



February 15, 2019

HOUSE BILL No. 1427

DIGEST OF HB 1427 (Updated February 13, 2019 5:03 pm - DI 58)

Citations Affected: IC 3-5; IC 4-13; IC 5-3; IC 5-11; IC 5-14; IC 5-24; IC 5-28; IC 6-1.1; IC 6-3.6; IC 6-8.1; IC 8-18; IC 8-22; IC 13-18; IC 14-27; IC 14-30; IC 14-33; IC 16-22; IC 16-23; IC 20-45; IC 20-49; IC 33-32; IC 36-1; IC 36-2; IC 36-4; IC 36-7; IC 36-7.5; IC 36-7.6; IC 36-8; IC 36-9; IC 36-12; noncode.

Synopsis: Local government matters. Provides that the state board of accounts, instead of the budget agency, is to approve audits for regional development authorities and allows for private examiners to perform audits. Excludes political subdivisions that do not have the power to impose property taxes from the requirement to upload a digital copy of certain contracts on the Indiana transparency Internet web site. Provides that if a political subdivision publishes or submits to the department of local government finance's (DLGF) computer gateway a notice that contains an error or omission that inaccurately reflects the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision by an amount that is less than 0.1%, the notice is a valid notice and the DLGF shall correct the error or omission. Specifies the deadlines for county auditors to submit property tax settlement and distribution information to the DLGF. Repeals the electronic digital signature act. Amends the definition of "owner" (for purposes of the property tax statutes) to delete the provision specifying that an owner of tangible property includes the holder of a tenancy for a term of years. Eliminates the permissive written demand to a county resident who is delinquent in the payment of personal property taxes during the period
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Effective: Upon passage; January 1, 2017 (retroactive); July 1, 2017 (retroactive); January 1, 2019 (retroactive); July 1, 2019; January 1, 2020; July 1, 2020.

Leonard, GiaQuinta, Pryor

January 15, 2019, read first time and referred to Committee on Ways and Means.
February 14, 2019, amended, reported — Do Pass.

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from May 10 to October 31. Changes the time period from at least 21 to 30 days for the county treasurer's notice of the sale of a mobile home. Deletes obsolete language in the statutes exempting certain business personal property with an acquisition cost of less than \$20,000. Specifies that a taxpayer eligible for such an exemption must include on the taxpayer's personal property tax return: (1) information concerning whether the taxpayer's business personal property within the county is in one location or multiple locations; and (2) an address for the location of the property. Provides that if a local service fee is imposed on a taxpayer claiming such an exemption, the county shall include the local service fee on a property tax bill associated with the tax district in which the majority value of the taxpayer's business personal property within the county is located. Provides that a taxpayer may be charged only one local service fee per county. Specifies that if a penalty is imposed on a taxpayer for failing to declare on the taxpayer's tax return that the taxpayer is entitled to the exemption for business personal property with an acquisition cost of less than \$20,000, the county shall include the penalty on a property tax bill associated with the tax district in which the majority value of the taxpayer's business personal property within the county is located. Eliminates (effective retroactive to July 1, 2017) several property tax deduction and credit reapplication requirements that were added by HEA 1450-2017 concerning unmarried taxpayers who married, married taxpayers who divorced, and taxpayers who came to own their property jointly or as tenants in common with another individual. Provides that the appropriate county officer designated by the county executive (rather than the assessor, under current law) is responsible for: (1) maintaining data files of the geographic information system characteristics of each parcel in the county as of each assessment date; and (2) submitting those files to the geographic information office of the office of technology. Requires that the budget notice that political subdivisions must publish on the DLGF's computer gateway must also include information concerning the percentage change between the current and proposed tax levies of each fund. Provides that a person seeking a property tax exemption for property used for a charitable purpose may file an exemption application up to 30 days following the statutory deadline for the exemption application if the person pays a late filing fee. Requires county auditors to submit data on deductions applicable to the current tax year to the homestead property data base on or before March 15 of each year, in a manner prescribed by the DLGF. Repeals the statute providing for a county board of tax adjustment. Repeals provisions related to the county board of tax adjustment and the local budgeting process. Specifies that a political subdivision shall file the budget adopted by the political subdivision with the DLGF not later than five business days after the budget is adopted. Authorizes the DLGF to adopt rules for procedures related to local government budgeting. Specifies that the adoption, amendment, or repeal of such a rule by the DLGF may not take effect before March 1 or after July 31 of a particular year. Provides that the county executive (instead of the DLGF) may cancel any property taxes assessed against real property owned by a county, township, city, town, or body corporate and politic under certain circumstances. Removes the provision in current law that requires the DLGF to be a party to any contract in which a county assessor employs professional appraisers as technical advisers for assessments. Provides that the standard contract to employ professional appraisers is void if: (1) the appraiser is not certified at the time the contract is executed; or (2) the DLGF subsequently revokes the appraiser's certification. Requires a county that enters into a contract for computer software and with a software provider to upload the contract to the Indiana transparency Internet web site. Provides that a governmental entity shall (not may) submit a proposed notice, ordinance, or resolution to the DLGF for review.

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Requires a political subdivision to adopt the needed changes to its budget, tax levy, or rate in a public meeting if the political subdivision's tax levy is increased by the DLGF to an amount that exceeds the amount originally advertised or adopted by the political subdivision. Provides that a civil taxing unit may not request permission to impose a property tax on account of revenue shortfalls, if the revenue shortfall preceded the most recent certified budget for the civil taxing unit by more than five years. Specifies that: (1) rules adopted by the DLGF for the appraisal of real property may not apply to any appraisal contemporaneously being conducted under a county's reassessment plan; and (2) rules adopted by the DLGF may first apply to the reassessment phase beginning in the following calendar year under a county's reassessment plan. Specifies that for purposes of attributing the amount of a property tax deduction or exemption to the gross assessed value of a property: (1) a deduction or exemption that is specific to an improvement shall be applied only to the assessed value allocation pertaining to that improvement; and (2) to the extent that a deduction or exemption is not specific to an improvement, the deduction or exemption shall be applied in the order that will maximize the benefit of the deduction or exemption to the taxpayer. Provides that Highland Township in Greene County may increase its maximum township property tax levy for 2020 and thereafter. Provides that Taylor Township in Greene County may increase its maximum township property tax levy and its maximum fire protection and emergency services property tax levy for 2020 and thereafter. Allows Green Township in Hancock County to increase its maximum levy for the township's general fund to offset the reduction in the maximum levy that occurred beginning in 2003 that was based on the township's actual levy (levy banked amount). Extends the maximum time period from 20 to 22 years for the allocation of local income taxes for correctional and rehabilitation facilities. Limits to 20% the amount of revenue that may be used for operating expenses for correctional facilities and rehabilitation facilities in the county if the ordinance to impose the tax rate is adopted after June 30, 2019. Changes the time line for providing local income tax distribution numbers to local units. Removes local income tax economic development allocations from the adjustment to Clark County's economic development revenue allocation. Revises a statute concerning the investment of proceeds from the sale of the Montgomery County hospital. Allows school corporations to apply for an advance from the common school fund to pay certain property tax refunds resulting from significant property tax appeals that were lost or settled by counties. Limits the total advance amount to all school corporations to \$10,000,000. Authorizes a county fiscal body to establish a salary schedule that includes greater compensation for the presiding officer or secretary of the county fiscal body or county executive if certain conditions are satisfied. Provides that a redevelopment commission may issue bonds or enter into leases with a term of up to 35 years to finance a project that includes, as part of the project, the use and repurposing of two or more buildings and structures that are: (1) at least 75 years old; and (2) located at a site at which manufacturing previously occurred over a period of at least 75 years. Specifies that in the case of an allocation area for such a project, the expiration date of the allocation provision may not be more than 35 years after the date on which the allocation provision is established. Allows an adopting body (the county fiscal body or the local income tax council, whichever is applicable) to adopt an ordinance to provide for an alternative distribution of the certified share part of local income tax revenue based on revenue and population of municipalities and townships in the county. Provides that the statute restricting the disclosure of a covered person's address by a county, city, town, or township applies to a surviving spouse of a covered person, if the covered spouse was killed in the line of duty. Voids an annexation

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Digest Continued

remonstrance waiver (waiver) executed before July 1, 2003. Voids a waiver executed after June 30, 2003, and before July 1, 2019, unless the waiver was recorded in the county where the property is located before January 1, 2020. Voids a waiver executed after June 30, 2019, unless the waiver was recorded in the county where the property is located within 30 business days after the date the waiver was executed. Provides that a waiver executed after June 30, 2003, that was properly recorded expires 15 years after the date the waiver was executed. Provides that waivers voided under the bill do not invalidate annexations that were effective before July 1, 2019. Provides that a city or town may contract for fire protection services and requires that a contract for fire protection services be in writing and for a fixed term. Provides that an individual elected to certain county offices must take a newly elected official training course before the individual first takes office. Provides that the newly elected official training course counts toward the individual's other elected official training requirements. Provides that money in the county elected officials training fund may be used to provide: (1) travel, lodging, and related expenses associated with any training paid for from the fund; and (2) training of one or more designees of a county elected official if sufficient funds are appropriated by the county fiscal body. Provides that money in the county elected officials training fund may be used for the newly elected official training course expenses. Provides that the failure of an individual to complete the required training does not prevent the individual from taking an office to which the individual was elected. Provides that certain statutes relating to the lease of real property by a political subdivision do not apply to a lease if the total annual cost of the lease is less than \$250,000. Validates a lease entered into by a political subdivision before January 1, 2019, with an annual cost of less than \$250,000 if the political subdivision's leasing agent did not comply with these statutes when the lease was entered into. Provides for an extension of time to submit a city's budget in the case of a veto after October 1. Removes the appointment of members to the Fort Harrison reuse authority by the Indianapolis mayor and by Marion County. Specifies that all members or employees of a volunteer fire department who also serve on the fiscal body of a local government unit must abstain from voting on the unit's budget. Urges the legislative council to assign to an appropriate interim study committee, for study during the 2019 interim of the general assembly, the topic of local income taxes, including revenue allocations and uses. Makes technical changes and corresponding changes.

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February 15, 2019

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1427

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

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

1 SECTION 1. IC 3-5-4-1.7, AS AMENDED BY P.L.74-2017,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1.7. (a) Except as otherwise expressly authorized
4 or required under this title, a filing by a person with a commission, the
5 election division, an election board, or a county voter registration office
6 may not be made by fax or electronic mail.

7 (b) A petition of nomination filed with a county voter registration
8 office under IC 3-8-2, IC 3-8-2.5, IC 3-8-3, or IC 3-8-6 or a petition to
9 place a public question on the ballot, or any other petition filed that
10 requires the county voter registration office to certify the validity of
11 signatures, may not contain the electronic signature, (~~as defined in~~
12 ~~IC 5-24-2-2~~); digital signature, (~~as defined in IC 5-24-2-1~~); digitized
13 signature, or photocopied signature of a voter.

14 SECTION 2. IC 4-13-2-14.1, AS AMENDED BY P.L.113-2010,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2019]: Sec. 14.1. (a) A contract to which a state agency is a
2 party must be approved by the following persons:

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

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

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

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

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

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

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

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

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

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

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

40 SECTION 3. IC 5-3-1-2.3, AS AMENDED BY P.L.149-2016,
41 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 2.3. (a) A notice published in accordance with this



1 chapter or any other Indiana statute is valid even though the notice
2 contains errors or omissions, as long as:

- 3 (1) a reasonable person would not be misled by the error or
4 omission; and
5 (2) the notice is in substantial compliance with the time and
6 publication requirements applicable under this chapter or any
7 other Indiana statute under which the notice is published.

8 **(b) This subsection applies if:**

- 9 **(1) a political subdivision publishes or submits to the**
10 **department of local government finance's computer gateway**
11 **a notice concerning a tax rate, tax levy, or budget;**
12 **(2) the notice described in subdivision (1) contains an error or**
13 **omission that causes the notice to inaccurately reflect the tax**
14 **rate, tax levy, or budget actually proposed or fixed by the**
15 **political subdivision; and**
16 **(3) the difference between the amount of the published or**
17 **submitted tax rate, tax levy, or budget of the political**
18 **subdivision and the tax rate, tax levy, or budget actually**
19 **proposed or fixed by the political subdivision is less than**
20 **one-tenth of one percent (0.1%).**

21 **Notwithstanding any other law, a notice described in this**
22 **subsection is a valid notice and the department of local government**
23 **finance shall correct the error or omission.**

24 SECTION 4. IC 5-11-1-7, AS AMENDED BY P.L.149-2016,
25 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2019]: Sec. 7. (a) The state examiner shall appoint assistants
27 not exceeding the number required to administer this article. The
28 assistants are to be known as "field examiners" and are at all times
29 subject to the order and direction of the state examiner. Field
30 examiners shall inspect and examine accounts of all state agencies,
31 municipalities, and other governmental units, entities, or
32 instrumentalities.

33 (b) The state examiner may engage or, in accordance with section
34 24 of this chapter, allow the engagement of private examiners to the
35 extent the state examiner determines necessary to satisfy the
36 requirements of this article. These examiners are subject to the
37 direction of the state examiner while performing examinations under
38 this article. The state examiner shall allow the engagement of private
39 examiners for any state college or university subject to examination
40 under this article if the state examiner finds that the private examiner
41 is an independent certified public accountant firm with specific
42 expertise in the financial affairs of educational organizations. **The state**



1 **examiner shall allow the engagement of private examiners for any**
 2 **development authority in accordance with IC 36-7.5-2-9 or**
 3 **IC 36-7.6-2-14, whichever applies.** These private examiners are
 4 subject to the direction of the state examiner while performing
 5 examinations under this article.

6 (c) The state examiner may engage experts to assist the state board
 7 of accounts in carrying out its responsibilities under this article.

8 SECTION 5. IC 5-11-1-16, AS AMENDED BY P.L.181-2015,
 9 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 16. (a) As used in this article, "municipality"
 11 means any county, township, city, town, school corporation, special
 12 taxing district, or other political subdivision of Indiana.

13 (b) As used in this article, "state" means any board, commission,
 14 department, division, bureau, committee, agency, governmental
 15 subdivision, military body, authority, or other instrumentality of the
 16 state, but does not include a municipality.

17 (c) As used in this article, "public office" means the office of any
 18 and every individual who for or on behalf of the state or any
 19 municipality or any public hospital holds, receives, disburses, or keeps
 20 the accounts of the receipts and disbursements of any public funds.

21 (d) As used in this article, "public officer" means any individual
 22 who holds, receives, disburses, or is required by law to keep any
 23 account of public funds or other funds for which the individual is
 24 accountable by virtue of the individual's public office.

25 (e) As used in this article, "entity" means any provider of goods,
 26 services, or other benefits that is:

- 27 (1) maintained in whole or in part at public expense; or
- 28 (2) supported in whole or in part by appropriations or public funds
- 29 or by taxation.

30 The term does not include the state or a municipality (as defined in this
 31 section).

32 (f) As used in this article, a "public hospital" means either of the
 33 following:

- 34 (1) An institution licensed under IC 16-21 and which is owned by
 35 the state or an agency of the state or one which is a municipal
 36 corporation. A hospital is a municipal corporation if its governing
 37 board members are appointed by elected officials of a
 38 municipality.

- 39 (2) A state institution (as defined in IC 12-7-2-184).

40 (g) As used in this article, "audit committee" refers to the audit and
 41 financial reporting subcommittee of the legislative council established
 42 by IC 2-5-1.1-6.3.



1 (h) As used in this article, "audited entity" has the meaning set forth
2 in IC 2-5-1.1-6.3.

3 (i) **As used in this article, "development authority" has the**
4 **meaning set forth in the following:**

5 (1) **IC 36-7.5-1-8.**

6 (2) **IC 36-7.6-1-8.**

7 SECTION 6. IC 5-11-1-25, AS AMENDED BY P.L.181-2015,
8 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2019]: Sec. 25. (a) This section and section 24.4 of this
10 chapter do not limit the application of any law that requires a
11 municipality, a public hospital, another public office or public officer,
12 an entity, or another person or organization to be audited or otherwise
13 examined on an annual or other basis by:

14 (1) a certified public accountant; or

15 (2) a person other than the state examiner or the state board of
16 accounts.

17 (b) Subject to section 9 of this chapter and subsections (c) and (d),
18 the state board of accounts shall conduct examinations of audited
19 entities at the times determined by the state board of accounts, but not
20 less than once every four (4) years, using risk based examination
21 criteria that are established by the state board of accounts and approved
22 by the audit committee. The risk based examination criteria must
23 include the following risk factors:

24 (1) An audited entity has a newly elected or appointed fiscal
25 officer.

26 (2) An audited entity:

27 (A) has not timely filed; or

28 (B) has filed a materially incorrect or incomplete;

29 annual financial report required by section 4 of this chapter.

30 (3) Any other factor determined by the state examiner and
31 approved by the audit committee.

32 (c) Examinations must be conducted annually for the following:

33 (1) The state.

34 (2) An audited entity (other than a school corporation) that
35 requires an annual audit:

36 (A) because of the receipt of federal financial assistance in an
37 amount that subjects the audited entity to an annual federal
38 audit;

39 (B) due to continuing disclosure requirements; or

40 (C) as a condition of a public bond issuance.

41 (3) **A development authority.**

42 An audited entity shall, under the guidelines established by the state



1 board of accounts, provide notice to the state examiner not later than
 2 sixty (60) days after the close of the audited entity's fiscal year that the
 3 audited entity is required to have an annual audit under subdivision (2).

4 (d) As permitted under this section since September 1, 1986 (the
 5 effective date of P.L.3-1986, SECTION 16), examinations of school
 6 corporations shall be conducted biennially.

7 SECTION 7. IC 5-14-3.8-3.5, AS AMENDED BY P.L.255-2017,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 3.5. (a) This section applies only to contracts
 10 that a political subdivision **that is a taxing unit (as defined in**
 11 **IC 6-1.1-1-21)** enters into after June 30, 2016.

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

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

35 (d) Nothing in this section prohibits the political subdivision from
 36 withholding any information in the contract that the political
 37 subdivision shall or may withhold from disclosure under IC 5-14-3. A
 38 political subdivision may redact or obscure signatures on a contract.
 39 The political subdivision is solely responsible for redacting information
 40 in the contract.

41 SECTION 8. IC 5-14-3.8-9 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2019]: **Sec. 9. The county auditor of each county shall submit the certification of tax distribution and settlement to the Indiana transparency Internet web site biannually and not later than the following dates:**

(1) For the distribution and settlement to be completed by the fifty-first day after May 10 of a year under IC 6-1.1-27-1, not later than July 15 of the same year.

(2) For the distribution and settlement to be completed by the fifty-first day after November 10 of a year under IC 6-1.1-27-1, not later than January 15 of the following year.

SECTION 9. IC 5-24 IS REPEALED [EFFECTIVE JULY 1, 2019].
(Electronic Digital Signature Act).

SECTION 10. IC 5-28-26-1, AS ADDED BY P.L.203-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 1. As used in this chapter, "base assessed value" means:

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

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

SECTION 11. IC 6-1.1-1-9, AS AMENDED BY P.L.86-2018, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) For purposes of this article, the "owner" of tangible property shall be determined by using the rules contained in this section.

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

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

(2) the owner of that property who is designated as the grantee, buyer, or other equivalent term in the title document or bureau of motor vehicles affidavit of sale or disposal, if a title document is



- 1 ordinarily issued to an owner for that type of property.
- 2 (c) When title to tangible property passes on the assessment date of
3 any year, only the person obtaining title is the owner of that property on
4 the assessment date.
- 5 (d) When the mortgagee of real property is in possession of the
6 mortgaged premises, the mortgagee is the owner of that property.
- 7 (e) When personal property is security for a debt and the debtor is
8 in possession of the property, the debtor is the owner of that property.
- 9 (f) When a life tenant of real property ~~or a holder of a tenancy for a~~
10 ~~term of years in real property~~ is in possession of the real property, only
11 the life tenant ~~or the holder of a tenancy for a term of years~~ is the owner
12 of that property.
- 13 (g) When the grantor of a qualified personal residence trust created
14 under United States Treasury Regulation 25.2702-5(c)(2) is:
- 15 (1) in possession of the real property transferred to the trust; and
16 (2) entitled to occupy the real property rent free under the terms
17 of the trust;
- 18 the grantor is the owner of that real property.
- 19 SECTION 12. IC 6-1.1-3-7.2, AS AMENDED BY P.L.199-2016,
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2020]: Sec. 7.2. (a) This section applies to assessment
22 dates occurring after December 31, 2015.
- 23 (b) As used in this section, "affiliate" means an entity that
24 effectively controls or is controlled by a taxpayer or is associated with
25 a taxpayer under common ownership or control, whether by
26 shareholdings or other means.
- 27 (c) As used in this section, "business personal property" means
28 personal property that:
- 29 (1) is otherwise subject to assessment and taxation under this
30 article;
- 31 (2) is used in a trade or business or otherwise held, used, or
32 consumed in connection with the production of income; and
- 33 (3) was:
- 34 (A) acquired by the taxpayer in an arms length transaction
35 from an entity that is not an affiliate of the taxpayer, if the
36 personal property has been previously used in Indiana before
37 being placed in service in the county; or
- 38 (B) acquired in any manner, if the personal property has never
39 been previously used in Indiana before being placed in service
40 in the county.
- 41 The term does not include mobile homes assessed under IC 6-1.1-7,
42 personal property held as an investment, or personal property that is



1 assessed under IC 6-1.1-8 and is owned by a public utility subject to
 2 regulation by the Indiana utility regulatory commission. However, the
 3 term does include the personal property of a telephone company or a
 4 communications service provider if that personal property meets the
 5 requirements of subdivisions (1) through (3), regardless of whether that
 6 personal property is assessed under IC 6-1.1-8 and regardless of
 7 whether the telephone company or communications service provider is
 8 subject to regulation by the Indiana utility regulatory commission.

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

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

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

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

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

24 **If the property is in multiple locations within a county, the**
 25 **taxpayer shall provide an address for the location where the sum**
 26 **of acquisition costs for business personal property is greatest. If**
 27 **two (2) or more addresses contain the greatest equivalent sum of**
 28 **acquisition costs for business personal property within a given**
 29 **county, the taxpayer shall choose only one (1) address to list on the**
 30 **return.**

31 ~~(f) For purposes of the January 1, 2016, assessment date, a taxpayer~~
 32 ~~that is eligible for the exemption under this section may file with the~~
 33 ~~county assessor before May 17, 2016, a certification of the taxpayer's~~
 34 ~~eligibility for the exemption under this section instead of indicating the~~
 35 ~~taxpayer's eligibility for the exemption on the taxpayer's personal~~
 36 ~~property tax return.~~

37 SECTION 13. IC 6-1.1-3-7.3, AS AMENDED BY P.L.199-2016,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2020]: Sec. 7.3. (a) A county fiscal body may adopt an
 40 ordinance to impose a local service fee on each person that ~~indicates~~
 41 **declares** on the person's personal property tax return ~~or, for purposes~~
 42 ~~of the January 1, 2016, assessment date, on the person's certification~~



1 under section 7.2(f) of this chapter that the person's business personal
 2 property in the county is exempt from taxation under section 7.2 of this
 3 chapter. ~~for an assessment date after December 31, 2015.~~

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

7 (c) A local service fee imposed for an assessment date is due and
 8 payable at the same time that property taxes for that assessment date
 9 are due and payable. A county may collect a delinquent local service
 10 fee in the same manner as delinquent property taxes are collected.

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

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

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

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

22 SECTION 14. IC 6-1.1-4-17, AS AMENDED BY P.L.86-2018,
 23 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 17. (a) Subject to ~~the approval of the department~~
 25 ~~of local government finance and~~ the requirements of section 18.5 of
 26 this chapter, a county assessor may employ professional appraisers as
 27 technical advisors for assessments in all townships in the county. The
 28 department of local government finance may approve **or deny**
 29 employment under this subsection. ~~only if the department is a party to~~
 30 ~~the employment contract and any addendum to the employment~~
 31 ~~contract.~~

32 (b) A decision by a county assessor to not employ a professional
 33 appraiser as a technical advisor in a reassessment under section 4.2 of
 34 this chapter is subject to approval by the department of local
 35 government finance.

36 (c) As used in this chapter, "professional appraiser" means an
 37 individual or firm that is certified under IC 6-1.1-31.7.

38 SECTION 15. IC 6-1.1-4-18.5, AS AMENDED BY P.L.146-2008,
 39 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 18.5. (a) A county assessor may not use the
 41 services of a professional appraiser for assessment or reassessment
 42 purposes without a written contract. The contract used must be either



1 a standard contract developed by the department of local government
2 finance or a contract that has been specifically approved by the
3 department. The department shall ensure that the contract:

4 (1) includes all of the provisions required under section 19.5(b)
5 of this chapter; and

6 (2) adequately provides for the creation and transmission of real
7 property assessment data in the form required by the legislative
8 services agency and the division of data analysis of the
9 department.

10 (b) No contract shall be made with any professional appraiser to act
11 as technical advisor in the assessment of property, before the giving of
12 notice and the receiving of bids from anyone desiring to furnish this
13 service. Notice of the time and place for receiving bids for the contract
14 shall be given by publication by one (1) insertion in two (2) newspapers
15 of general circulation published in the county and representing each of
16 the two (2) leading political parties in the county. If only one (1)
17 newspaper is there published, notice in that one (1) newspaper is
18 sufficient to comply with the requirements of this subsection. The
19 contract shall be awarded to the lowest and best bidder who meets all
20 requirements under law for entering a contract to serve as technical
21 advisor in the assessment of property. However, any and all bids may
22 be rejected, and new bids may be asked.

23 (c) The county council of each county shall appropriate the funds
24 needed to meet the obligations created by a professional appraisal
25 services contract which is entered into under this chapter.

26 **(d) A county assessor who enters into a contract with a**
27 **professional appraiser shall submit a contract to the department**
28 **through the Indiana transparency Internet web site in the manner**
29 **prescribed by the department. The county shall upload the**
30 **contract not later than thirty (30) days after execution of the**
31 **contract.**

32 **(e) The department may review any contracts uploaded under**
33 **subsection (d) to ensure compliance with section 19.5 of this**
34 **chapter.**

35 SECTION 16. IC 6-1.1-4-19.5, AS AMENDED BY
36 P.L.182-2009(ss), SECTION 88, IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.5. (a) The
38 department of local government finance shall develop a standard
39 contract or standard provisions for contracts to be used in securing
40 professional appraising services.

41 (b) The standard contract or contract provisions must contain:

42 (1) a fixed date by which the professional appraiser or appraisal



- 1 firm shall have completed all responsibilities under the contract;
- 2 (2) a penalty clause under which the amount to be paid for
- 3 appraisal services is decreased for failure to complete specified
- 4 services within the specified time;
- 5 (3) a provision requiring the appraiser, or appraisal firm, to make
- 6 periodic reports to the county assessor;
- 7 (4) a provision stipulating the manner in which, and the time
- 8 intervals at which, the periodic reports referred to in subdivision
- 9 (3) of this subsection are to be made;
- 10 (5) a precise stipulation of what service or services are to be
- 11 provided and what class or classes of property are to be appraised;
- 12 (6) a provision stipulating that the contractor will generate
- 13 complete parcel characteristics and parcel assessment data in a
- 14 manner and format acceptable to the legislative services agency
- 15 and the department of local government finance;
- 16 (7) a provision stipulating that the legislative services agency and
- 17 the department of local government finance have unrestricted
- 18 access to the contractor's work product under the contract; and
- 19 (8) a provision stating that the **contract is void and**
- 20 **unenforceable if the appraiser is not certified by the**
- 21 **department of local government finance on the date that the**
- 22 **contract is executed is a party to the contract and any addendum**
- 23 **to the contract. or the department of local government finance**
- 24 **subsequently revokes the professional appraiser's certification**
- 25 **under IC 6-1.1-31.7-4 after the contract is executed.**

26 The department of local government finance may devise other
 27 necessary provisions for the contracts in order to give effect to this
 28 chapter.

29 (c) In order to comply with the duties assigned to it by this section,
 30 the department of local government finance may develop:

- 31 (1) one (1) or more model contracts;
- 32 (2) one (1) contract with alternate provisions; or
- 33 (3) any combination of subdivisions (1) and (2).

34 The department may approve special contract language in order to meet
 35 any unusual situations.

36 SECTION 17. IC 6-1.1-4-25, AS AMENDED BY P.L.203-2016,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 25. (a) Each township assessor and each county
 39 assessor shall keep the assessor's reassessment data and records current
 40 by securing the necessary field data and by making changes in the
 41 assessed value of real property as changes occur in the use of the real
 42 property. The township or county assessor's records shall at all times



1 show the assessed value of real property in accordance with this
 2 chapter. The township assessor shall ensure that the county assessor
 3 has full access to the assessment records maintained by the township
 4 assessor.

5 (b) ~~The township assessor (if any) in a county having a consolidated~~
 6 ~~city; the county assessor if there are no township assessors in a county~~
 7 ~~having a consolidated city; or the county assessor in every other county;~~
 8 shall:

9 (1) maintain an electronic data file of:

10 (A) the parcel characteristics and parcel assessments of all
 11 parcels; **and**

12 (B) the personal property return characteristics and
 13 assessments by return; **and**

14 ~~(C) the geographic information system characteristics of each~~
 15 ~~parcel;~~

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

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

20 (A) the legislative services agency; and

21 (B) the department of local government finance;

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

26 (A) the legislative services agency; and

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

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

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

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

36 (2) **maintain the electronic file in a form that formats the**
 37 **information in the file with the standard data, field, and**
 38 **record coding required and approved by the office of**
 39 **technology; and**

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



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

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

~~(2)~~ **(2) Resubmit the data** in the form and manner required under ~~this subsection (b) or (c)~~ upon request of the legislative services agency, the department of local government finance, or the geographic information office of the office of technology, as applicable, if data previously submitted under ~~this subsection (b) or (c)~~ does not comply with the requirements of ~~this subsection, subsection (b) or (c)~~, as determined by the legislative services agency, the department of local government finance, or the geographic information office of the office of technology, as applicable.

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

SECTION 18. IC 6-1.1-11-3, AS AMENDED BY P.L.232-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Subject to subsections (e), (f), (g), ~~and (h)~~, ~~and (i)~~, an owner of tangible property who wishes to obtain an exemption from property taxation shall file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. The application must be filed annually on or before:

(1) May 15 on forms prescribed by the department of local government finance, if the application is filed for an assessment date in a year that ends before January 1, 2016; and

(2) April 1 of the year containing the assessment date, if the application is filed in a year that begins after December 31, 2015.

Except as provided in sections 1, 3.5, and 4 of this chapter, the application applies only for the taxes imposed for the year for which the application is filed.

(b) The authority for signing an exemption application may not be delegated by the owner of the property to any other person except by an executed power of attorney.

(c) An exemption application which is required under this chapter



- 1 shall contain the following information:
- 2 (1) A description of the property claimed to be exempt in
- 3 sufficient detail to afford identification.
- 4 (2) A statement showing the ownership, possession, and use of
- 5 the property.
- 6 (3) The grounds for claiming the exemption.
- 7 (4) The full name and address of the applicant.
- 8 (5) For the year that ends on the assessment date of the property,
- 9 identification of:
- 10 (A) each part of the property used or occupied; and
- 11 (B) each part of the property not used or occupied;
- 12 for one (1) or more exempt purposes under IC 6-1.1-10 during the
- 13 time the property is used or occupied.
- 14 (6) Any additional information which the department of local
- 15 government finance may require.
- 16 (d) A person who signs an exemption application shall attest in
- 17 writing and under penalties of perjury that, to the best of the person's
- 18 knowledge and belief, a predominant part of the property claimed to be
- 19 exempt is not being used or occupied in connection with a trade or
- 20 business that is not substantially related to the exercise or performance
- 21 of the organization's exempt purpose.
- 22 (e) An owner must file with an application for exemption of real
- 23 property under subsection (a) or section 5 of this chapter a copy of the
- 24 assessor's record kept under IC 6-1.1-4-25(a) that shows the calculation
- 25 of the assessed value of the real property for the assessment date for
- 26 which the exemption is claimed. Upon receipt of the exemption
- 27 application, the county assessor shall examine that record and
- 28 determine if the real property for which the exemption is claimed is
- 29 properly assessed. If the county assessor determines that the real
- 30 property is not properly assessed, the county assessor shall:
- 31 (1) properly assess the real property or direct the township
- 32 assessor to properly assess the real property; and
- 33 (2) notify the county auditor of the proper assessment or direct the
- 34 township assessor to notify the county auditor of the proper
- 35 assessment.
- 36 (f) If the county assessor determines that the applicant has not filed
- 37 with an application for exemption a copy of the record referred to in
- 38 subsection (e), the county assessor shall notify the applicant in writing
- 39 of that requirement. The applicant then has thirty (30) days after the
- 40 date of the notice to comply with that requirement. The county property
- 41 tax assessment board of appeals shall deny an application described in
- 42 this subsection if the applicant does not comply with that requirement



1 within the time permitted under this subsection. After December 31,
 2 2015, the notice required by this subsection must be sent not later than
 3 April 25 in the year that it is required.

4 (g) This subsection applies whenever a law requires an exemption
 5 to be claimed on or in an application accompanying a personal property
 6 tax return. The claim or application may be filed on or with a personal
 7 property tax return not more than thirty (30) days after the filing date
 8 for the personal property tax return, regardless of whether an extension
 9 of the filing date has been granted under IC 6-1.1-3-7.

10 (h) Notwithstanding subsection (a), a person seeking an exemption
 11 may file an exemption application up to three (3) years following the
 12 deadline set forth in subsection (a) if:

13 (1) the property on which the person seeking an exemption was
 14 exempt from taxation for the tax year immediately before the
 15 deadline set forth in subsection (a); and

16 (2) the person seeking an exemption would have been eligible for
 17 the exemption on the deadline set forth in subsection (a).

18 This subsection does not extend the deadline for an appeal of a denial
 19 of an exemption application.

20 (i) **Notwithstanding subsection (a), a person seeking an**
 21 **exemption under IC 6-1.1-10-16 may file an exemption application**
 22 **up to thirty (30) days following the deadline set forth in subsection**
 23 **(a) if the person pays a late filing fee equal to the lesser of:**

24 **(1) twenty-five dollars (\$25) for each day after the deadline set**
 25 **forth in subsection (a); or**

26 **(2) two hundred fifty dollars (\$250).**

27 SECTION 19. IC 6-1.1-12-17.8, AS AMENDED BY P.L.255-2017,
 28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2017 (RETROACTIVE)]: Sec. 17.8. (a) An individual who
 30 receives a deduction provided under section 1, 9, 11, 13, 14, 16, 17.4
 31 (before its expiration), or 37 of this chapter in a particular year and who
 32 remains eligible for the deduction in the following year is not required
 33 to file a statement to apply for the deduction in the following year.
 34 However, for purposes of a deduction under section 37 of this chapter,
 35 the county auditor may, in the county auditor's discretion, terminate the
 36 deduction for assessment dates after January 15, 2012, if the individual
 37 does not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired
 38 January 1, 2015), as determined by the county auditor, before January
 39 1, 2013. Before the county auditor terminates the deduction because
 40 the taxpayer claiming the deduction did not comply with the
 41 requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before
 42 January 1, 2013, the county auditor shall mail notice of the proposed



- 1 termination of the deduction to:
- 2 (1) the last known address of each person liable for any property
- 3 taxes or special assessment, as shown on the tax duplicate or
- 4 special assessment records; or
- 5 (2) the last known address of the most recent owner shown in the
- 6 transfer book.
- 7 (b) An individual who receives a deduction provided under section
- 8 1, 9, 11, 13, 14, 16, or 17.4 (before its expiration) of this chapter in a
- 9 particular year and who becomes ineligible for the deduction in the
- 10 following year shall notify the auditor of the county in which the real
- 11 property, mobile home, or manufactured home for which the individual
- 12 claims the deduction is located of the individual's ineligibility in the
- 13 year in which the individual becomes ineligible. An individual who
- 14 becomes ineligible for a deduction under section 37 of this chapter
- 15 shall notify the county auditor of the county in which the property is
- 16 located in conformity with section 37 of this chapter.
- 17 (c) The auditor of each county shall, in a particular year, apply a
- 18 deduction provided under section 1, 9, 11, 13, 14, 16, 17.4 (before its
- 19 expiration), or 37 of this chapter to each individual who received the
- 20 deduction in the preceding year unless the auditor determines that the
- 21 individual is no longer eligible for the deduction.
- 22 (d) An individual who receives a deduction provided under section
- 23 1, 9, 11, 13, 14, 16, 17.4 (before its expiration), or 37 of this chapter for
- 24 property that is jointly held with another owner in a particular year and
- 25 remains eligible for the deduction in the following year is not required
- 26 to file a statement to reapply for the deduction following the removal
- 27 of the joint owner if:
- 28 (1) the individual is the sole owner of the property following the
- 29 death of the individual's spouse; or
- 30 (2) the individual is the sole owner of the property following the
- 31 death of a joint owner who was not the individual's spouse.
- 32 ~~If an unmarried individual who is receiving a deduction under section~~
- 33 ~~37 of this chapter for a property subsequently marries, desires to~~
- 34 ~~continue claiming the deduction for the property, and remains eligible~~
- 35 ~~for the deduction, the individual must reapply for the deduction for the~~
- 36 ~~following assessment date. If a married individual who is receiving a~~
- 37 ~~deduction under section 37 of this chapter for a property with the~~
- 38 ~~individual's spouse subsequently divorces, desires to continue claiming~~
- 39 ~~the deduction for the property, and remains eligible for the deduction,~~
- 40 ~~the individual must reapply for the deduction for the following~~
- 41 ~~assessment date. However, the individual's failure to reapply for the~~
- 42 ~~deduction does not make the individual's former spouse ineligible for~~



1 a deduction under section 37 of this chapter. If a person who is
 2 receiving a deduction under section 9 of this chapter for a property
 3 subsequently comes to own the property with another person jointly or
 4 as a tenant in common, desires to continue claiming the deduction for
 5 the property, and remains eligible for the deduction, the person must
 6 reapply for the deduction for the following assessment date. If an
 7 unmarried individual who is receiving a credit under IC 6-1.1-20.6-8.5
 8 for a property subsequently marries, desires to continue claiming the
 9 credit for the property, and remains eligible for the credit, the
 10 individual must reapply for the credit for the following assessment
 11 date. **If a county auditor terminates a deduction under section 9 of
 12 this chapter, a deduction under section 37 of this chapter, or a
 13 credit under IC 6-1.1-20.6-8.5 after June 30, 2017, and before May
 14 1, 2019, because the taxpayer claiming the deduction or credit did
 15 not comply with a requirement added to this subsection by
 16 P.L.255-2017 to reapply for the deduction or credit, the county
 17 auditor shall reinstate the deduction or credit if the taxpayer
 18 provides proof that the taxpayer is eligible for the deduction or
 19 credit and is not claiming the deduction or credit for any other
 20 property.**

21 (e) A trust entitled to a deduction under section 9, 11, 13, 14, 16,
 22 17.4 (before its expiration), or 37 of this chapter for real property
 23 owned by the trust and occupied by an individual in accordance with
 24 section 17.9 of this chapter is not required to file a statement to apply
 25 for the deduction, if:

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

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

35 (f) A cooperative housing corporation (as defined in 26 U.S.C. 216)
 36 that is entitled to a deduction under section 37 of this chapter in the
 37 immediately preceding calendar year for a homestead (as defined in
 38 section 37 of this chapter) is not required to file a statement to apply for
 39 the deduction for the current calendar year if the cooperative housing
 40 corporation remains eligible for the deduction for the current calendar
 41 year. However, the county auditor may, in the county auditor's
 42 discretion, terminate the deduction for assessment dates after January



1 15, 2012, if the individual does not comply with the requirement in
 2 IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015), as determined by the
 3 county auditor, before January 1, 2013. Before the county auditor
 4 terminates a deduction because the taxpayer claiming the deduction did
 5 not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired
 6 January 1, 2015) before January 1, 2013, the county auditor shall mail
 7 notice of the proposed termination of the deduction to:

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

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

13 (g) An individual who:

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

17 (2) would have been eligible for a homestead credit under
 18 IC 6-1.1-20.9 (repealed) for property taxes imposed for the March
 19 1, 2008, or January 15, 2009, assessment date if IC 6-1.1-20.9 had
 20 not been repealed;

21 is not required to file a statement to apply for a deduction under section
 22 37 of this chapter if the individual remains eligible for the deduction in
 23 the current year. An individual who filed for a homestead credit under
 24 IC 6-1.1-20.9 (repealed) for an assessment date after March 1, 2007 (if
 25 the property is real property), or after January 1, 2008 (if the property
 26 is personal property), shall be treated as an individual who has filed for
 27 a deduction under section 37 of this chapter. However, the county
 28 auditor may, in the county auditor's discretion, terminate the deduction
 29 for assessment dates after January 15, 2012, if the individual does not
 30 comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January
 31 1, 2015), as determined by the county auditor, before January 1, 2013.
 32 Before the county auditor terminates the deduction because the
 33 taxpayer claiming the deduction did not comply with the requirement
 34 in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1,
 35 2013, the county auditor shall mail notice of the proposed termination
 36 of the deduction to the last known address of each person liable for any
 37 property taxes or special assessment, as shown on the tax duplicate or
 38 special assessment records, or to the last known address of the most
 39 recent owner shown in the transfer book.

40 (h) If a county auditor terminates a deduction because the taxpayer
 41 claiming the deduction did not comply with the requirement in
 42 IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1, 2013,



1 the county auditor shall reinstate the deduction if the taxpayer provides
 2 proof that the taxpayer is eligible for the deduction and is not claiming
 3 the deduction for any other property.

4 (i) A taxpayer described in section 37(k) of this chapter is not
 5 required to file a statement to apply for the deduction provided by
 6 section 37 of this chapter for a calendar year beginning after December
 7 31, 2008, if the property owned by the taxpayer remains eligible for the
 8 deduction for that calendar year. However, the county auditor may
 9 terminate the deduction for assessment dates after January 15, 2012, if
 10 the individual residing on the property owned by the taxpayer does not
 11 comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired January
 12 1, 2015), as determined by the county auditor, before January 1, 2013.
 13 Before the county auditor terminates a deduction because the
 14 individual residing on the property did not comply with the
 15 requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before
 16 January 1, 2013, the county auditor shall mail notice of the proposed
 17 termination of the deduction to:

- 18 (1) the last known address of each person liable for any property
 19 taxes or special assessment, as shown on the tax duplicate or
 20 special assessment records; or
 21 (2) the last known address of the most recent owner shown in the
 22 transfer book.

23 SECTION 20. IC 6-1.1-12-37, AS AMENDED BY P.L.255-2017,
 24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 37. (a) The following definitions apply throughout
 26 this section:

- 27 (1) "Dwelling" means any of the following:
 28 (A) Residential real property improvements that an individual
 29 uses as the individual's residence, including a house or garage.
 30 (B) A mobile home that is not assessed as real property that an
 31 individual uses as the individual's residence.
 32 (C) A manufactured home that is not assessed as real property
 33 that an individual uses as the individual's residence.
 34 (2) "Homestead" means an individual's principal place of
 35 residence:
 36 (A) that is located in Indiana;
 37 (B) that:
 38 (i) the individual owns;
 39 (ii) the individual is buying under a contract recorded in the
 40 county recorder's office, or evidenced by a memorandum of
 41 contract recorded in the county recorder's office under
 42 IC 36-2-11-20, that provides that the individual is to pay the



1 property taxes on the residence, and that obligates the owner
 2 to convey title to the individual upon completion of all of the
 3 individual's contract obligations;

4 (iii) the individual is entitled to occupy as a
 5 tenant-stockholder (as defined in 26 U.S.C. 216) of a
 6 cooperative housing corporation (as defined in 26 U.S.C.
 7 216); or

8 (iv) is a residence described in section 17.9 of this chapter
 9 that is owned by a trust if the individual is an individual
 10 described in section 17.9 of this chapter; and

11 (C) that consists of a dwelling and the real estate, not
 12 exceeding one (1) acre, that immediately surrounds that
 13 dwelling.

14 Except as provided in subsection (k), the term does not include
 15 property owned by a corporation, partnership, limited liability
 16 company, or other entity not described in this subdivision.

17 (b) Each year a homestead is eligible for a standard deduction from
 18 the assessed value of the homestead for an assessment date. Except as
 19 provided in subsection (p), the deduction provided by this section
 20 applies to property taxes first due and payable for an assessment date
 21 only if an individual has an interest in the homestead described in
 22 subsection (a)(2)(B) on:

23 (1) the assessment date; or

24 (2) any date in the same year after an assessment date that a
 25 statement is filed under subsection (e) or section 44 of this
 26 chapter, if the property consists of real property.

27 If more than one (1) individual or entity qualifies property as a
 28 homestead under subsection (a)(2)(B) for an assessment date, only one
 29 (1) standard deduction from the assessed value of the homestead may
 30 be applied for the assessment date. Subject to subsection (c), the
 31 auditor of the county shall record and make the deduction for the
 32 individual or entity qualifying for the deduction.

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

36 (1) sixty percent (60%) of the assessed value of the real property,
 37 mobile home not assessed as real property, or manufactured home
 38 not assessed as real property; or

39 (2) forty-five thousand dollars (\$45,000).

40 (d) A person who has sold real property, a mobile home not assessed
 41 as real property, or a manufactured home not assessed as real property
 42 to another person under a contract that provides that the contract buyer



1 is to pay the property taxes on the real property, mobile home, or
 2 manufactured home may not claim the deduction provided under this
 3 section with respect to that real property, mobile home, or
 4 manufactured home.

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

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

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

16 (3) the names of:

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

18 (i) as the names appear in the records of the United States
 19 Social Security Administration for the purposes of the
 20 issuance of a Social Security card and Social Security
 21 number; or

22 (ii) that they use as their legal names when they sign their
 23 names on legal documents;

24 if the applicant is an individual; or

25 (B) each individual who qualifies property as a homestead
 26 under subsection (a)(2)(B) and the individual's spouse (if any):

27 (i) as the names appear in the records of the United States
 28 Social Security Administration for the purposes of the
 29 issuance of a Social Security card and Social Security
 30 number; or

31 (ii) that they use as their legal names when they sign their
 32 names on legal documents;

33 if the applicant is not an individual; and

34 (4) either:

35 (A) the last five (5) digits of the applicant's Social Security
 36 number and the last five (5) digits of the Social Security
 37 number of the applicant's spouse (if any); or

38 (B) if the applicant or the applicant's spouse (if any) does not
 39 have a Social Security number, any of the following for that
 40 individual:

41 (i) The last five (5) digits of the individual's driver's license
 42 number.



- 1 (ii) The last five (5) digits of the individual's state
 2 identification card number.
 3 (iii) The last five (5) digits of a preparer tax identification
 4 number that is obtained by the individual through the
 5 Internal Revenue Service of the United States.
 6 (iv) If the individual does not have a driver's license, a state
 7 identification card, or an Internal Revenue Service preparer
 8 tax identification number, the last five (5) digits of a control
 9 number that is on a document issued to the individual by the
 10 United States government.

11 If a form or statement provided to the county auditor under this section,
 12 IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or
 13 part or all of the Social Security number of a party or other number
 14 described in subdivision (4)(B) of a party, the telephone number and
 15 the Social Security number or other number described in subdivision
 16 (4)(B) included are confidential. The statement may be filed in person
 17 or by mail. If the statement is mailed, the mailing must be postmarked
 18 on or before the last day for filing. The statement applies for that first
 19 year and any succeeding year for which the deduction is allowed. With
 20 respect to real property, the statement must be completed and dated in
 21 the calendar year for which the person desires to obtain the deduction
 22 and filed with the county auditor on or before January 5 of the
 23 immediately succeeding calendar year. With respect to a mobile home
 24 that is not assessed as real property, the person must file the statement
 25 during the twelve (12) months before March 31 of the year for which
 26 the person desires to obtain the deduction.

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

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

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

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

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

39 the person must file a certified statement with the auditor of the county,
 40 notifying the auditor of the person's ineligibility, not more than sixty
 41 (60) days after the date of the change in eligibility. A person who fails
 42 to file the statement required by this subsection may, under



1 IC 6-1.1-36-17, be liable for any additional taxes that would have been
 2 due on the property if the person had filed the statement as required by
 3 this subsection plus a civil penalty equal to ten percent (10%) of the
 4 additional taxes due. The civil penalty imposed under this subsection
 5 is in addition to any interest and penalties for a delinquent payment that
 6 might otherwise be due. One percent (1%) of the total civil penalty
 7 collected under this subsection shall be transferred by the county to the
 8 department of local government finance for use by the department in
 9 establishing and maintaining the homestead property data base under
 10 subsection (i) and, to the extent there is money remaining, for any other
 11 purposes of the department. This amount becomes part of the property
 12 tax liability for purposes of this article.

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

16 (h) This subsection does not apply to property in the first year for
 17 which a deduction is claimed under this section if the sole reason that
 18 a deduction is claimed on other property is that the individual or
 19 married couple maintained a principal residence at the other property
 20 on the assessment date in the same year in which an application for a
 21 deduction is filed under this section or, if the application is for a
 22 homestead that is assessed as personal property, on the assessment date
 23 in the immediately preceding year and the individual or married couple
 24 is moving the individual's or married couple's principal residence to the
 25 property that is the subject of the application. Except as provided in
 26 subsection (n), the county auditor may not grant an individual or a
 27 married couple a deduction under this section if:

28 (1) the individual or married couple, for the same year, claims the
 29 deduction on two (2) or more different applications for the
 30 deduction; and

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

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

42 (j) A county auditor may require an individual to provide evidence



1 proving that the individual's residence is the individual's principal place
 2 of residence as claimed in the certified statement filed under subsection
 3 (e). The county auditor may limit the evidence that an individual is
 4 required to submit to a state income tax return, a valid driver's license,
 5 or a valid voter registration card showing that the residence for which
 6 the deduction is claimed is the individual's principal place of residence.
 7 The department of local government finance shall work with county
 8 auditors to develop procedures to determine whether a property owner
 9 that is claiming a standard deduction or homestead credit is not eligible
 10 for the standard deduction or homestead credit because the property
 11 owner's principal place of residence is outside Indiana.

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

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

17 (2) The property is the principal place of residence of an
 18 individual.

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

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

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

25 (l) If a county auditor terminates a deduction for property described
 26 in subsection (k) with respect to property taxes that are:

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

28 (2) first due and payable in 2010;

29 on the grounds that the property is not owned by an entity described in
 30 subsection (a)(2)(B), the county auditor shall reinstate the deduction if
 31 the taxpayer provides proof that the property is eligible for the
 32 deduction in accordance with subsection (k) and that the individual
 33 residing on the property is not claiming the deduction for any other
 34 property.

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

36 (1) a deck or patio;

37 (2) a gazebo; or

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

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

42 (n) A county auditor shall grant an individual a deduction under this



1 section regardless of whether the individual and the individual's spouse
 2 claim a deduction on two (2) different applications and each
 3 application claims a deduction for different property if the property
 4 owned by the individual's spouse is located outside Indiana and the
 5 individual files an affidavit with the county auditor containing the
 6 following information:

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

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

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

14 (B) That neither the individual nor the individual's spouse has
 15 an ownership interest in the other's principal place of
 16 residence.

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

21 A county auditor may require an individual or an individual's spouse to
 22 provide evidence of the accuracy of the information contained in an
 23 affidavit submitted under this subsection. The evidence required of the
 24 individual or the individual's spouse may include state income tax
 25 returns, excise tax payment information, property tax payment
 26 information, driver license information, and voter registration
 27 information.

28 (o) If:

29 (1) a property owner files a statement under subsection (e) to
 30 claim the deduction provided by this section for a particular
 31 property; and

32 (2) the county auditor receiving the filed statement determines
 33 that the property owner's property is not eligible for the deduction;
 34 the county auditor shall inform the property owner of the county
 35 auditor's determination in writing. If a property owner's property is not
 36 eligible for the deduction because the county auditor has determined
 37 that the property is not the property owner's principal place of
 38 residence, the property owner may appeal the county auditor's
 39 determination to the county property tax assessment board of appeals
 40 as provided in IC 6-1.1-15. The county auditor shall inform the
 41 property owner of the owner's right to appeal to the county property tax
 42 assessment board of appeals when the county auditor informs the



- 1 property owner of the county auditor's determination under this
 2 subsection.
- 3 (p) An individual is entitled to the deduction under this section for
 4 a homestead for a particular assessment date if:
- 5 (1) either:
- 6 (A) the individual's interest in the homestead as described in
 7 subsection (a)(2)(B) is conveyed to the individual after the
 8 assessment date, but within the calendar year in which the
 9 assessment date occurs; or
- 10 (B) the individual contracts to purchase the homestead after
 11 the assessment date, but within the calendar year in which the
 12 assessment date occurs;
- 13 (2) on the assessment date:
- 14 (A) the property on which the homestead is currently located
 15 was vacant land; or
- 16 (B) the construction of the dwelling that constitutes the
 17 homestead was not completed; and
- 18 (3) either:
- 19 (A) the individual files the certified statement required by
 20 subsection (e); or
- 21 (B) a sales disclosure form that meets the requirements of
 22 section 44 of this chapter is submitted to the county assessor
 23 on or before December 31 of the calendar year for the
 24 individual's purchase of the homestead.
- 25 An individual who satisfies the requirements of subdivisions (1)
 26 through (3) is entitled to the deduction under this section for the
 27 homestead for the assessment date, even if on the assessment date the
 28 property on which the homestead is currently located was vacant land
 29 or the construction of the dwelling that constitutes the homestead was
 30 not completed. The county auditor shall apply the deduction for the
 31 assessment date and for the assessment date in any later year in which
 32 the homestead remains eligible for the deduction. A homestead that
 33 qualifies for the deduction under this section as provided in this
 34 subsection is considered a homestead for purposes of section 37.5 of
 35 this chapter and IC 6-1.1-20.6.
- 36 (q) This subsection applies to an application for the deduction
 37 provided by this section that is filed for an assessment date occurring
 38 after December 31, 2013. Notwithstanding any other provision of this
 39 section, an individual buying a mobile home that is not assessed as real
 40 property or a manufactured home that is not assessed as real property
 41 under a contract providing that the individual is to pay the property
 42 taxes on the mobile home or manufactured home is not entitled to the



1 deduction provided by this section unless the parties to the contract
2 comply with IC 9-17-6-17.

3 (r) This subsection:

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

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

8 The owner of a mobile home that is not assessed as real property or a
9 manufactured home that is not assessed as real property must attach a
10 copy of the owner's title to the mobile home or manufactured home to
11 the application for the deduction provided by this section.

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

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

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

17 (3) was otherwise eligible, without regard to this subsection, for
18 the deduction under this section for the property for the
19 assessment date immediately preceding the transfer date specified
20 in the order described in subdivision (2).

21 For property to qualify under this subsection for the deduction provided
22 by this section, the individual described in subdivisions (1) through (3)
23 must submit to the county auditor a copy of the individual's transfer
24 orders or other information sufficient to show that the individual was
25 ordered to transfer to a location outside Indiana. The property continues
26 to qualify for the deduction provided by this section until the individual
27 ceases to be on active duty, the property is sold, or the individual's
28 ownership interest is otherwise terminated, whichever occurs first.
29 Notwithstanding subsection (a)(2), the property remains a homestead
30 regardless of whether the property continues to be the individual's
31 principal place of residence after the individual transfers to a location
32 outside Indiana. The property continues to qualify as a homestead
33 under this subsection if the property is leased while the individual is
34 away from Indiana and is serving on active duty, if the individual has
35 lived at the property at any time during the past ten (10) years.
36 Otherwise, the property ceases to qualify as a homestead under this
37 subsection if the property is leased while the individual is away from
38 Indiana. Property that qualifies as a homestead under this subsection
39 shall also be construed as a homestead for purposes of section 37.5 of
40 this chapter.

41 SECTION 21. IC 6-1.1-17-3, AS AMENDED BY P.L.184-2016,
42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

HB 1427—LS 7097/DI 120



1 JULY 1, 2019]: Sec. 3. (a) The proper officers of a political subdivision
 2 shall formulate its estimated budget and its proposed tax rate and tax
 3 levy on the form prescribed by the department of local government
 4 finance and approved by the state board of accounts. In formulating a
 5 political subdivision's estimated budget under this section, the proper
 6 officers of the political subdivision must consider the net property tax
 7 revenue that will be collected by the political subdivision during the
 8 ensuing year, after taking into account the estimate by the department
 9 of local government finance under IC 6-1.1-20.6-11.1 of the amount by
 10 which the political subdivision's distribution of property taxes will be
 11 reduced by credits under IC 6-1.1-20.6-9.5 in the ensuing year, ~~and~~
 12 after taking into account the estimate by the department of local
 13 government finance under section 0.7 of this chapter of the maximum
 14 amount of net property tax revenue and miscellaneous revenue that the
 15 political subdivision will receive in the ensuing year, **and after taking**
 16 **into account all payments for debt service obligations that are to be**
 17 **made by the political subdivision during the ensuing year.** The
 18 political subdivision or appropriate fiscal body, if the political
 19 subdivision is subject to section 20 of this chapter, shall submit the
 20 following information to the department's computer gateway:

21 (1) The estimated budget.

22 (2) The estimated maximum permissible levy, as provided by the
 23 department under IC 6-1.1-18.5-24.

24 (3) The current and proposed tax levies of each fund.

25 **(4) The percentage change between the current and proposed**
 26 **tax levies of each fund.**

27 ~~(4)~~ **(5)** The amount by which the political subdivision's
 28 distribution of property taxes may be reduced by credits granted
 29 under IC 6-1.1-20.6, as estimated by the department of local
 30 government finance under IC 6-1.1-20.6-11.

31 ~~(5)~~ **(6)** The amounts of excessive levy appeals to be requested.

32 ~~(6)~~ **(7)** The time and place at which the political subdivision or
 33 appropriate fiscal body will hold a public hearing on the items
 34 described in subdivisions (1) through ~~(5)~~: **(6)**.

35 **(8) The time and place at which the political subdivision or**
 36 **appropriate fiscal body will meet to fix the budget, tax rate,**
 37 **and levy under section 5 of this chapter.**

38 The political subdivision or appropriate fiscal body shall submit this
 39 information to the department's computer gateway at least ten (10) days
 40 before the public hearing required by this subsection in the manner
 41 prescribed by the department. The department shall make this
 42 information available to taxpayers, at least ten (10) days before the



1 public hearing, through its computer gateway and provide a telephone
 2 number through which taxpayers may request mailed copies of a
 3 political subdivision's information under this subsection. The
 4 department's computer gateway must allow a taxpayer to search for the
 5 information under this subsection by the taxpayer's address. The
 6 department shall review only the submission to the department's
 7 computer gateway for compliance with this section.

8 (b) The board of directors of a solid waste management district
 9 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
 10 conduct the public hearing required under subsection (a):

- 11 (1) in any county of the solid waste management district; and
 12 (2) in accordance with the annual notice of meetings published
 13 under IC 13-21-5-2.

14 (c) The trustee of each township in the county shall estimate the
 15 amount necessary to meet the cost of township assistance in the
 16 township for the ensuing calendar year. The township board shall adopt
 17 with the township budget a tax rate sufficient to meet the estimated cost
 18 of township assistance. The taxes collected as a result of the tax rate
 19 adopted under this subsection are credited to the township assistance
 20 fund.

21 (d) A political subdivision for which any of the information under
 22 subsection (a) is not submitted to the department's computer gateway
 23 in the manner prescribed by the department shall have its most recent
 24 annual appropriations and annual tax levy continued for the ensuing
 25 budget year.

26 (e) If a political subdivision or appropriate fiscal body timely
 27 submits the information under subsection (a) but subsequently
 28 discovers the information contains an error, the political subdivision or
 29 appropriate fiscal body may submit amended information to the
 30 department's computer gateway. However, submission of **amended an**
 31 **amendment to information described in subsection (a)(1) through**
 32 **(a)(6) must occur at least ten (10) days before the public hearing held**
 33 **under subsection (a), and submission of an amendment to**
 34 **information described in subsection (a)(7) must occur at least**
 35 **twenty-four (24) hours before the time in which the meeting to fix**
 36 **the budget, tax rate, and levy was originally advertised to**
 37 **commence.**

38 SECTION 22. IC 6-1.1-17-5, AS AMENDED BY P.L.119-2012,
 39 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 5. (a) The officers of political subdivisions shall
 41 meet each year to fix the budget, tax rate, and tax levy of their
 42 respective subdivisions for the ensuing budget year as follows:

HB 1427—LS 7097/DI 120



1 (1) The board of school trustees of a school corporation that is
 2 located in a city having a population of more than one hundred
 3 thousand (100,000) but less than one hundred ten thousand
 4 (110,000), not later than:

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

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

8 (2) **Except as provided in section 5.2 of this chapter**, the proper
 9 officers of all other political subdivisions that are not school
 10 corporations, not later than November 1.

11 (3) The governing body of a school corporation (other than a
 12 school corporation described in subdivision (1)) that elects to
 13 adopt a budget under section 5.6 of this chapter for budget years
 14 beginning after June 30, 2011, not later than the time required
 15 under section 5.6(b) of this chapter for budget years beginning
 16 after June 30, 2011.

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

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

26 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or
 27 tax levy of a political subdivision fixed under subsection (a) by filing
 28 an objection petition with the proper officers of the political
 29 subdivision not more than seven (7) days after the hearing. The
 30 objection petition must specifically identify the provisions of the
 31 budget, tax rate, and tax levy to which the taxpayers object.

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

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

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

42 (2) ~~two (2) copies of the budget adopted by the political~~



1 subdivision for the ensuing budget year; and

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

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

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

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

22 SECTION 23. IC 6-1.1-17-5.2 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2019]: **Sec. 5.2. If an ordinance to fix a city**
25 **budget, tax rate, and tax levy is:**

26 **(1) vetoed by the city executive under IC 36-4-6-16(a)(2); or**

27 **(2) considered vetoed under IC 36-4-6-16(b);**

28 **and the veto is effective on a date later than October 1, the city's**
29 **legislative body has thirty (30) days from the effective date of the**
30 **veto to override the veto in accordance with IC 36-4-6-16(c) to fix**
31 **the budget, tax rate, and tax levy for the ensuing budget year.**

32 SECTION 24. IC 6-1.1-17-5.6, AS AMENDED BY P.L.184-2016,
33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2019]: Sec. 5.6. (a) Each school corporation may elect to
35 adopt a budget under this section that applies from July 1 of the year
36 through June 30 of the following year. In the initial budget adopted by
37 a school corporation under this section, the first six (6) months of that
38 initial budget must be consistent with the last six (6) months of the
39 budget adopted by the school corporation for the calendar year in
40 which the school corporation elects by resolution to begin adopting
41 budgets that correspond to the state fiscal year. A corporation shall
42 submit a copy of the resolution to the department of local government



1 finance and the department of education not more than thirty (30) days
2 after the date the governing body adopts the resolution.

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

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

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

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

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

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

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

39 (e) A resolution adopted under subsection (d) may be rescinded by
40 a subsequent resolution adopted by the governing body. If the
41 governing body of the school corporation rescinds a resolution adopted
42 under subsection (d) and returns to a school year budget year, the



1 school corporation's initial school year budget year begins on July 1
 2 following the adoption of the rescinding resolution and ends on June
 3 30 of the following year. The first six (6) months of the initial school
 4 year budget for the school corporation must be consistent with the last
 5 six (6) months of the last calendar year budget fixed by the department
 6 of local government finance before the adoption of a rescinding
 7 resolution under this subsection.

8 SECTION 25. IC 6-1.1-17-6 IS REPEALED [EFFECTIVE JULY
 9 1, 2019]. Sec. 6: (a) The county board of tax adjustment shall review
 10 the budget, tax rate, and tax levy of each political subdivision filed with
 11 the county auditor under section 5 or 5.6 of this chapter. The board
 12 shall revise or reduce, but not increase, any budget, tax rate, or tax levy
 13 in order:

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

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

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

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

27 SECTION 26. IC 6-1.1-17-7, AS AMENDED BY P.L.146-2008,
 28 SECTION 152, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2019]: Sec. 7. If the boundaries of a political
 30 subdivision cross one (1) or more county lines, the budget, tax levy,
 31 and tax rate fixed by the political subdivision shall be filed with the
 32 county auditor of each affected county in the manner prescribed in
 33 section 5 or 5.6 of this chapter. The board of tax adjustment of the
 34 county which contains the largest portion of the value of property
 35 taxable by the political subdivision, as determined from the abstracts
 36 of taxable values last filed with the auditor of state, has jurisdiction
 37 over the budget, tax rate, and tax levy to the same extent as if the
 38 property taxable by the political subdivision were wholly within the
 39 county. The secretary of the county board of tax adjustment shall notify
 40 the county auditor of each affected county of the action of the board.
 41 Appeals from actions of the county board of tax adjustment may be
 42 initiated in any affected county.



1 SECTION 27. IC 6-1.1-17-8 IS REPEALED [EFFECTIVE JULY
2 1, 2019]. Sec. 8: (a) If the county board of tax adjustment determines
3 that the maximum aggregate tax rate permitted within a political
4 subdivision under IC 6-1.1-18 is inadequate, the county board shall,
5 subject to the limitations prescribed in IC 20-45-4 (before January 1,
6 2009), file its written recommendations in duplicate with the county
7 auditor. The board shall include with its recommendations:

8 (1) an analysis of the aggregate tax rate within the political
9 subdivision;

10 (2) a recommended breakdown of the aggregate tax rate among
11 the political subdivisions whose tax rates compose the aggregate
12 tax rate within the political subdivision; and

13 (3) any other information that the county board considers relevant
14 to the matter.

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

22 SECTION 28. IC 6-1.1-17-9 IS REPEALED [EFFECTIVE JULY
23 1, 2019]. Sec. 9: (a) The county board of tax adjustment shall complete
24 the duties assigned to it under this chapter on or before November 2 of
25 each year, except that in a consolidated city and county and in a county
26 containing a second class city, the duties of this board need not be
27 completed until December 1 of each year.

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

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

38 (1) publication of the notice required by section 12 of this
39 chapter; or

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

42 (d) When the county auditor calculates and fixes tax rates, that



1 action shall be treated as if it were the action of the county board of tax
2 adjustment:

3 SECTION 29. IC 6-1.1-17-10 IS REPEALED [EFFECTIVE JULY
4 1, 2019]. Sec. 10: When the aggregate tax rate within a political
5 subdivision, as approved or modified by the county board of tax
6 adjustment (before January 1, 2009), exceeds the maximum aggregate
7 tax rate prescribed in IC 6-1.1-18-3(a), the county auditor shall certify
8 the budgets, tax rates, and tax levies of the political subdivisions whose
9 tax rates compose the aggregate tax rate within the political
10 subdivision, as approved or modified by the county board, to the
11 department of local government finance for final review. For purposes
12 of this section, the maximum aggregate tax rate limit exceptions
13 provided in IC 6-1.1-18-3(b) do not apply.

14 SECTION 30. IC 6-1.1-17-11 IS REPEALED [EFFECTIVE JULY
15 1, 2019]. Sec. 11: A budget, tax rate, or tax levy of a political
16 subdivision, as approved or modified by the county board of tax
17 adjustment, is final unless:

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

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

23 (3) an appeal to the department of local government finance is
24 initiated with respect to the budget, tax rate, or tax levy:

25 SECTION 31. IC 6-1.1-17-12 IS REPEALED [EFFECTIVE JULY
26 1, 2019]. Sec. 12: If the budgets, tax rates, or tax levies are modified by
27 the county board of tax adjustment or county auditor, the county
28 auditor shall within fifteen (15) days of the modification prepare a
29 notice of the tax rates to be charged on each one hundred dollars (\$100)
30 of assessed valuation for the various funds in each taxing district. The
31 notice shall also inform the taxpayers of the manner in which they may
32 initiate an appeal of the modification by the county board or county
33 auditor. The county auditor shall post the notice at the county
34 courthouse and publish it in two (2) newspapers which represent
35 different political parties and which have a general circulation in the
36 county.

37 SECTION 32. IC 6-1.1-17-13 IS REPEALED [EFFECTIVE JULY
38 1, 2019]. Sec. 13: (a) Ten (10) or more taxpayers or one (1) taxpayer
39 that owns property that represents at least ten percent (10%) of the
40 taxable assessed valuation in the political subdivision may initiate an
41 appeal from the county board of tax adjustment's or county auditor's
42 modification of a political subdivision's budget, tax rate, or tax levy by



1 filing a statement of their objections with the county auditor. The
 2 statement must be filed not later than ten (10) days after the publication
 3 of the notice required by section 12 of this chapter. The statement shall
 4 specifically identify the provisions of the budget, tax rate, or tax levy
 5 to which the taxpayers object. The county auditor shall forward the
 6 statement, with the budget, to the department of local government
 7 finance.

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

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

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

17 (3) after the hearing:

18 (A) consider the testimony and evidence submitted at the
 19 hearing; and

20 (B) mail the department's:

21 (i) written determination; and

22 (ii) written statement of findings;

23 to the first ten (10) taxpayers whose names appear on the
 24 petition; or to the taxpayer that owns property that represents
 25 at least ten percent (10%) of the taxable assessed valuation in
 26 the political subdivision in the case of an appeal initiated by
 27 that taxpayer.

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

30 (c) The department of local government finance shall provide
 31 written notice to:

32 (1) the first ten (10) taxpayers whose names appear on the
 33 petition; or

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

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

38 SECTION 33. IC 6-1.1-17-14 IS REPEALED [EFFECTIVE JULY
 39 1, 2019]. Sec. 14: The county auditor shall initiate an appeal to the
 40 department of local government finance if the county fiscal body or the
 41 county board of tax adjustment reduces a township assistance tax rate
 42 below the rate necessary to meet the estimated cost of township



1 assistance:

2 SECTION 34. IC 6-1.1-17-15 IS REPEALED [EFFECTIVE JULY
3 1, 2019]. Sec. 15: A political subdivision may appeal to the department
4 of local government finance for an increase in its tax rate or tax levy as
5 modified by the county board of tax adjustment or the county auditor.
6 To initiate the appeal, the political subdivision must file a statement
7 with the department of local government finance not later than ten (10)
8 days after publication of the notice required by section 12 of this
9 chapter. The legislative body of the political subdivision must authorize
10 the filing of the statement by adopting a resolution. The resolution must
11 be attached to the statement of objections, and the statement must be
12 signed by the following officers:

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

15 (2) In the case of all other political subdivisions, by the highest
16 executive officer and by the presiding officer of the legislative
17 body.

18 SECTION 35. IC 6-1.1-17-16, AS AMENDED BY P.L.184-2016,
19 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2019]: Sec. 16. (a) The department of local government
21 finance shall certify the tax rates and tax levies for all funds of political
22 subdivisions subject to the department of local government finance's
23 review.

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

30 (c) For a fund of a political subdivision subject to levy limits under
31 IC 6-1.1-18.5-3 and for which the political subdivision adopts a tax
32 levy that is not more than the levy limits under IC 6-1.1-18.5-3, the
33 department of local government finance shall review the fund to ensure
34 the adopted budget is fundable based on the unit's adopted tax levy and
35 estimates of available revenues. If the adopted budget is fundable, the
36 department of local government finance shall use the adopted budget
37 as the approved appropriation for the fund for the budget year. As
38 needed, the political subdivision may complete the additional
39 appropriation process through IC 6-1.1-18-5 for these funds during the
40 budget year.

41 (d) For a fund of the political subdivision subject to levy limits
42 under IC 6-1.1-18.5-3 and for which the political subdivision adopts a



1 tax levy that is not more than the levy limits under IC 6-1.1-18.5-3, if
2 the department of local government finance has determined the adopted
3 budget is not fundable based on the unit's adopted tax levy and
4 estimates of available revenues, the department of local government
5 finance shall calculate and certify the allowable budget that is fundable
6 based on the adopted tax levy and the department's estimates of
7 available revenues.

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

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

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

42 (h) The department of local government finance may not approve a



1 levy for lease payments by a city, town, county, library, or school
 2 corporation if the lease payments are payable to a building corporation
 3 for use by the building corporation for debt service on bonds and if:

- 4 (1) no bonds of the building corporation are outstanding; or
 5 (2) the building corporation has enough legally available funds on
 6 hand to redeem all outstanding bonds payable from the particular
 7 lease rental levy requested.

8 (i) The department of local government finance shall certify its
 9 action to:

- 10 (1) the county auditor;
 11 (2) the political subdivision if the department acts pursuant to an
 12 appeal initiated by the political subdivision;
 13 ~~(3) the taxpayer that initiated an appeal under section 13 of this~~
 14 ~~chapter; or, if the appeal was initiated by multiple taxpayers, the~~
 15 ~~first ten (10) taxpayers whose names appear on the statement filed~~
 16 ~~to initiate the appeal; and~~
 17 ~~(4) (3) a taxpayer that owns property that represents at least ten~~
 18 ~~percent (10%) of the taxable assessed valuation in the political~~
 19 ~~subdivision.~~

20 (j) The following may petition for judicial review of the final
 21 determination of the department of local government finance under
 22 subsection (i):

- 23 (1) If the department acts under an appeal initiated by a political
 24 subdivision, the political subdivision.
 25 ~~(2) If the department:~~
 26 ~~(A) acts under an appeal initiated by one (1) or more taxpayers~~
 27 ~~under section 13 of this chapter; or~~
 28 ~~(B) fails to act on the appeal before the department certifies its~~
 29 ~~action under subsection (i);~~

30 ~~a taxpayer who signed the statement filed to initiate the appeal.~~
 31 ~~(3) If the department acts under an appeal initiated by the county~~
 32 ~~auditor under section 14 of this chapter, the county auditor.~~
 33 ~~(4) (2) A taxpayer that owns property that represents at least ten~~
 34 ~~percent (10%) of the taxable assessed valuation in the political~~
 35 ~~subdivision.~~

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

38 (k) The department of local government finance is expressly
 39 directed to complete the duties assigned to it under this section as
 40 follows:

- 41 ~~(1) For each budget year before 2019, not later than February 15~~
 42 ~~of that budget year.~~



1 (2) For each budget year after 2018; (1) Not later than December
2 31 of the year preceding that budget year, unless a taxing unit in
3 a county is issuing debt after December 1 in the year preceding
4 the budget year or intends to file a shortfall appeal under
5 IC 6-1.1-18.5-16: **subdivision (2) applies.**

6 (3) For each budget year after 2018; (2) Not later than January 15
7 of the budget year if:

8 (A) a taxing unit in a county is issuing debt after December 1
9 in the year preceding the budget year or intends to file a
10 shortfall appeal under IC 6-1.1-18.5-16; or

11 (B) **the deadline for a city in the county to fix the budget,**
12 **tax rate, and tax levy has been extended, in accordance**
13 **with section 5.2 of this chapter, due to the executive's veto**
14 **of the ordinance fixing the budget, tax rate, and tax levy.**

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

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

22 (2) **the request includes:**

23 (A) **the corrected budget, tax rate, or levy, as applicable;**
24 **and**

25 (B) **the time and place of the meeting described in**
26 **subdivision (4);**

27 (2) (3) **the political subdivision publishes** the requested increase
28 **is published** on the department's advertising Internet web site; **and**
29 **(before January 1, 2015) is published by the political subdivision**
30 **according to a notice provided by the department; and**

31 (4) **the political subdivision adopts the needed changes to its**
32 **budget, tax levy, or rate in a public meeting of the governing**
33 **body; and**

34 (3) (5) notice is given to the county fiscal body of the
35 department's correction.

36 **The political subdivision shall publish notice of the meeting**
37 **described in subdivision (4) on the Indiana transparency Internet**
38 **web site in the manner prescribed by the department not later than**
39 **forty-eight (48) hours (excluding weekends and holidays) before**
40 **the meeting.** If the department increases a levy beyond what was
41 advertised or adopted under this subsection, it shall, unless the
42 department finds extenuating circumstances, reduce the certified levy



1 affected below the maximum allowable levy by the lesser of five
 2 percent (5%) of the difference between the advertised or adopted levy
 3 and the increased levy, or one hundred thousand dollars (\$100,000).

4 SECTION 36. IC 6-1.1-18-3, AS AMENDED BY P.L.233-2015,
 5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (b), the
 7 sum of all tax rates for all political subdivisions imposed on tangible
 8 property within a political subdivision may not exceed:

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

12 (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each
 13 one hundred dollars (\$100) of assessed valuation in territory
 14 inside the corporate limits of a city or town.

15 (b) The proper officers of a political subdivision shall fix tax rates
 16 which are sufficient to provide funds for the purposes itemized in this
 17 subsection. The portion of a tax rate fixed by a political subdivision
 18 shall not be considered in computing the tax rate limits prescribed in
 19 subsection (a) if that portion is to be used for one (1) of the following
 20 purposes:

21 (1) To pay the principal or interest on a funding, refunding, or
 22 judgment funding obligation of the political subdivision.

23 (2) To pay the principal or interest upon:

24 (A) an obligation issued by the political subdivision to meet an
 25 emergency which results from a flood, fire, pestilence, war, or
 26 any other major disaster; or

27 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22,
 28 IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county
 29 to acquire necessary equipment or facilities for municipal or
 30 county government.

31 (3) To pay the principal or interest upon an obligation issued in
 32 the manner provided in:

33 (A) IC 6-1.1-20-3 (before its repeal);

34 (B) IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2; or

35 (C) IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6.

36 (4) To pay a judgment rendered against the political subdivision.

37 (c) Except as otherwise provided in IC 6-1.1-19 (before January 1,
 38 2009), IC 6-1.1-18.5, IC 20-45 (before January 1, 2009), or IC 20-46,
 39 ~~a county board of tax adjustment~~, a county auditor or the department of
 40 local government finance may review the portion of a tax rate
 41 described in subsection (b) only to determine if it exceeds the portion
 42 actually needed to provide for one (1) of the purposes itemized in that



- 1 subsection.
- 2 SECTION 37. IC 6-1.1-18-5, AS AMENDED BY P.L.184-2016,
 3 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2019]: Sec. 5. (a) If the proper officers of a political
 5 subdivision desire to appropriate more money for a particular year than
 6 the amount prescribed in the budget for that year as finally determined
 7 under this article, they shall give notice of their proposed additional
 8 appropriation. The notice shall state the time and place at which a
 9 public hearing will be held on the proposal. The notice shall be given
 10 once in accordance with IC 5-3-1-2(b).
- 11 (b) If the additional appropriation by the political subdivision is
 12 made from a fund ~~that receives:~~
- 13 ~~(1) distributions from the motor vehicle highway account~~
 14 ~~established under IC 8-14-1-1 or the local road and street account~~
 15 ~~established under IC 8-14-2-4; or~~
 16 ~~(2) revenue from property taxes levied under IC 6-1.1; for which~~
 17 ~~the budget, rate, or levy is certified by the department of local~~
 18 ~~government finance under IC 6-1.1-17-16,~~
 19 the political subdivision must report the additional appropriation to the
 20 department of local government finance. If the additional appropriation
 21 is made from a fund described under this subsection, subsections (f),
 22 (g), (h), and (i) apply to the political subdivision.
- 23 (c) However, if the additional appropriation is not made from a fund
 24 described under subsection (b), subsections (f), (g), (h), and (i) do not
 25 apply to the political subdivision. Subsections (f), (g), (h), and (i) do
 26 not apply to an additional appropriation made from the cumulative
 27 bridge fund if the appropriation meets the requirements under
 28 IC 8-16-3-3(c).
- 29 (d) A political subdivision may make an additional appropriation
 30 without approval of the department of local government finance if the
 31 additional appropriation is made from a fund that is not described
 32 under subsection (b). However, the fiscal officer of the political
 33 subdivision shall report the additional appropriation to the department
 34 of local government finance.
- 35 (e) **Subject to subsections (j) and (k)**, after the public hearing, the
 36 proper officers of the political subdivision shall file a certified copy of
 37 their final proposal and any other relevant information to the
 38 department of local government finance.
- 39 (f) When the department of local government finance receives a
 40 certified copy of a proposal for an additional appropriation under
 41 subsection (e), the department shall determine whether sufficient funds
 42 are available or will be available for the proposal. The determination



1 shall be made in writing and sent to the political subdivision not more
 2 than fifteen (15) days after the department of local government finance
 3 receives the proposal.

4 (g) In making the determination under subsection (f), the
 5 department of local government finance shall limit the amount of the
 6 additional appropriation to revenues available, or to be made available,
 7 which have not been previously appropriated.

8 (h) If the department of local government finance disapproves an
 9 additional appropriation under subsection (f), the department shall
 10 specify the reason for its disapproval on the determination sent to the
 11 political subdivision.

12 (i) A political subdivision may request a reconsideration of a
 13 determination of the department of local government finance under this
 14 section by filing a written request for reconsideration. A request for
 15 reconsideration must:

16 (1) be filed with the department of local government finance
 17 within fifteen (15) days of the receipt of the determination by the
 18 political subdivision; and

19 (2) state with reasonable specificity the reason for the request.

20 The department of local government finance must act on a request for
 21 reconsideration within fifteen (15) days of receiving the request.

22 (j) This subsection applies to an additional appropriation by a
 23 political subdivision that must have the political subdivision's annual
 24 appropriations and annual tax levy adopted by a city, town, or county
 25 fiscal body under IC 6-1.1-17-20 or IC 36-1-23 or by a legislative or
 26 fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city,
 27 town, or county that adopted the political subdivision's annual
 28 appropriation and annual tax levy must adopt the additional
 29 appropriation by ordinance before the department of local government
 30 finance may approve the additional appropriation.

31 (k) This subsection applies to a public library that is not required to
 32 submit the public library's budgets, tax rates, and tax levies for binding
 33 review and approval under IC 6-1.1-17-20. If a public library subject
 34 to this subsection proposes to make an additional appropriation for a
 35 year, and the additional appropriation would result in the budget for the
 36 library for that year increasing (as compared to the previous year) by
 37 a percentage that is greater than the result of the assessed value growth
 38 quotient determined under IC 6-1.1-18.5-2 for the calendar year minus
 39 one (1), the additional appropriation must first be approved by the city,
 40 town, or county fiscal body described in IC 6-1.1-17-20.3(c) or
 41 IC 6-1.1-17-20(d), as appropriate.

42 SECTION 38. IC 6-1.1-18-25 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 25. (a) This section applies**
 3 **only to Highland Township in Greene County.**

4 (b) The executive of the township may, upon approval by the
 5 township fiscal body, submit a petition to the department of local
 6 government finance for an increase in the township's maximum
 7 permissible ad valorem property tax levy under IC 6-1.1-18.5 for
 8 property taxes first due and payable in 2020.

9 (c) If the township submits a petition as provided in subsection
 10 (b) before August 1, 2019, the department of local government
 11 finance shall increase the township's maximum permissible ad
 12 valorem property tax levy under IC 6-1.1-18.5 for property taxes
 13 first due and payable in 2020 to eighteen thousand dollars
 14 (\$18,000).

15 (d) The township's maximum permissible ad valorem property
 16 tax levy under IC 6-1.1-18.5 for property taxes first due and
 17 payable in 2020, as adjusted under this section, shall be used in the
 18 determination of the township's maximum permissible ad valorem
 19 property tax levy under IC 6-1.1-18.5 for property taxes first due
 20 and payable in 2021 and thereafter.

21 (e) This section expires June 30, 2024.

22 SECTION 39. IC 6-1.1-18-26 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE UPON PASSAGE]: **Sec. 26. (a) This section applies**
 25 **only to Taylor Township in Greene County.**

26 (b) The executive of the township may, upon approval by the
 27 township fiscal body, submit a petition to the department of local
 28 government finance for:

29 (1) an increase in the township's maximum permissible ad
 30 valorem property tax levy under IC 6-1.1-18.5 for property
 31 taxes first due and payable in 2020; and

32 (2) an increase in the township's maximum permissible ad
 33 valorem property tax levy under IC 36-8-13 (for the
 34 township's fire protection and emergency services) for
 35 property taxes first due and payable in 2020.

36 (c) If the township submits a petition as provided in subsection
 37 (b) before August 1, 2019, the department of local government
 38 finance shall:

39 (1) increase the township's maximum permissible ad valorem
 40 property tax levy under IC 6-1.1-18.5 for property taxes first
 41 due and payable in 2020 to twenty-nine thousand dollars
 42 (\$29,000); and



1 **(2) increase the township's maximum permissible ad valorem**
 2 **property tax levy under IC 36-8-13 (for the township's fire**
 3 **protection and emergency services) for property taxes first**
 4 **due and payable in 2020 to thirty-four thousand dollars**
 5 **(\$34,000).**

6 **(d) The township's maximum permissible ad valorem property**
 7 **tax levy under IC 6-1.1-18.5 for property taxes first due and**
 8 **payable in 2020, as adjusted under this section, shall be used in the**
 9 **determination of the township's maximum permissible ad valorem**
 10 **property tax levy under IC 6-1.1-18.5 for property taxes first due**
 11 **and payable in 2021 and thereafter.**

12 **(e) The township's maximum permissible ad valorem property**
 13 **tax levy under IC 36-8-13 (for the township's fire protection and**
 14 **emergency services) for property taxes first due and payable in**
 15 **2020, as adjusted under this section, shall be used in the**
 16 **determination of the township's maximum permissible ad valorem**
 17 **property tax levy under IC 36-8-13 (for the township's fire**
 18 **protection and emergency services) for property taxes first due and**
 19 **payable in 2021 and thereafter.**

20 **(f) This section expires June 30, 2024.**

21 SECTION 40. IC 6-1.1-18.5-16, AS AMENDED BY
 22 P.L.182-2009(ss), SECTION 136, IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) A civil taxing
 24 unit may request permission from the department to impose an ad
 25 valorem property tax levy that exceeds the limits imposed by section 3
 26 of this chapter if:

- 27 (1) the civil taxing unit experienced a property tax revenue
 28 shortfall that resulted from erroneous assessed valuation figures
 29 being provided to the civil taxing unit;
 30 (2) the erroneous assessed valuation figures were used by the civil
 31 taxing unit in determining its total property tax rate; and
 32 (3) the error in the assessed valuation figures was found after the
 33 civil taxing unit's property tax levy resulting from that total rate
 34 was finally approved by the department of local government
 35 finance.

36 **However, a civil taxing unit may not make a request described in**
 37 **this subsection on account of a revenue shortfall experienced in**
 38 **excess of five (5) years from the date of the most recent certified**
 39 **budget, tax rate, and levy of the civil taxing unit under**
 40 **IC 6-1.1-17-16.**

41 (b) A civil taxing unit may request permission from the department
 42 to impose an ad valorem property tax levy that exceeds the limits



1 imposed by section 3 of this chapter if the civil taxing unit experienced
 2 a property tax revenue shortfall because of the payment of refunds that
 3 resulted from appeals under this article and IC 6-1.5. **However, a civil**
 4 **taxing unit may not make a request described in this subsection on**
 5 **account of a revenue shortfall experienced in excess of five (5)**
 6 **years from the date of the most recent certified budget, tax rate,**
 7 **and levy of the civil taxing unit under IC 6-1.1-17-16.**

8 (c) If the department determines that a shortfall described in
 9 subsection (a) or (b) has occurred, the department of local government
 10 finance may find that the civil taxing unit should be allowed to impose
 11 a property tax levy exceeding the limit imposed by section 3 of this
 12 chapter. However, the maximum amount by which the civil taxing
 13 unit's levy may be increased over the limits imposed by section 3 of this
 14 chapter equals the remainder of the civil taxing unit's property tax levy
 15 for the particular calendar year as finally approved by the department
 16 of local government finance minus the actual property tax levy
 17 collected by the civil taxing unit for that particular calendar year.

18 (d) Any property taxes collected by a civil taxing unit over the limits
 19 imposed by section 3 of this chapter under the authority of this section
 20 may not be treated as a part of the civil taxing unit's maximum
 21 permissible ad valorem property tax levy for purposes of determining
 22 its maximum permissible ad valorem property tax levy for future years.

23 (e) If the department of local government finance authorizes an
 24 excess tax levy under this section, it shall take appropriate steps to
 25 insure that the proceeds are first used to repay any loan made to the
 26 civil taxing unit for the purpose of meeting its current expenses.

27 SECTION 41. IC 6-1.1-18.5-23.2, AS ADDED BY P.L.242-2015,
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 23.2. (a) This section applies to ~~the following~~
 30 **townships Green Township** in Hancock County.

31 ~~(1) Brown Township.~~

32 ~~(2) Jackson Township.~~

33 ~~(3) Blue River Township.~~

34 (b) The executive of a township ~~listed~~ **described** in subsection (a)
 35 may, after approval by the fiscal body of the township, submit a
 36 petition to the department of local government finance requesting an
 37 increase in the maximum permissible ad valorem property tax levy for
 38 the township's general fund.

39 (c) If the executive of a township submits a petition under
 40 subsection (b), the department of local government finance shall
 41 increase the maximum permissible ad valorem property tax levy for the
 42 township's general fund for property taxes first due and payable after



1 December 31, ~~2015~~, **2019**, by an amount equal to the lesser of the
 2 following:

- 3 (1) Twenty-five thousand dollars (\$25,000).
 4 (2) The sum of the following:
 5 (A) The amount necessary to make the maximum permissible
 6 ad valorem property tax levy for the township's general fund
 7 equal to the maximum permissible ad valorem property tax
 8 levy that would have applied to the township's general fund
 9 under section 3 of this chapter for property taxes first due and
 10 payable after December 31, ~~2015~~, **2019**, if in each year,
 11 beginning in 2003 and ending in ~~2015~~, **2019**, the township had
 12 imposed the maximum permissible ad valorem property tax
 13 levy for the township's general fund in each of those years
 14 (regardless of whether the township did impose the entire
 15 amount of the maximum permissible ad valorem property tax
 16 levy for the township's general fund).
 17 (B) The amount necessary to make the maximum permissible
 18 ad valorem property tax levy under section 3 of this chapter for
 19 the township's firefighting fund under IC 36-8-13 equal to the
 20 maximum permissible ad valorem property tax levy under
 21 section 3 of this chapter that would have applied to the
 22 township's firefighting fund for property taxes first due and
 23 payable after December 31, ~~2015~~, **2019**, if in each year,
 24 beginning in 2003 and ending in ~~2015~~, **2019**, the township had
 25 imposed the maximum permissible ad valorem property tax
 26 levy for the township's firefighting fund in each of those years
 27 (regardless of whether the township did impose the entire
 28 amount of the maximum permissible ad valorem property tax
 29 levy for the township's firefighting fund).

30 SECTION 42. IC 6-1.1-23-1, AS AMENDED BY P.L.84-2016,
 31 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 1. (a) Annually, after November 10th but before
 33 August 1st of the succeeding year, each county treasurer shall serve a
 34 written demand upon each county resident who is delinquent in the
 35 payment of personal property taxes. ~~Annually, after May 10 but before~~
 36 ~~October 31 of the same year, each county treasurer may serve a written~~
 37 ~~demand upon a county resident who is delinquent in the payment of~~
 38 ~~personal property taxes.~~ The written demand may be served upon the
 39 taxpayer:

- 40 (1) by registered or certified mail;
 41 (2) in person by the county treasurer or the county treasurer's
 42 agent; or



- 1 (3) by proof of certificate of mailing.
- 2 (b) The written demand required by this section shall contain:
- 3 (1) a statement that the taxpayer is delinquent in the payment of
- 4 personal property taxes;
- 5 (2) the amount of the delinquent taxes;
- 6 (3) the penalties due on the delinquent taxes;
- 7 (4) the collection expenses which the taxpayer owes; and
- 8 (5) a statement that if the sum of the delinquent taxes, penalties,
- 9 and collection expenses are not paid within thirty (30) days from
- 10 the date the demand is made then:
- 11 (A) sufficient personal property of the taxpayer shall be sold
- 12 to satisfy the total amount due plus the additional collection
- 13 expenses incurred; or
- 14 (B) a judgment may be entered against the taxpayer in the
- 15 circuit court, superior court, or probate court of the county.
- 16 (c) Subsections (d) through (g) apply only to personal property that:
- 17 (1) is subject to a lien of a creditor imposed under an agreement
- 18 entered into between the debtor and the creditor after June 30,
- 19 2005;
- 20 (2) comes into the possession of the creditor or the creditor's agent
- 21 after May 10, 2006, to satisfy all or part of the debt arising from
- 22 the agreement described in subdivision (1); and
- 23 (3) has an assessed value of at least three thousand two hundred
- 24 dollars (\$3,200).
- 25 (d) For the purpose of satisfying a creditor's lien on personal
- 26 property, the creditor of a taxpayer that comes into possession of
- 27 personal property on which the taxpayer is adjudicated delinquent in
- 28 the payment of personal property taxes must pay in full to the county
- 29 treasurer the amount of the delinquent personal property taxes
- 30 determined under STEP SEVEN of the following formula from the
- 31 proceeds of any transfer of the personal property made by the creditor
- 32 or the creditor's agent before applying the proceeds to the creditor's lien
- 33 on the personal property:
- 34 STEP ONE: Determine the amount realized from any transfer of
- 35 the personal property made by the creditor or the creditor's agent
- 36 after the payment of the direct costs of the transfer.
- 37 STEP TWO: Determine the amount of the delinquent taxes,
- 38 including penalties and interest accrued on the delinquent taxes
- 39 as identified on the form described in subsection (f) by the county
- 40 treasurer.
- 41 STEP THREE: Determine the amount of the total of the unpaid
- 42 debt that is a lien on the transferred property that was perfected



- 1 before the assessment date on which the delinquent taxes became
 2 a lien on the transferred property.
- 3 STEP FOUR: Determine the sum of the STEP TWO amount and
 4 the STEP THREE amount.
- 5 STEP FIVE: Determine the result of dividing the STEP TWO
 6 amount by the STEP FOUR amount.
- 7 STEP SIX: Multiply the STEP ONE amount by the STEP FIVE
 8 amount.
- 9 STEP SEVEN: Determine the lesser of the following:
- 10 (A) The STEP TWO amount.
- 11 (B) The STEP SIX amount.
- 12 (e) This subsection applies to transfers made by a creditor after May
 13 10, 2006. As soon as practicable after a creditor comes into possession
 14 of the personal property described in subsection (c), the creditor shall
 15 request the form described in subsection (f) from the county treasurer.
 16 Before a creditor transfers personal property described in subsection
 17 (d) on which delinquent personal property taxes are owed, the creditor
 18 must obtain from the county treasurer a delinquent personal property
 19 tax form and file the delinquent personal property tax form with the
 20 county treasurer. The creditor shall provide the county treasurer with:
- 21 (1) the name and address of the debtor; and
- 22 (2) a specific description of the personal property described in
 23 subsection (d);
- 24 when requesting a delinquent personal property tax form.
- 25 (f) The delinquent personal property tax form must be in a form
 26 prescribed by the state board of accounts under IC 5-11 and must
 27 require the following information:
- 28 (1) The name and address of the debtor as identified by the
 29 creditor.
- 30 (2) A description of the personal property identified by the
 31 creditor and now in the creditor's possession.
- 32 (3) The assessed value of the personal property identified by the
 33 creditor and now in the creditor's possession, as determined under
 34 subsection (g).
- 35 (4) The amount of delinquent personal property taxes owed on the
 36 personal property identified by the creditor and now in the
 37 creditor's possession, as determined under subsection (g).
- 38 (5) A statement notifying the creditor that this section requires
 39 that a creditor, upon the liquidation of personal property for the
 40 satisfaction of the creditor's lien, must pay in full the amount of
 41 delinquent personal property taxes owed as determined under
 42 subsection (d) on the personal property in the amount identified



1 on this form from the proceeds of the liquidation before the
 2 proceeds of the liquidation may be applied to the creditor's lien on
 3 the personal property.

4 (g) The county treasurer shall provide the delinquent personal
 5 property tax form described in subsection (f) to the creditor not later
 6 than fourteen (14) days after the date the creditor requests the
 7 delinquent personal property tax form. The county assessor and the
 8 township assessors (if any) shall assist the county treasurer in
 9 determining the appropriate assessed value of the personal property and
 10 the amount of delinquent personal property taxes owed on the personal
 11 property. Assistance provided by the county assessor and the township
 12 assessors (if any) must include providing the county treasurer with
 13 relevant personal property forms filed with the assessor or assessors
 14 and providing the county treasurer with any other assistance necessary
 15 to accomplish the purposes of this section.

16 SECTION 43. IC 6-1.1-23.5-12, AS ADDED BY P.L.235-2017,
 17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 12. (a) At least ~~twenty-one (21)~~ **thirty (30)** days
 19 before the earliest date on which the application for judgment and order
 20 for sale of mobile homes eligible for sale may be made, the county
 21 treasurer shall send a notice of the sale by certified mail, return receipt
 22 requested, and by first class mail to:

23 (1) the owner of record of the mobile home with a single owner;
 24 or
 25 (2) at least one (1) of the owners, as of the date that the tentative
 26 auction list is initially prepared under section 4 of this chapter, of
 27 a mobile home with multiple owners;

28 at the last address of the owner for the property as indicated in the
 29 records of the assessor of the township in which the mobile home
 30 community is located, or the county assessor if there is no township
 31 assessor for the township, on the date that the tentative auction list is
 32 initially prepared under section 4 of this chapter. If both notices are
 33 returned, the county treasurer shall take an additional reasonable step
 34 to notify the property owner, if the county treasurer determines that an
 35 additional reasonable step to notify the property owner is practical. The
 36 county treasurer shall prepare the notice in the form prescribed by the
 37 department of local government finance. The notice must set forth the
 38 make and model of the mobile home and a street address, if any, or
 39 other common description of the property other than a legal description
 40 where the mobile home was last known to be located. The notice must
 41 include the statement set forth in section 5(b)(6) of this chapter. The
 42 county treasurer must present proof of this mailing to the court along



1 with the application for judgment and order for sale.

2 (b) Failure by an owner to receive or accept the notice required by
3 this section does not affect the validity of the judgment and order for
4 sale.

5 (c) The notice required under this section is considered sufficient if
6 the notice is mailed to the address or addresses required by this section.

7 SECTION 44. IC 6-1.1-29 IS REPEALED [EFFECTIVE JULY 1,
8 2019]. (County Board of Tax Adjustment).

9 SECTION 45. IC 6-1.1-31-1, AS AMENDED BY P.L.146-2008,
10 SECTION 269, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The department of local
12 government finance shall do the following:

13 (1) Prescribe the property tax forms and returns which taxpayers
14 are to complete and on which the taxpayers' assessments will be
15 based.

16 (2) Prescribe the forms to be used to give taxpayers notice of
17 assessment actions.

18 (3) Adopt rules concerning the assessment of tangible property.

19 (4) Develop specifications that prescribe state requirements for
20 computer software and hardware to be used by counties for
21 assessment purposes. The specifications developed under this
22 subdivision apply only to computer software and hardware
23 systems purchased for assessment purposes after July 1, 1993.
24 The specifications, including specifications in a rule or other
25 standard adopted under IC 6-1.1-31.5, must provide for:

26 (A) maintenance of data in a form that formats the information
27 in the file with the standard data, field, and record coding
28 jointly required and approved by the department of local
29 government finance and the legislative services agency;

30 (B) data export and transmission that is compatible with the
31 data export and transmission requirements in a standard format
32 prescribed by the office of technology established by
33 IC 4-13.1-2-1 and jointly approved by the department of local
34 government finance and **the** legislative services agency; and

35 (C) maintenance of data in a manner that ensures prompt and
36 accurate transfer of data to the department of local government
37 finance and the legislative services agency, as jointly approved
38 by the department of local government **finance** and **the**
39 legislative services agency.

40 (5) Adopt rules establishing criteria for the revocation of a
41 certification under IC 6-1.1-35.5-6.

42 (b) The department of local government finance may adopt rules



1 that are related to property taxation or the duties or the procedures of
2 the department.

3 **(c) The department of local government finance may adopt rules**
4 **for procedures related to local government budgeting.**
5 **Notwithstanding any contrary provision in IC 4-22-2, the adoption,**
6 **amendment, or repeal of a rule by the department of local**
7 **government finance under this subsection may not take effect**
8 **before March 1 or after July 31 of a particular year.**

9 ~~(c)~~ **(d)** Rules of the state board of tax commissioners are for all
10 purposes rules of the department of local government finance and the
11 Indiana board until the department and the Indiana board adopt rules
12 to repeal or supersede the rules of the state board of tax commissioners.

13 SECTION 46. IC 6-1.1-31-9, AS AMENDED BY P.L.86-2018,
14 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 9. (a) ~~Except as provided in subsection (b) or (c);~~
16 **Subject to subsections (b) and (c),** the department of local
17 government finance may ~~not~~ adopt rules for the appraisal of real
18 property in a reassessment under a county's reassessment plan prepared
19 under IC 6-1.1-4-4.2 after July 1 of the year before the year in which
20 the reassessment is scheduled to begin: **at any time after a**
21 **reassessment has begun under a county's reassessment plan.**

22 (b) If rules described in subsection (a) are timely adopted under
23 subsection (a) and are then disapproved by the attorney general for any
24 reason under IC 4-22-2-32, the department of local government finance
25 may modify the rules to cure the defect that resulted in disapproval by
26 the attorney general, and may then take all actions necessary under
27 IC 4-22-2 to readopt and to obtain approval of the rules. This process
28 may be repeated as necessary until the rules are approved: **Any rules**
29 **adopted by the department of local government finance for the**
30 **appraisal of real property may not apply to any appraisal**
31 **contemporaneously being conducted under a county's reassessment**
32 **plan. Rules adopted by the department of local government finance**
33 **may first apply to the reassessment phase beginning in the**
34 **following calendar year under a county's reassessment plan.**

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

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

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

41 SECTION 47. IC 6-1.1-31.5-2, AS AMENDED BY
42 P.L.182-2009(ss), SECTION 168, IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Subject to section
 2 3.5 of this chapter, the department shall adopt rules under IC 4-22-2 to
 3 prescribe computer specification standards and for the certification of:

- 4 (1) computer software;
 5 (2) software providers;
 6 (3) computer service providers; and
 7 (4) computer equipment providers.

8 (b) The rules of the department shall provide for:

- 9 (1) the effective and efficient administration of assessment laws;
 10 (2) the prompt updating of assessment data;
 11 (3) the administration of information contained in the sales
 12 disclosure form, as required under IC 6-1.1-5.5; and
 13 (4) other information necessary to carry out the administration of
 14 the property tax assessment laws.

15 (c) After June 30, 2008, subject to section 3.5 of this chapter, a
 16 county

17 (†) may contract only for computer software and with software
 18 providers, computer service providers, and equipment providers
 19 that are certified by the department under the rules described in
 20 subsection (a). and

21 (‡) may enter into a contract referred to in subdivision (†) and any
 22 addendum to the contract only if the department is a party to the
 23 contract and the addendum.

24 **The department shall prescribe a standard contract or standard
 25 contract provisions for purposes of this subsection.**

26 **(d) A county that enters into a contract for computer software
 27 and with a software provider, computer service provider, or
 28 equipment provider shall upload the contract to the Indiana
 29 transparency Internet web site in the manner prescribed by the
 30 department. The county shall upload the contract not later than
 31 three (3) days after execution of the contract. A contract may not
 32 take effect until the contract is uploaded to the Indiana
 33 transparency Internet web site as provided in this subsection. The
 34 department may review any contract uploaded under this
 35 subsection to ensure compliance with this section.**

36 SECTION 48. IC 6-1.1-31.5-2.5 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) Except as provided in
 39 subsection (b), for purposes of attributing the amount of:

- 40 (1) a property tax deduction under IC 6-1.1-12;
 41 (2) an economic revitalization area deduction under
 42 IC 6-1.1-12.1;



1 **(3) an investment deduction under IC 6-1.1-12.4; or**
 2 **(4) a property tax exemption under IC 6-1.1-10;**
 3 **to the gross assessed value of a property, a deduction or exemption**
 4 **described in subdivisions (1) through (4) that is specific to an**
 5 **improvement shall be applied only to the assessed value allocation**
 6 **pertaining to that improvement.**

7 **(b) To the extent that a deduction or exemption amount is not**
 8 **specific to an improvement, the deduction or exemption amount**
 9 **shall be applied to the gross assessed value of the property in the**
 10 **order that will maximize the benefit of the deduction or exemption**
 11 **to the taxpayer.**

12 SECTION 49. IC 6-1.1-36-7, AS AMENDED BY P.L.187-2016,
 13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2019]: Sec. 7. (a) The ~~department of local government finance~~
 15 **county executive** may cancel any property taxes, delinquencies, fees,
 16 special assessments, and penalties assessed against real property owned
 17 by a county, a township, a city, a town, or a body corporate and politic
 18 established under IC 8-10-5-2(a), regardless of whether the county,
 19 township, city, town, or body corporate and politic established under
 20 IC 8-10-5-2(a) owned the property on the assessment date for which the
 21 property taxes, delinquencies, fees, special assessments, or penalties
 22 are imposed and regardless of when the county, township, city, town,
 23 or body corporate and politic established under IC 8-10-5-2(a) acquired
 24 the property, if a petition requesting that the ~~department~~ **county**
 25 **executive** cancel the taxes is submitted by the auditor, assessor, and
 26 treasurer of the county in which the real property is located. However,
 27 the cancellation of any property taxes, delinquencies, fees, special
 28 assessments, or penalties under this subsection does not affect the
 29 liability of any person that is personally liable for the property taxes
 30 before the date the county, township, city, town, or body corporate and
 31 politic established under IC 8-10-5-2(a) acquired the property. **For**
 32 **purposes of this subsection, in a county containing a consolidated**
 33 **city, "county executive" refers to the board of commissioners of**
 34 **the county as provided in IC 36-3-3-10.**

35 (b) The department of local government finance may cancel any
 36 property taxes, delinquencies, fees, special assessments, and penalties
 37 assessed against real property owned by this state, regardless of
 38 whether the state owned the property on the assessment date for which
 39 the property taxes, delinquencies, fees, special assessments, or
 40 penalties are imposed and regardless of when the state acquired the
 41 property, if a petition requesting that the department cancel the taxes
 42 is submitted by:



1 (1) the governor; or

2 (2) the chief administrative officer of the state agency which
3 supervises the real property.

4 However, if the petition is submitted by the chief administrative officer
5 of a state agency, the governor must approve the petition. In addition,
6 the cancellation of any property taxes, delinquencies, fees, special
7 assessments, or penalties under this subsection does not affect the
8 liability of any person that is personally liable for the property taxes
9 before the date the state acquired the property.

10 (c) If property taxes are canceled under subsection (a) or (b), any
11 lien on the real property shall be released and canceled to the extent the
12 lien covers any property taxes, delinquencies, fees, special assessments,
13 or penalties that were assessed against the real property before or after
14 the county, township, city, town, body corporate and politic established
15 under IC 8-10-5-2(a), or state became the owner of the real property.

16 (d) The department of local government finance may compromise
17 the amount of property taxes, together with any interest or penalties on
18 those taxes, assessed against the fixed or distributable property owned
19 by a bankrupt railroad, which is under the jurisdiction of:

20 (1) a federal court under 11 U.S.C. 1163;

21 (2) Chapter X of the Acts of Congress Relating to Bankruptcy (11
22 U.S.C. 701-799); or

23 (3) a comparable bankruptcy law.

24 (e) After making a compromise under subsection (d) and after
25 receiving payment of the compromised amount, the department of local
26 government finance shall distribute to each county treasurer an amount
27 equal to the product of:

28 (1) the compromised amount; multiplied by

29 (2) a fraction, the numerator of which is the total of the particular
30 county's property tax levies against the railroad for the
31 compromised years, and the denominator of which is the total of
32 all property tax levies against the railroad for the compromised
33 years.

34 (f) After making the distribution under subsection (e), the
35 department of local government finance shall direct the auditors of
36 each county to remove from the tax rolls the amount of all property
37 taxes assessed against the bankrupt railroad for the compromised years.

38 (g) The county auditor of each county receiving money under
39 subsection (e) shall allocate that money among the county's taxing
40 districts. The auditor shall allocate to each taxing district an amount
41 equal to the product of:

42 (1) the amount of money received by the county under subsection



- 1 (e); multiplied by
 2 (2) a fraction, the numerator of which is the total of the taxing
 3 district's property tax levies against the railroad for the
 4 compromised years, and the denominator of which is the total of
 5 all property tax levies against the railroad in that county for the
 6 compromised years.
- 7 (h) The money allocated to each taxing district shall be apportioned
 8 and distributed among the taxing units of that taxing district in the
 9 same manner and at the same time that property taxes are apportioned
 10 and distributed.
- 11 (i) The department of local government finance may, with the
 12 approval of the attorney general, compromise the amount of property
 13 taxes, together with any interest or penalties on those taxes, assessed
 14 against property owned by a person that has a case pending under state
 15 or federal bankruptcy law. Property taxes that are compromised under
 16 this section shall be distributed and allocated at the same time and in
 17 the same manner as regularly collected property taxes. The department
 18 of local government finance may compromise property taxes under this
 19 subsection only if:
- 20 (1) a petition is filed with the department of local government
 21 finance that requests the compromise and is signed and approved
 22 by the assessor, auditor, and treasurer of each county and the
 23 assessor of each township (if any) that is entitled to receive any
 24 part of the compromised taxes;
- 25 (2) the compromise significantly advances the time of payment of
 26 the taxes; and
- 27 (3) the compromise is in the best interest of the state and the
 28 taxing units that are entitled to receive any part of the
 29 compromised taxes.
- 30 (j) A taxing unit that receives funds under this section is not
 31 required to include the funds in its budget estimate for any budget year
 32 which begins after the budget year in which it receives the funds.
- 33 (k) A county treasurer, with the consent of the county auditor and
 34 the county assessor, may compromise the amount of property taxes,
 35 interest, or penalties owed in a county by an entity that has a case
 36 pending under Title 11 of the United States Code (Bankruptcy Code)
 37 by accepting a single payment that must be at least seventy-five percent
 38 (75%) of the total amount owed in the county.
- 39 SECTION 50. IC 6-1.1-37-7, AS AMENDED BY P.L.199-2016,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2020]: Sec. 7. (a) If a person fails to file a required
 42 personal property return on or before the due date, the county auditor



1 shall add a penalty of twenty-five dollars (\$25) to the person's next
 2 property tax installment. The county auditor shall also add an
 3 additional penalty to the taxes payable by the person if the person fails
 4 to file the personal property return within thirty (30) days after the due
 5 date. The amount of the additional penalty is twenty percent (20%) of
 6 the taxes finally determined to be due with respect to the personal
 7 property which should have been reported on the return.

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

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

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

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

17 (d) If a person subject to IC 6-1.1-3-7(c) fails to include on a
 18 personal property return the information, if any, that the department of
 19 local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13,
 20 the county auditor shall add a penalty to the property tax installment
 21 next due for the return. The amount of the penalty is twenty-five dollars
 22 (\$25).

23 (e) If the total assessed value that a person reports on a personal
 24 property return is less than the total assessed value that the person is
 25 required by law to report and if the amount of the undervaluation
 26 exceeds five percent (5%) of the value that should have been reported
 27 on the return, then the county auditor shall add a penalty of twenty
 28 percent (20%) of the additional taxes finally determined to be due as
 29 a result of the undervaluation. The penalty shall be added to the
 30 property tax installment next due for the return on which the property
 31 was undervalued. If a person has complied with all of the requirements
 32 for claiming a deduction, an exemption, or an adjustment for abnormal
 33 obsolescence, then the increase in assessed value that results from a
 34 denial of the deduction, exemption, or adjustment for abnormal
 35 obsolescence is not considered to result from an undervaluation for
 36 purposes of this subsection.

37 (f) If a person required by IC 6-1.1-3-7.2(e) to ~~indicate declare~~
 38 the taxpayer's personal property tax return ~~or, for purposes of the~~
 39 ~~January 1, 2016, assessment date, on the taxpayer's certification under~~
 40 ~~IC 6-1.1-3-7.2(f)~~ that the taxpayer's business personal property is
 41 exempt fails to timely file ~~either~~ the taxpayer's personal property tax
 42 return with the ~~indication declaration, or, for purposes of the January~~



1 ~~†, 2016; assessment date; the certification;~~ the county auditor shall
 2 impose a penalty of twenty-five dollars (\$25) that must be paid by the
 3 person with the next property tax installment that is collected. **A**
 4 **county shall include the penalty on a property tax bill associated**
 5 **with the tax district in which the majority value of the taxpayer's**
 6 **business personal property within the county is located, as**
 7 **determined by the county assessor.**

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

11 SECTION 51. IC 6-1.1-39-5, AS AMENDED BY P.L.86-2018,
 12 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]: Sec. 5. (a) A declaratory ordinance adopted under
 14 section 2 of this chapter and confirmed under section 3 of this chapter
 15 must 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. The allocation provision must apply to the entire economic
 18 development district. The allocation provisions must require that any
 19 property taxes subsequently levied by or for the benefit of any public
 20 body entitled to a distribution of property taxes on taxable property in
 21 the economic development district be allocated and distributed as
 22 follows:

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

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

27 or

28 (B) the base assessed value;

29 shall be allocated to and, when collected, paid into the funds of
 30 the respective taxing units. However, if the effective date of the
 31 allocation provision of a declaratory ordinance is after March 1,
 32 1985, and before January 1, 1986, and if an improvement to
 33 property was partially completed on March 1, 1985, the unit may
 34 provide in the declaratory ordinance that the taxes attributable to
 35 the assessed value of the property as finally determined for March
 36 1, 1984, shall be allocated to and, when collected, paid into the
 37 funds of the respective taxing units.

38 (2) Except as otherwise provided in this section, part or all of the
 39 property tax proceeds in excess of those described in subdivision
 40 (1), as specified in the declaratory ordinance, shall be allocated to
 41 the unit for the economic development district and, when
 42 collected, paid into a special fund established by the unit for that



1 economic development district that may be used only to pay the
2 principal of and interest on obligations owed by the unit under
3 IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of
4 industrial development programs in, or serving, that economic
5 development district. The amount not paid into the special fund
6 shall be paid to the respective units in the manner prescribed by
7 subdivision (1).

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

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

20 (c) For the purpose of allocating taxes levied by or for any taxing
21 unit or units, the assessed value of taxable property in a territory in the
22 economic development district that is annexed by any taxing unit after
23 the effective date of the allocation provision of the declaratory
24 ordinance 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) Notwithstanding any other law, each assessor shall, upon
29 petition of the fiscal body, reassess the taxable property situated upon
30 or in, or added to, the economic development district effective on the
31 next assessment date after the petition.

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

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

39 (2) the base assessed value.

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



1 After each reassessment of a group of parcels under a reassessment
 2 plan prepared under IC 6-1.1-4-4.2 the department of local government
 3 finance shall adjust the base assessed value one (1) time to neutralize
 4 any effect of the reassessment on the property tax proceeds allocated
 5 to the district under this section. After each annual adjustment under
 6 IC 6-1.1-4-4.5, the department of local government finance shall adjust
 7 the base assessed value to neutralize any effect of the annual
 8 adjustment on the property tax proceeds allocated to the district under
 9 this section. However, the adjustments under this subsection may not
 10 include the effect of property tax abatements under IC 6-1.1-12.1.

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

- 12 (1) taxes imposed under this article on real property; and
 13 (2) any part of the taxes imposed under this article on depreciable
 14 personal property that the unit has by ordinance allocated to the
 15 economic development district. However, the ordinance may not
 16 limit the allocation to taxes on depreciable personal property with
 17 any particular useful life or lives.

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

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

- 24 (1) the net assessed value of all the property as finally determined
 25 for the assessment date immediately preceding the effective date
 26 of the allocation provision of the declaratory resolution, as
 27 adjusted under subsection (f); plus
 28 (2) to the extent that it is not included in subdivision (1), the net
 29 assessed value of property that is assessed as residential property
 30 under the rules of the department of local government finance,
 31 **within the economic development district**, as finally determined
 32 for ~~any the current~~ assessment date. ~~after the effective date of the~~
 33 ~~allocation provision.~~

34 Subdivision (2) applies only to economic development districts
 35 established after June 30, 1997, and to additional areas established
 36 after June 30, 1997.

37 SECTION 52. IC 6-3.6-3-2, AS AMENDED BY P.L.247-2017,
 38 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 2. (a) An adopting body or, if authorized by this
 40 article, another governmental entity that is not an adopting body, may
 41 take an action under this article only by ordinance, unless this article
 42 permits the action to be taken by resolution.



1 (b) The department of local government finance, in consultation
 2 with the department of state revenue, may make electronically available
 3 uniform notices, ordinances, and resolutions that an adopting body or
 4 other governmental entity may use to take an action under this article.
 5 An adopting body or other governmental entity ~~may~~ **shall** submit a
 6 proposed notice, ordinance, or resolution to the department of local
 7 government finance for review **not later than thirty (30) days prior**
 8 **to the date that the adopting body or governing body intends to**
 9 **submit the notice, adopting ordinance or resolution, and vote**
 10 **results on an ordinance or resolution under subsection (d).** The
 11 department of local government finance shall provide to the submitting
 12 entity a determination of the appropriateness of the proposed notice,
 13 ordinance, or resolution, including recommended modifications, within
 14 thirty (30) days of receiving the proposed notice, ordinance, or
 15 resolution.

16 (c) An ordinance or resolution adopted under this article must
 17 comply with the notice and hearing requirements set forth in IC 5-3-1.

18 (d) The department of local government finance shall prescribe the
 19 procedures to be used by the adopting body or governmental entity for
 20 submitting to the department the notice, the adopting ordinance or
 21 resolution, and the vote results on an ordinance or resolution. The
 22 department of local government finance shall notify the submitting
 23 entity within thirty (30) days after submission whether the department
 24 has received the necessary information required by the department. A
 25 final action taken by an adopting body or governmental entity under
 26 this article to impose a new tax or amend an existing tax is not effective
 27 until the department of local government finance notifies the adopting
 28 body or governmental entity that it has received the required
 29 information from the submitting entity.

30 SECTION 53. IC 6-3.6-6-2.7, AS ADDED BY P.L.184-2018,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 2.7. (a) A county fiscal body may adopt an
 33 ordinance to impose a tax rate for correctional facilities and
 34 rehabilitation facilities in the county. The tax rate must be in
 35 increments of one-hundredth of one percent (0.01%) and may not
 36 exceed two-tenths of one percent (0.2%). The tax rate may not be in
 37 effect for more than ~~twenty (20)~~ **twenty-two (22)** years. **If an**
 38 **ordinance is adopted after June 30, 2019, to impose a tax rate**
 39 **under this section, not more than twenty percent (20%) of the**
 40 **revenue from the tax rate under this section may be used for**
 41 **operating expenses for correctional facilities and rehabilitation**
 42 **facilities in the county.**



1 (b) The revenue generated by a tax rate imposed under this section
 2 must be distributed directly to the county before the remainder of the
 3 expenditure rate revenue is distributed. The revenue shall be
 4 maintained in a separate dedicated county fund and used by the county
 5 only for paying for correctional facilities and rehabilitation facilities in
 6 the county.

7 SECTION 54. IC 6-3.6-9-5, AS AMENDED BY P.L.184-2016,
 8 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2019 (RETROACTIVE)]: Sec. 5. (a) Before August 2 of
 10 each calendar year, ~~before 2018; and before June 1 of each calendar~~
 11 ~~year after 2017~~, the budget agency shall provide to the department of
 12 local government finance and the county auditor of each adopting
 13 county an estimate of the amount determined under section 4 of this
 14 chapter that will be distributed to the county, based on known tax rates.
 15 Not later than fifteen (15) days after receiving the estimate of the
 16 certified distribution, ~~for calendar years before 2018; and not later than~~
 17 ~~July 1 of each year; for calendar years after 2017~~, the department of
 18 local government finance shall determine for each taxing unit and
 19 notify the county auditor of the estimated amount of property tax
 20 credits, school distributions, public safety revenue, economic
 21 development revenue, certified shares, and special purpose revenue
 22 that will be distributed to the taxing unit under this chapter during the
 23 ensuing calendar year. Not later than thirty (30) days after receiving the
 24 department's estimate, the county auditor shall notify each taxing unit
 25 of the amounts estimated for the taxing unit.

26 (b) Before October 1 of each calendar year, the budget agency shall
 27 certify to the department of local government finance and the county
 28 auditor of each adopting county:

- 29 (1) the amount determined under section 4 of this chapter; and
 30 (2) the amount of interest in the county's account that has accrued
 31 and has not been included in a certification made in a preceding
 32 year.

33 The amount certified is the county's certified distribution for the
 34 immediately succeeding calendar year. The amount certified shall be
 35 adjusted, as necessary, under sections 6, 7, and 8 of this chapter. Not
 36 later than fifteen (15) days after receiving the amount of the certified
 37 distribution, the department of local government finance shall
 38 determine for each taxing unit and notify the county auditor of the
 39 certified amount of property tax credits, school distributions, public
 40 safety revenue, economic development revenue, certified shares, and
 41 special purpose revenue that will be distributed to the taxing unit under
 42 this chapter during the ensuing calendar year. Not later than thirty (30)



1 days after receiving the department's estimate, the county auditor shall
 2 notify each taxing unit of the certified amounts for the taxing unit.

3 SECTION 55. IC 6-3.6-9-9, AS AMENDED BY P.L.197-2016,
 4 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JANUARY 1, 2019 (RETROACTIVE)]: Sec. 9. The budget agency
 6 shall provide the adopting body with an informative summary of the
 7 calculations used to determine the certified distribution. The summary
 8 of calculations must include:

- 9 (1) the amount reported on individual income tax returns
 10 processed by the department during the previous fiscal year;
 11 (2) adjustments for over distributions in prior years;
 12 (3) adjustments for clerical or mathematical errors in prior years;
 13 **and**
 14 (4) adjustments for tax rate changes. **and**
 15 ~~(5) the amount of excess account balances to be distributed under~~
 16 ~~section 15 of this chapter.~~

17 SECTION 56. IC 6-3.6-9-15, AS AMENDED BY P.L.126-2016,
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2019 (RETROACTIVE)]: Sec. 15. (a) If the budget
 20 agency determines that the balance in a county trust account exceeds
 21 fifteen percent (15%) of the certified distributions to be made to the
 22 county in the determination year, the budget agency shall make a
 23 supplemental distribution to the county from the county's trust account.
 24 The budget agency shall use the trust account balance as of December
 25 31 of the year that precedes the determination year by two (2) years
 26 (referred to as the "trust account balance year" in this section).

- 27 (b) A supplemental distribution described in subsection (a) must be:
 28 (1) made at the same time as the determinations are provided to
 29 the county auditor under subsection ~~(d)(2)~~; **(d)(3)**; and
 30 (2) allocated in the same manner as certified distributions for the
 31 purposes described in this article.

32 (c) The amount of a supplemental distribution described in
 33 subsection (a) is equal to the amount by which:

- 34 (1) the balance in the county trust account; minus
 35 (2) the amount of any supplemental or special distribution that has
 36 not yet been accounted for in the last known balance of the
 37 county's trust account;

38 exceeds fifteen percent (15%) of the certified distributions to be made
 39 to the county in the determination year.

40 (d) For a county that qualifies for a supplemental distribution under
 41 this section in a year, the following apply:

- 42 **(1) Before February 15, the budget agency shall update the**



1 **information described in section 9 of this chapter to include**
 2 **the excess account balances to be distributed under this**
 3 **section.**

4 ~~(1)~~ **(2)** Before May 2, the budget agency shall provide the amount
 5 of the supplemental distribution for the county to the department
 6 of local government finance and to the county auditor.

7 ~~(2)~~ **(3)** The department of local government finance shall
 8 determine for the county and each taxing unit within the county:

9 (A) the amount and allocation of the supplemental distribution
 10 attributable to the taxes that were imposed as of December 31
 11 of the trust account balance year, including any specific
 12 distributions for that year; and

13 (B) the amount of the allocation for each of the purposes set
 14 forth in this article, using the allocation percentages in effect
 15 in the trust account balance year.

16 The department of local government finance shall provide these
 17 determinations to the county auditor before May 16 of the
 18 determination year.

19 ~~(3)~~ **(4)** Before June 1, the county auditor shall distribute to each
 20 taxing unit the amount of the supplemental distribution that is
 21 allocated to the taxing unit under subdivision ~~(2)~~: **(3)**.

22 For determinations before 2019, the tax rates in effect under and the
 23 allocation methods specified in the former income tax laws shall be
 24 used for the determinations under subdivision ~~(2)~~: **(3)**.

25 (e) For any part of a supplemental distribution attributable to
 26 property tax credits under a former income tax or IC 6-3.6-5, the
 27 adopting body for the county may allocate the supplemental
 28 distribution to property tax credits for not more than the three (3) years
 29 after the year the supplemental distribution is received.

30 (f) Any income earned on money held in a trust account established
 31 for a county under this chapter shall be deposited in that trust account.

32 SECTION 57. IC 6-3.6-9-18, AS ADDED BY P.L.199-2017,
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 18. (a) This section applies only to Clark County.

35 (b) Notwithstanding section 5 of this chapter, when determining **the**
 36 **any** allocation amount, ~~and except for~~ the economic development
 37 revenue allocation, for each taxing unit in the county:

38 (1) in 2019, one hundred percent (100%) of the increase in the
 39 county's maximum permissible tax levy permitted under
 40 IC 6-1.1-18.5-13.8 shall be excluded;

41 (2) in 2020, sixty-six and sixty-seven hundredths percent
 42 (66.67%) of the increase in the county's maximum permissible tax



1 levy permitted under IC 6-1.1-18.5-13.8 shall be excluded; and
 2 (3) in 2021, thirty-three and thirty-three hundredths percent
 3 (33.33%) of the increase in the county's maximum permissible tax
 4 levy permitted under IC 6-1.1-18.5-13.8 shall be excluded.

5 (c) This section expires June 30, 2022.

6 SECTION 58. IC 6-3.6-11-7.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2019]: **Sec. 7.5. (a) This section applies to the**
 9 **allocation of the tax revenue under IC 6-3.6-6 that is dedicated to**
 10 **certified shares and allocated among the civil taxing units in the**
 11 **county.**

12 (b) Notwithstanding any other provision of this article, an
 13 adopting body (as defined in IC 6-3.6-3-1(a)(1) and
 14 IC 6-3.6-3-1(a)(2)) may adopt an ordinance to distribute certified
 15 shares as set forth in subsection (c).

16 (c) If an adopting body adopts an ordinance under subsection
 17 (b), the certified shares that each civil taxing unit in the county is
 18 entitled to receive equals the total amount of revenues that are to
 19 be distributed as certified shares determined as follows:

20 (1) If a municipality's percentage of certified shares compared
 21 to other municipalities for a year minus the municipality's
 22 percentage of total population compared to other
 23 municipalities exceeds five (5) percentage points, the
 24 municipality's certified share amount is the lesser of the
 25 municipality's:

26 (A) certified share amount determined under
 27 IC 6-3.6-6-12; or

28 (B) the 2019 certified share amount.

29 (2) If a township's percentage of certified shares compared to
 30 other townships for a year minus the township's percentage
 31 of total population compared to other townships exceeds five
 32 (5) percentage points, the township's certified share amount
 33 is the lesser of the township's:

34 (A) certified share amount determined under
 35 IC 6-3.6-6-12; or

36 (B) the 2019 certified share amount.

37 (3) If the 2019 certified share amount for a municipality or
 38 township described in subdivision (1) or (2) is less than the
 39 certified share amount determined under IC 6-3.6-6-12 for a
 40 year for the municipality or township, the excess certified
 41 shares shall be allocated and distributed among all other civil
 42 taxing units not covered by subdivision (1) or (2).



1 SECTION 59. IC 6-8.1-3-11, AS AMENDED BY P.L.73-2017,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 11. (a) As used in this section, "secure electronic
 4 delivery service" means a service that:

5 (1) employs security procedures to provide, send, deliver, or
 6 otherwise communicate electronic records to the intended
 7 recipient using:

8 (A) security methods such as passwords, encryption, and
 9 matching electronic addresses to United States postal
 10 addresses; or

11 (B) other security methods that are consistent with applicable
 12 law or industry standards; and

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

16 (b) When a statute specifies that the department is required to send
 17 a document by mail, and the particular statute is silent as to the class
 18 or type of mailing to be used, the department satisfies the mailing
 19 requirement by mailing the document through any of the following
 20 methods:

21 (1) United States first-class mail;

22 (2) United States registered mail, return receipt requested;

23 (3) United States certified mail;

24 (4) a certificate of mailing; or

25 (5) a secure electronic delivery service, if the use of the secure
 26 electronic delivery service is authorized under IC 6-8.1-6-7(b).

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

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

31 (d) The department shall adopt rules, guidelines, or other
 32 instructions that set forth the procedures that department employees are
 33 required to follow in sending a document that provides notice to a
 34 taxpayer by mail under any of the methods described in subsection (b).

35 The procedures must include at least the following instructions:

36 (1) The date contained in the document must not precede the date
 37 of the mailing.

38 (2) Each mailing of a document must be recorded in department
 39 records, noting the date and time of the mailing.

40 SECTION 60. IC 8-18-21-13, AS AMENDED BY P.L.146-2008,
 41 SECTION 363, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2019]: Sec. 13. The annual operating budget of



1 a toll road authority is subject to

2 ~~(1) review by the county board of tax adjustment; and~~

3 ~~(2) review by the department of local government finance~~

4 as in the case of other political subdivisions.

5 SECTION 61. IC 8-22-3-23, AS AMENDED BY P.L. 182-2009(ss),
6 SECTION 269, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2019]: Sec. 23. (a) The board shall annually
8 prepare a budget for the purpose of operating and maintenance
9 expenditures of the authority and shall calculate the tax levy necessary
10 to provide funds for the operating expenditures necessary to carry out
11 the powers, duties, and functions of the authority. The budget must be
12 prepared and submitted:

13 (1) before or at the same time;

14 (2) in the same manner; and

15 (3) with notice;

16 as provided by the statutes relating to the preparation of budgets by
17 eligible entities. The budget is subject to the same review by ~~the county~~
18 ~~tax adjustment board~~ and the department of local government finance
19 as exists under the general statutes relating to budgets of eligible
20 entities.

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

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

31 (1) lies wholly within, or coincides with, the boundaries of a city
32 or town;

33 (2) is not the recipient of funds from a county-wide tax levy made
34 specifically for the operating and maintenance budget for that
35 authority; and

36 (3) was established by the fiscal body of the city or town, acting
37 independently.

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

42 (d) If an authority was established by another eligible entity or by



1 two (2) or more eligible entities acting jointly, its operating and
 2 maintenance budget and the tax levy to meet it is subject to review and
 3 modification by the same body that reviews and modifies the budget of
 4 each of those entities in the same manner as the budgets and tax levies
 5 of those entities, including reduction of any item of salary.

6 (e) This subsection applies only to the airport authority established
 7 by the city of Gary. The following provisions apply if the board enters
 8 into a lease, management agreement, or other contract under an
 9 application approved by the Federal Aviation Administration under
 10 which the lessee or other operator agrees to lease, manage, or operate
 11 all or substantially all of the airport and its landing fields, air
 12 navigation facilities, and other buildings and structures owned by the
 13 authority:

14 (1) The board shall, to the extent permitted by federal law or any
 15 grant agreement, make distributions to the city of Gary from the
 16 payments received under the lease, management agreement, or
 17 other contract.

18 (2) The distributions to the city of Gary shall be made in
 19 installments and on the dates determined by the fiscal body of the
 20 city, and shall be paid to the fiscal officer of the city for deposit
 21 in the city's general fund.

22 (3) Money distributed to the city of Gary under this subsection
 23 may be used for any legal or corporate purpose of the city and
 24 may not be used to reduce the city's maximum levy under
 25 IC 6-1.1-18.5, but may be used at the discretion of the city fiscal
 26 body to reduce the property tax levy of the city for a particular
 27 year.

28 (f) The general assembly finds the following:

29 (1) The city of Gary faces:

30 (A) unique and distinct challenges due to high levels of
 31 unemployment, the character and occupancy of real estate, and
 32 the general economic conditions of the community; and

33 (B) unique and distinct opportunities related to transportation
 34 and economic development;

35 that are different in scope and type than those faced by other units
 36 of local government in Indiana.

37 (2) A unique approach is required to fully take advantage of the
 38 economic development potential of the city of Gary, the
 39 Gary/Chicago International Airport, and the Lake Michigan
 40 shoreline.

41 (3) The powers and responsibilities provided to the airport
 42 authority established by the city of Gary by subsection (e) and the



1 other provisions of this chapter are appropriate and necessary to
 2 carry out the public purposes of encouraging economic
 3 development and further facilitating the provision of air
 4 transportation services and economic development projects in the
 5 city of Gary.

6 (4) The exercise of the powers and responsibilities granted to the
 7 airport authority established by the city of Gary by subsection (e)
 8 and the other provisions of this chapter is critical to economic
 9 development not only in the city of Gary, but throughout
 10 northwest Indiana, and is a public purpose.

11 (5) Economic development benefits the health and welfare of the
 12 people of Indiana, is a public use and purpose for which public
 13 money may be spent, and is of public utility and benefit.

14 SECTION 62. IC 8-22-3.5-9, AS AMENDED BY P.L.203-2011,
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2020]: Sec. 9. (a) As used in this section, "base assessed
 17 value" means:

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

24 (2) to the extent it is not included in subdivision (1), the net
 25 assessed value of property that is assessed as residential property
 26 under the rules of the department of local government finance,
 27 **within the airport development zone**, as finally determined for
 28 **any the current** assessment date. ~~after the effective date of the~~
 29 ~~allocation provision.~~

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

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

38 (c) The allocation provision must:

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

40 (2) require that any property tax on taxable tangible property
 41 subsequently levied by or for the benefit of any public body
 42 entitled to a distribution of property taxes in the airport



- 1 development zone be allocated and distributed as provided in
 2 subsections (d) and (e).
 3 (d) Except as otherwise provided in this section:
 4 (1) the proceeds of the taxes attributable to the lesser of:
 5 (A) the assessed value of the tangible property for the
 6 assessment date with respect to which the allocation and
 7 distribution is made; or
 8 (B) the base assessed value;
 9 shall be allocated and, when collected, paid into the funds of the
 10 respective taxing units; and
 11 (2) the excess of the proceeds of the property taxes imposed for
 12 the assessment date with respect to which the allocation and
 13 distribution are made that are attributable to taxes imposed after
 14 being approved by the voters in a referendum or local public
 15 question conducted after April 30, 2010, not otherwise included
 16 in subdivision (1) shall be allocated to and, when collected, paid
 17 into the funds of the taxing unit for which the referendum or local
 18 public question was conducted.
 19 (e) All of the property tax proceeds in excess of those described in
 20 subsection (d) shall be allocated to the eligible entity for the airport
 21 development zone and, when collected, paid into special funds as
 22 follows:
 23 (1) The commission may determine that a portion of tax proceeds
 24 shall be allocated to a training grant fund to be expended by the
 25 commission without appropriation solely for the purpose of
 26 reimbursing training expenses incurred by public or private
 27 entities in the training of employees for the qualified airport
 28 development project.
 29 (2) The commission may determine that a portion of tax proceeds
 30 shall be allocated to a debt service fund and dedicated to the
 31 payment of principal and interest on revenue bonds or a loan
 32 contract of the board of aviation commissioners or airport
 33 authority for a qualified airport development project, to the
 34 payment of leases for a qualified airport development project, or
 35 to the payment of principal and interest on bonds issued by an
 36 eligible entity to pay for qualified airport development projects in
 37 the airport development zone or serving the airport development
 38 zone.
 39 (3) The commission may determine that a part of the tax proceeds
 40 shall be allocated to a project fund and used to pay expenses
 41 incurred by the commission for a qualified airport development
 42 project that is in the airport development zone or is serving the



1 airport development zone.

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

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

10 (1) Determine the amount, if any, by which tax proceeds allocated
11 to the project fund in subsection (e)(3) in the following year will
12 exceed the amount necessary to satisfy amounts required under
13 subsection (e).

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

18 (A) state the amount, if any, of excess tax proceeds that the
19 commission has determined may be allocated to the respective
20 taxing units in the manner prescribed in subsection (d)(1); or

21 (B) state that the commission has determined that there are no
22 excess tax proceeds that may be allocated to the respective
23 taxing units in the manner prescribed in subsection (d)(1).

24 The county auditor shall allocate to the respective taxing units the
25 amount, if any, of excess tax proceeds determined by the
26 commission.

27 (g) When money in the debt service fund and in the project fund is
28 sufficient to pay all outstanding principal and interest (to the earliest
29 date on which the obligations can be redeemed) on revenue bonds
30 issued by the board of aviation commissioners or airport authority for
31 the financing of qualified airport development projects, all lease rentals
32 payable on leases of qualified airport development projects, and all
33 costs and expenditures associated with all qualified airport
34 development projects, money in the debt service fund and in the project
35 fund in excess of those amounts shall be paid to the respective taxing
36 units in the manner prescribed by subsection (d)(1).

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

41 (i) Notwithstanding any other law, each assessor shall, upon petition
42 of the commission, reassess the taxable tangible property situated upon



1 or in, or added to, the airport development zone effective on the next
2 assessment date after the petition.

3 (j) Notwithstanding any other law, the assessed value of all taxable
4 tangible property in the airport development zone, for purposes of tax
5 limitation, property tax replacement, and formulation of the budget, tax
6 rate, and tax levy for each political subdivision in which the property
7 is located is the lesser of:

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

10 (2) the base assessed value.

11 SECTION 63. IC 13-18-15-2, AS AMENDED BY P.L.228-2015,
12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2019]: Sec. 2. (a) The persons involved shall negotiate the
14 terms for connection and service under this chapter.

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

18 (1) must waive the receiver's right of remonstrance against
19 annexation of the areas in which the service is to be provided; and

20 (2) may be one (1) of the terms for connection and service
21 described in subsection (a).

22 (c) The waiver, if granted:

23 (1) shall be noted on the deed of each property affected and
24 recorded as provided by law; and

25 (2) is considered a covenant running with the land.

26 ~~(d) Notwithstanding any other law, a waiver of the right of~~
27 ~~remonstrance executed after June 30, 2015, expires not later than~~
28 ~~fifteen (15) years after the date the waiver was executed.~~

29 ~~(e)~~ (d) This subsection applies to any deed recorded after June 30,
30 2015. This subsection applies only to property that is subject to a
31 remonstrance waiver. A municipality shall, within a reasonable time
32 after the recording of a deed to property located within the
33 municipality, provide written notice to the property owner that a waiver
34 of the right of remonstrance exists with respect to the property.

35 **(e) A remonstrance waiver executed before July 1, 2003, is void.**
36 **This subsection does not invalidate an annexation that was effective**
37 **on or before July 1, 2019.**

38 **(f) A remonstrance waiver executed after June 30, 2003, and**
39 **before July 1, 2019, is subject to the following:**

40 **(1) The waiver is void unless the waiver was recorded:**

41 **(A) before January 1, 2020; and**

42 **(B) with the county recorder of the county where the**



1 **property subject to the waiver is located.**
 2 **(2) A waiver that is not void under subdivision (1) expires not**
 3 **later than fifteen (15) years after the date the waiver is**
 4 **executed.**
 5 **This subsection does not invalidate an annexation that was effective**
 6 **on or before July 1, 2019.**
 7 **(g) A remonstrance waiver executed after June 30, 2019, is**
 8 **subject to the following:**
 9 **(1) The waiver is void unless the waiver is recorded:**
 10 **(A) not later than thirty (30) business days after the date**
 11 **the waiver was executed; and**
 12 **(B) with the county recorder of the county where the**
 13 **property subject to the waiver is located.**
 14 **(2) A waiver that is not void under subdivision (1) expires not**
 15 **later than fifteen (15) years after the date the waiver is**
 16 **executed.**

17 **This subsection does not invalidate an annexation that was effective**
 18 **on or before July 1, 2019.**

19 SECTION 64. IC 14-27-6-46 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 46. (a) The board shall
 21 do the following:

- 22 (1) Annually prepare a budget for the operation and capital
- 23 expenditures of the authority.
- 24 (2) Calculate the tax levy necessary to provide money for the
- 25 operating expenditures necessary to carry out the powers, duties,
- 26 and functions of the authority together with any capital
- 27 expenditures that are included in the annual budget.
- 28 (b) The budget shall be prepared and submitted at the same time and
- 29 in the same manner as provided by the statutes relating to the
- 30 preparation of budgets by cities. The budget is subject to the same
- 31 review by ~~the county tax adjustment board~~ and the department of local
- 32 government finance as under the statutes relating to budgets of cities.
- 33 (c) The budgets and the tax levies are subject to review and
- 34 modification by the fiscal body of a city and county within the district
- 35 in the same manner as the budgets and tax levies of the executive
- 36 departments of the city.

37 SECTION 65. IC 14-30-2-19, AS AMENDED BY P.L.146-2008,
 38 SECTION 426, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2019]: Sec. 19. The commission shall prepare
 40 an annual budget for the commission's operation and other
 41 expenditures under IC 6-1.1-17. ~~However, the annual budget is not~~
 42 ~~subject to review and modification by the county board of tax~~



1 adjustment of any county. Notwithstanding any other law, the budget
 2 of the commission shall be treated for all other purposes as if the
 3 appropriate county board of tax adjustment had approved the budget.

4 SECTION 66. IC 14-30-4-16, AS AMENDED BY P.L.146-2008,
 5 SECTION 427, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) The commission shall
 7 prepare an annual budget for the commission's operation and other
 8 expenditures under IC 6-1.1-17. ~~The annual budget is subject to review~~
 9 ~~and modification by the county board of tax adjustment of any~~
 10 ~~participating county.~~

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

13 SECTION 67. IC 14-33-9-1, AS AMENDED BY P.L.255-2017,
 14 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 1. (a) Except as provided in IC 6-1.1-17-20, the
 16 budget of a district:

17 (1) must be prepared and submitted:

18 (A) at the same time;

19 (B) in the same manner; and

20 (C) with notice;

21 as is required by statute for the preparation of budgets by
 22 municipalities; and

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

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

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

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

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

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

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

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

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

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

42 SECTION 68. IC 16-22-3-19 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) This section
 2 applies to a medical care trust board appointed by a county executive
 3 to govern a nonexpendable trust fund established under section 17(j)
 4 or 18(e) of this chapter.

5 (b) The county executive may adopt an ordinance providing that the
 6 medical care trust board is subject to this section.

7 (c) After the effective date of an ordinance adopted under
 8 subsection (b), the medical care trust board may do the following:

9 (1) Approve and the treasurer may disburse payment of a claim
 10 against the trust for payment of hospital and medical services
 11 provided to an indigent person and reasonable administrative
 12 expenses, without the necessity of filing a claim with the county
 13 auditor for approval by the county executive.

14 (2) **Except as provided in section 19.5 of this chapter**, invest
 15 the funds of the trust:

16 (A) in accordance with IC 5-13-9 and guidelines adopted by
 17 the board under IC 5-13-9-1; and

18 (B) without being subject to guidelines adopted by the county
 19 executive under IC 5-13-9-1.

20 SECTION 69. IC 16-22-3-19.5 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2019]: **Sec. 19.5. (a) This section applies to a**
 23 **county that before 1990 sold its hospital property and established**
 24 **a medical care trust board to hold the proceeds from the sale.**

25 (b) **As used in this section, "trust board" refers to a medical**
 26 **care trust board established to hold the proceeds from the sale of**
 27 **a county hospital.**

28 (c) **The trust board shall contract with investment managers,**
 29 **investment advisors, investment counsel, trust companies, banks,**
 30 **or other finance professionals to assist the trust board in an**
 31 **investment program. Money held by the trust board must be**
 32 **invested in accordance with the terms of an investment policy**
 33 **statement developed by the board of directors of the trust board**
 34 **with an investment advisor that:**

35 (1) **is approved by the board of directors; and**

36 (2) **complies with the diversification, risk management, and**
 37 **other fiduciary requirements common to the management of**
 38 **charitable trusts, including that the funds of the trust board**
 39 **must be invested according to the prudent investor rule. The**
 40 **investment policy statement must include the limitation on the**
 41 **investment in equities specified in subsection (e).**

42 (d) **Money held by the trust board:**



- 1 (1) may be invested in any legal, marketable securities; and
 2 (2) is not subject to any other investment limitations in the
 3 law, other than the limitations under this section and the
 4 limitations in the investment policy statement.
- 5 (e) The total amount of the funds invested by the trust board in
 6 equity securities under this section may not exceed fifty-five
 7 percent (55%) of the total value of the portfolio of funds invested
 8 by the trust board under this section. However:
- 9 (1) an investment that complies with this subsection when the
 10 investment is made remains legal even if a subsequent change
 11 in the value of the investment or a change in the value of the
 12 total portfolio of funds invested by the trust board causes the
 13 percentage of investments in equity securities to exceed the
 14 fifty-five percent (55%) limit on equity securities; and
 15 (2) if the total amount of the funds invested by a trust board
 16 in equity securities exceeds the fifty-five percent (55%) limit
 17 on equity securities because of a change described in
 18 subdivision (1), the investments by the trust board must be
 19 rebalanced to comply with the fifty-five percent (55%) limit
 20 on equity investments not later than one hundred twenty (120)
 21 days after the equity investments first exceed that limit.
- 22 (f) The following apply to the trust board:
- 23 (1) The trust board must be audited annually by an
 24 independent third party auditor.
- 25 (2) The board of directors of the trust board must meet at
 26 least quarterly to receive a quarterly compliance and
 27 performance update from the investment advisor.
- 28 (3) Three (3) nonvoting advisors who are officers of different
 29 county designated depositories shall attend the quarterly
 30 meetings in an advisory capacity to assist the board of
 31 directors of the trust board:
- 32 (A) in reviewing the compliance and performance report
 33 from the investment advisor; and
 34 (B) in reviewing the annual audit required by subdivision
 35 (1).
- 36 The three (3) nonvoting advisors may not vote on any action
 37 of the board of directors. The board of directors of the trust
 38 board shall by majority vote select the three (3) depositories
 39 from which the three (3) nonvoting advisors will be chosen.
 40 Each of the three (3) depositories selected under this
 41 subdivision shall select an officer of the depository to serve as
 42 one (1) of the three (3) nonvoting advisors. Each nonvoting



1 **advisor shall serve a term of three (3) years, and the**
 2 **nonvoting advisor shall continue to serve until a successor is**
 3 **selected. However, to provide for staggered terms, the board**
 4 **of directors of the trust board shall provide that the initial**
 5 **term of one (1) nonvoting advisor is one (1) year, the initial**
 6 **term of one (1) nonvoting advisor is two (2) years, and the**
 7 **initial term of one (1) nonvoting advisor is three (3) years. For**
 8 **purposes of avoiding a conflict of interest, a financial**
 9 **institution for which a nonvoting advisor is an officer (and**
 10 **any affiliate of such a financial institution) may not receive a**
 11 **commission or other compensation for investments made by**
 12 **the trust board under this section.**

13 SECTION 70. IC 16-23-1-40 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 40. (a) The governing
 15 board may request a cumulative hospital building fund and a tax rate
 16 upon all taxable property in the county in which the hospital is located
 17 to finance the fund. If a resolution is approved by majority vote of all
 18 members at a regular or special board meeting, the resolution shall be
 19 certified to the county auditor, who shall submit the resolution to the
 20 county executive for preliminary approval and recommendation. Upon
 21 the approval of the county executive, the county auditor shall publish
 22 notice of a public hearing before the county council on the
 23 establishment of a cumulative hospital building fund and tax rate in
 24 each year.

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

- 31 (1) The number of years.
 32 (2) The effective date when the tax levy begins.
 33 (3) The amount of **the** rate on each one hundred dollars (\$100) of
 34 taxable property.
 35 (4) Any other pertinent facts considered advisable by the board.

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



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

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

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

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

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

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



1 (h) After the hearing under subsection (g), the department of local
2 government finance shall approve, disapprove, or modify the request
3 for reduction or rescission of the tax rate and shall certify that decision
4 to the county auditor of the county in which the hospital is located.

5 SECTION 71. IC 20-45-7-20, AS AMENDED BY P.L.146-2008,
6 SECTION 492, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2019]: Sec. 20. (a) The county auditor shall
8 compute the amount of the tax to be levied each year. Before August
9 2, the county auditor shall certify the amount to the county council.

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

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

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

20 SECTION 72. IC 20-45-8-20, AS AMENDED BY P.L.146-2008,
21 SECTION 493, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2019]: Sec. 20. The tax levy is subject to all
23 laws concerning review by ~~the county board of tax adjustment and~~ the
24 department of local government finance.

25 SECTION 73. IC 20-49-4-8, AS ADDED BY P.L.2-2006,
26 SECTION 172, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2019]: Sec. 8. The state board may advance
28 money to school corporations to be used for:

- 29 (1) school building construction programs; ~~and~~
30 (2) educational technology programs; ~~and~~
31 **(3) property tax refund payments;**

32 as provided in this chapter.

33 SECTION 74. IC 20-49-4-14.5 IS ADDED TO THE INDIANA
34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2019]: **Sec. 14.5. (a) Advances to pay**
36 **property tax refunds resulting from significant property tax**
37 **appeals that were lost or settled by counties may be made to school**
38 **corporations. The total amount of advances that the state board**
39 **may make under this section may not exceed ten million dollars**
40 **(\$10,000,000).**

41 **(b) An advance may be made to a school corporation to pay a**
42 **property tax refund resulting from a significant property tax**



1 appeal that was lost or settled by the county if the following
2 conditions exist:

3 (1) The total amount of the property tax refund that must be
4 paid by the school corporation exceeds the lesser of:

5 (A) twenty percent (20%) of the school corporation's
6 annual certified levy for its operations fund in the calendar
7 year in which the application for the advance is made; or

8 (B) four hundred dollars (\$400) per average daily
9 membership (as defined in IC 20-18-2-2) for the most
10 recent fall count.

11 (2) The total amount of the property tax refund that must be
12 paid by the school corporation exceeds fifty percent (50%) of
13 the school corporation's rainy day fund balance as of the date
14 of the application.

15 SECTION 75. IC 20-49-4-16.5 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2019]: **Sec. 16.5. (a) Money advanced to a**
18 **school corporation to pay a property tax refund resulting from a**
19 **significant property tax appeal that was lost or settled by the**
20 **county may be for a period not exceeding ten (10) years. The school**
21 **corporation to which an advance is made shall pay interest on the**
22 **advance. For advances to pay property tax refunds, the state board**
23 **may provide that the advances may be prepaid at any time.**

24 (b) The state board of finance shall periodically establish the
25 rate or rates of interest payable on advances to pay property tax
26 refunds as long as the established interest rate or rates:

27 (1) are not less than one percent (1%); and

28 (2) do not exceed four percent (4%).

29 SECTION 76. IC 20-49-4-22.5 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2019]: **Sec. 22.5. A school corporation to**
32 **which an advance is made to pay a property tax refund resulting**
33 **from a significant property tax appeal that was lost or settled by**
34 **the county may annually impose a property tax levy for the**
35 **operations fund or the debt service fund to replace the amount**
36 **deducted under this chapter in the current year from the**
37 **distribution of state tuition support. However, a levy may not be**
38 **imposed under this chapter if a levy is being imposed under**
39 **IC 6-1.1-19, IC 20-48-1-7, or another statute to cover the refund**
40 **from a significant property tax appeal. The amount received from**
41 **the tax under this section must be transferred to the education**
42 **fund.**



1 SECTION 77. IC 33-32-2-9, AS AMENDED BY P.L.279-2013,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 9. (a) As used in this section, "training courses"
 4 refers to training courses related to the office of circuit court clerk that
 5 are compiled or developed by the Association of Indiana Counties and
 6 approved by the state board of accounts.

7 (b) An individual elected to the office of circuit court clerk ~~after~~
 8 ~~November 2, 2010~~, shall complete at least:

- 9 (1) fifteen (15) hours of training courses within one (1) year; and
 10 (2) forty (40) hours of training courses within three (3) years;

11 after the individual is elected to the office of circuit court clerk.

12 (c) **An individual first elected to the office of circuit court clerk**
 13 **shall complete five (5) hours of newly elected official training**
 14 **courses before the individual first takes the office of circuit court**
 15 **clerk.** A training course that an individual completes

- 16 ~~(1) after being elected to the office of circuit court clerk; and~~
 17 ~~(2) before the individual begins serving in the office of circuit~~
 18 ~~court clerk;~~

19 **under this subsection** shall be counted toward the **individual's**
 20 requirements under subsection (b).

21 (d) An individual shall fulfill the training requirements established
 22 by subsection (b) for each term to which the individual is elected as
 23 circuit court clerk.

24 (e) **The failure of an individual to complete the training required**
 25 **by this section does not prevent the individual from taking an office**
 26 **to which the individual was elected.**

27 ~~(e)~~ (f) This subsection applies only to an individual appointed to fill
 28 a vacancy in the office of circuit court clerk. An individual described
 29 in this subsection may, but is not required to, take training courses
 30 required by subsection (b). If an individual described in this subsection
 31 takes a training course required by subsection (b) for an elected circuit
 32 court clerk, the county shall pay for the training course as if the
 33 individual had been an elected circuit court clerk.

34 SECTION 78. IC 36-1-8.5-2, AS AMENDED BY P.L.191-2015,
 35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 2. As used in this chapter, "covered person"
 37 means:

- 38 (1) a judge;
 39 (2) a law enforcement officer;
 40 (3) a victim of domestic violence; ~~or~~
 41 (4) a public official; ~~or~~
 42 (5) **the surviving spouse of a person described in subdivisions**



1 **(1) through (4), if the person was killed in the line of duty.**

2 SECTION 79. IC 36-1-10-7, AS AMENDED BY P.L.233-2015,
3 SECTION 329, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 7. (a)
5 Except as provided in subsection (b); As used in this section,
6 **"threshold amount" means two hundred fifty thousand dollars**
7 **(\$250,000).**

8 **(b) This section does not apply if the total annual cost of the**
9 **lease is less than the threshold amount.**

10 (c) A leasing agent **for a political subdivision, other than a school**
11 **corporation,** may not lease a structure, transportation project, or
12 system unless:

13 (1) the leasing agent receives a petition signed by fifty (50) or
14 more taxpayers of the political subdivision or agency; and

15 (2) the fiscal body of the political subdivision determines, after
16 investigation, that the structure, transportation project, or system
17 is needed.

18 ~~(b) This subsection applies only to a school corporation. A leasing~~
19 ~~agent may not lease a structure, transportation project, or system unless~~
20 ~~the governing body of the school corporation determines, after~~
21 ~~investigation, that the structure, transportation project, or system is~~
22 ~~needed.~~

23 SECTION 80. IC 36-1-10-7.5 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 7.5. (a)
26 **This section applies only to a school corporation.**

27 **(b) A leasing agent may not lease a structure, transportation**
28 **project, or system unless the governing body of the school**
29 **corporation determines, after investigation, that the structure,**
30 **transportation project, or system is needed.**

31 SECTION 81. IC 36-1-10-14 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]:
33 Sec. 14. (a) **As used in this section, "threshold amount" has the**
34 **meaning set forth in section 7 of this chapter.**

35 **(b) This section does not apply if the total annual cost of the**
36 **lease is less than the threshold amount.**

37 ~~(a)~~ (c) If lease rentals are payable, in whole or in part, from property
38 taxes, ten (10) or more taxpayers in the political subdivision who
39 disagree with the execution of a lease under this chapter may file a
40 petition in the office of the county auditor of the county in which the
41 leasing agent is located, within thirty (30) days after publication of
42 notice of the execution of the lease. The petition must state the



1 taxpayer's objections and the reasons why the lease is unnecessary or
2 unwise.

3 ~~(b)~~ **(d)** The county auditor shall immediately certify a copy of the
4 petition, together with other data necessary to present the questions
5 involved, to the department of local government finance. Upon receipt
6 of the certified petition and other data, the department of local
7 government finance shall fix a time and place for the hearing of the
8 matter. The hearing shall be held not less than five (5) nor more than
9 thirty (30) days after the receipt of the certified documents.

10 ~~(c)~~ **(e)** The hearing shall be held in the political subdivision where
11 the petition arose.

12 ~~(d)~~ **(f)** Notice of the hearing shall be given by the department of
13 local government finance to the leasing agent and to the first ten (10)
14 taxpayer petitioners listed on the petition by a letter signed by the
15 commissioner or deputy commissioner of the department. The letter
16 shall be sent to the first ten (10) taxpayer petitioners at their usual place
17 of residence at least five (5) days before the date of the hearing. The
18 decision by the department of local government finance on the
19 objections presented in the petition is final.

20 SECTION 82. IC 36-1-10-22 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: **Sec. 22. (a)**
23 **This section applies only to a lease that meets all of the following:**

- 24 **(1) The lease was entered into before January 1, 2019.**
25 **(2) The total annual cost of the lease is less than two hundred**
26 **fifty thousand dollars (\$250,000).**
27 **(3) Any one (1) of the following applies:**
28 **(A) The leasing agent did not comply with section 7(a) of**
29 **this chapter (as in effect before January 1, 2019) before the**
30 **lease was entered into.**
31 **(B) The leasing agent did not comply with section 14 of this**
32 **chapter (as in effect before January 1, 2019) before the**
33 **lease was entered into.**
34 **(C) The leasing agent did not comply with both section 7(a)**
35 **of this chapter (as in effect before January 1, 2019) and**
36 **section 14 of this chapter (as in effect before January 1,**
37 **2019) before the lease was entered into.**

38 **(b) A lease described in subsection (a) is valid, notwithstanding**
39 **the failure of the leasing agent to comply with section 7(a) of this**
40 **chapter (as in effect before January 1, 2019), section 14 of this**
41 **chapter (as in effect before January 1, 2019), or both section 7(a)**
42 **of this chapter (as in effect before January 1, 2019) and section 14**



1 of this chapter (as in effect before January 1, 2019) before the lease
2 was entered into.

3 (c) This section does not validate a lease described in subsection
4 (a) for failures to comply with statutory requirements other than
5 those set forth in section 7(a) of this chapter (as in effect before
6 January 1, 2019) and section 14 of this chapter (as in effect before
7 January 1, 2019).

8 SECTION 83. IC 36-1-14-4 IS REPEALED [EFFECTIVE JULY 1,
9 2019]. Sec. 4. (a) This section applies to a county that before 1990 sold
10 its hospital property and established a trust to hold the proceeds from
11 the sale.

12 (b) As used in this section, "trust" refers to a charitable trust
13 established to hold the proceeds from the sale of a county hospital.

14 (c) The trustees of a trust shall contract with investment managers;
15 investment advisors; investment counsel; trust companies; banks; or
16 other finance professionals to assist the trustees in an investment
17 program. Money held by the trust must be invested in accordance with
18 the terms of an investment policy statement developed by the trustees
19 with an investment advisor that:

20 (1) is approved by the trustees; and

21 (2) complies with the diversification, risk management, and other
22 fiduciary requirements common to the management of charitable
23 trusts, including that the funds of the trust must be invested
24 according to the prudent investor rule. However, the investment
25 policy statement may not allow the trust to invest in any
26 investments in which the political subdivision that established the
27 trust is not permitted to invest under the Constitution of the State
28 of Indiana. The investment policy statement must include the
29 limitation on the investment in equities specified in subsection
30 (e):

31 (d) Money held by the trust:

32 (1) may be invested in any legal, marketable securities; and

33 (2) is not subject to any other investment limitations in the law;
34 other than the limitations under this section and the limitations in
35 the investment policy statement.

36 (e) The total amount of the funds invested by a trust in equity
37 securities under this section may not exceed fifty-five percent (55%) of
38 the total value of the portfolio of funds invested by the trust under this
39 section. However:

40 (1) an investment that complies with this subsection when the
41 investment is made remains legal even if a subsequent change in
42 the value of the investment or a change in the value of the total



1 portfolio of funds invested by the trust causes the percentage of
 2 investments in equity securities to exceed the fifty-five percent
 3 (55%) limit on equity securities; and

4 (2) if the total amount of the funds invested by a trust in equity
 5 securities exceeds the fifty-five percent (55%) limit on equity
 6 securities because of a change described in subdivision (1); the
 7 investments by the trust must be rebalanced to comply with the
 8 fifty-five percent (55%) limit on equity investments not later than
 9 one hundred twenty (120) days after the equity investments first
 10 exceed that limit.

11 (f) The following apply if a trust is established under this section:

12 (1) To the extent that investment income earned on the principal
 13 amount of the trust during a calendar year exceeds five percent
 14 (5%) of the amount of the principal at the beginning of the
 15 calendar year, that excess investment income shall, for purposes
 16 of this section, be added to and be considered a part of the
 17 principal amount of the trust.

18 (2) An expenditure or transfer of any money that is part of the
 19 principal amount of the trust may be made only upon unanimous
 20 approval of the trustees.

21 (3) The trust must be audited annually by an independent third
 22 party auditor.

23 (4) The trustees must meet at least quarterly to receive a quarterly
 24 compliance and performance update from the investment advisor.

25 (5) Three (3) nonvoting advisors who are officers of different
 26 county designated depositories shall attend the quarterly meetings
 27 in an advisory capacity to assist the trustees:

28 (A) in reviewing the compliance and performance report from
 29 the investment advisor; and

30 (B) in reviewing the annual audit required by subdivision (3):

31 The three (3) nonvoting advisors may not vote on any action of
 32 the board of trustees. The trustees shall by majority vote select the
 33 three (3) depositories from which the three (3) nonvoting advisors
 34 will be chosen. Each of the three (3) depositories selected under
 35 this subdivision shall select an officer of the depository to serve
 36 as one (1) of the three (3) nonvoting advisors. Each nonvoting
 37 advisor shall serve a term of three (3) years, and the nonvoting
 38 advisor shall continue to serve until a successor is selected.
 39 However, to provide for staggered terms, the trustees shall
 40 provide that the initial term of one (1) nonvoting advisor is one
 41 (1) year, the initial term of one (1) nonvoting advisor is two (2)
 42 years, and the initial term of one (1) nonvoting advisor is three (3)



1 years. For purposes of avoiding a conflict of interest, a financial
 2 institution for which a nonvoting advisor is an officer (and any
 3 affiliate of such a financial institution) may not receive a
 4 commission or other compensation for investments made by the
 5 trust under this section.

6 SECTION 84. IC 36-1-23-2, AS ADDED BY P.L.184-2015,
 7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]: Sec. 2. A member of the fiscal body of a unit may not
 9 participate in a vote on the adoption of the unit's budget and tax levies
 10 if the member is: a **volunteer firefighter in:**

- 11 (1) **an employee of** a volunteer fire department; or
- 12 (2) **a volunteer firefighter in** a fire department;

13 that provides fire protection services to the unit under a contract
 14 (excluding a mutual aid agreement) or as the unit's fire department.

15 SECTION 85. IC 36-2-5-3.7 IS ADDED TO THE INDIANA CODE
 16 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
 17 JANUARY 1, 2019 (RETROACTIVE)]: **Sec. 3.7. (a) As used in this**
 18 **section, "body" refers to either of the following:**

- 19 (1) **The county fiscal body.**
- 20 (2) **The county executive.**

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

- 25 (1) **All applicable requirements in this chapter are satisfied**
 26 **with respect to the salary schedule that includes the additional**
 27 **compensation.**
- 28 (2) **The additional compensation is being provided because the**
 29 **individual holding the position of presiding officer or**
 30 **secretary:**

- 31 (A) **has additional duties; or**
- 32 (B) **attends additional meetings on behalf of the body;**
 33 **as compared to other members of the body.**
- 34 (3) **The additional compensation amount applies only for time**
 35 **periods during which the individual serves in the capacity as**
 36 **presiding officer or secretary and:**

- 37 (A) **handles additional duties; or**
- 38 (B) **attends additional meetings on behalf of the body;**
 39 **as compared to other members of the body.**

40 SECTION 86. IC 36-2-6-8, AS AMENDED BY P.L.146-2008,
 41 SECTION 689, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 8. (a)



1 **Except as permitted by IC 36-2-5-3.7**, the county executive or a court
2 may not make an allowance to a county officer for:

- 3 (1) services rendered in a criminal action;
4 (2) services rendered in a civil action; or
5 (3) extra services rendered in the county officer's capacity as a
6 county officer.

7 (b) The county executive may make an allowance to the clerk of the
8 circuit court, county auditor, county treasurer, county sheriff, township
9 assessor (if any), or county assessor, or to any of those officers'
10 employees, only if:

- 11 (1) the allowance is specifically required by law; or
12 (2) the county executive finds, on the record, that the allowance
13 is necessary in the public interest.

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

17 SECTION 87. IC 36-2-7-19, AS AMENDED BY P.L.127-2017,
18 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2019]: Sec. 19. (a) As used in this section, "fund" refers to a
20 county elected officials training fund established under subsection (b).

21 (b) Each county legislative body shall ~~before July 1, 2011~~, establish
22 a county elected officials training fund to supplement appropriations
23 that may come from the county general fund to provide training of
24 elected officials. The county fiscal body shall appropriate money from
25 the fund.

26 (c) The fund consists of money deposited under IC 36-2-7.5-6(b)(2)
27 and any other sources required or permitted by law. Money in the fund
28 does not revert to the county general fund.

29 (d) Money in the fund shall be used solely to provide training of:

- 30 (1) county elected officials; **and**
31 (2) **individuals first elected to a county office;**

32 required by IC 33-32-2-9, IC 36-2-9-2.5, IC 36-2-9.5-2.5,
33 IC 36-2-10-2.5, IC 36-2-11-2.5, and IC 36-2-12-2.5.

34 (e) **Money in the fund may be used to provide any of the**
35 **following:**

- 36 (1) **Travel, lodging, and related expenses associated with any**
37 **training paid for from the fund.**
38 (2) **Training of one (1) or more designees of a county elected**
39 **official if sufficient funds are appropriated by the county**
40 **fiscal body.**

41 SECTION 88. IC 36-2-9-2.5, AS AMENDED BY P.L.279-2013,
42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]; Sec. 2.5. (a) As used in this section, "training courses"
 2 refers to training courses related to the office of county auditor that are
 3 compiled or developed by the Association of Indiana Counties and
 4 approved by the state board of accounts.

5 (b) An individual elected to the office of county auditor ~~on or after~~
 6 ~~November 6, 2012~~; shall complete at least:

7 (1) fifteen (15) hours of training courses within one (1) year; and

8 (2) forty (40) hours of training courses within three (3) years;
 9 after the individual is elected to the office of county auditor.

10 (c) **An individual first elected to the office of county auditor**
 11 **shall complete five (5) hours of newly elected official training**
 12 **courses before the individual first takes the office of county**
 13 **auditor.** A training course that an individual completes

14 ~~(1) after being elected to the office of county auditor; and~~

15 ~~(2) before the individual begins serving in the office of county~~
 16 ~~auditor;~~

17 **under this subsection** shall be counted toward the requirements under
 18 subsection (b).

19 (d) An individual shall fulfill the training requirements established
 20 by subsection (b) for each term to which the individual is elected as
 21 county auditor.

22 **(e) The failure of an individual to complete the training required**
 23 **by this section does not prevent the individual from taking an office**
 24 **to which the individual was elected.**

25 ~~(e)~~ **(f)** This subsection applies only to an individual appointed to fill
 26 a vacancy in the office of county auditor. An individual described in
 27 this subsection may, but is not required to, take training courses
 28 required by subsection (b). If an individual described in this subsection
 29 takes a training course required by subsection (b) for an elected county
 30 auditor, the county shall pay for the training course as if the individual
 31 had been an elected county auditor.

32 SECTION 89. IC 36-2-9.5-2.5, AS AMENDED BY P.L.279-2013,
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 2.5. (a) As used in this section, "training courses"
 35 refers to training courses related to the office of county auditor that are
 36 compiled or developed by the Association of Indiana Counties and
 37 approved by the state board of accounts.

38 (b) An individual elected to the office of county auditor ~~on or after~~
 39 ~~November 6, 2012~~; shall complete at least:

40 (1) fifteen (15) hours of training courses within one (1) year; and

41 (2) forty (40) hours of training courses within three (3) years;
 42 after the individual is elected to the office of county auditor.



1 (c) **An individual first elected to the office of county auditor**
 2 **shall complete five (5) hours of newly elected official training**
 3 **courses before the individual first takes the office of county**
 4 **auditor.** A training course that an individual completes

5 (1) after being elected to the office of county auditor; and

6 (2) before the individual begins serving in the office of county
 7 auditor;

8 **under this subsection** shall be counted toward the requirements under
 9 subsection (b).

10 (d) An individual shall fulfill the training requirements established
 11 by subsection (b) for each term to which the individual is elected as
 12 county auditor.

13 (e) **The failure of an individual to complete the training required**
 14 **by this section does not prevent the individual from taking an office**
 15 **to which the individual was elected.**

16 (f) This subsection applies only to an individual appointed to fill
 17 a vacancy in the office of county auditor. An individual described in
 18 this subsection may, but is not required to, take training courses
 19 required by subsection (b). If an individual described in this subsection
 20 takes a training course required by subsection (b) for an elected county
 21 auditor, the county shall pay for the training course as if the individual
 22 had been an elected county auditor.

23 SECTION 90. IC 36-2-10-2.5, AS AMENDED BY P.L.279-2013,
 24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 2.5. (a) As used in this section, "training courses"
 26 refers to training courses related to the office of county treasurer that
 27 are compiled or developed by the Association of Indiana Counties and
 28 approved by the state board of accounts.

29 (b) An individual elected to the office of county treasurer ~~on or after~~
 30 ~~November 6, 2012~~, shall complete at least:

31 (1) fifteen (15) hours of training courses within one (1) year; and

32 (2) forty (40) hours of training courses within three (3) years;

33 after the individual is elected to the office of county treasurer.

34 (c) **An individual first elected to the office of county treasurer**
 35 **shall complete five (5) hours of newly elected official training**
 36 **courses before the individual first takes the office of county**
 37 **treasurer.** A training course that the individual completes

38 (1) after being elected to the office of county treasurer; and

39 (2) before the individual begins serving in the office of county
 40 treasurer;

41 **under this subsection** shall be counted toward the requirements under
 42 subsection (b).



1 (d) An individual shall fulfill the training requirements established
 2 by subsection (b) for each term to which the individual is elected as
 3 county treasurer.

4 **(e) The failure of an individual to complete the training required**
 5 **by this section does not prevent the individual from taking an office**
 6 **to which the individual was elected.**

7 ~~(e)~~ (f) This subsection applies only to an individual appointed to fill
 8 a vacancy in the office of county treasurer. An individual described in
 9 this subsection may, but is not required to, take any training courses
 10 required by subsection (b). If an individual described in this subsection
 11 takes a training course required by subsection (b) for an elected county
 12 treasurer, the county shall pay for the training course as if the
 13 individual had been an elected county treasurer.

14 SECTION 91. IC 36-2-11-2.5, AS AMENDED BY P.L.279-2013,
 15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 2.5. (a) As used in this section, "training courses"
 17 refers to training courses related to the office of county recorder that
 18 are compiled or developed by the Association of Indiana Counties and
 19 approved by the state board of accounts.

20 (b) An individual elected to the office of county recorder ~~after~~
 21 ~~November 4, 2008~~, shall complete at least:

22 (1) fifteen (15) hours of training courses within one (1) year; and
 23 (2) forty (40) hours of training courses within three (3) years;
 24 after the individual is elected to the office of county recorder.

25 **(c) An individual first elected to the office of county recorder**
 26 **shall complete five (5) hours of newly elected official training**
 27 **courses before the individual first takes the office of county**
 28 **recorder.** A training course that the individual completes

29 (1) after being elected to the office of county recorder; and
 30 (2) before the individual begins serving in the office of county
 31 recorder;

32 **under this subsection** shall be counted toward the requirements under
 33 subsection (b).

34 (d) An individual shall fulfill the training requirements established
 35 by subsection (b) for each term to which the individual is elected as
 36 county recorder.

37 **(e) The failure of an individual to complete the training required**
 38 **by this section does not prevent the individual from taking an office**
 39 **to which the individual was elected.**

40 ~~(e)~~ (f) This subsection applies only to an individual appointed to fill
 41 a vacancy in the office of county recorder. An individual described in
 42 this subsection may, but is not required to, take any training courses



1 required by subsection (b). If an individual described in this subsection
 2 takes a training course required by subsection (b) for an elected county
 3 recorder, the county shall pay for the training course as if the individual
 4 had been an elected county recorder.

5 SECTION 92. IC 36-2-12-2.5, AS AMENDED BY P.L.279-2013,
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 2.5. (a) As used in this section, "training course"
 8 refers to:

9 (1) a training course related to the office of county surveyor that
 10 is compiled or developed by the Association of Indiana Counties
 11 and approved by the state board of accounts; or

12 (2) an educational course regarding land surveying that is taken
 13 by an individual who is:

14 (A) serving in the office of county surveyor; and

15 (B) an actively registered professional surveyor.

16 ~~(b) An individual elected to the office of county surveyor after June~~
 17 ~~30, 2009, but before July 1, 2013, shall, within two (2) years after~~
 18 ~~beginning the county surveyor's term, complete at least twenty-four~~
 19 ~~(24) hours of training courses:~~

20 ~~(c) (b) An individual elected to the office of county surveyor after~~
 21 ~~June 30, 2013, shall complete at least:~~

22 (1) fifteen (15) hours of training courses within one (1) year; and

23 (2) forty (40) hours of training courses within three (3) years;

24 after the individual is elected to the office of county surveyor.

25 ~~(d) (c) An individual first elected to the office of county surveyor~~
 26 ~~shall complete five (5) hours of newly elected official training~~
 27 ~~courses before the individual first takes the office of county~~
 28 ~~surveyor. A training course that an individual completes~~

29 ~~(1) after being elected to the office of county surveyor; and~~

30 ~~(2) before that individual begins serving in the office of county~~
 31 ~~surveyor;~~

32 **under this subsection shall be counted toward the requirements under**
 33 **subsection (c): (b).**

34 ~~(e) (d) An individual shall fulfill the training requirement~~
 35 ~~established by subsection (c) (b) for each term the individual serves.~~

36 **(e) The failure of an individual to complete the training required**
 37 **by this section does not prevent the individual from taking an office**
 38 **to which the individual was elected.**

39 (f) This subsection applies only to an individual appointed to fill a
 40 vacancy in the office of county surveyor. An individual described in
 41 this subsection may, but is not required to, take any training courses
 42 required by subsection (c): (b). If an individual described in this



1 subsection takes a training course required by subsection (c) (b) for an
 2 elected county surveyor, the county shall pay for the training course as
 3 if the individual had been an elected county surveyor.

4 SECTION 93. IC 36-4-3-11.7, AS ADDED BY P.L.228-2015,
 5 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 11.7. (a) ~~Notwithstanding any other law, a waiver~~
 7 ~~of the right of remonstrance executed after June 30, 2015, expires not~~
 8 ~~later than fifteen (15) years after the date the waiver was executed.~~

9 ~~(b) (a)~~ This subsection applies to any deed recorded after June 30,
 10 2015. This subsection applies only to property that is subject to a
 11 remonstrance waiver. A municipality shall, within a reasonable time
 12 after the recording of a deed to property located within the
 13 municipality, provide written notice to the property owner that a waiver
 14 of the right of remonstrance exists with respect to the property.

15 **(b) A remonstrance waiver executed before July 1, 2003, is void.**
 16 **This subsection does not invalidate an annexation that was effective**
 17 **on or before July 1, 2019.**

18 **(c) A remonstrance waiver executed after June 30, 2003, and**
 19 **before July 1, 2019, is subject to the following:**

20 **(1) The waiver is void unless the waiver was recorded:**

21 **(A) before January 1, 2020; and**

22 **(B) with the county recorder of the county where the**
 23 **property subject to the waiver is located.**

24 **(2) A waiver that is not void under subdivision (1) expires not**
 25 **later than fifteen (15) years after the date the waiver is**
 26 **executed.**

27 **This subsection does not invalidate an annexation that was effective**
 28 **on or before July 1, 2019.**

29 **(d) A remonstrance waiver executed after June 30, 2019, is**
 30 **subject to the following:**

31 **(1) The waiver is void unless the waiver is recorded:**

32 **(A) not later than thirty (30) business days after the date**
 33 **the waiver was executed; and**

34 **(B) with the county recorder of the county where the**
 35 **property subject to the waiver is located.**

36 **(2) A waiver that is not void under subdivision (1) expires not**
 37 **later than fifteen (15) years after the date the waiver is**
 38 **executed.**

39 **This subsection does not invalidate an annexation that was effective**
 40 **on or before July 1, 2019.**

41 SECTION 94. IC 36-7-14-25.1, AS AMENDED BY P.L.149-2014,
 42 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 25.1. (a) In addition to other methods of raising
 2 money for property acquisition or redevelopment in a redevelopment
 3 project area, and in anticipation of the special tax to be levied under
 4 section 27 of this chapter, the taxes allocated under section 39 of this
 5 chapter, or other revenues of the district, or any combination of these
 6 sources, the redevelopment commission may, by bond resolution and
 7 subject to subsections (c) and (p), issue the bonds of the special taxing
 8 district in the name of the unit. The amount of the bonds may not
 9 exceed the total, as estimated by the commission, of all expenses
 10 reasonably incurred in connection with the acquisition and
 11 redevelopment of the property, including:

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

14 (2) all reasonable and necessary architectural, engineering, legal,
 15 financing, accounting, advertising, bond discount, and
 16 supervisory expenses related to the acquisition and redevelopment
 17 of the property or the issuance of bonds;

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

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

23 (b) If the redevelopment commission plans to acquire different
 24 parcels of land or let different contracts for redevelopment work at
 25 approximately the same time, whether under one (1) or more
 26 resolutions, the commission may provide for the total cost in one (1)
 27 issue of bonds.

28 (c) The legislative body of the unit must adopt a resolution that
 29 specifies the public purpose of the bond, the use of the bond proceeds,
 30 the maximum principal amount of the bond, the term of the bond, and
 31 the maximum interest rate or rates of the bond, any provision for
 32 redemption before maturity, and any provision for the payment of
 33 capitalized interest. The bonds must be dated as set forth in the bond
 34 resolution and negotiable, subject to the requirements of the bond
 35 resolution for registering the bonds. The resolution authorizing the
 36 bonds must state:

37 (1) the denominations of the bonds;

38 (2) the place or places at which the bonds are payable; and

39 (3) the term of the bonds, which may not exceed:

40 (A) fifty (50) years, for bonds issued before July 1, 2008;

41 (B) thirty (30) years, for bonds issued after June 30, 2008, to
 42 finance:



- 1 (i) an integrated coal gasification powerplant (as defined in
2 IC 6-3.1-29-6);
3 (ii) a part of an integrated coal gasification powerplant (as
4 defined in IC 6-3.1-29-6); or
5 (iii) property used in the operation or maintenance of an
6 integrated coal gasification powerplant (as defined in
7 IC 6-3.1-29-6);
8 that received a certificate of public convenience and necessity
9 from the Indiana utility regulatory commission under
10 IC 8-1-8.5 et seq. before July 1, 2008;
11 **(C) thirty-five (35) years, for bonds issued after June 30,**
12 **2019, to finance a project that is located in a**
13 **redevelopment project area, an economic development**
14 **area, or an urban renewal project area and that includes,**
15 **as part of the project, the use and repurposing of two (2) or**
16 **more buildings and structures that are:**
17 **(i) at least seventy-five (75) years old; and**
18 **(ii) located at a site at which manufacturing previously**
19 **occurred over a period of at least seventy-five (75) years;**
20 **or**
21 ~~(D)~~ **(D) twenty-five (25) years, for bonds issued after June 30,**
22 **2008, that are not described in clause (B) or (C).**
23 The bond resolution may also state that the bonds are redeemable
24 before maturity with or without a premium, as determined by the
25 redevelopment commission.
26 (d) The redevelopment commission shall certify a copy of the
27 resolution authorizing the bonds to the municipal or county fiscal
28 officer, who shall then prepare the bonds, subject to subsections (c) and
29 (p). The seal of the unit must be impressed on the bonds, or a facsimile
30 of the seal must be printed on the bonds.
31 (e) The bonds must be executed by the appropriate officer of the
32 unit and attested by the municipal or county fiscal officer.
33 (f) The bonds are exempt from taxation for all purposes.
34 (g) The municipal or county fiscal officer shall give notice of the
35 sale of the bonds by publication in accordance with IC 5-3-1. The
36 municipal fiscal officer, or county fiscal officer or executive, shall sell
37 the bonds to the highest bidder, but may not sell them for less than
38 ninety-seven percent (97%) of their par value. However, bonds payable
39 solely or in part from tax proceeds allocated under section 39(b)(3) of
40 this chapter, or other revenues of the district may be sold at a private
41 negotiated sale.
42 (h) Except as provided in subsection (i), a redevelopment



1 commission may not issue the bonds when the total issue, including
 2 bonds already issued and to be issued, exceeds two percent (2%) of the
 3 adjusted value of the taxable property in the special taxing district, as
 4 determined under IC 36-1-15.

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

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

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

12 (3) from other revenues available to the redevelopment
 13 commission; or

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

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

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

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

32 (l) All laws relating to:

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

34 (2) the right of:

35 (A) taxpayers and voters to remonstrate against the issuance of
 36 bonds in the case of a proposed bond issue described by
 37 IC 6-1.1-20-3.1(a); or

38 (B) voters to vote on the issuance of bonds in the case of a
 39 proposed bond issue described by IC 6-1.1-20-3.5(a);

40 apply to bonds issued under this chapter except for bonds payable
 41 solely from tax proceeds allocated under section 39(b)(3) of this
 42 chapter, other revenues of the redevelopment commission, or any



1 combination of these sources.

2 (m) If a debt service reserve is created from the proceeds of bonds,
3 the debt service reserve may be used to pay principal and interest on
4 the bonds as provided in the bond resolution.

5 (n) Any amount remaining in the debt service reserve after all of the
6 bonds of the issue for which the debt service reserve was established
7 have matured shall be:

8 (1) deposited in the allocation fund established under section
9 39(b)(3) of this chapter; and

10 (2) to the extent permitted by law, transferred to the county or
11 municipality that established the department of redevelopment for
12 use in reducing the county's or municipality's property tax levies
13 for debt service.

14 (o) If bonds are issued under this chapter that are payable solely or
15 in part from revenues to the redevelopment commission from a project
16 or projects, the redevelopment commission may adopt a resolution or
17 trust indenture or enter into covenants as is customary in the issuance
18 of revenue bonds. The resolution or trust indenture may pledge or
19 assign the revenues from the project or projects, but may not convey or
20 mortgage any project or parts of a project. The resolution or trust
21 indenture may also contain any provisions for protecting and enforcing
22 the rights and remedies of the bond owners as may be reasonable and
23 proper and not in violation of law, including covenants setting forth the
24 duties of the redevelopment commission. The redevelopment
25 commission may establish fees and charges for the use of any project
26 and covenant with the owners of any bonds to set those fees and
27 charges at a rate sufficient to protect the interest of the owners of the
28 bonds. Any revenue bonds issued by the redevelopment commission
29 that are payable solely from revenues of the commission shall contain
30 a statement to that effect in the form of bond.

31 (p) If the total principal amount of bonds authorized by a resolution
32 of the redevelopment commission adopted before July 1, 2008, is equal
33 to or greater than three million dollars (\$3,000,000), the bonds may not
34 be issued without the approval, by resolution, of the legislative body of
35 the unit. Bonds authorized in any principal amount by a resolution of
36 the redevelopment commission adopted after June 30, 2008, may not
37 be issued without the approval of the legislative body of the unit.

38 SECTION 95. IC 36-7-14-25.2, AS AMENDED BY P.L.149-2014,
39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 25.2. (a) Subject to the prior approval of the fiscal
41 body of the unit under subsection (c), a redevelopment commission
42 may enter into a lease of any property that could be financed with the



1 proceeds of bonds issued under this chapter with a lessor for a term not
2 to exceed:

3 (1) fifty (50) years, for a lease entered into before July 1, 2008;
4 **(2) thirty-five (35) years, for leases entered into after June 30,**
5 **2019, to finance a project that is located in a redevelopment**
6 **project area, an economic development area, or an urban**
7 **renewal project area and that includes, as part of the project,**
8 **the use and repurposing of two (2) or more buildings and**
9 **structures that are:**

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

11 **(B) located at a site at which manufacturing previously**
12 **occurred over a period of at least seventy-five (75) years;**

13 or

14 ~~(2) (3) twenty-five (25) years, for a lease entered into after June~~
15 ~~30, 2008; that is not described in subdivision (1) or (2).~~

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

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

27 (c) A lease may be entered into by the redevelopment commission
28 only after a public hearing by the redevelopment commission at which
29 all interested parties are provided the opportunity to be heard. After the
30 public hearing, the redevelopment commission may adopt a resolution
31 authorizing the execution of the lease on behalf of the unit if it finds
32 that the service to be provided throughout the term of the lease will
33 serve the public purpose of the unit and is in the best interests of its
34 residents. Any lease approved by a resolution of the redevelopment
35 commission must also be approved by an ordinance or resolution of the
36 fiscal body of the unit. The approving ordinance or resolution of the
37 fiscal body must include the following:

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

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

42 (3) The maximum term of the lease.



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

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

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

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

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

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



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

4 (i) An action to contest the validity of the lease or to enjoin the
 5 performance of any of its terms and conditions must be brought within
 6 thirty (30) days after the publication of the notice of the execution and
 7 approval of the lease. However, if the lease is payable in whole or in
 8 part from tax levies and an appeal has been taken to the department of
 9 local government finance, an action to contest the validity or enjoin the
 10 performance must be brought within thirty (30) days after the decision
 11 of the department.

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

23 SECTION 96. IC 36-7-14-27.5, AS AMENDED BY P.L.149-2014,
 24 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 27.5. (a) Subject to the prior approval by the
 26 legislative body of the unit, the redevelopment commission may borrow
 27 money in anticipation of receipt of the proceeds of taxes levied for the
 28 redevelopment district bond fund and not yet collected, and may
 29 evidence this borrowing by issuing warrants of the redevelopment
 30 district. However, the aggregate principal amount of warrants issued in
 31 anticipation of and payable from the same tax levy or levies may not
 32 exceed an amount equal to eighty percent (80%) of that tax levy or
 33 levies, as certified by the department of local government finance, or
 34 as determined by multiplying the rate of tax as finally approved by the
 35 total assessed valuation (after deducting all mortgage deductions)
 36 within the redevelopment district, as most recently certified by the
 37 county auditor.

38 (b) The warrants may be authorized and issued at any time after the
 39 tax or taxes in anticipation of which they are issued have been levied
 40 by the redevelopment commission. For purposes of this section, taxes
 41 for any year are considered to be levied upon adoption by the
 42 commission of a resolution prescribing the tax levies for the year.



1 However, the warrants may not be delivered and paid for before final
 2 approval of the tax levy or levies ~~by the county board of tax adjustment~~
 3 ~~or, if appealed,~~ by the department of local government finance, unless
 4 the issuance of the warrants has been approved by the department.

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

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

15 (e) In their resolution authorizing the warrants, the redevelopment
 16 commission may provide:

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

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

34 (g) Warrants and the interest on them are not subject to any
 35 limitation contained in section 25.1 of this chapter, and are payable
 36 solely from the proceeds of the tax levy or levies in anticipation of
 37 which the warrants were issued. The authorizing resolution must
 38 pledge a sufficient amount of the proceeds of the tax levy or levies to
 39 the payment of the warrants and the interest.

40 SECTION 97. IC 36-7-14-39, AS AMENDED BY P.L.86-2018,
 41 SECTION 344, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2019]: Sec. 39. (a) As used in this section:



1 "Allocation area" means that part of a redevelopment project area
 2 to which an allocation provision of a declaratory resolution adopted
 3 under section 15 of this chapter refers for purposes of distribution and
 4 allocation of property taxes.

5 "Base assessed value" means the following:

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

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

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

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

22 (A) the net assessed value of all the property as finally
 23 determined for the assessment date immediately preceding the
 24 effective date of the allocation provision of the declaratory
 25 resolution, as adjusted under subsection (h); plus

26 (B) to the extent that it is not included in clause (A), the net
 27 assessed value of property that is assessed as residential
 28 property under the rules of the department of local government
 29 finance, as finally determined for ~~any the current~~ assessment
 30 date. ~~after the effective date of the allocation provision.~~

31 (3) If:

32 (A) an allocation provision adopted before June 30, 1995, in
 33 a declaratory resolution or an amendment to a declaratory
 34 resolution establishing a redevelopment project area expires
 35 after June 30, 1997; and

36 (B) after June 30, 1997, a new allocation provision is included
 37 in an amendment to the declaratory resolution;

38 the net assessed value of all the property as finally determined for
 39 the assessment date immediately preceding the effective date of
 40 the allocation provision adopted after June 30, 1997, as adjusted
 41 under subsection (h).

42 (4) Except as provided in subdivision (5), for all other allocation



1 areas, the net assessed value of all the property as finally
 2 determined for the assessment date immediately preceding the
 3 effective date of the allocation provision of the declaratory
 4 resolution, as adjusted under subsection (h).

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

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

13 Except as provided in section 39.3 of this chapter, "property taxes"
 14 means taxes imposed under IC 6-1.1 on real property. However, upon
 15 approval by a resolution of the redevelopment commission adopted
 16 before June 1, 1987, "property taxes" also includes taxes imposed
 17 under IC 6-1.1 on depreciable personal property. If a redevelopment
 18 commission adopted before June 1, 1987, a resolution to include within
 19 the definition of property taxes, taxes imposed under IC 6-1.1 on
 20 depreciable personal property that has a useful life in excess of eight
 21 (8) years, the commission may by resolution determine the percentage
 22 of taxes imposed under IC 6-1.1 on all depreciable personal property
 23 that will be included within the definition of property taxes. However,
 24 the percentage included must not exceed twenty-five percent (25%) of
 25 the taxes imposed under IC 6-1.1 on all depreciable personal property.

26 (b) A declaratory resolution adopted under section 15 of this chapter
 27 on or before the allocation deadline determined under subsection (i)
 28 may include a provision with respect to the allocation and distribution
 29 of property taxes for the purposes and in the manner provided in this
 30 section. A declaratory resolution previously adopted may include an
 31 allocation provision by the amendment of that declaratory resolution on
 32 or before the allocation deadline determined under subsection (i) in
 33 accordance with the procedures required for its original adoption. A
 34 declaratory resolution or amendment that establishes an allocation
 35 provision must include a specific finding of fact, supported by
 36 evidence, that the adoption of the allocation provision will result in
 37 new property taxes in the area that would not have been generated but
 38 for the adoption of the allocation provision. For an allocation area
 39 established before July 1, 1995, the expiration date of any allocation
 40 provisions for the allocation area is June 30, 2025, or the last date of
 41 any obligations that are outstanding on July 1, 2015, whichever is later.
 42 A declaratory resolution or an amendment that establishes an allocation



1 provision after June 30, 1995, must specify an expiration date for the
 2 allocation provision. For an allocation area established before July 1,
 3 2008, the expiration date may not be more than thirty (30) years after
 4 the date on which the allocation provision is established. For an
 5 allocation area established after June 30, 2008, the expiration date may
 6 not be more than twenty-five (25) years after the date on which the first
 7 obligation was incurred to pay principal and interest on bonds or lease
 8 rentals on leases payable from tax increment revenues. However, with
 9 respect to bonds or other obligations that were issued before July 1,
 10 2008, if any of the bonds or other obligations that were scheduled when
 11 issued to mature before the specified expiration date and that are
 12 payable only from allocated tax proceeds with respect to the allocation
 13 area remain outstanding as of the expiration date, the allocation
 14 provision does not expire until all of the bonds or other obligations are
 15 no longer outstanding. **Notwithstanding any other law, in the case of**
 16 **an allocation area that is established after June 30, 2019, and that**
 17 **is located in a redevelopment project area described in section**
 18 **25.1(c)(3)(C) of this chapter, an economic development area**
 19 **described in section 25.1(c)(3)(C) of this chapter, or an urban**
 20 **renewal project area described in section 25.1(c)(3)(C) of this**
 21 **chapter, the expiration date of the allocation provision may not be**
 22 **more than thirty-five (35) years after the date on which the**
 23 **allocation provision is established.** The allocation provision may
 24 apply to all or part of the redevelopment project area. The allocation
 25 provision must require that any property taxes subsequently levied by
 26 or for the benefit of any public body entitled to a distribution of
 27 property taxes on taxable property in the allocation area be allocated
 28 and distributed as follows:

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

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

34 (B) the base assessed value;
 35 shall be allocated to and, when collected, paid into the funds of
 36 the respective taxing units.

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



1 into the funds of the taxing unit for which the referendum or local
2 public question was conducted.

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

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

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

16 (C) Pay the principal of and interest on bonds payable from
17 allocated tax proceeds in that allocation area and from the
18 special tax levied under section 27 of this chapter.

19 (D) Pay the principal of and interest on bonds issued by the
20 unit to pay for local public improvements that are physically
21 located in or physically connected to that allocation area.

22 (E) Pay premiums on the redemption before maturity of bonds
23 payable solely or in part from allocated tax proceeds in that
24 allocation area.

25 (F) Make payments on leases payable from allocated tax
26 proceeds in that allocation area under section 25.2 of this
27 chapter.

28 (G) Reimburse the unit for expenditures made by it for local
29 public improvements (which include buildings, parking
30 facilities, and other items described in section 25.1(a) of this
31 chapter) that are physically located in or physically connected
32 to that allocation area.

33 (H) Reimburse the unit for rentals paid by it for a building or
34 parking facility that is physically located in or physically
35 connected to that allocation area under any lease entered into
36 under IC 36-1-10.

37 (I) For property taxes first due and payable before January 1,
38 2009, pay all or a part of a property tax replacement credit to
39 taxpayers in an allocation area as determined by the
40 redevelopment commission. This credit equals the amount
41 determined under the following STEPS for each taxpayer in a
42 taxing district (as defined in IC 6-1.1-1-20) that contains all or



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



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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.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

(M) Expend money and provide financial assistance as authorized in section 12.2(a)(27) of this chapter.

The allocation fund may not be used for operating expenses of the commission.

(4) Except as provided in subsection (g), before June 15 of each year, the commission shall do the following:

- (A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the 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 subdivision (3).
- (B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:
 - (i) state the amount, if any, of excess assessed value that the



1 commission has determined may be allocated to the
 2 respective taxing units in the manner prescribed in
 3 subdivision (1); or
 4 (ii) state that the commission has determined that there is no
 5 excess assessed value that may be allocated to the respective
 6 taxing units in the manner prescribed in subdivision (1).
 7 The county auditor shall allocate to the respective taxing units
 8 the amount, if any, of excess assessed value determined by the
 9 commission. The commission may not authorize an allocation
 10 of assessed value to the respective taxing units under this
 11 subdivision if to do so would endanger the interests of the
 12 holders of bonds described in subdivision (3) or lessors under
 13 section 25.3 of this chapter.
 14 (C) If:
 15 (i) the amount of excess assessed value determined by the
 16 commission is expected to generate more than two hundred
 17 percent (200%) of the amount of allocated tax proceeds
 18 necessary to make, when due, principal and interest
 19 payments on bonds described in subdivision (3); plus
 20 (ii) the amount necessary for other purposes described in
 21 subdivision (3);
 22 the commission shall submit to the legislative body of the unit
 23 its determination of the excess assessed value that the
 24 commission proposes to allocate to the respective taxing units
 25 in the manner prescribed in subdivision (1). The legislative
 26 body of the unit may approve the commission's determination
 27 or modify the amount of the excess assessed value that will be
 28 allocated to the respective taxing units in the manner
 29 prescribed in subdivision (1).
 30 **(5) Notwithstanding subdivision (4), in the case of an**
 31 **allocation area that is established after June 30, 2019, and**
 32 **that is located in a redevelopment project area described in**
 33 **section 25.1(c)(3)(C) of this chapter, an economic development**
 34 **area described in section 25.1(c)(3)(C) of this chapter, or an**
 35 **urban renewal project area described in section 25.1(c)(3)(C)**
 36 **of this chapter, for each year the allocation provision is in**
 37 **effect, if the amount of excess assessed value determined by**
 38 **the commission under subdivision (4)(A) is expected to**
 39 **generate more than two hundred percent (200%) of:**
 40 **(A) the amount of allocated tax proceeds necessary to**
 41 **make, when due, principal and interest payments on bonds**
 42 **described in subdivision (3) for the project; plus**



1 **(B) the amount necessary for other purposes described in**
 2 **subdivision (3) for the project;**
 3 **the amount of the excess assessed value that generates more**
 4 **than two hundred percent (200%) of the amounts described**
 5 **in clauses (A) and (B) shall be allocated to the respective**
 6 **taxing units in the manner prescribed by subdivision (1).**
 7 (c) For the purpose of allocating taxes levied by or for any taxing
 8 unit or units, the assessed value of taxable property in a territory in the
 9 allocation area that is annexed by any taxing unit after the effective
 10 date of the allocation provision of the declaratory resolution is the
 11 lesser of:
 12 (1) the assessed value of the property for the assessment date with
 13 respect to which the allocation and distribution is made; or
 14 (2) the base assessed value.
 15 (d) Property tax proceeds allocable to the redevelopment district
 16 under subsection (b)(3) may, subject to subsection (b)(4), be
 17 irrevocably pledged by the redevelopment district for payment as set
 18 forth in subsection (b)(3).
 19 (e) Notwithstanding any other law, each assessor shall, upon
 20 petition of the redevelopment commission, reassess the taxable
 21 property situated upon or in, or added to, the allocation area, effective
 22 on the next assessment date after the petition.
 23 (f) Notwithstanding any other law, the assessed value of all taxable
 24 property in the allocation area, for purposes of tax limitation, property
 25 tax replacement, and formulation of the budget, tax rate, and tax levy
 26 for each political subdivision in which the property is located is the
 27 lesser of:
 28 (1) the assessed value of the property as valued without regard to
 29 this section; or
 30 (2) the base assessed value.
 31 (g) If any part of the allocation area is located in an enterprise zone
 32 created under IC 5-28-15, the unit that designated the allocation area
 33 shall create funds as specified in this subsection. A unit that has
 34 obligations, bonds, or leases payable from allocated tax proceeds under
 35 subsection (b)(3) shall establish an allocation fund for the purposes
 36 specified in subsection (b)(3) and a special zone fund. Such a unit
 37 shall, until the end of the enterprise zone phase out period, deposit each
 38 year in the special zone fund any amount in the allocation fund derived
 39 from property tax proceeds in excess of those described in subsection
 40 (b)(1) and (b)(2) from property located in the enterprise zone that
 41 exceeds the amount sufficient for the purposes specified in subsection
 42 (b)(3) for the year. The amount sufficient for purposes specified in



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

21 (h) The state board of accounts and department of local government
 22 finance shall make the rules and prescribe the forms and procedures
 23 that they consider expedient for the implementation of this chapter.
 24 After each reassessment in an area under a reassessment plan prepared
 25 under IC 6-1.1-4-4.2, the department of local government finance shall
 26 adjust the base assessed value one (1) time to neutralize any effect of
 27 the reassessment of the real property in the area on the property tax
 28 proceeds allocated to the redevelopment district under this section.
 29 After each annual adjustment under IC 6-1.1-4-4.5, the department of
 30 local government finance shall adjust the base assessed value one (1)
 31 time to neutralize any effect of the annual adjustment on the property
 32 tax proceeds allocated to the redevelopment district under this section.

33 However, the adjustments under this subsection:

- 34 (1) may not include the effect of phasing in assessed value due to
 35 property tax abatements under IC 6-1.1-12.1;
- 36 (2) may not produce less property tax proceeds allocable to the
 37 redevelopment district under subsection (b)(3) than would
 38 otherwise have been received if the reassessment under the
 39 reassessment plan or the annual adjustment had not occurred; and
- 40 (3) may decrease base assessed value only to the extent that
 41 assessed values in the allocation area have been decreased due to
 42 annual adjustments or the reassessment under the reassessment



1 plan.
 2 Assessed value increases attributable to the application of an abatement
 3 schedule under IC 6-1.1-12.1 may not be included in the base assessed
 4 value of an allocation area. The department of local government
 5 finance may prescribe procedures for county and township officials to
 6 follow to assist the department in making the adjustments.
 7 (i) The allocation deadline referred to in subsection (b) is
 8 determined in the following manner:
 9 (1) The initial allocation deadline is December 31, 2011.
 10 (2) Subject to subdivision (3), the initial allocation deadline and
 11 subsequent allocation deadlines are automatically extended in
 12 increments of five (5) years, so that allocation deadlines
 13 subsequent to the initial allocation deadline fall on December 31,
 14 2016, and December 31 of each fifth year thereafter.
 15 (3) At least one (1) year before the date of an allocation deadline
 16 determined under subdivision (2), the general assembly may enact
 17 a law that:
 18 (A) terminates the automatic extension of allocation deadlines
 19 under subdivision (2); and
 20 (B) specifically designates a particular date as the final
 21 allocation deadline.
 22 SECTION 98. IC 36-7-15.1-26, AS AMENDED BY P.L.86-2018,
 23 SECTION 345, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2019]: Sec. 26. (a) As used in this section:
 25 "Allocation area" means that part of a redevelopment project area
 26 to which an allocation provision of a resolution adopted under section
 27 8 of this chapter refers for purposes of distribution and allocation of
 28 property taxes.
 29 "Base assessed value" means the following:
 30 (1) If an allocation provision is adopted after June 30, 1995, in a
 31 declaratory resolution or an amendment to a declaratory
 32 resolution establishing an economic development area:
 33 (A) 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); plus
 37 (B) to the extent that it is not included in clause (A), the net
 38 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 **any the current** assessment date. ~~after the effective date of the~~
 42 ~~allocation provision:~~



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

4 (A) the net assessed value of all the property as finally
 5 determined for the assessment date immediately preceding the
 6 effective date of the allocation provision of the declaratory
 7 resolution, as adjusted under subsection (h); plus

8 (B) to the extent that it is not included in clause (A), the net
 9 assessed value of property that is assessed as residential
 10 property under the rules of the department of local government
 11 finance, **within the allocation area**, as finally determined for
 12 **any the current** assessment date. ~~after the effective date of the~~
 13 ~~allocation provision.~~

14 (3) If:

15 (A) an allocation provision adopted before June 30, 1995, in
 16 a declaratory resolution or an amendment to a declaratory
 17 resolution establishing a redevelopment project area expires
 18 after June 30, 1997; and

19 (B) after June 30, 1997, a new allocation provision is included
 20 in an amendment to the declaratory resolution;

21 the net assessed value of all the property as finally determined for
 22 the assessment date immediately preceding the effective date of
 23 the allocation provision adopted after June 30, 1997, as adjusted
 24 under subsection (h).

25 (4) Except as provided in subdivision (5), for all other allocation
 26 areas, the net assessed value of all the property as finally
 27 determined for the assessment date immediately preceding the
 28 effective date of the allocation provision of the declaratory
 29 resolution, as adjusted under subsection (h).

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

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

38 Except as provided in section 26.2 of this chapter, "property taxes"
 39 means taxes imposed under IC 6-1.1 on real property. However, upon
 40 approval by a resolution of the redevelopment commission adopted
 41 before June 1, 1987, "property taxes" also includes taxes imposed
 42 under IC 6-1.1 on depreciable personal property. If a redevelopment



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

9 (b) A resolution adopted under section 8 of this chapter on or before
10 the allocation deadline determined under subsection (i) may include a
11 provision with respect to the allocation and distribution of property
12 taxes for the purposes and in the manner provided in this section. A
13 resolution previously adopted may include an allocation provision by
14 the amendment of that resolution on or before the allocation deadline
15 determined under subsection (i) in accordance with the procedures
16 required for its original adoption. A declaratory resolution or
17 amendment that establishes an allocation provision must include a
18 specific finding of fact, supported by evidence, that the adoption of the
19 allocation provision will result in new property taxes in the area that
20 would not have been generated but for the adoption of the allocation
21 provision. For an allocation area established before July 1, 1995, the
22 expiration date of any allocation provisions for the allocation area is
23 June 30, 2025, or the last date of any obligations that are outstanding
24 on July 1, 2015, whichever is later. However, for an allocation area
25 identified as the Consolidated Allocation Area in the report submitted
26 in 2013 to the fiscal body under section 36.3 of this chapter, the
27 expiration date of any allocation provisions for the allocation area is
28 January 1, 2051. A declaratory resolution or an amendment that
29 establishes an allocation provision after June 30, 1995, must specify an
30 expiration date for the allocation provision. For an allocation area
31 established before July 1, 2008, the expiration date may not be more
32 than thirty (30) years after the date on which the allocation provision
33 is established. For an allocation area established after June 30, 2008,
34 the expiration date may not be more than twenty-five (25) years after
35 the date on which the first obligation was incurred to pay principal and
36 interest on bonds or lease rentals on leases payable from tax increment
37 revenues. However, with respect to bonds or other obligations that were
38 issued before July 1, 2008, if any of the bonds or other obligations that
39 were scheduled when issued to mature before the specified expiration
40 date and that are payable only from allocated tax proceeds with respect
41 to the allocation area remain outstanding as of the expiration date, the
42 allocation provision does not expire until all of the bonds or other



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

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

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

11 or

12 (B) the base assessed value;

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

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

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

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

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

36 (C) Pay the principal of and interest on bonds payable from
 37 allocated tax proceeds in that allocation area and from the
 38 special tax levied under section 19 of this chapter.

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



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



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



1 percent (200%) of the amount of allocated tax proceeds
 2 necessary to make, when due, principal and interest
 3 payments on bonds described in subdivision (3); plus

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

6 the commission shall submit to the legislative body of the unit
 7 the commission's determination of the excess assessed value
 8 that the commission proposes to allocate to the respective
 9 taxing units in the manner prescribed in subdivision (1). The
 10 legislative body of the unit may approve the commission's
 11 determination or modify the amount of the excess assessed
 12 value that will be allocated to the respective taxing units in the
 13 manner prescribed in subdivision (1).

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

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

20 (2) the base assessed value.

21 (d) Property tax proceeds allocable to the redevelopment district
 22 under subsection (b)(3) may, subject to subsection (b)(4), be
 23 irrevocably pledged by the redevelopment district for payment as set
 24 forth in subsection (b)(3).

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

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

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

36 (2) the base assessed value.

37 (g) If any part of the allocation area is located in an enterprise zone
 38 created under IC 5-28-15, the unit that designated the allocation area
 39 shall create funds as specified in this subsection. A unit that has
 40 obligations, bonds, or leases payable from allocated tax proceeds under
 41 subsection (b)(3) shall establish an allocation fund for the purposes
 42 specified in subsection (b)(3) and a special zone fund. Such a unit



1 shall, until the end of the enterprise zone phase out period, deposit each
 2 year in the special zone fund the amount in the allocation fund derived
 3 from property tax proceeds in excess of those described in subsection
 4 (b)(1) and (b)(2) from property located in the enterprise zone that
 5 exceeds the amount sufficient for the purposes specified in subsection
 6 (b)(3) for the year. A unit that has no obligations, bonds, or leases
 7 payable from allocated tax proceeds under subsection (b)(3) shall
 8 establish a special zone fund and deposit all the property tax proceeds
 9 in excess of those described in subsection (b)(1) and (b)(2) in the fund
 10 derived from property tax proceeds in excess of those described in
 11 subsection (b)(1) and (b)(2) from property located in the enterprise
 12 zone. The unit that creates the special zone fund shall use the fund,
 13 based on the recommendations of the urban enterprise association, for
 14 one (1) or more of the following purposes:

15 (1) To pay for programs in job training, job enrichment, and basic
 16 skill development designed to benefit residents and employers in
 17 the enterprise zone. The programs must reserve at least one-half
 18 (1/2) of the enrollment in any session for residents of the
 19 enterprise zone.

20 (2) To make loans and grants for the purpose of stimulating
 21 business activity in the enterprise zone or providing employment
 22 for enterprise zone residents in the enterprise zone. These loans
 23 and grants may be made to the following:

24 (A) Businesses operating in the enterprise zone.

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

27 (3) To provide funds to carry out other purposes specified in
 28 subsection (b)(3). However, where reference is made in
 29 subsection (b)(3) to the allocation area, the reference refers for
 30 purposes of payments from the special zone fund only to that part
 31 of the allocation area that is also located in the enterprise zone.

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



1 proceeds allocated to the redevelopment district under this section.
 2 However, the adjustments under this subsection may not include the
 3 effect of property tax abatements under IC 6-1.1-12.1, and these
 4 adjustments may not produce less property tax proceeds allocable to
 5 the redevelopment district under subsection (b)(3) than would
 6 otherwise have been received if the reassessment under the
 7 reassessment plan or annual adjustment had not occurred. The
 8 department of local government finance may prescribe procedures for
 9 county and township officials to follow to assist the department in
 10 making the adjustments.

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

- 13 (1) The initial allocation deadline is December 31, 2011.
- 14 (2) Subject to subdivision (3), the initial allocation deadline and
 15 subsequent allocation deadlines are automatically extended in
 16 increments of five (5) years, so that allocation deadlines
 17 subsequent to the initial allocation deadline fall on December 31,
 18 2016, and December 31 of each fifth year thereafter.
- 19 (3) At least one (1) year before the date of an allocation deadline
 20 determined under subdivision (2), the general assembly may enact
 21 a law that:
 - 22 (A) terminates the automatic extension of allocation deadlines
 23 under subdivision (2); and
 - 24 (B) specifically designates a particular date as the final
 25 allocation deadline.

26 SECTION 99. IC 36-7-15.1-53, AS AMENDED BY P.L.86-2018,
 27 SECTION 346, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2019]: Sec. 53. (a) As used in this section:

29 "Allocation area" means that part of a redevelopment project area
 30 to which an allocation provision of a resolution adopted under section
 31 40 of this chapter refers for purposes of distribution and allocation of
 32 property taxes.

33 "Base assessed value" means:
 34 (1) the net assessed value of all the property as finally determined
 35 for the assessment date immediately preceding the effective date
 36 of the allocation provision of the declaratory resolution, as
 37 adjusted under subsection (h); plus
 38 (2) to the extent that it is not included in subdivision (1), the net
 39 assessed value of property that is assessed as residential property
 40 under the rules of the department of local government finance, as
 41 finally determined for ~~any~~ **the current** assessment date. ~~after the~~
 42 ~~effective date of the allocation provision:~~



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

3 (b) A resolution adopted under section 40 of this chapter on or
4 before the allocation deadline determined under subsection (i) may
5 include a provision with respect to the allocation and distribution of
6 property taxes for the purposes and in the manner provided in this
7 section. A resolution previously adopted may include an allocation
8 provision by the amendment of that resolution on or before the
9 allocation deadline determined under subsection (i) in accordance with
10 the procedures required for its original adoption. A declaratory
11 resolution or an amendment that establishes an allocation provision
12 must be approved by resolution of the legislative body of the excluded
13 city and must specify an expiration date for the allocation provision.
14 For an allocation area established before July 1, 2008, the expiration
15 date may not be more than thirty (30) years after the date on which the
16 allocation provision is established. For an allocation area established
17 after June 30, 2008, the expiration date may not be more than
18 twenty-five (25) years after the date on which the first obligation was
19 incurred to pay principal and interest on bonds or lease rentals on
20 leases payable from tax increment revenues. However, with respect to
21 bonds or other obligations that were issued before July 1, 2008, if any
22 of the bonds or other obligations that were scheduled when issued to
23 mature before the specified expiration date and that are payable only
24 from allocated tax proceeds with respect to the allocation area remain
25 outstanding as of the expiration date, the allocation provision does not
26 expire until all of the bonds or other obligations are no longer
27 outstanding. The allocation provision may apply to all or part of the
28 redevelopment project area. The allocation provision must require that
29 any property taxes subsequently levied by or for the benefit of any
30 public body entitled to a distribution of property taxes on taxable
31 property in the allocation area be allocated and distributed as follows:

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

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

36 or

37 (B) the base assessed value;

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

40 (2) The excess of the proceeds of the property taxes imposed for
41 the assessment date with respect to which the allocation and
42 distribution is made that are attributable to taxes imposed after



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

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

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

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

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

22 (D) Pay the principal of and interest on bonds issued by the
 23 excluded city to pay for local public improvements that are
 24 physically located in or physically connected to that allocation
 25 area.

26 (E) Pay premiums on the redemption before maturity of bonds
 27 payable solely or in part from allocated tax proceeds in that
 28 allocation area.

29 (F) Make payments on leases payable from allocated tax
 30 proceeds in that allocation area under section 46 of this
 31 chapter.

32 (G) Reimburse the excluded city for expenditures for local
 33 public improvements (which include buildings, park facilities,
 34 and other items set forth in section 45 of this chapter) that are
 35 physically located in or physically connected to that allocation
 36 area.

37 (H) Reimburse the unit for rentals paid by it for a building or
 38 parking facility that is physically located in or physically
 39 connected to that allocation area under any lease entered into
 40 under IC 36-1-10.

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



1 (i) in the allocation area; and
 2 (ii) on a parcel of real property that has been classified as
 3 industrial property under the rules of the department of local
 4 government finance.
 5 However, the total amount of money spent for this purpose in
 6 any year may not exceed the total amount of money in the
 7 allocation fund that is attributable to property taxes paid by the
 8 industrial facilities described in this clause. The
 9 reimbursements under this clause must be made within three
 10 (3) years after the date on which the investments that are the
 11 basis for the increment financing are made.
 12 The special fund may not be used for operating expenses of the
 13 commission.
 14 (4) Before June 15 of each year, the commission shall do the
 15 following:
 16 (A) Determine the amount, if any, by which the assessed value
 17 of the taxable property in the allocation area for the most
 18 recent assessment date minus the base assessed value, when
 19 multiplied by the estimated tax rate of the allocation area, will
 20 exceed the amount of assessed value needed to provide the
 21 property taxes necessary to make, when due, principal and
 22 interest payments on bonds described in subdivision (3) plus
 23 the amount necessary for other purposes described in
 24 subdivision (3) and subsection (g).
 25 (B) Provide a written notice to the county auditor, the fiscal
 26 body of the county or municipality that established the
 27 department of redevelopment, the officers who are authorized
 28 to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for
 29 each of the other taxing units that is wholly or partly located
 30 within the allocation area, and (in an electronic format) the
 31 department of local government finance. The notice must:
 32 (i) state the amount, if any, of excess assessed value that the
 33 commission has determined may be allocated to the
 34 respective taxing units in the manner prescribed in
 35 subdivision (1); or
 36 (ii) state that the commission has determined that there is no
 37 excess assessed value that may be allocated to the respective
 38 taxing units in the manner prescribed in subdivision (1).
 39 The county auditor shall allocate to the respective taxing units
 40 the amount, if any, of excess assessed value determined by the
 41 commission. The commission may not authorize an allocation
 42 to the respective taxing units under this subdivision if to do so



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



1 zone. The unit that creates the special zone fund shall use the fund,
 2 based on the recommendations of the urban enterprise association, for
 3 one (1) or more of the following purposes:

4 (1) To pay for programs in job training, job enrichment, and basic
 5 skill development designed to benefit residents and employers in
 6 the enterprise zone. The programs must reserve at least one-half
 7 (1/2) of the enrollment in any session for residents of the
 8 enterprise zone.

9 (2) To make loans and grants for the purpose of stimulating
 10 business activity in the enterprise zone or providing employment
 11 for enterprise zone residents in an enterprise zone. These loans
 12 and grants may be made to the following:

13 (A) Businesses operating in the enterprise zone.

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

16 (3) To provide funds to carry out other purposes specified in
 17 subsection (b)(3). However, where reference is made in
 18 subsection (b)(3) to the allocation area, the reference refers, for
 19 purposes of payments from the special zone fund, only to that part
 20 of the allocation area that is also located in the enterprise zone.

21 (h) The state board of accounts and department of local government
 22 finance shall make the rules and prescribe the forms and procedures
 23 that they consider expedient for the implementation of this chapter.
 24 After each reassessment of real property in an area under a county's
 25 reassessment plan prepared under IC 6-1.1-4-4.2, the department of
 26 local government finance shall adjust the base assessed value one (1)
 27 time to neutralize any effect of the reassessment of the real property in
 28 the area on the property tax proceeds allocated to the redevelopment
 29 district under this section. After each annual adjustment under
 30 IC 6-1.1-4-4.5, the department of local government finance shall adjust
 31 the base assessed value to neutralize any effect of the annual
 32 adjustment on the property tax proceeds allocated to the redevelopment
 33 district under this section. However, the adjustments under this
 34 subsection may not include the effect of property tax abatements under
 35 IC 6-1.1-12.1, and these adjustments may not produce less property tax
 36 proceeds allocable to the redevelopment district under subsection
 37 (b)(3) than would otherwise have been received if the reassessment
 38 under the county's reassessment plan or annual adjustment had not
 39 occurred. The department of local government finance may prescribe
 40 procedures for county and township officials to follow to assist the
 41 department in making the adjustments.

42 (i) The allocation deadline referred to in subsection (b) is



- 1 determined in the following manner:
- 2 (1) The initial allocation deadline is December 31, 2011.
- 3 (2) Subject to subdivision (3), the initial allocation deadline and
- 4 subsequent allocation deadlines are automatically extended in
- 5 increments of five (5) years, so that allocation deadlines
- 6 subsequent to the initial allocation deadline fall on December 31,
- 7 2016, and December 31 of each fifth year thereafter.
- 8 (3) At least one (1) year before the date of an allocation deadline
- 9 determined under subdivision (2), the general assembly may enact
- 10 a law that:
- 11 (A) terminates the automatic extension of allocation deadlines
- 12 under subdivision (2); and
- 13 (B) specifically designates a particular date as the final
- 14 allocation deadline.
- 15 SECTION 100. IC 36-7-15.6-21, AS ADDED BY P.L.61-2018,
- 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2019]: Sec. 21. (a) Not later than April 15 of each year, a
- 18 commission that administers a flood control improvement fund
- 19 established under section 16 of this chapter shall file with the mayor
- 20 and the fiscal body of the unit that established the commission a report
- 21 setting out the commission's activities with regard to the flood control
- 22 improvement fund during the preceding calendar year.
- 23 (b) The report required by subsection (a) must include the
- 24 following:
- 25 (1) ~~The amount of revenue~~ **Revenues** received. ~~from the assessed~~
- 26 ~~value allocated and paid into the fund under section 16 of this~~
- 27 ~~chapter.~~
- 28 (2) ~~A detailed statement of payments made from the fund for~~
- 29 ~~purposes of providing flood control works within boundaries of~~
- 30 ~~the district for which the fund was established; including debt~~
- 31 ~~service on bonds or other obligations.~~ **Expenses paid.**
- 32 (3) ~~Any other expenses paid from the fund not included under~~
- 33 ~~subdivision (2).~~ **Fund balances.**
- 34 (4) The amount and maturity date of all ~~bonds or other obligations~~
- 35 ~~outstanding and payable from the fund at the end of the calendar~~
- 36 ~~year.~~ **outstanding obligations.**
- 37 (5) The ~~fund balance at the end of the calendar year.~~ **amount paid**
- 38 **on outstanding obligations.**
- 39 (6) A list of all the parcels included in the allocation area and the
- 40 base assessed value and incremental assessed value for each
- 41 parcel.
- 42 (c) The report filed under subsection (a) is a public record and must



1 be made available for inspection to an owner of special flood hazard
2 property that is located within the district for which the report is made.

3 (d) A copy of the report filed under subsection (a) must be
4 submitted to the department of local government finance in an
5 electronic format.

6 (e) The commission shall also provide a copy of the report filed
7 under subsection (a) to the following:

8 (1) The board of public works that recommended the
9 establishment of the district.

10 (2) A certified neighborhood association located within the
11 boundaries of the district.

12 (f) The fiscal body of a unit, the department of local government
13 finance, or the board of public works may post a copy of the
14 commission's report on an Internet web site maintained by the fiscal
15 body of the unit, the department of local government finance, or the
16 board of public works.

17 SECTION 101. IC 36-7-30-4, AS AMENDED BY P.L.42-2011,
18 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2019]: Sec. 4. (a) ~~Except as provided in subsection (c);~~ The
20 five (5) members of a municipal military base reuse authority shall be
21 appointed as follows:

22 (1) Three (3) members shall be appointed by the municipal
23 executive.

24 (2) Two (2) members shall be appointed by the municipal
25 legislative body.

26 (b) The five (5) members of a county military base reuse authority
27 shall be appointed by the county executive.

28 (c) ~~The five (5) members of a municipal military base reuse~~
29 ~~authority in an excluded city that is located in a county with a~~
30 ~~consolidated city shall be appointed as follows:~~

31 ~~(1) One (1) member shall be appointed by the executive of the~~
32 ~~excluded city.~~

33 ~~(2) One (1) member shall be appointed by the legislative body of~~
34 ~~the excluded city.~~

35 ~~(3) One (1) member shall be appointed by the consolidated city~~
36 ~~executive.~~

37 ~~(4) One (1) member shall be appointed by the consolidated city~~
38 ~~legislative body.~~

39 ~~(5) One (1) member shall be appointed by the board of county~~
40 ~~commissioners.~~

41 ~~However, at least three (3) of the members must be residents of the~~
42 ~~excluded city.~~



1 SECTION 102. IC 36-7-30-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as
 3 provided in subsection (b), each member of a military base reuse
 4 authority shall serve the longer of three (3) years beginning with the
 5 first day of January after the member's appointment or until the
 6 member's successor has been appointed and qualified. If a vacancy
 7 occurs, a successor shall be appointed in the same manner as the
 8 original member, and the successor shall serve for the remainder of the
 9 vacated term.

10 (b) In the case of a municipal military base reuse authority in an
 11 excluded city located in a county with a consolidated city, the original
 12 members shall serve for the following terms:

13 (1) A member appointed by the executive of the excluded city or
 14 the consolidated city executive shall serve for the longer of three
 15 (3) years beginning with the first day of January after the
 16 member's appointment or until the member's successor is
 17 appointed and qualified.

18 (2) A member appointed by the legislative body of the excluded
 19 city or the consolidated city legislative body shall serve for the
 20 longer of one (1) year beginning with the first day of January after
 21 the member's appointment or until the member's successor is
 22 appointed and qualified.

23 (3) A member appointed by the board of county commissioners
 24 shall serve for the longer of two (2) years beginning with the first
 25 day of January after the member's appointment or until the
 26 member's successor is appointed and qualified.

27 (c) Each member of a reuse authority, before beginning the
 28 member's duties, shall take and subscribe an oath of office in the usual
 29 form, to be endorsed on the certificate of the member's appointment.
 30 The endorsed certificate must be promptly filed with the clerk for the
 31 unit that the member serves.

32 (d) Each member of a reuse authority, before beginning the
 33 member's duties, shall execute a bond payable to the state, with surety
 34 to be approved by the executive of the unit. The bond must be in the
 35 penal sum of fifteen thousand dollars (\$15,000) and must be
 36 conditioned on the faithful performance of the duties of the member's
 37 office and the accounting for all money and property that may come
 38 into the member's hands or under the member's control. The cost of the
 39 bond shall be paid by the special taxing district.

40 (e) A member of a reuse authority must be at least eighteen (18)
 41 years of age and ~~except as provided in section 4(c) of this chapter,~~ must
 42 be a resident of the unit responsible for the member's appointment.



1 (f) If a member ceases to be qualified under this section, the
2 member forfeits the member's office.

3 (g) Members of a reuse authority are not entitled to salaries but are
4 entitled to reimbursement for expenses necessarily incurred in the
5 performance of their duties.

6 SECTION 103. IC 36-7.5-2-9, AS ADDED BY P.L.214-2005,
7 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]: Sec. 9. **(a) The office of management and budget state
9 board of accounts shall, pursuant to IC 5-11-1-7 and IC 5-11-1-24,
10 allow the development authority to contract with a certified public
11 accountant for an annual financial audit of the development authority.
12 The certified public accountant may not have a significant financial
13 interest as determined by the office of management and budget, in a
14 project, facility, or service funded by or leased by or to the
15 development authority. The certified public accountant selected by
16 the development authority must be approved by the state examiner
17 and is subject to the direction of the state examiner while
18 performing an annual financial audit under this article.**

19 **(b) The certified public accountant shall present an audit report not
20 later than four (4) months after the end of the development authority's
21 fiscal year and shall make recommendations to improve the efficiency
22 of development authority operations. The certified public accountant
23 shall also perform a study and evaluation of internal accounting
24 controls and shall express an opinion on the controls that were in effect
25 during the audit period.**

26 **(c) The development authority shall pay the cost of the annual
27 financial audit. In addition, the state board of accounts may at any time
28 conduct an audit of any phase of the operations of the development
29 authority. The development authority shall pay the cost of any audit by
30 the state board of accounts.**

31 SECTION 104. IC 36-7.6-2-14, AS AMENDED BY P.L.237-2017,
32 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2019]: Sec. 14. **(a) The office of management and budget
34 state board of accounts shall, pursuant to IC 5-11-1-7 and
35 IC 5-11-1-24, allow each development authority to contract with a
36 certified public accountant for an annual financial audit of each the
37 development authority. The certified public accountant may not have
38 a significant financial interest as determined by the office of
39 management and budget, in a project, facility, or service funded by or
40 leased by or to any development authority. The certified public
41 accountant selected by a development authority must be approved
42 by the state examiner and is subject to the direction of the state**



1 **examiner while performing an annual financial audit under this**
 2 **article.**

3 (b) The certified public accountant shall present an audit report not
 4 later than four (4) months after the end of each calendar year and shall
 5 make recommendations to improve the efficiency of development
 6 authority operations. The certified public accountant shall also perform
 7 a study and evaluation of internal accounting controls and shall express
 8 an opinion on the controls that were in effect during the audit period.

9 (c) A development authority shall pay the cost of the annual
 10 financial audit under subsection (a). In addition, the state board of
 11 accounts may at any time conduct an audit of any phase of the
 12 operations of a development authority. A development authority shall
 13 pay the cost of any audit by the state board of accounts.

14 (d) The ~~office of management and budget~~ **state board of accounts**
 15 may waive the requirement that a certified public accountant perform
 16 an annual financial audit of a development authority for a particular
 17 year if the development authority certifies to the ~~office of management~~
 18 ~~and budget~~ **state board of accounts** that the development authority had
 19 no financial activity during that year.

20 SECTION 105. IC 36-8-3-3.6 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE UPON PASSAGE]: **Sec. 3.6. (a) As used in this section,**
 23 **"provider" means:**

24 (1) a city, town, or township; or

25 (2) a volunteer fire department;

26 **that provides fire protection services under an agreement**
 27 **described in subsection (b).**

28 (b) **A city or town may enter into an agreement with a provider**
 29 **to provide fire protection services to the city or town.**

30 (c) **If a city or town enters into an agreement under subsection**
 31 **(b), the agreement must be:**

32 (1) **in writing; and**

33 (2) **for a fixed term.**

34 SECTION 106. IC 36-8-6-5, AS AMENDED BY P.L.182-2009(ss),
 35 SECTION 427, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a)** If the local board determines
 37 that the total amount of money available for a year will be insufficient
 38 to pay the benefits, pensions, and retirement allowances the local board
 39 is obligated to pay under this chapter, the local board shall, before the
 40 date on which the budget of the municipality is adopted, prepare an
 41 itemized estimate in the form prescribed by the state board of accounts
 42 of the amount of money that will be receipted into and disbursed from



1 the 1925 fund during the next fiscal year. The estimated receipts
 2 consist of the items enumerated in section 4(a) of this chapter. The
 3 estimated disbursements consist of an estimate of the amount of money
 4 that will be needed by the local board during the next fiscal year to
 5 defray the expenses and obligations incurred and that will be incurred
 6 by the local board in making the payments prescribed by this chapter
 7 to retired members, to members who are eligible to and expect to retire
 8 during the ensuing fiscal year, and to the dependents of deceased
 9 members.

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

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

20 (1) the name, age, and date of retirement of each retired member
 21 and the monthly and yearly amount of the payment to which the
 22 retired member is entitled;

23 (2) the name and age of each member who is eligible to and
 24 expects to retire during the next fiscal year, the date on which the
 25 member expects to retire, and the monthly and yearly amount of
 26 the payment that the member will be entitled to receive; and

27 (3) the name and age of each dependent, the date on which the
 28 dependent became a dependent, the date on which the dependent
 29 will cease to be a dependent by reason of attaining the age at
 30 which dependents cease to be dependents, and the monthly and
 31 yearly amount of the payment to which the dependent is entitled.

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

41 (e) The municipal legislative body shall levy an annual tax in the
 42 amount and at the rate that are necessary to produce the revenue to pay



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

12 SECTION 107. IC 36-8-7-14, AS AMENDED BY
 13 P.L.182-2009(ss), SECTION 431, IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) The local board
 15 shall meet annually and prepare an itemized estimate, in the form
 16 prescribed by the state board of accounts, of the amount of money that
 17 will be receipted into and disbursed from the 1937 fund during the next
 18 fiscal year. The estimated receipts consist of the items enumerated in
 19 section 8 of this chapter. The estimated disbursements must be divided
 20 into two (2) parts, designated as part 1 and part 2.

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

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

- 34 (1) The name, age, and date of retirement of each retired member
 35 and the monthly and yearly amount of the payment to which the
 36 retired member is entitled.
- 37 (2) The name and age of each member who is eligible to and
 38 expects to retire during the next fiscal year, the date on which the
 39 member expects to retire, and the monthly and yearly amount of
 40 the payment that the member will be entitled to receive.
- 41 (3) The name and the age of each dependent, the date on which
 42 the dependent became a dependent, the date on which the



1 dependent will cease to be a dependent by reason of attaining the
 2 age at which dependents cease to be dependents, and the monthly
 3 and yearly amount of the payment to which the dependent is
 4 entitled.

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

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

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

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

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

37 SECTION 108. IC 36-8-7-22, AS AMENDED BY P.L.146-2008,
 38 SECTION 778, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2019]: Sec. 22. The 1937 fund may not be,
 40 either before or after an order for distribution to members of the fire
 41 department or to the surviving spouses or guardians of a child or
 42 children of a deceased, disabled, or retired member, held, seized, taken,



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

14 SECTION 109. IC 36-8-7.5-10, AS AMENDED BY
 15 P.L.182-2009(ss), SECTION 433, IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) If the local
 17 board determines that the total amount of money available for a year
 18 will be insufficient to pay the benefits, pensions, and retirement
 19 allowances the local board is obligated to pay under this chapter, the
 20 local board shall, before the date on which the budget of the police
 21 special service district is adopted, prepare an itemized estimate in the
 22 form prescribed by the state board of accounts of the amount of money
 23 that will be receipted into and disbursed from the 1953 fund during the
 24 next fiscal year. The estimated receipts consist of the items enumerated
 25 in section 8 of this chapter. The estimated disbursements consist of an
 26 estimate of the amount of money that will be needed by the local board
 27 during the next fiscal year to defray the expenses and obligations
 28 incurred and that will be incurred by the local board in making the
 29 payments prescribed by this chapter to retired members, to members
 30 who are eligible and expect to retire during the ensuing fiscal year, and
 31 to the dependents of deceased members.

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

- 34 (1) the estimated number of beneficiaries from the 1953 fund
 35 during the ensuing fiscal year in each of the various
 36 classifications of beneficiaries as prescribed in this chapter, and
 37 the names and amount of benefits being paid to those actively on
 38 the list of beneficiaries at that time;
- 39 (2) the name, age, and length of service of each member of the
 40 police department who is eligible to and expects to retire during
 41 the ensuing fiscal year, and the monthly and yearly amounts of the
 42 payment that the member will be entitled to receive; and



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

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

22 SECTION 110. IC 36-8-11-18, AS AMENDED BY P.L.146-2008,
 23 SECTION 780, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) The board shall annually
 25 budget the necessary money to meet the expenses of operation and
 26 maintenance of the district, including repairs, fees, salaries,
 27 depreciation on all depreciable assets, rents, supplies, contingencies,
 28 bond redemption, and all other expenses lawfully incurred by the
 29 district. After estimating expenses and receipts of money, the board
 30 shall establish the tax levy required to fund the estimated budget.

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

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

40 SECTION 111. IC 36-8-11-22.1, AS AMENDED BY P.L.146-2008,
 41 SECTION 781, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2019]: Sec. 22.1. (a) This section applies to a



- 1 district that consists of a municipality that is located in two (2)
 2 counties.
- 3 (b) This section does not apply to a merged district under section 23
 4 of this chapter.
- 5 (c) Sections 6 and 7 of this chapter apply to the petition.
- 6 (d) The board of fire trustees for the district shall be appointed as
 7 prescribed by section 12 of this chapter. However, the legislative body
 8 of each county within which the district is located shall jointly appoint
 9 one (1) trustee from each township or part of a township contained in
 10 the district and one (1) trustee from the municipality contained in the
 11 district. The legislative body of each county shall jointly appoint a
 12 member to fill a vacancy.
- 13 (e) Sections 13, 14, and 15 of this chapter relating to the board of
 14 fire trustees apply to the board of the district. However, the county
 15 legislative bodies serving the district shall jointly decide where the
 16 board shall locate (or approve location of) its office.
- 17 (f) Sections 16, 17, 18, 19, and 21 of this chapter relating to the
 18 taxing district, bonds, annual budget, tax levies, and disbanding of fire
 19 departments apply to the district. However, the budget must be
 20 approved by the county fiscal body ~~and county board of tax adjustment~~
 21 in each county in the district. In addition, the auditor of each county in
 22 the district shall perform the duties described in section 18(c) of this
 23 chapter.
- 24 SECTION 112. IC 36-8-11-23, AS AMENDED BY P.L.146-2008,
 25 SECTION 782, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2019]: Sec. 23. (a) Any fire protection district
 27 may merge with one (1) or more protection districts to form a single
 28 district if at least one-eighth (1/8) of the aggregate external boundaries
 29 of the districts coincide.
- 30 (b) The legislative body of the county where at least two (2) districts
 31 are located (or if the districts are located in more than one (1) county,
 32 the legislative body of each county) shall, if petitioned by freeholders
 33 in the two (2) districts, adopt an ordinance merging the districts into a
 34 single fire protection district.
- 35 (c) Freeholders who desire the merger of at least two (2) fire
 36 protection districts must initiate proceedings by filing a petition in the
 37 office of the county auditor of each county where a district is located.
 38 The petition must be signed:
- 39 (1) by at least twenty percent (20%), with a minimum of five
 40 hundred (500) from each district, of the freeholders owning land
 41 within the district; or
 42 (2) by a majority of the freeholders from the districts;



1 whichever is less.

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

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

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

21 SECTION 113. IC 36-8-12-4.5 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. If a city, town, or**
24 **township contracts with a volunteer fire department to provide**
25 **services to the city, town, or township for a purpose authorized**
26 **under this chapter, the contract must be:**

- 27 **(1) in writing; and**
28 **(2) for a fixed term.**

29 SECTION 114. IC 36-8-13-4.7, AS AMENDED BY P.L.146-2008,
30 SECTION 783, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2019]: Sec. 4.7. (a) For a township that elects
32 to have the township provide fire protection and emergency services
33 under section 3(c) of this chapter, the department of local government
34 finance shall adjust the township's maximum permissible levy in the
35 year following the year in which the change is elected, as determined
36 under IC 6-1.1-18.5-3, to reflect the change from providing fire
37 protection or emergency services under a contract between the
38 municipality and the township to allowing the township to impose a
39 property tax levy on the taxable property located within the corporate
40 boundaries of each municipality. For the ensuing calendar year, the
41 township's maximum permissible property tax levy shall be increased
42 by the product of:



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

8 The maximum permissible levy for a general fund or other fund of a
 9 municipality covered by the election under section 3(c) of this chapter
 10 shall be reduced for the ensuing calendar year to reflect the change to
 11 allowing the township to impose a property tax levy on the taxable
 12 property located within the corporate boundaries of the municipality.
 13 The total reduction in the maximum permissible levies for all electing
 14 municipalities must equal the amount that the maximum permissible
 15 levy for the township is increased under this subsection for contracts
 16 or billings, regardless of whether the amount was collected, less the
 17 amount actually paid from sources other than property tax revenue.

18 (b) For purposes of determining a township's and each
 19 municipality's maximum permissible ad valorem property tax levy
 20 under IC 6-1.1-18.5-3 for years following the first year after the year in
 21 which the change is elected, a township's and each municipality's
 22 maximum permissible ad valorem property tax levy is the levy after the
 23 adjustment made under subsection (a).

24 (c) The township may use the amount of a maximum permissible
 25 property tax levy computed under this section in setting budgets and
 26 property tax levies for any year in which the election in section 3(c) of
 27 this chapter is in effect. ~~A county board of tax adjustment may not~~
 28 ~~reduce a budget or tax levy solely because the budget or levy is based~~
 29 ~~on the maximum permissible property tax levy computed under this~~
 30 ~~section.~~

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

33 SECTION 115. IC 36-9-3-29, AS AMENDED BY P.L.146-2008,
 34 SECTION 785, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2019]: Sec. 29. The board shall prepare an
 36 annual budget for the authority's operating and maintenance
 37 expenditures and necessary capital expenditures. Each annual budget
 38 is subject to review and modification by the:

- 39 (1) fiscal body of the county or municipality that establishes the
 40 authority; and
 41 (2) ~~county board of tax adjustment and the~~ department of local
 42 government finance under IC 6-1.1-17.



1 SECTION 116. IC 36-9-4-47, AS AMENDED BY P.L.146-2008,
 2 SECTION 788, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2019]: Sec. 47. (a) The board of directors of a
 4 public transportation corporation may:

5 (1) borrow money in anticipation of receipt of the proceeds of
 6 taxes that have been levied by the board and have not yet been
 7 collected; and

8 (2) evidence this borrowing by issuing warrants of the
 9 corporation.

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

13 (b) The warrants:

14 (1) bear the date or dates;

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

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

20 (4) may be in the denominations;

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

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

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

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

27 (9) may be executed by the officers of the corporation in the
 28 manner;

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

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

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

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

41 (f) The aggregate principal amount of warrants issued in
 42 anticipation of and payable from the same tax levy or levies may not



1 exceed eighty percent (80%) of the levy or levies, as the amount of the
 2 levy or levies is certified by the department of local government
 3 finance, or as is determined by multiplying the rate of tax as finally
 4 approved by the total assessed valuation of taxable property within the
 5 taxing district of the public transportation corporation as most recently
 6 certified by the county auditor.

7 (g) For purposes of this section, taxes for any year are considered to
 8 be levied when the board of directors adopts the ordinance prescribing
 9 the tax levies for the year. However, warrants may not be delivered and
 10 paid for before final approval of a tax levy or levies ~~by the county~~
 11 ~~board of tax adjustment (or, if appealed,~~ by the department of local
 12 government finance unless the issuance of the warrants has been
 13 approved by the department of local government finance.

14 (h) The warrants and the interest on them are not subject to sections
 15 43 and 44 of this chapter and are payable solely from the proceeds of
 16 the tax levy or levies in anticipation of which the warrants were issued.
 17 The authorizing resolution must pledge a sufficient amount of the
 18 proceeds of the tax levy or levies to the payment of the warrants and
 19 the interest.

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

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

26 SECTION 117. IC 36-9-4-51 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 51. (a) The board of
 28 directors of a public transportation corporation shall prepare an annual
 29 budget for the expenditures of the corporation.

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

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

41 (d) The budget and any tax levies prepared by the board shall be
 42 prepared and submitted at the same time, in the same manner, and with



1 the same notice as is prescribed by IC 6-1.1-17 for the annual budget
 2 of the municipality. The ~~county tax adjustment board and the~~
 3 department of local government finance may review the budget and tax
 4 levies in the same manner by which ~~they review the department~~
 5 **reviews** budgets and tax levies of the municipality.

6 SECTION 118. IC 36-9-12-5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Money deposited
 8 in the special fund under section 4 of this chapter may be expended
 9 only upon a specific appropriation made for that purpose by the
 10 municipal legislative body in the same manner that it appropriates
 11 other public money.

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

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

22 SECTION 119. IC 36-9-13-35, AS AMENDED BY P.L.146-2008,
 23 SECTION 790, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2019]: Sec. 35. The annual operating budget of
 25 a building authority is subject to review ~~by the county board of tax~~
 26 ~~adjustment and then~~ by the department of local government finance as
 27 in the case of other political subdivisions.

28 SECTION 120. IC 36-9-22-2, AS AMENDED BY P.L.18-2018,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 2. (a) The power of the municipal works board to
 31 fix the terms of a contract under this section applies to contracts for the
 32 installation of sewage works that have not been finally approved or
 33 accepted for full maintenance and operation by the municipality on July
 34 1, 1979.

35 (b) The works board of a municipality may contract with owners of
 36 real property for the construction of sewage works within the
 37 municipality or within four (4) miles outside its corporate boundaries
 38 in order to provide service for the area in which the real property of the
 39 owners is located. The contract must provide, for a period of not to
 40 exceed fifteen (15) years, for the payment to the owners and their
 41 assigns by any owner of real property who:

42 (1) did not contribute to the original cost of the sewage works;



- 1 and
- 2 (2) subsequently taps into, uses, or deposits sewage or storm
- 3 waters in the sewage works or any lateral sewers connected to
- 4 them;
- 5 of a fair pro rata share of the cost of the construction of the sewage
- 6 works, subject to the rules of the board and notwithstanding any other
- 7 law relating to the functions of local governmental entities. However,
- 8 the contract does not apply to any owner of real property who is not a
- 9 party to the contract unless the contract or (after June 30, 2013) a
- 10 signed memorandum of the contract has been recorded in the office of
- 11 the recorder of the county in which the real property of the owner is
- 12 located before the owner taps into or connects to the sewers and
- 13 facilities. The board may provide that the fair pro rata share of the cost
- 14 of construction includes interest at a rate not exceeding the amount of
- 15 interest allowed on judgments, and the interest shall be computed from
- 16 the date the sewage works are approved until the date payment is made
- 17 to the municipality.
- 18 (c) The contract must include, as part of the consideration running
- 19 to the municipality, the release of the right of:
- 20 (1) the parties to the contract; and
- 21 (2) the successors in title of the parties to the contract;
- 22 to remonstrate against pending or future annexations by the
- 23 municipality of the area served by the sewage works. Any person
- 24 tapping into or connecting to the sewage works contracted for is
- 25 considered to waive the person's rights to remonstrate against the
- 26 annexation of the area served by the sewage works.
- 27 (d) Notwithstanding subsection (c), the works board of a
- 28 municipality may waive the provisions of subsection (c) in the contract
- 29 if the works board considers a waiver of subsection (c) to be in the best
- 30 interests of the municipality.
- 31 (e) This subsection does not affect any rights or liabilities accrued,
- 32 or proceedings begun before July 1, 2013. Those rights, liabilities, and
- 33 proceedings continue and shall be imposed and enforced under prior
- 34 law as if this subsection had not been enacted. For contracts executed
- 35 after June 30, 2013, **if the release of the right to remonstrate is not void**
- 36 **under subsection (i), (j), or (k), the release is binding on a successor**
- 37 in title to a party to the contract only if the successor in title:
- 38 (1) has actual notice of the release; or
- 39 (2) has constructive notice of the release because the contract, or
- 40 a signed memorandum of the contract stating the release, has been
- 41 recorded in the chain of title of the property.
- 42 (f) Subsection (c) does not apply to a landowner if all of the



- 1 following conditions apply:
- 2 (1) The landowner is required to connect to the sewage works
- 3 because a person other than the landowner has polluted or
- 4 contaminated the area.
- 5 (2) The costs of extension of or connection to the sewage works
- 6 are paid by a person other than the landowner or the municipality.
- 7 (g) Subsection (c) does not apply to a landowner who taps into,
- 8 connects to, or is required to tap into or connect to the sewage works
- 9 of a municipality only because the municipality provides wholesale
- 10 sewage service (as defined in IC 8-1-2-61.7) to another municipality
- 11 that provides sewage service to the landowner.
- 12 ~~(h) Notwithstanding any other law, a waiver of the right of~~
- 13 ~~remonstrance executed after June 30, 2015, expires not later than~~
- 14 ~~fifteen (15) years after the date the waiver was executed.~~
- 15 ~~(i) (h)~~ This subsection applies to any deed recorded after June 30,
- 16 2015. This subsection applies only to property that is subject to a
- 17 remonstrance waiver. A municipality shall provide written notice to
- 18 any successor in title to property within a reasonable time after the
- 19 deed is recorded, that a waiver of the right of remonstrance exists with
- 20 respect to the property.
- 21 **(i) A remonstrance waiver executed on or before July 1, 2003,**
- 22 **is void. This subsection does not invalidate an annexation that was**
- 23 **effective on or before July 1, 2019.**
- 24 **(j) A remonstrance waiver executed after June 30, 2003, and not**
- 25 **later than June 30, 2019, is subject to the following:**
- 26 **(1) The waiver is void unless the waiver was recorded:**
- 27 **(A) before January 1, 2020; and**
- 28 **(B) with the county recorder of the county where the**
- 29 **property subject to the waiver is located.**
- 30 **(2) A waiver that is not void under subdivision (1) expires not**
- 31 **later than fifteen (15) years after the date the waiver is**
- 32 **executed.**
- 33 **This subsection does not invalidate an annexation that was effective**
- 34 **on or before July 1, 2019.**
- 35 **(k) A remonstrance waiver executed after June 30, 2019, is**
- 36 **subject to the following:**
- 37 **(1) The waiver is void unless the waiver is recorded:**
- 38 **(A) not later than thirty (30) business days after the date**
- 39 **the waiver was executed; and**
- 40 **(B) with the county recorder of the county where the**
- 41 **property subject to the waiver is located.**
- 42 **(2) A waiver that is not void under subdivision (1) expires not**



1 later than fifteen (15) years after the date the waiver is
2 executed.

3 **This subsection does not invalidate an annexation that was effective**
4 **on or before July 1, 2019.**

5 SECTION 121. IC 36-9-25-14, AS AMENDED BY P.L.228-2015,
6 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2019]: Sec. 14. (a) As to each municipality to which this
8 chapter applies:

9 (1) all the territory included within the corporate boundaries of
10 the municipality; and

11 (2) any territory, town, addition, platted subdivision, or unplatted
12 land lying outside the corporate boundaries of the municipality
13 that has been taken into the district in accordance with a prior
14 statute, the sewage or drainage of which discharges into or
15 through the sewage system of the municipality;

16 constitutes a special taxing district for the purpose of providing for the
17 sanitary disposal of the sewage of the district in a manner that protects
18 the public health and prevents the undue pollution of watercourses of
19 the district.

20 (b) Upon request by:

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

23 (2) a petition of the majority of the resident freeholders in a
24 platted subdivision or of the owners of unplatted land outside the
25 boundaries of a municipality, if the platted subdivision or
26 unplatted land is in the same county;

27 the board may adopt a resolution incorporating all or any part of the
28 area of the municipality, platted subdivision, or unplatted land into the
29 district.

30 (c) A request under subsection (b) must be signed and certified as
31 correct by the secretary of the legislative body, resident freeholders, or
32 landowners. The original shall be preserved in the records of the board.
33 The resolution of the board incorporating an area in the district must be
34 in writing and must contain an accurate description of the area
35 incorporated into the district. A certified copy of the resolution, signed
36 by the president and secretary of the board, together with a map
37 showing the boundaries of the district and the location of additional
38 areas, shall be delivered to the auditor of the county within which the
39 district is located. It shall be properly indexed and kept in the
40 permanent records of the offices of the auditor.

41 (d) In addition, upon request by ten (10) or more interested resident
42 freeholders in a platted or unplatted territory, the board may define the



1 limits of an area within the county and including the property of the
2 freeholders that is to be considered for inclusion into the district.
3 Notice of the defining of the area by the board, and notice of the
4 location and limits of the area, shall be given by publication in
5 accordance with IC 5-3-1. Upon request by a majority of the resident
6 freeholders of the area, the area may be incorporated into the district in
7 the manner provided in this section. The resolution of the board
8 incorporating the area into the district and a map of the area shall be
9 made and filed in the same manner.

10 (e) In addition, a person owning or occupying real property outside
11 the district may enter into a sewer service agreement with the board for
12 connection to the sewage works of the district. If the agreement
13 provides for connection at a later time, the date or the event upon
14 which the service commences shall be stated in the agreement. The
15 agreement may impose any conditions for connection that the board
16 determines. The agreement must also provide the amount of service
17 charge to be charged for connection if the persons are not covered
18 under section 11 of this chapter, with the amount to be fixed by the
19 board in its discretion and without a hearing.

20 (f) All sewer service agreements made under subsection (e) or (after
21 June 30, 2013) a signed memorandum of the sewer service agreement
22 shall be recorded in the office of the recorder of the county where the
23 property is located. The agreements run with the property described
24 and are binding upon the persons owning or occupying the property,
25 their personal representatives, heirs, devisees, grantees, successors, and
26 assigns. Each agreement that is recorded, or each agreement of which
27 a signed memorandum is recorded, and that provides for the property
28 being served to be placed on the tax rolls shall be certified by the board
29 to the auditor of the county where the property is located. The
30 certification must state the date the property is to be placed on the tax
31 rolls, and upon receipt of the certification together with a copy of the
32 agreement, the auditor shall immediately place the property certified
33 upon the rolls of property subject to the levy and collection of taxes for
34 the district. An agreement may provide for the collection of a service
35 charge for the period services are rendered before the levy and
36 collection of the tax.

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

42 (1) neither object to nor file a remonstrance against the proposed



1 annexation of the property by a municipality within the
2 boundaries of the district;

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

5 (3) not file a complaint or an action against annexation
6 proceedings.

7 (h) This subsection does not affect any rights or liabilities accrued
8 or proceedings begun before July 1, 2013. Those rights, liabilities, and
9 proceedings continue and shall be imposed and enforced under prior
10 law as if this subsection had not been enacted. For contracts executed
11 after June 30, 2013, a waiver of the right to remonstrate under
12 subsection (g) **that is not void under subsection (l), (m), or (n)** is
13 binding as to an executor, administrator, heir, devisee, grantee,
14 successor, or assign of a party to a sewer service agreement under
15 subsection (g) only if the executor, administrator, heir, devisee,
16 grantee, successor, or assign:

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

18 (2) has constructive notice of the waiver because the sewer
19 service agreement or a signed memorandum of the sewer service
20 agreement stating the waiver has been recorded in the chain of
21 title of the property.

22 (i) This section does not affect any sewer service agreements
23 entered into before March 13, 1953. **However, this section applies to**
24 **a remonstrance waiver regardless of when the waiver was**
25 **executed.**

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

28 (1) The landowner is required to connect to a sewer service
29 because a person other than the landowner has polluted or
30 contaminated the area.

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

34 ~~(k) Notwithstanding any other law, a waiver of the right of~~
35 ~~remonstrance executed after June 30, 2015, expires not later than~~
36 ~~fifteen (15) years after the date the waiver was executed.~~

37 ~~(k)~~ (k) This subsection applies to any deed recorded after June 30,
38 2015. This subsection applies only to property that is subject to a
39 remonstrance waiver. A municipality shall provide written notice to
40 any successor in title to property within a reasonable time after the
41 deed is recorded, that a waiver of the right of remonstrance has been
42 granted with respect to the property.



1 **(l) A remonstrance waiver executed before July 1, 2003, is void.**
 2 **This subsection does not invalidate an annexation that was effective**
 3 **on or before July 1, 2019.**

4 **(m) A remonstrance waiver executed after June 30, 2003, and**
 5 **before July 1, 2019, is subject to the following:**

- 6 **(1) The waiver is void unless the waiver was recorded:**
 7 **(A) before January 1, 2020; and**
 8 **(B) with the county recorder of the county where the**
 9 **property subject to the waiver is located.**

10 **(2) A waiver that is not void under subdivision (1) expires not**
 11 **later than fifteen (15) years after the date the waiver is**
 12 **executed.**

13 **This subsection does not invalidate an annexation that was effective**
 14 **on or before July 1, 2019.**

15 **(n) A remonstrance waiver executed after June 30, 2019, is**
 16 **subject to the following:**

- 17 **(1) The waiver is void unless the waiver is recorded:**
 18 **(A) not later than thirty (30) business days after the date**
 19 **the waiver was executed; and**
 20 **(B) with the county recorder of the county where the**
 21 **property subject to the waiver is located.**

22 **(2) A waiver that is not void under subdivision (1) expires not**
 23 **later than fifteen (15) years after the date the waiver is**
 24 **executed.**

25 **This subsection does not invalidate an annexation that was effective**
 26 **on or before July 1, 2019.**

27 SECTION 122. IC 36-12-3-12, AS AMENDED BY P.L.219-2007,
 28 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The library board shall
 30 determine the rate of taxation for the library district that is necessary
 31 for the proper operation of the library. The library board shall certify
 32 the rate to the county auditor. ~~The county auditor shall certify the tax~~
 33 ~~rate to the county tax adjustment board in the manner provided in~~
 34 ~~IC 6-1-1.~~ An additional rate may be levied under section 10(4) of this
 35 chapter.

- 36 (b) If the library board fails to:
 37 (1) give:
 38 (A) a first published notice to the board's taxpayers of the
 39 board's proposed budget and tax levy for the ensuing year at
 40 least ten (10) days before the public hearing required under
 41 IC 6-1.1-17-3; and
 42 (B) a second published notice to the board's taxpayers of the



- 1 board's proposed budget and tax levy for the ensuing year at
 2 least three (3) days before the public hearing required under
 3 IC 6-1.1-17-3; or
 4 (2) finally adopt the budget and fix the tax levy not later than
 5 September 30;
 6 the last preceding annual appropriation made for the public library is
 7 renewed for the ensuing year, and the last preceding annual tax levy is
 8 continued. Under this subsection, the treasurer of the library board
 9 shall report the continued tax levy to the county auditor not later than
 10 September 30.
- 11 SECTION 123. [EFFECTIVE JANUARY 1, 2017
 12 (RETROACTIVE)] **(a) This SECTION applies notwithstanding**
 13 **IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or**
 14 **provision.**
- 15 **(b) This SECTION applies to the January 1, 2017, assessment**
 16 **date.**
- 17 **(c) As used in this SECTION, "eligible property" means any**
 18 **real property and personal property:**
- 19 **(1) for which an exemption application was filed after April**
 20 **1, 2017, and before April 10, 2017; and**
- 21 **(2) that would have been eligible for an exemption from**
 22 **property taxation under IC 6-1.1-10-16 or any other law if an**
 23 **exemption application had been properly and timely filed**
 24 **under IC 6-1.1 for the property.**
- 25 **(d) The owner of eligible property may, before September 1,**
 26 **2019, file a property tax exemption application and supporting**
 27 **documents claiming a property tax exemption under this**
 28 **SECTION and IC 6-1.1-10-16 or any other law for the eligible**
 29 **property for the 2017 assessment date.**
- 30 **(e) A property tax exemption application filed as provided in**
 31 **subsection (d) is considered to have been properly and timely filed.**
- 32 **(f) The following apply if the owner of eligible property files a**
 33 **property tax exemption application as provided in subsection (d):**
- 34 **(1) The property tax exemption for the eligible property shall**
 35 **be allowed and granted for the January 1, 2017, assessment**
 36 **date by the county assessor and county auditor of the county**
 37 **in which the eligible property is located.**
- 38 **(2) The owner of the eligible property is not required to pay**
 39 **any property taxes, penalties, or interest with respect to the**
 40 **eligible property for the January 1, 2017, assessment date.**
- 41 **(g) The exemption allowed by this SECTION shall be applied**
 42 **without the need for any further ruling or action by the county**



1 assessor, the county auditor, or the county property tax assessment
 2 board of appeals of the county in which the eligible property is
 3 located or by the Indiana board of tax review.

4 (h) To the extent the owner of the eligible property has paid any
 5 property taxes, penalties, or interest with respect to the eligible
 6 property for the January 1, 2017, assessment date and to the extent
 7 that the eligible property is exempt from taxation as provided in
 8 this SECTION, the owner of the eligible property is entitled to a
 9 refund of the amounts paid. The owner is not entitled to any
 10 interest on the refund under IC 6-1.1 or any other law to the extent
 11 interest has not been paid by or on behalf of the owner.
 12 Notwithstanding the filing deadlines for a claim under IC 6-1.1-26,
 13 any claim for a refund filed by the owner of eligible property under
 14 this SECTION before September 1, 2019, is considered timely filed.
 15 The county auditor shall pay the refund due under this SECTION
 16 in one (1) installment.

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

18 SECTION 124. [EFFECTIVE JANUARY 1, 2019
 19 (RETROACTIVE)] (a) This SECTION applies notwithstanding
 20 IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or
 21 provision.

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

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

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

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

32 (d) The owner of eligible property may, before September 1,
 33 2019, file a property tax exemption application and supporting
 34 documents claiming a property tax exemption under this
 35 SECTION and IC 6-1.1-10-27 for the eligible property for an
 36 assessment date after December 31, 2011, and before January 1,
 37 2017.

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

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



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

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

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

13 (h) To the extent the owner of the eligible property has paid any
14 property taxes, penalties, or interest with respect to the eligible
15 property for an applicable date and to the extent that the eligible
16 property is exempt from taxation as provided in this SECTION,
17 the owner of the eligible property is entitled to a refund of the
18 amounts paid. The owner is not entitled to any interest on the
19 refund under IC 6-1.1 or any other law to the extent interest has
20 not been paid by or on behalf of the owner. Notwithstanding the
21 filing deadlines for a claim under IC 6-1.1-26, any claim for a
22 refund filed by the owner of eligible property under this SECTION
23 before September 1, 2019, is considered timely filed. The county
24 auditor shall pay the refund due under this SECTION in one (1)
25 installment.

26 (i) This SECTION expires June 30, 2020.

27 SECTION 125. [EFFECTIVE UPON PASSAGE] (a) The
28 legislative council is urged to assign to an appropriate interim
29 study committee, for study during the 2019 interim of the general
30 assembly, the topic of local income taxes, including revenue
31 allocations and uses.

32 (b) If the legislative council assigns the topic under subsection
33 (a), the study must include consideration of the following:

- 34 (1) For each county:
 - 35 (A) The number of individuals who reside in the county
 - 36 and work in a different county.
 - 37 (B) Commuter patterns and road and street lane miles
 - 38 commonly used by commuters.
 - 39 (C) The use of local income taxes to reduce property taxes.
 - 40 (D) How local income taxes are used to provide services
 - 41 that benefit employers that employ individuals who reside
 - 42 in a different county than the county in which they work.



- 1 **(E) The number of calls for public safety service.**
- 2 **(2) Whether local income tax revenue could be allocated more**
- 3 **fairly among counties and within counties.**
- 4 **(3) Whether individuals should pay a local income tax to the**
- 5 **county where they work and whether a tax credit should be**
- 6 **provided for local income taxes paid to the county where they**
- 7 **reside.**
- 8 **(c) If the legislative council makes the assignment described in**
- 9 **subsection (a), the interim study committee shall, not later than**
- 10 **November 1, 2019, report the results of the study and any**
- 11 **recommendations for legislation to the legislative council in an**
- 12 **electronic format under IC 5-14-6.**
- 13 **(d) This SECTION expires January 1, 2020.**
- 14 SECTION 126. [EFFECTIVE JULY 1, 2019] **(a) For purposes of**
- 15 **IC 36-7-30-4, as amended by this act, and notwithstanding the July**
- 16 **1, 2019, effective date for the amendment to IC 36-7-30-4, the**
- 17 **terms of members appointed under IC 36-7-30-4(c) end December**
- 18 **31, 2019.**
- 19 **(b) This SECTION expires June 30, 2020.**
- 20 SECTION 127. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1427, 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 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 4. IC 5-11-1-7, AS AMENDED BY P.L.149-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The state examiner shall appoint assistants not exceeding the number required to administer this article. The assistants are to be known as "field examiners" and are at all times subject to the order and direction of the state examiner. Field examiners shall inspect and examine accounts of all state agencies, municipalities, and other governmental units, entities, or instrumentalities.

(b) The state examiner may engage or, in accordance with section 24 of this chapter, allow the engagement of private examiners to the extent the state examiner determines necessary to satisfy the requirements of this article. These examiners are subject to the direction of the state examiner while performing examinations under this article. The state examiner shall allow the engagement of private examiners for any state college or university subject to examination under this article if the state examiner finds that the private examiner is an independent certified public accountant firm with specific expertise in the financial affairs of educational organizations. **The state examiner shall allow the engagement of private examiners for any development authority in accordance with IC 36-7.5-2-9 or IC 36-7.6-2-14, whichever applies.** These private examiners are subject to the direction of the state examiner while performing examinations under this article.

(c) The state examiner may engage experts to assist the state board of accounts in carrying out its responsibilities under this article.

SECTION 5. IC 5-11-1-16, AS AMENDED BY P.L.181-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) As used in this article, "municipality" means any county, township, city, town, school corporation, special taxing district, or other political subdivision of Indiana.

(b) As used in this article, "state" means any board, commission, department, division, bureau, committee, agency, governmental subdivision, military body, authority, or other instrumentality of the state, but does not include a municipality.



(c) As used in this article, "public office" means the office of any and every individual who for or on behalf of the state or any municipality or any public hospital holds, receives, disburses, or keeps the accounts of the receipts and disbursements of any public funds.

(d) As used in this article, "public officer" means any individual who holds, receives, disburses, or is required by law to keep any account of public funds or other funds for which the individual is accountable by virtue of the individual's public office.

(e) As used in this article, "entity" means any provider of goods, services, or other benefits that is:

- (1) maintained in whole or in part at public expense; or
- (2) supported in whole or in part by appropriations or public funds or by taxation.

The term does not include the state or a municipality (as defined in this section).

(f) As used in this article, a "public hospital" means either of the following:

- (1) An institution licensed under IC 16-21 and which is owned by the state or an agency of the state or one which is a municipal corporation. A hospital is a municipal corporation if its governing board members are appointed by elected officials of a municipality.
- (2) A state institution (as defined in IC 12-7-2-184).

(g) As used in this article, "audit committee" refers to the audit and financial reporting subcommittee of the legislative council established by IC 2-5-1.1-6.3.

(h) As used in this article, "audited entity" has the meaning set forth in IC 2-5-1.1-6.3.

(i) As used in this article, "development authority" has the meaning set forth in the following:

- (1) IC 36-7.5-1-8.**
- (2) IC 36-7.6-1-8.**

SECTION 6. IC 5-11-1-25, AS AMENDED BY P.L.181-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. (a) This section and section 24.4 of this chapter do not limit the application of any law that requires a municipality, a public hospital, another public office or public officer, an entity, or another person or organization to be audited or otherwise examined on an annual or other basis by:

- (1) a certified public accountant; or
- (2) a person other than the state examiner or the state board of accounts.



(b) Subject to section 9 of this chapter and subsections (c) and (d), the state board of accounts shall conduct examinations of audited entities at the times determined by the state board of accounts, but not less than once every four (4) years, using risk based examination criteria that are established by the state board of accounts and approved by the audit committee. The risk based examination criteria must include the following risk factors:

- (1) An audited entity has a newly elected or appointed fiscal officer.
 - (2) An audited entity:
 - (A) has not timely filed; or
 - (B) has filed a materially incorrect or incomplete; annual financial report required by section 4 of this chapter.
 - (3) Any other factor determined by the state examiner and approved by the audit committee.
- (c) Examinations must be conducted annually for the following:
- (1) The state.
 - (2) An audited entity (other than a school corporation) that requires an annual audit:
 - (A) because of the receipt of federal financial assistance in an amount that subjects the audited entity to an annual federal audit;
 - (B) due to continuing disclosure requirements; or
 - (C) as a condition of a public bond issuance.

(3) A development authority.

An audited entity shall, under the guidelines established by the state board of accounts, provide notice to the state examiner not later than sixty (60) days after the close of the audited entity's fiscal year that the audited entity is required to have an annual audit under subdivision (2).

(d) As permitted under this section since September 1, 1986 (the effective date of P.L.3-1986, SECTION 16), examinations of school corporations shall be conducted biennially."

Page 4, line 40, delete "residential".

Page 4, line 40, reset in roman "that is assessed as".

Page 4, reset in roman line 41.

Page 4, line 42, reset in roman "government finance,".

Page 5, delete lines 3 through 22.

Page 29, line 3, delete "The" and insert **"Except as provided in section 5.2 of this chapter, the"**.

Page 30, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 21. IC 6-1.1-17-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2019]: **Sec. 5.2. If an ordinance to fix a city budget, tax rate, and tax levy is:**

(1) vetoed by the city executive under IC 36-4-6-16(a)(2); or

(2) considered vetoed under IC 36-4-6-16(b);

and the veto is effective on a date later than October 1, the city's legislative body has thirty (30) days from the effective date of the veto to override the veto in accordance with IC 36-4-6-16(c) to fix the budget, tax rate, and tax levy for the ensuing budget year."

Page 38, strike lines 25 through 26.

Page 38, line 27, strike "(2) For each budget year after 2018," and insert "(1)".

Page 38, line 27, delete "not" and insert "Not".

Page 38, line 28, strike "a taxing unit in a".

Page 38, strike lines 29 through 30.

Page 38, line 31, strike "IC 6-1.1-18.5-16." and insert "**subdivision (2) applies.**".

Page 38, line 32, strike "(3) For each budget year after 2018," and insert "(2)".

Page 38, line 32, delete "not" and insert "Not".

Page 38, line 33, after "if" insert ":

(A)".

Page 38, line 35, after "IC 6-1.1-18.5-16" delete "." and insert "; **or (B) the deadline for a city in the county to fix the budget, tax rate, and tax levy has been extended, in accordance with section 5.2 of this chapter, due to the executive's veto of the ordinance fixing the budget, tax rate, and tax levy.**".

Page 42, between lines 20 and 21, begin a new paragraph and insert: "SECTION 35. IC 6-1.1-18-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 25. (a) This section applies only to Highland Township in Greene County.**

(b) The executive of the township may, upon approval by the township fiscal body, submit a petition to the department of local government finance for an increase in 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 2020.

(c) If the township submits a petition as provided in subsection (b) before August 1, 2019, the department of local government finance shall increase 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 2020 to eighteen thousand dollars (\$18,000).



(d) 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 2020, 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 2021 and thereafter.

(e) This section expires June 30, 2024.

SECTION 36. IC 6-1.1-18-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26. (a) This section applies only to Taylor Township in Greene County.**

(b) The executive of the township may, upon approval by the township fiscal body, submit a petition to the department of local government finance for:

- (1) an increase in 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 2020; and**
- (2) an increase in the township's maximum permissible ad valorem property tax levy under IC 36-8-13 (for the township's fire protection and emergency services) for property taxes first due and payable in 2020.**

(c) If the township submits a petition as provided in subsection (b) before August 1, 2019, the department of local government finance shall:

- (1) increase 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 2020 to twenty-nine thousand dollars (\$29,000); and**
- (2) increase the township's maximum permissible ad valorem property tax levy under IC 36-8-13 (for the township's fire protection and emergency services) for property taxes first due and payable in 2020 to thirty-four thousand dollars (\$34,000).**

(d) 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 2020, 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 2021 and thereafter.

(e) The township's maximum permissible ad valorem property tax levy under IC 36-8-13 (for the township's fire protection and emergency services) for property taxes first due and payable in



2020, as adjusted under this section, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 36-8-13 (for the township's fire protection and emergency services) for property taxes first due and payable in 2021 and thereafter.

(f) This section expires June 30, 2024."

Page 43, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 36. IC 6-1.1-18.5-23.2, AS ADDED BY P.L.242-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 23.2. (a) This section applies to ~~the following townships~~ **Green Township** in Hancock County.

~~(1) Brown Township.~~

~~(2) Jackson Township.~~

~~(3) Blue River Township.~~

(b) The executive of a township ~~listed~~ **described** in subsection (a) may, after approval by the fiscal body of the township, submit a petition to the department of local government finance requesting an increase in the maximum permissible ad valorem property tax levy for the township's general fund.

(c) If the executive of a township submits a petition under subsection (b), the department of local government finance shall increase the maximum permissible ad valorem property tax levy for the township's general fund for property taxes first due and payable after December 31, ~~2015~~, **2019**, by an amount equal to the lesser of the following:

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

(2) The sum of the following:

(A) The amount necessary to make the maximum permissible ad valorem property tax levy for the township's general fund equal to the maximum permissible ad valorem property tax levy that would have applied to the township's general fund under section 3 of this chapter for property taxes first due and payable after December 31, ~~2015~~, **2019**, if in each year, beginning in 2003 and ending in ~~2015~~, **2019**, the township had imposed the maximum permissible ad valorem property tax levy for the township's general fund in each of those years (regardless of whether the township did impose the entire amount of the maximum permissible ad valorem property tax levy for the township's general fund).

(B) The amount necessary to make the maximum permissible ad valorem property tax levy under section 3 of this chapter for the township's firefighting fund under IC 36-8-13 equal to the



maximum permissible ad valorem property tax levy under section 3 of this chapter that would have applied to the township's firefighting fund for property taxes first due and payable after December 31, ~~2015~~, **2019**, if in each year, beginning in 2003 and ending in ~~2015~~, **2019**, the township had imposed the maximum permissible ad valorem property tax levy for the township's firefighting fund in each of those years (regardless of whether the township did impose the entire amount of the maximum permissible ad valorem property tax levy for the township's firefighting fund).

SECTION 37. IC 6-1.1-23-1, AS AMENDED BY P.L.84-2016, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Annually, after November 10th but before August 1st of the succeeding year, each county treasurer shall serve a written demand upon each county resident who is delinquent in the payment of personal property taxes. ~~Annually, after May 10 but before October 31 of the same year, each county treasurer may serve a written demand upon a county resident who is delinquent in the payment of personal property taxes.~~ The written demand may be served upon the taxpayer:

- (1) by registered or certified mail;
 - (2) in person by the county treasurer or the county treasurer's agent; or
 - (3) by proof of certificate of mailing.
- (b) The written demand required by this section shall contain:
- (1) a statement that the taxpayer is delinquent in the payment of personal property taxes;
 - (2) the amount of the delinquent taxes;
 - (3) the penalties due on the delinquent taxes;
 - (4) the collection expenses which the taxpayer owes; and
 - (5) a statement that if the sum of the delinquent taxes, penalties, and collection expenses are not paid within thirty (30) days from the date the demand is made then:
 - (A) sufficient personal property of the taxpayer shall be sold to satisfy the total amount due plus the additional collection expenses incurred; or
 - (B) a judgment may be entered against the taxpayer in the circuit court, superior court, or probate court of the county.
- (c) Subsections (d) through (g) apply only to personal property that:
- (1) is subject to a lien of a creditor imposed under an agreement entered into between the debtor and the creditor after June 30, 2005;



(2) comes into the possession of the creditor or the creditor's agent after May 10, 2006, to satisfy all or part of the debt arising from the agreement described in subdivision (1); and

(3) has an assessed value of at least three thousand two hundred dollars (\$3,200).

(d) For the purpose of satisfying a creditor's lien on personal property, the creditor of a taxpayer that comes into possession of personal property on which the taxpayer is adjudicated delinquent in the payment of personal property taxes must pay in full to the county treasurer the amount of the delinquent personal property taxes determined under STEP SEVEN of the following formula from the proceeds of any transfer of the personal property made by the creditor or the creditor's agent before applying the proceeds to the creditor's lien on the personal property:

STEP ONE: Determine the amount realized from any transfer of the personal property made by the creditor or the creditor's agent after the payment of the direct costs of the transfer.

STEP TWO: Determine the amount of the delinquent taxes, including penalties and interest accrued on the delinquent taxes as identified on the form described in subsection (f) by the county treasurer.

STEP THREE: Determine the amount of the total of the unpaid debt that is a lien on the transferred property that was perfected before the assessment date on which the delinquent taxes became a lien on the transferred property.

STEP FOUR: Determine the sum of the STEP TWO amount and the STEP THREE amount.

STEP FIVE: Determine the result of dividing the STEP TWO amount by the STEP FOUR amount.

STEP SIX: Multiply the STEP ONE amount by the STEP FIVE amount.

STEP SEVEN: Determine the lesser of the following:

(A) The STEP TWO amount.

(B) The STEP SIX amount.

(e) This subsection applies to transfers made by a creditor after May 10, 2006. As soon as practicable after a creditor comes into possession of the personal property described in subsection (c), the creditor shall request the form described in subsection (f) from the county treasurer. Before a creditor transfers personal property described in subsection (d) on which delinquent personal property taxes are owed, the creditor must obtain from the county treasurer a delinquent personal property tax form and file the delinquent personal property tax form with the



county treasurer. The creditor shall provide the county treasurer with:

- (1) the name and address of the debtor; and
- (2) a specific description of the personal property described in subsection (d);

when requesting a delinquent personal property tax form.

(f) The delinquent personal property tax form must be in a form prescribed by the state board of accounts under IC 5-11 and must require the following information:

- (1) The name and address of the debtor as identified by the creditor.
- (2) A description of the personal property identified by the creditor and now in the creditor's possession.
- (3) The assessed value of the personal property identified by the creditor and now in the creditor's possession, as determined under subsection (g).
- (4) The amount of delinquent personal property taxes owed on the personal property identified by the creditor and now in the creditor's possession, as determined under subsection (g).
- (5) A statement notifying the creditor that this section requires that a creditor, upon the liquidation of personal property for the satisfaction of the creditor's lien, must pay in full the amount of delinquent personal property taxes owed as determined under subsection (d) on the personal property in the amount identified on this form from the proceeds of the liquidation before the proceeds of the liquidation may be applied to the creditor's lien on the personal property.

(g) The county treasurer shall provide the delinquent personal property tax form described in subsection (f) to the creditor not later than fourteen (14) days after the date the creditor requests the delinquent personal property tax form. The county assessor and the township assessors (if any) shall assist the county treasurer in determining the appropriate assessed value of the personal property and the amount of delinquent personal property taxes owed on the personal property. Assistance provided by the county assessor and the township assessors (if any) must include providing the county treasurer with relevant personal property forms filed with the assessor or assessors and providing the county treasurer with any other assistance necessary to accomplish the purposes of this section.

SECTION 38. IC 6-1.1-23.5-12, AS ADDED BY P.L.235-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) At least ~~twenty-one (21)~~ **thirty (30)** days before the earliest date on which the application for judgment and order



for sale of mobile homes eligible for sale may be made, the county treasurer shall send a notice of the sale by certified mail, return receipt requested, and by first class mail to:

(1) the owner of record of the mobile home with a single owner;
or

(2) at least one (1) of the owners, as of the date that the tentative auction list is initially prepared under section 4 of this chapter, of a mobile home with multiple owners;

at the last address of the owner for the property as indicated in the records of the assessor of the township in which the mobile home community is located, or the county assessor if there is no township assessor for the township, on the date that the tentative auction list is initially prepared under section 4 of this chapter. If both notices are returned, the county treasurer shall take an additional reasonable step to notify the property owner, if the county treasurer determines that an additional reasonable step to notify the property owner is practical. The county treasurer shall prepare the notice in the form prescribed by the department of local government finance. The notice must set forth the make and model of the mobile home and a street address, if any, or other common description of the property other than a legal description where the mobile home was last known to be located. The notice must include the statement set forth in section 5(b)(6) of this chapter. The county treasurer must present proof of this mailing to the court along with the application for judgment and order for sale.

(b) Failure by an owner to receive or accept the notice required by this section does not affect the validity of the judgment and order for sale.

(c) The notice required under this section is considered sufficient if the notice is mailed to the address or addresses required by this section."

Page 50, delete lines 31 through 42.

Page 51, delete lines 1 through 9.

Page 53, line 28, delete "residential".

Page 53, line 28, reset in roman "that is assessed as".

Page 53, reset in roman line 29.

Page 53, line 30, reset in roman "government finance,".

Page 54, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 46. IC 6-3.6-6-2.7, AS ADDED BY P.L.184-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.7. (a) A county fiscal body may adopt an ordinance to impose a tax rate for correctional facilities and rehabilitation facilities in the county. The tax rate must be in



increments of one-hundredth of one percent (0.01%) and may not exceed two-tenths of one percent (0.2%). The tax rate may not be in effect for more than ~~twenty (20)~~ **twenty-two (22)** years. **If an ordinance is adopted after June 30, 2019, to impose a tax rate under this section, not more than twenty percent (20%) of the revenue from the tax rate under this section may be used for operating expenses for correctional facilities and rehabilitation facilities in the county.**

(b) The revenue generated by a tax rate imposed under this section must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed. The revenue shall be maintained in a separate dedicated county fund and used by the county only for paying for correctional facilities and rehabilitation facilities in the county.

SECTION 47. IC 6-3.6-9-5, AS AMENDED BY P.L.184-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 5. (a) Before August 2 of each calendar year, ~~before 2018, and before June 1 of each calendar year after 2017~~, the budget agency shall provide to the department of local government finance and the county auditor of each adopting county an estimate of the amount determined under section 4 of this chapter that will be distributed to the county, based on known tax rates. Not later than fifteen (15) days after receiving the estimate of the certified distribution, ~~for calendar years before 2018, and not later than July 1 of each year, for calendar years after 2017~~, the department of local government finance shall determine for each taxing unit and notify the county auditor of the estimated amount of property tax credits, school distributions, public safety revenue, economic development revenue, certified shares, and special purpose revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Not later than thirty (30) days after receiving the department's estimate, the county auditor shall notify each taxing unit of the amounts estimated for the taxing unit.

(b) Before October 1 of each calendar year, the budget agency shall certify to the department of local government finance and the county auditor of each adopting county:

- (1) the amount determined under section 4 of this chapter; and
- (2) the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year.

The amount certified is the county's certified distribution for the immediately succeeding calendar year. The amount certified shall be



adjusted, as necessary, under sections 6, 7, and 8 of this chapter. Not later than fifteen (15) days after receiving the amount of the certified distribution, the department of local government finance shall determine for each taxing unit and notify the county auditor of the certified amount of property tax credits, school distributions, public safety revenue, economic development revenue, certified shares, and special purpose revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Not later than thirty (30) days after receiving the department's estimate, the county auditor shall notify each taxing unit of the certified amounts for the taxing unit.

SECTION 48. IC 6-3.6-9-9, AS AMENDED BY P.L.197-2016, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 9. The budget agency shall provide the adopting body with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

- (1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;
 - (2) adjustments for over distributions in prior years;
 - (3) adjustments for clerical or mathematical errors in prior years;
- and**
- (4) adjustments for tax rate changes. **and**
 - ~~(5) the amount of excess account balances to be distributed under section 15 of this chapter.~~

SECTION 49. IC 6-3.6-9-15, AS AMENDED BY P.L.126-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 15. (a) If the budget agency determines that the balance in a county trust account exceeds fifteen percent (15%) of the certified distributions to be made to the county in the determination year, the budget agency shall make a supplemental distribution to the county from the county's trust account. The budget agency shall use the trust account balance as of December 31 of the year that precedes the determination year by two (2) years (referred to as the "trust account balance year" in this section).

- (b) A supplemental distribution described in subsection (a) must be:
- (1) made at the same time as the determinations are provided to the county auditor under subsection ~~(d)(2)~~; **(d)(3)**; and
 - (2) allocated in the same manner as certified distributions for the purposes described in this article.

(c) The amount of a supplemental distribution described in subsection (a) is equal to the amount by which:

- (1) the balance in the county trust account; minus



(2) the amount of any supplemental or special distribution that has not yet been accounted for in the last known balance of the county's trust account; exceeds fifteen percent (15%) of the certified distributions to be made to the county in the determination year.

(d) For a county that qualifies for a supplemental distribution under this section in a year, the following apply:

(1) Before February 15, the budget agency shall update the information described in section 9 of this chapter to include the excess account balances to be distributed under this section.

~~(1)~~ **(2)** Before May 2, the budget agency shall provide the amount of the supplemental distribution for the county to the department of local government finance and to the county auditor.

~~(2)~~ **(3)** The department of local government finance shall determine for the county and each taxing unit within the county:

(A) the amount and allocation of the supplemental distribution attributable to the taxes that were imposed as of December 31 of the trust account balance year, including any specific distributions for that year; and

(B) the amount of the allocation for each of the purposes set forth in this article, using the allocation percentages in effect in the trust account balance year.

The department of local government finance shall provide these determinations to the county auditor before May 16 of the determination year.

~~(3)~~ **(4)** Before June 1, the county auditor shall distribute to each taxing unit the amount of the supplemental distribution that is allocated to the taxing unit under subdivision ~~(2)~~: **(3)**.

For determinations before 2019, the tax rates in effect under and the allocation methods specified in the former income tax laws shall be used for the determinations under subdivision ~~(2)~~: **(3)**.

(e) For any part of a supplemental distribution attributable to property tax credits under a former income tax or IC 6-3.6-5, the adopting body for the county may allocate the supplemental distribution to property tax credits for not more than the three (3) years after the year the supplemental distribution is received.

(f) Any income earned on money held in a trust account established for a county under this chapter shall be deposited in that trust account.

SECTION 50. IC 6-3.6-9-18, AS ADDED BY P.L.199-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) This section applies only to Clark County.



(b) Notwithstanding section 5 of this chapter, when determining ~~the~~ **any** allocation amount, ~~and except for~~ the economic development revenue allocation, for each taxing unit in the county:

(1) in 2019, one hundred percent (100%) of the increase in the county's maximum permissible tax levy permitted under IC 6-1.1-18.5-13.8 shall be excluded;

(2) in 2020, sixty-six and sixty-seven hundredths percent (66.67%) of the increase in the county's maximum permissible tax levy permitted under IC 6-1.1-18.5-13.8 shall be excluded; and

(3) in 2021, thirty-three and thirty-three hundredths percent (33.33%) of the increase in the county's maximum permissible tax levy permitted under IC 6-1.1-18.5-13.8 shall be excluded.

(c) This section expires June 30, 2022."

Page 58, delete lines 37 through 42.

Page 59, delete lines 1 through 15.

Page 59, line 27, delete "residential".

Page 59, line 27, reset in roman "that is assessed as".

Page 59, reset in roman line 28.

Page 59, line 29, reset in roman "government finance,".

Page 65, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 57. IC 16-22-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) This section applies to a medical care trust board appointed by a county executive to govern a nonexpendable trust fund established under section 17(j) or 18(e) of this chapter.

(b) The county executive may adopt an ordinance providing that the medical care trust board is subject to this section.

(c) After the effective date of an ordinance adopted under subsection (b), the medical care trust board may do the following:

(1) Approve and the treasurer may disburse payment of a claim against the trust for payment of hospital and medical services provided to an indigent person and reasonable administrative expenses, without the necessity of filing a claim with the county auditor for approval by the county executive.

(2) **Except as provided in section 19.5 of this chapter**, invest the funds of the trust:

(A) in accordance with IC 5-13-9 and guidelines adopted by the board under IC 5-13-9-1; and

(B) without being subject to guidelines adopted by the county executive under IC 5-13-9-1.

SECTION 58. IC 16-22-3-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2019]: **Sec. 19.5. (a) This section applies to a county that before 1990 sold its hospital property and established a medical care trust board to hold the proceeds from the sale.**

(b) As used in this section, "trust board" refers to a medical care trust board established to hold the proceeds from the sale of a county hospital.

(c) The trust board shall contract with investment managers, investment advisors, investment counsel, trust companies, banks, or other finance professionals to assist the trust board in an investment program. Money held by the trust board must be invested in accordance with the terms of an investment policy statement developed by the board of directors of the trust board with an investment advisor that:

(1) is approved by the board of directors; and

(2) complies with the diversification, risk management, and other fiduciary requirements common to the management of charitable trusts, including that the funds of the trust board must be invested according to the prudent investor rule. The investment policy statement must include the limitation on the investment in equities specified in subsection (e).

(d) Money held by the trust board:

(1) may be invested in any legal, marketable securities; and

(2) is not subject to any other investment limitations in the law, other than the limitations under this section and the limitations in the investment policy statement.

(e) The total amount of the funds invested by the trust board in equity securities under this section may not exceed fifty-five percent (55%) of the total value of the portfolio of funds invested by the trust board under this section. However:

(1) an investment that complies with this subsection when the investment is made remains legal even if a subsequent change in the value of the investment or a change in the value of the total portfolio of funds invested by the trust board causes the percentage of investments in equity securities to exceed the fifty-five percent (55%) limit on equity securities; and

(2) if the total amount of the funds invested by a trust board in equity securities exceeds the fifty-five percent (55%) limit on equity securities because of a change described in subdivision (1), the investments by the trust board must be rebalanced to comply with the fifty-five percent (55%) limit on equity investments not later than one hundred twenty (120) days after the equity investments first exceed that limit.



(f) The following apply to the trust board:

- (1) The trust board must be audited annually by an independent third party auditor.**
- (2) The board of directors of the trust board must meet at least quarterly to receive a quarterly compliance and performance update from the investment advisor.**
- (3) Three (3) nonvoting advisors who are officers of different county designated depositories shall attend the quarterly meetings in an advisory capacity to assist the board of directors of the trust board:**
 - (A) in reviewing the compliance and performance report from the investment advisor; and**
 - (B) in reviewing the annual audit required by subdivision (1).**

The three (3) nonvoting advisors may not vote on any action of the board of directors. The board of directors of the trust board shall by majority vote select the three (3) depositories from which the three (3) nonvoting advisors will be chosen. Each of the three (3) depositories selected under this subdivision shall select an officer of the depository to serve as one (1) of the three (3) nonvoting advisors. Each nonvoting advisor shall serve a term of three (3) years, and the nonvoting advisor shall continue to serve until a successor is selected. However, to provide for staggered terms, the board of directors of the trust board shall provide that the initial term of one (1) nonvoting advisor is one (1) year, the initial term of one (1) nonvoting advisor is two (2) years, and the initial term of one (1) nonvoting advisor is three (3) years. For purposes of avoiding a conflict of interest, a financial institution for which a nonvoting advisor is an officer (and any affiliate of such a financial institution) may not receive a commission or other compensation for investments made by the trust board under this section."

Page 67, between lines 13 and 14, begin a new paragraph and insert:
 "SECTION 60. IC 20-49-4-8, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. The state board may advance money to school corporations to be used for:

- (1) school building construction programs; and**
- (2) educational technology programs; and**
- (3) property tax refund payments;**

as provided in this chapter.



SECTION 61. IC 20-49-4-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14.5. (a) Advances to pay property tax refunds resulting from significant property tax appeals that were lost or settled by counties may be made to school corporations. The total amount of advances that the state board may make under this section may not exceed ten million dollars (\$10,000,000).**

(b) An advance may be made to a school corporation to pay a property tax refund resulting from a significant property tax appeal that was lost or settled by the county if the following conditions exist:

(1) The total amount of the property tax refund that must be paid by the school corporation exceeds the lesser of:

- (A) twenty percent (20%) of the school corporation's annual certified levy for its operations fund in the calendar year in which the application for the advance is made; or**
- (B) four hundred dollars (\$400) per average daily membership (as defined in IC 20-18-2-2) for the most recent fall count.**

(2) The total amount of the property tax refund that must be paid by the school corporation exceeds fifty percent (50%) of the school corporation's rainy day fund balance as of the date of the application.

SECTION 62. IC 20-49-4-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 16.5. (a) Money advanced to a school corporation to pay a property tax refund resulting from a significant property tax appeal that was lost or settled by the county may be for a period not exceeding ten (10) years. The school corporation to which an advance is made shall pay interest on the advance. For advances to pay property tax refunds, the state board may provide that the advances may be prepaid at any time.**

(b) The state board of finance shall periodically establish the rate or rates of interest payable on advances to pay property tax refunds as long as the established interest rate or rates:

- (1) are not less than one percent (1%); and**
- (2) do not exceed four percent (4%).**

SECTION 63. IC 20-49-4-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 22.5. A school corporation to which an advance is made to pay a property tax refund resulting**



from a significant property tax appeal that was lost or settled by the county may annually impose a property tax levy for the operations fund or the debt service fund to replace the amount deducted under this chapter in the current year from the distribution of state tuition support. However, a levy may not be imposed under this chapter if a levy is being imposed under IC 6-1.1-19, IC 20-48-1-7, or another statute to cover the refund from a significant property tax appeal. The amount received from the tax under this section must be transferred to the education fund."

Page 68, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 63. IC 36-1-10-7, AS AMENDED BY P.L.233-2015, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 7. (a) Except as provided in subsection (b); As used in this section, "threshold amount" means two hundred fifty thousand dollars (\$250,000).

(b) This section does not apply if the total annual cost of the lease is less than the threshold amount.

(c) A leasing agent for a political subdivision, other than a school corporation, may not lease a structure, transportation project, or system unless:

- (1) the leasing agent receives a petition signed by fifty (50) or more taxpayers of the political subdivision or agency; and
- (2) the fiscal body of the political subdivision determines, after investigation, that the structure, transportation project, or system is needed.

~~(b) This subsection applies only to a school corporation. A leasing agent may not lease a structure, transportation project, or system unless the governing body of the school corporation determines, after investigation, that the structure, transportation project, or system is needed.~~

SECTION 64. IC 36-1-10-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: **Sec. 7.5. (a) This section applies only to a school corporation.**

(b) A leasing agent may not lease a structure, transportation project, or system unless the governing body of the school corporation determines, after investigation, that the structure, transportation project, or system is needed.

SECTION 65. IC 36-1-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]:



Sec. 14. (a) **As used in this section, "threshold amount" has the meaning set forth in section 7 of this chapter.**

(b) This section does not apply if the total annual cost of the lease is less than the threshold amount.

(a) (c) If lease rentals are payable, in whole or in part, from property taxes, ten (10) or more taxpayers in the political subdivision who disagree with the execution of a lease under this chapter may file a petition in the office of the county auditor of the county in which the leasing agent is located, within thirty (30) days after publication of notice of the execution of the lease. The petition must state the taxpayer's objections and the reasons why the lease is unnecessary or unwise.

(b) (d) The county auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a time and place for the hearing of the matter. The hearing shall be held not less than five (5) nor more than thirty (30) days after the receipt of the certified documents.

(c) (e) The hearing shall be held in the political subdivision where the petition arose.

(d) (f) Notice of the hearing shall be given by the department of local government finance to the leasing agent and to the first ten (10) taxpayer petitioners listed on the petition by a letter signed by the commissioner or deputy commissioner of the department. The letter shall be sent to the first ten (10) taxpayer petitioners at their usual place of residence at least five (5) days before the date of the hearing. The decision by the department of local government finance on the objections presented in the petition is final.

SECTION 66. IC 36-1-10-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: **Sec. 22. (a)**

This section applies only to a lease that meets all of the following:

- (1) The lease was entered into before January 1, 2019.**
- (2) The total annual cost of the lease is less than two hundred fifty thousand dollars (\$250,000).**
- (3) Any one (1) of the following applies:**
 - (A) The leasing agent did not comply with section 7(a) of this chapter (as in effect before January 1, 2019) before the lease was entered into.**
 - (B) The leasing agent did not comply with section 14 of this chapter (as in effect before January 1, 2019) before the**



lease was entered into.

(C) The leasing agent did not comply with both section 7(a) of this chapter (as in effect before January 1, 2019) and section 14 of this chapter (as in effect before January 1, 2019) before the lease was entered into.

(b) A lease described in subsection (a) is valid, notwithstanding the failure of the leasing agent to comply with section 7(a) of this chapter (as in effect before January 1, 2019), section 14 of this chapter (as in effect before January 1, 2019), or both section 7(a) of this chapter (as in effect before January 1, 2019) and section 14 of this chapter (as in effect before January 1, 2019) before the lease was entered into.

(c) This section does not validate a lease described in subsection (a) for failures to comply with statutory requirements other than those set forth in section 7(a) of this chapter (as in effect before January 1, 2019) and section 14 of this chapter (as in effect before January 1, 2019).

SECTION 67. IC 36-1-14-4 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 4. (a) This section applies to a county that before 1990 sold its hospital property and established a trust to hold the proceeds from the sale:

(b) As used in this section, "trust" refers to a charitable trust established to hold the proceeds from the sale of a county hospital:

(c) The trustees of a trust shall contract with investment managers; investment advisors; investment counsel; trust companies; banks; or other finance professionals to assist the trustees in an investment program. Money held by the trust must be invested in accordance with the terms of an investment policy statement developed by the trustees with an investment advisor that:

(1) is approved by the trustees; and

(2) complies with the diversification, risk management, and other fiduciary requirements common to the management of charitable trusts, including that the funds of the trust must be invested according to the prudent investor rule. However, the investment policy statement may not allow the trust to invest in any investments in which the political subdivision that established the trust is not permitted to invest under the Constitution of the State of Indiana. The investment policy statement must include the limitation on the investment in equities specified in subsection (e):

(d) Money held by the trust:

(1) may be invested in any legal, marketable securities; and



(2) is not subject to any other investment limitations in the law, other than the limitations under this section and the limitations in the investment policy statement.

(e) The total amount of the funds invested by a trust in equity securities under this section may not exceed fifty-five percent (55%) of the total value of the portfolio of funds invested by the trust under this section. However:

(1) an investment that complies with this subsection when the investment is made remains legal even if a subsequent change in the value of the investment or a change in the value of the total portfolio of funds invested by the trust causes the percentage of investments in equity securities to exceed the fifty-five percent (55%) limit on equity securities; and

(2) if the total amount of the funds invested by a trust in equity securities exceeds the fifty-five percent (55%) limit on equity securities because of a change described in subdivision (1), the investments by the trust must be rebalanced to comply with the fifty-five percent (55%) limit on equity investments not later than one hundred twenty (120) days after the equity investments first exceed that limit.

(f) The following apply if a trust is established under this section:

(1) To the extent that investment income earned on the principal amount of the trust during a calendar year exceeds five percent (5%) of the amount of the principal at the beginning of the calendar year, that excess investment income shall, for purposes of this section, be added to and be considered a part of the principal amount of the trust.

(2) An expenditure or transfer of any money that is part of the principal amount of the trust may be made only upon unanimous approval of the trustees.

(3) The trust must be audited annually by an independent third party auditor.

(4) The trustees must meet at least quarterly to receive a quarterly compliance and performance update from the investment advisor.

(5) Three (3) nonvoting advisors who are officers of different county designated depositories shall attend the quarterly meetings in an advisory capacity to assist the trustees:

(A) in reviewing the compliance and performance report from the investment advisor; and

(B) in reviewing the annual audit required by subdivision (3).

The three (3) nonvoting advisors may not vote on any action of the board of trustees. The trustees shall by majority vote select the



three (3) depositories from which the three (3) nonvoting advisors will be chosen. Each of the three (3) depositories selected under this subdivision shall select an officer of the depository to serve as one (1) of the three (3) nonvoting advisors. Each nonvoting advisor shall serve a term of three (3) years, and the nonvoting advisor shall continue to serve until a successor is selected. However, to provide for staggered terms, the trustees shall provide that the initial term of one (1) nonvoting advisor is one (1) year, the initial term of one (1) nonvoting advisor is two (2) years, and the initial term of one (1) nonvoting advisor is three (3) years. For purposes of avoiding a conflict of interest, a financial institution for which a nonvoting advisor is an officer (and any affiliate of such a financial institution) may not receive a commission or other compensation for investments made by the trust under this section.

SECTION 68. IC 36-1-23-2, AS ADDED BY P.L.184-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. A member of the fiscal body of a unit may not participate in a vote on the adoption of the unit's budget and tax levies if the member is: a **volunteer firefighter in:**

- (1) **an employee of** a volunteer fire department; or
- (2) **a volunteer firefighter in** a fire department;

that provides fire protection services to the unit under a contract (excluding a mutual aid agreement) or as the unit's fire department."

Page 83, line 14, delete "residential".

Page 83, line 14, reset in roman "that is assessed as".

Page 83, reset in roman line 15.

Page 83, line 16, reset in roman "government finance,".

Page 83, line 16, after "area" insert ",".

Page 83, line 27, delete "residential".

Page 83, line 27, reset in roman "that is assessed as".

Page 83, reset in roman line 28.

Page 83, line 29, reset in roman "government finance,".

Page 84, delete lines 27 through 42.

Page 85, delete lines 1 through 2.

Page 93, line 15, delete "residential".

Page 93, line 15, reset in roman "that is assessed as".

Page 93, reset in roman line 16.

Page 93, line 17, reset in roman "government finance,".

Page 93, line 28, delete "residential".

Page 93, line 28, reset in roman "that is assessed as".

Page 93, reset in roman line 29.



Page 93, line 30, reset in roman "government finance,".

Page 94, delete lines 28 through 42.

Page 95, delete lines 1 through 3.

Page 101, line 34, delete "residential".

Page 101, line 34, reset in roman "that is assessed as".

Page 101, reset in roman line 35.

Page 101, line 36, reset in roman "government finance,".

Page 101, delete lines 41 through 42.

Page 102, delete lines 1 through 16.

Page 108, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 78. IC 36-7-30-4, AS AMENDED BY P.L.42-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) ~~Except as provided in subsection (c)~~, The five (5) members of a municipal military base reuse authority shall be appointed as follows:

(1) Three (3) members shall be appointed by the municipal executive.

(2) Two (2) members shall be appointed by the municipal legislative body.

(b) The five (5) members of a county military base reuse authority shall be appointed by the county executive.

~~(c) The five (5) members of a municipal military base reuse authority in an excluded city that is located in a county with a consolidated city shall be appointed as follows:~~

~~(1) One (1) member shall be appointed by the executive of the excluded city.~~

~~(2) One (1) member shall be appointed by the legislative body of the excluded city.~~

~~(3) One (1) member shall be appointed by the consolidated city executive.~~

~~(4) One (1) member shall be appointed by the consolidated city legislative body.~~

~~(5) One (1) member shall be appointed by the board of county commissioners.~~

~~However, at least three (3) of the members must be residents of the excluded city.~~

SECTION 79. IC 36-7-30-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), each member of a military base reuse authority shall serve the longer of three (3) years beginning with the first day of January after the member's appointment or until the



member's successor has been appointed and qualified. If a vacancy occurs, a successor shall be appointed in the same manner as the original member, and the successor shall serve for the remainder of the vacated term.

(b) In the case of a municipal military base reuse authority in an excluded city located in a county with a consolidated city, the original members shall serve for the following terms:

(1) A member appointed by the executive of the excluded city or the consolidated city executive shall serve for the longer of three (3) years beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(2) A member appointed by the legislative body of the excluded city or the consolidated city legislative body shall serve for the longer of one (1) year beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(3) A member appointed by the board of county commissioners shall serve for the longer of two (2) years beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(c) Each member of a reuse authority, before beginning the member's duties, shall take and subscribe an oath of office in the usual form, to be endorsed on the certificate of the member's appointment. The endorsed certificate must be promptly filed with the clerk for the unit that the member serves.

(d) Each member of a reuse authority, before beginning the member's duties, shall execute a bond payable to the state, with surety to be approved by the executive of the unit. The bond must be in the penal sum of fifteen thousand dollars (\$15,000) and must be conditioned on the faithful performance of the duties of the member's office and the accounting for all money and property that may come into the member's hands or under the member's control. The cost of the bond shall be paid by the special taxing district.

(e) A member of a reuse authority must be at least eighteen (18) years of age and ~~except as provided in section 4(c) of this chapter,~~ must be a resident of the unit responsible for the member's appointment.

(f) If a member ceases to be qualified under this section, the member forfeits the member's office.

(g) Members of a reuse authority are not entitled to salaries but are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.



SECTION 80. IC 36-7.5-2-9, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. **(a)** ~~The office of management and budget state board of accounts~~ shall, **pursuant to IC 5-11-1-7 and IC 5-11-1-24, allow the development authority to** contract with a certified public accountant for an annual financial audit of the development authority. The certified public accountant may not have a significant financial interest as ~~determined by the office of management and budget~~, in a project, facility, or service funded by or leased by or to the development authority. **The certified public accountant selected by the development authority must be approved by the state examiner and is subject to the direction of the state examiner while performing an annual financial audit under this article.**

(b) The certified public accountant shall present an audit report not later than four (4) months after the end of the development authority's fiscal year and shall make recommendations to improve the efficiency of development authority operations. The certified public accountant shall also perform a study and evaluation of internal accounting controls and shall express an opinion on the controls that were in effect during the audit period.

(c) The development authority shall pay the cost of the annual financial audit. In addition, the state board of accounts may at any time conduct an audit of any phase of the operations of the development authority. The development authority shall pay the cost of any audit by the state board of accounts.

SECTION 81. IC 36-7.6-2-14, AS AMENDED BY P.L.237-2017, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. **(a)** ~~The office of management and budget state board of accounts~~ shall, **pursuant to IC 5-11-1-7 and IC 5-11-1-24, allow each development authority to** contract with a certified public accountant for an annual financial audit of ~~each the~~ development authority. The certified public accountant may not have a significant financial interest as ~~determined by the office of management and budget~~, in a project, facility, or service funded by or leased by or to any development authority. **The certified public accountant selected by a development authority must be approved by the state examiner and is subject to the direction of the state examiner while performing an annual financial audit under this article.**

(b) The certified public accountant shall present an audit report not later than four (4) months after the end of each calendar year and shall make recommendations to improve the efficiency of development



authority operations. The certified public accountant shall also perform a study and evaluation of internal accounting controls and shall express an opinion on the controls that were in effect during the audit period.

(c) A development authority shall pay the cost of the annual financial audit under subsection (a). In addition, the state board of accounts may at any time conduct an audit of any phase of the operations of a development authority. A development authority shall pay the cost of any audit by the state board of accounts.

(d) ~~The office of management and budget state board of accounts~~ may waive the requirement that a certified public accountant perform an annual financial audit of a development authority for a particular year if the development authority certifies to the ~~office of management and budget state board of accounts~~ that the development authority had no financial activity during that year."

Page 127, line 20, after "paid." insert "**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.**"

Page 128, line 26, after "paid." insert "**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.**"

Page 128, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 100. [EFFECTIVE UPON PASSAGE] (a) **The legislative council is urged to assign to an appropriate interim study committee, for study during the 2019 interim of the general assembly, the topic of local income taxes, including revenue allocations and uses.**

(b) **If the legislative council assigns the topic under subsection (a), the study must include consideration of the following:**

(1) **For each county:**

(A) **The number of individuals who reside in the county and work in a different county.**

(B) **Commuter patterns and road and street lane miles commonly used by commuters.**

(C) **The use of local income taxes to reduce property taxes.**

(D) **How local income taxes are used to provide services that benefit employers that employ individuals who reside in a different county than the county in which they work.**

(E) **The number of calls for public safety service.**

(2) **Whether local income tax revenue could be allocated more fairly among counties and within counties.**

(3) **Whether individuals should pay a local income tax to the**



county where they work and whether a tax credit should be provided for local income taxes paid to the county where they reside.

(c) If the legislative council makes the assignment described in subsection (a), the interim study committee shall, not later than November 1, 2019, report the results of the study and any recommendations for legislation to the legislative council in an electronic format under IC 5-14-6.

(d) This SECTION expires January 1, 2020.

SECTION 101. [EFFECTIVE JULY 1, 2019] (a) For purposes of IC 36-7-30-4, as amended by this act, and notwithstanding the July 1, 2019, effective date for the amendment to IC 36-7-30-4, the terms of members appointed under IC 36-7-30-4(c) end December 31, 2019.

(b) This SECTION expires June 30, 2020."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1427 as introduced.)

HUSTON

Committee Vote: yeas 16, nays 7.

