 105, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 53. [EFFECTIVE JULY 1, 2022] (a) IC 6-1.1-15-17.2, as amended by this act, applies:

(1) to all appeals or reviews that are pending, but that have not yet had an evidentiary hearing on the effective date of this act; and

(2) to all appeals or reviews filed thereafter.

IC 6-1.1-15-17.2, as in effect before its amendment by this act, shall continue to apply to all appeals and review that have had an evidentiary hearing that occurred before the effective date of this act.

(b) This SECTION July 1, 2025.

SECTION 54. [EFFECTIVE JANUARY 1, 2020



(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, 2019, and before January 1, 2022.

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

(1) that is owned, occupied, and used by a taxpayer that is a church or religious society and is used for one (1) or more of the purposes described in IC 6-1.1-10-16 or IC 6-1.1-10-21;

(2) that is a parcel that was purchased by the taxpayer in 2019;

(3) on which property taxes were imposed for the 2020 and 2021 assessment dates; and

(3) that would have been eligible for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21 for the 2020 and 2021 assessment dates if an exemption application had been properly and timely filed under IC 6-1.1 for the property.

(d) Before September 1, 2022, the owner of eligible property may file a property tax exemption application and supporting documents claiming a property tax exemption under this SECTION for the eligible property for the 2020 and 2021 assessment dates.

(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. The owner is not entitled to any interest on the refund under IC 6-1.1 or any other law to the extent interest has not been paid by or on behalf of the owner. 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, 2022, 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, 2024.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1260 as reprinted January 27, 2022.)

MISHLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1260 be amended to read as follows:

Replace the effective date in SECTION 26 with "[EFFECTIVE JULY 1, 2022]".

Page 6, delete line 36 and insert "**section 2(15) of this chapter**".

Page 6, line 37, beginning with "(d)" begin a new paragraph.

Page 7, line 12, after "for" insert "**the**".

Page 16, delete lines 30 through 33, begin a new line block indented and insert:

"(6) except as provided in subsection (i), the assessed value of the real property, mobile home, or manufactured home does not exceed two hundred **forty** thousand dollars ~~(\$200,000)~~ **(\$240,000)**".

Page 37, line 36, reset in roman "IC 6-1.1-15-17.2(d)".

Page 37, line 36, delete "IC 6-1.1-15-17.2(e)" and insert "**(before its repeal) or IC 6-1.1-15-20**".

Page 38, delete lines 14 through 42.

Page 39, delete lines 1 through 30, begin a new paragraph and

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insert:

"SECTION 28. IC 6-1.1-15-17.1 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 17.1: In the case of a change occurring after February 28, 2015, in the classification of real property:

- (1) the county assessor or township assessor must on the notice required by IC 6-1.1-4-22 specify any changes in land classification and the reasons for the change; and
- (2) the county assessor or township assessor making the change in the classification has the burden of proving that the change in the classification is correct in any review or appeal under this chapter and in any appeals taken to the Indiana board of tax review or to the Indiana tax court.

SECTION 29. IC 6-1.1-15-17.2 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 17.2: (a) Except as provided in subsection (d), this section applies to any review or appeal of an assessment under this chapter if the assessment that is the subject of the review or appeal is an increase of more than five percent (5%) over the assessment for the same property for the prior tax year. In calculating the change in the assessment for purposes of this section, the assessment to be used for the prior tax year is the original assessment for that prior tax year or, if applicable, the assessment for that prior tax year:

- (1) as last corrected by an assessing official;
- (2) as stipulated or settled by the taxpayer and the assessing official; or
- (3) as determined by the reviewing authority.

(b) Under this section, the county assessor or township assessor making the assessment has the burden of proving that the assessment is correct in any review or appeal under this chapter and in any appeals taken to the Indiana board of tax review or to the Indiana tax court. If a county assessor or township assessor fails to meet the burden of proof under this section, the taxpayer may introduce evidence to prove the correct assessment. If neither the assessing official nor the taxpayer meets the burden of proof under this section, the assessment reverts to the assessment for the prior tax year, which is the original assessment for that prior tax year or, if applicable, the assessment for that prior tax year:

- (1) as last corrected by an assessing official;
- (2) as stipulated or settled by the taxpayer and the assessing official; or
- (3) as determined by the reviewing authority.

(c) This section does not apply to an assessment if the assessment that is the subject of the review or appeal is based on:

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- (1) substantial renovations or new improvements;
- (2) zoning; or
- (3) uses;

that were not considered in the assessment for the prior tax year.

(d) This subsection applies to real property for which the gross assessed value of the real property was reduced by the assessing official or reviewing authority in an appeal conducted under IC 6-1.1-15. However, this subsection does not apply for an assessment date if the real property was valued using the income capitalization approach in the appeal. If the gross assessed value of real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in this subsection is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, regardless of the amount of the increase, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is correct.

SECTION 30. IC 6-1.1-15-18 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 18. (a) This section applies to an appeal to which this chapter applies, including any review by the board of tax review or the tax court.

(b) This section applies to any proceeding pending or commenced after June 30, 2012.

(c) To accurately determine market-value-in-use, a taxpayer or an assessing official may:

- (1) in a proceeding concerning residential property, introduce evidence of the assessments of comparable properties located in the same taxing district or within two (2) miles of a boundary of the taxing district; and
- (2) in a proceeding concerning property that is not residential property, introduce evidence of the assessments of any relevant, comparable property.

However, in a proceeding described in subdivision (2), preference shall be given to comparable properties that are located in the same taxing district or within two (2) miles of a boundary of the taxing district. The determination of whether properties are comparable shall be made using generally accepted appraisal and assessment practices.

SECTION 31. IC 6-1.1-15-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 20. (a) In an appeal under this chapter, except as provided in subsection (b), the assessment as last determined by an assessing official or the county board is presumed to be equal to the property's true tax value until**



rebutted by evidence presented by the parties.

(b) If a property's assessment increased more than five percent (5%) over the property's assessment for the prior tax year, then the assessment is no longer presumed to be equal to the property's true tax value, and the assessing official has the burden of proof.

(c) For purposes of this chapter, an assessment for a prior tax year means the final value:

- (1) as last corrected by an assessing official;
- (2) as stipulated or settled by the taxpayer and the assessing official; or
- (3) as determined by a reviewing authority.

(d) Subsection (b) does not apply if the increase in the assessment on appeal is based on:

- (1) substantial renovations or new improvements;
- (2) zoning; or
- (3) uses;

that were not considered in the assessment for the prior tax year.

(e) Both parties in an appeal under this chapter may present evidence of the true tax value of the property, seeking to decrease or increase the assessment.

(f) In an appeal under this chapter, the Indiana board shall, as trier of fact, weigh the evidence and decide the true tax value of the property as compelled by the totality of the probative evidence before it. The Indiana board's determination of the property's true tax value may be higher or lower than the assessment or the value proposed by a party or witness. If the totality of the evidence presented to the Indiana board is insufficient to determine the property's true tax value in an appeal governed by subsection (a), then the property's assessment is presumed to be equal to the property's true tax value. If the totality of the evidence presented to the Indiana board is insufficient to determine the property's true tax value in an appeal governed by subsection (b), then the property's prior year assessment is presumed to be equal to the property's true tax value.

(g) The Indiana board shall hear its matters without regard to motions related to notice pleading or judgments on the evidence."

Page 46, line 15, delete "township" and insert "district".

Page 46, line 16, delete "township" and insert "district".

Page 48, delete lines 32 through 37, begin a new paragraph and insert:

"(e) The adjustment under this section is a temporary, one (1) time increase to the county's maximum permissible ad valorem



property tax levy for purposes of this chapter."

Page 61, delete lines 34 through 42.

Page 62, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 40. IC 6-1.1-37-1, AS AMENDED BY SEA 304-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 1. An officer of state or local government who recklessly violates or fails to perform a duty imposed on the officer under:

- (1) IC 6-1.1-10-1(b);
- (2) ~~IC 6-1.1-12-6;~~
- (3) ~~IC 6-1.1-12-7;~~
- (4) ~~(2)~~ IC 6-1.1-17-1;
- (5) ~~(3)~~ IC 6-1.1-17-3(a);
- (6) ~~(4)~~ IC 6-1.1-17-5(d);
- (7) ~~(5)~~ IC 6-1.1-18-1;
- (8) ~~(6)~~ IC 6-1.1-18-5;
- (9) ~~(7)~~ IC 6-1.1-18-6;
- (10) ~~(8)~~ IC 6-1.1-20-5;
- (11) ~~(9)~~ IC 6-1.1-20-6;
- (12) ~~(10)~~ IC 6-1.1-20-7;
- (13) ~~(11)~~ IC 6-1.1-30-14; or
- (14) ~~(12)~~ IC 6-1.1-36-13;

commits a Class A misdemeanor. In addition, the officer is liable for the damages sustained by a person as a result of the officer's violation of the provision or the officer's failure to perform the duty."

Page 92, delete lines 29 through 42.

Page 93, delete lines 1 through 21.

Page 132, delete lines 34 through 42.

Page 133, delete lines 1 through 2, begin a new paragraph and insert:

"SECTION 80. [EFFECTIVE JULY 1, 2022] **(a) IC 6-1.1-15-20, as added by this act, applies to:**

- (1) all appeals or reviews that are pending after June 30, 2022, but that have not yet had an evidentiary hearing before the Indiana board of tax review by July 1, 2022; and**
- (2) all appeals or reviews that are filed after June 30, 2022.**

(b) Notwithstanding the repeal of IC 6-1.1-15-17.1, IC 6-1.1-15-17.2, and IC 6-1.1-15-18 by this act, IC 6-1.1-15-17.1, IC 6-1.1-15-17.2, and IC 6-1.1-15-18 shall be applied as if they remain in effect in an appeal or review that is pending after June 30, 2022, and that has had an evidentiary hearing before the



Indiana board of tax review that occurred before July 1, 2022.

(c) This SECTION expires July 1, 2025."

Page 133, line 4, after "(RETROACTIVE)]" delete ":",

Page 133, line 18, delete "(3)" and insert "**(4)**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1260 as printed February 18, 2022.)

BASSLER

