
HOUSE BILL No. 1450

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-3.8-3.5; IC 6-1.1; IC 6-3.6; IC 8-22-3-19; IC 14-33-9-1; IC 36-7; IC 36-8-19; IC 36-10-13.

Synopsis: Property tax matters. Provides that a political subdivision must upload a copy of a contract to the department of local government finance's (DLGF) computer gateway if the total cost of the contract exceeds \$50,000. Allows the DLGF to use estimated data to compute six year rolling averages for the purpose of determining the annual adjustments of assessed values between reassessments. Provides that a public utility that fails to timely file a statement concerning the property owned or used by the public utility on an assessment date shall remit the penalty to the department of state revenue. Defines the terms "installment loan" and "mortgage" for purposes of the mortgage deduction. Provides that, for purposes of claiming the mortgage deduction, the associated mortgage instrument that is recorded must include the terms of payment or other performance. Restates the conditions for when a taxpayer must reapply for various property tax deductions. Restates the requirement that a taxpayer file a certified statement with the county auditor when the taxpayer ceases to be eligible for the standard deduction for a property. Restates the provisions concerning the prohibition against dividing a controlled project in order to avoid the petition and remonstrance and referendum processes. Provides that both the executive of a political subdivision and a majority of the members of the fiscal body of a political subdivision may independently request technical assistance from the distressed unit appeal board in helping prevent the political subdivision from becoming a distressed political subdivision. Provides that a multiple county property tax assessment board of appeals shall submit to the DLGF, the Indiana board of tax review, and the legislative
(Continued next page)

Effective: July 1, 2016 (retroactive); January 1, 2017 (retroactive); July 1, 2017.

Leonard

January 18, 2017, read first time and referred to Committee on Ways and Means.



Digest Continued

services agency separate reports for each county participating in the multiple county property tax assessment board of appeals. Authorizes, but does not require, the DLGF to adopt rules to limit the basis of payment for services provided by professionals who work on capital projects to a fee for service agreement. Provides that the DLGF may adopt a rule after June 30, 2016, and before April 1, 2017, that concerns or includes market segmentation and affects assessments for the January 1, 2018, assessment date. Provides that interest on a refund or credit owed to a taxpayer is computed until the date the county auditor determines the amount of the refund or credit. Allows a county auditor, with the approval of the county treasurer, to waive, negotiate, or settle penalties that have accrued on delinquent property taxes. Eliminates the requirement in current law that the DLGF review a loan contract entered into by an airport authority. Provides that a conservancy district is not required to go through the budget review process unless the conservancy district imposes a property tax. Provides that a redevelopment commission's annual report to the unit that created the redevelopment commission must include both a list of parcels of real property and the personal property records for the property in the redevelopment area. Provides that a resolution by a provider unit to withdraw from a fire protection territory is effective on January 1 of the year following the year in which the resolution is adopted. Provides that if the provider unit of a fire protection territory withdraws, the remaining units must unanimously agree on which unit is to become the successor provider unit. Permits a school corporation located in Vanderburgh County to impose a property tax at a rate of up to \$0.005 to provide money to a historical society for restoration and maintenance of Bosse Field. Repeals the requirements that the budget agency publish by May 1 each year an estimate of the total amount of statewide distributions of local income tax revenue for: (1) the following two years, in an odd-numbered year; and (2) the following year, in an even-numbered year.



Introduced

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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1450

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

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

- 1 SECTION 1. IC 5-14-3.8-3.5, AS ADDED BY P.L.142-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 3.5. (a) ~~As used in~~ **The following definitions**
4 **apply throughout** this section:
5 (1) "Contract" includes all pages of a contract and any
6 attachments to the contract.
7 (2) **"Political subdivision" has the meaning set forth in**
8 **IC 5-11-10.5-1.**
9 (b) A political subdivision shall ~~scan and upload the~~ **a digital image**
10 **copy** of a contract to the ~~Indiana transparency Internet web site during~~
11 **each year that the contract amount to be paid by the political**
12 **subdivision for that year exceeds the lesser of:**
13 (1) ~~ten percent (10%) of the political subdivision's property tax~~
14 ~~levy for that year; or~~
15 (2) ~~department's computer gateway one (1) time if the total~~

2017

IN 1450—LS 6717/DI 113



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

23 (c) Nothing in this section prohibits the political subdivision from
 24 withholding any information in the contract that the political
 25 subdivision shall or may withhold from disclosure under IC 5-14-3. A
 26 **political subdivision may redact or obscure signatures on a**
 27 **contract. The political subdivision is solely responsible for**
 28 **redacting information in the contract.**

29 SECTION 2. IC 6-1.1-4-4.5, AS AMENDED BY P.L.180-2016,
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2017 (RETROACTIVE)]: Sec. 4.5. (a) The department
 32 of local government finance shall adopt rules establishing a system for
 33 annually adjusting the assessed value of real property to account for
 34 changes in value in those years since a reassessment under section 4 or
 35 4.2 of this chapter for the property last took effect.

36 (b) Subject to subsection (e), the system must be applied to adjust
 37 assessed values beginning with the 2006 assessment date and each year
 38 thereafter that is not a year in which a reassessment under section 4 or
 39 4.2 of this chapter for the property becomes effective.

40 (c) The rules adopted under subsection (a) must include the
 41 following characteristics in the system:

42 (1) Promote uniform and equal assessment of real property within



- 1 and across classifications.
- 2 (2) Require that assessing officials:
- 3 (A) reevaluate the factors that affect value;
- 4 (B) express the interactions of those factors mathematically;
- 5 (C) use mass appraisal techniques to estimate updated property
- 6 values within statistical measures of accuracy; and
- 7 (D) provide notice to taxpayers of an assessment increase that
- 8 results from the application of annual adjustments.
- 9 (3) Prescribe procedures that permit the application of the
- 10 adjustment percentages in an efficient manner by assessing
- 11 officials.
- 12 (d) The department of local government finance must review and
- 13 certify each annual adjustment determined under this section.
- 14 (e) In making the annual determination of the base rate to satisfy the
- 15 requirement for an annual adjustment under subsection (c) for the
- 16 January 1, 2016, assessment date and each assessment date thereafter,
- 17 the department of local government finance shall determine the base
- 18 rate using the methodology reflected in Table 2-18 of Book 1, Chapter
- 19 2 of the department of local government finance's Real Property
- 20 Assessment Guidelines (as in effect on January 1, 2005), except that
- 21 the department shall adjust the methodology as follows:
- 22 (1) Use a six (6) year rolling average adjusted under subdivision
- 23 (3) instead of a four (4) year rolling average.
- 24 (2) Use ~~the~~ data from the six (6) most recent years preceding the
- 25 year in which the assessment date occurs, ~~for which data is~~
- 26 ~~available~~, before one (1) of those six (6) years is eliminated under
- 27 subdivision (3) when determining the rolling average.
- 28 (3) Eliminate in the calculation of the rolling average the year
- 29 among the six (6) years for which the highest market value in use
- 30 of agricultural land is determined.
- 31 (4) After determining a preliminary base rate that would apply for
- 32 the assessment date without applying the adjustment under this
- 33 subdivision, the department of local government finance shall
- 34 adjust the preliminary base rate as follows:
- 35 (A) If the preliminary base rate for the assessment date would
- 36 be at least ten percent (10%) greater than the final base rate
- 37 determined for the preceding assessment date, a capitalization
- 38 rate of eight percent (8%) shall be used to determine the final
- 39 base rate.
- 40 (B) If the preliminary base rate for the assessment date would
- 41 be at least ten percent (10%) less than the final base rate
- 42 determined for the preceding assessment date, a capitalization



- 1 rate of six percent (6%) shall be used to determine the final
 2 base rate.
- 3 (C) If neither clause (A) nor clause (B) applies, a capitalization
 4 rate of seven percent (7%) shall be used to determine the final
 5 base rate.
- 6 (D) In the case of a market value in use for a year that is used
 7 in the calculation of the six (6) year rolling average under
 8 subdivision (1) for purposes of determining the base rate for
 9 the assessment date:
- 10 (i) that market value in use shall be recalculated by using the
 11 capitalization rate determined under clauses (A) through (C)
 12 for the calculation of the base rate for the assessment date;
 13 and
- 14 (ii) the market value in use recalculated under item (i) shall
 15 be used in the calculation of the six (6) year rolling average
 16 under subdivision (1).
- 17 (f) For assessment dates after December 31, 2009, an adjustment in
 18 the assessed value of real property under this section shall be based on
 19 the estimated true tax value of the property on the assessment date that
 20 is the basis for taxes payable on that real property.
- 21 SECTION 3. IC 6-1.1-8-20, AS AMENDED BY P.L.183-2014,
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2017]: Sec. 20. (a) If a public utility company does not file a
 24 statement with the department of local government finance on or before
 25 the date prescribed under section 19 of this chapter, the company shall
 26 pay a penalty of one hundred dollars (\$100) per day for each day that
 27 the statement is late. However, a penalty under this subsection may not
 28 exceed one thousand dollars (\$1,000). **A public utility company shall**
 29 **remit a penalty for which the public utility company is liable under**
 30 **this subsection to the department of state revenue.**
- 31 (b) The department of local government finance shall notify the
 32 attorney general **and the department of state revenue** if a public
 33 utility company fails to file a statement on or before the due date. The
 34 attorney general shall then bring an action in the name of this state to
 35 collect the penalty due under this section.
- 36 (c) The state auditor shall deposit amounts collected under this
 37 section in the state treasury for credit to the state general fund.
- 38 SECTION 4. IC 6-1.1-12-1, AS AMENDED BY P.L.81-2010,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2017]: Sec. 1. (a) **The following definitions apply**
 41 **throughout this section:**
- 42 (1) **"Installment loan" means a loan under which:**



- 1 **(A) a lender advances money for the purchase of:**
 2 **(i) a mobile home that is not assessed as real property; or**
 3 **(ii) a manufactured home that is not assessed as real**
 4 **property; and**
 5 **(B) a borrower repays the lender in installments in**
 6 **accordance with the terms of an installment agreement.**
 7 **(2) "Mortgage" means a lien against property that:**
 8 **(A) an owner of the property grants to secure an**
 9 **obligation, such as a debt, according to terms set forth in**
 10 **a written instrument, such as a deed or a contract; and**
 11 **(B) is extinguished upon payment or performance**
 12 **according to the terms of the written instrument.**
 13 **The term includes a reverse mortgage.**
 14 ~~(a)~~ **(b)** Each year a person who is a resident of this state may receive
 15 a deduction from the assessed value of:
 16 (1) mortgaged real property, an installment loan financed mobile
 17 home that is not assessed as real property, or an installment loan
 18 financed manufactured home that is not assessed as real property,
 19 with the mortgage or installment loan instrument recorded with
 20 the county recorder's office, that the person owns;
 21 (2) real property, a mobile home that is not assessed as real
 22 property, or a manufactured home that is not assessed as real
 23 property that the person is buying under a contract, with the
 24 contract or a memorandum of the contract recorded in the county
 25 recorder's office, which provides that the person is to pay the
 26 property taxes on the real property, mobile home, or manufactured
 27 home; or
 28 (3) real property, a mobile home that is not assessed as real
 29 property, or a manufactured home that the person owns or is
 30 buying on a contract described in subdivision (2) on which the
 31 person has a home equity line of credit that is recorded in the
 32 county recorder's office.
 33 ~~(b)~~ **(c)** Except as provided in section 40.5 of this chapter, the total
 34 amount of the deduction which the person may receive under this
 35 section for a particular year is:
 36 (1) the balance of the mortgage or contract indebtedness
 37 (including a home equity line of credit) on the assessment date of
 38 that year;
 39 (2) one-half (1/2) of the assessed value of the real property,
 40 mobile home, or manufactured home; or
 41 (3) three thousand dollars (\$3,000);
 42 whichever is least.



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

8 (Ⓣ) (e) The person must:

- 9 (1) own the real property, mobile home, or manufactured home;
 10 or
 11 (2) be buying the real property, mobile home, or manufactured
 12 home under contract;

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

14 **(f) A recorded installment loan agreement or other mortgage**
 15 **instrument for which a person seeks to claim the deduction under**
 16 **this section must include the terms of payment or other**
 17 **performance that the mortgage secures. A deduction under this**
 18 **section that was applied for before July 1, 2017, is not invalidated**
 19 **by this subsection.**

20 SECTION 5. IC 6-1.1-12-17.8, AS AMENDED BY P.L.250-2015,
 21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2017]: Sec. 17.8. (a) An individual who receives a deduction
 23 provided under section 1, 9, 11, 13, 14, 16, 17.4 (before its expiration),
 24 or 37 of this chapter in a particular year and who remains eligible for
 25 the deduction in the following year is not required to file a statement to
 26 apply for the deduction in the following year. However, for purposes
 27 of a deduction under section 37 of this chapter, the county auditor may,
 28 in the county auditor's discretion, terminate the deduction for
 29 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:

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

42 (b) An individual who receives a deduction provided under section



1 1, 9, 11, 13, 14, 16, or 17.4 (before its expiration) of this chapter in a
 2 particular year and who becomes ineligible for the deduction in the
 3 following year shall notify the auditor of the county in which the real
 4 property, mobile home, or manufactured home for which the individual
 5 claims the deduction is located of the individual's ineligibility in the
 6 year in which the individual becomes ineligible. An individual who
 7 becomes ineligible for a deduction under section 37 of this chapter
 8 shall notify the county auditor of the county in which the property is
 9 located in conformity with section 37 of this chapter.

10 (c) The auditor of each county shall, in a particular year, apply a
 11 deduction provided under section 1, 9, 11, 13, 14, 16, 17.4 (before its
 12 expiration), or 37 of this chapter to each individual who received the
 13 deduction in the preceding year unless the auditor determines that the
 14 individual is no longer eligible for the deduction.

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

- 21 (1) the individual is the sole owner of the property following the
- 22 death of the individual's spouse; **or**
- 23 (2) the individual is the sole owner of the property following the
- 24 death of a joint owner who was not the individual's spouse. **or**
- 25 (3) the individual is awarded sole ownership of the property in a
- 26 divorce decree.

27 ~~However, for purposes of a deduction under section 37 of this chapter,~~
 28 ~~if the removal of the joint owner occurs before the date that a notice~~
 29 ~~described in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) is sent, the~~
 30 ~~county auditor may, in the county auditor's discretion, terminate the~~
 31 ~~deduction for assessment dates after January 15, 2012; if the individual~~
 32 ~~does not comply with the requirement in IC 6-1.1-22-8.1(b)(9) (expired~~
 33 ~~January 1, 2015); as determined by the county auditor, before January~~
 34 ~~1, 2013. Before the county auditor terminates the deduction because~~
 35 ~~the taxpayer claiming the deduction did not comply with the~~
 36 ~~requirement in IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before~~
 37 ~~January 1, 2013; the county auditor shall mail notice of the proposed~~
 38 ~~termination of the deduction to the last known address of each person~~
 39 ~~liable for any property taxes or special assessment, as shown on the tax~~
 40 ~~duplicate or special assessment records or the last known address of the~~
 41 ~~most recent owner shown in the transfer book. **If an unmarried**~~
 42 ~~**individual who is receiving a deduction under section 37 of this**~~



1 **chapter for a property subsequently marries, desires to continue**
 2 **claiming the deduction for the property, and remains eligible for**
 3 **the deduction, the individual must reapply for the deduction for the**
 4 **following assessment date. If a married individual who is receiving**
 5 **a deduction under section 37 of this chapter for a property with the**
 6 **individual's spouse subsequently divorces, desires to continue**
 7 **claiming the deduction for the property, and remains eligible for**
 8 **the deduction, the individual must reapply for the deduction for the**
 9 **following assessment date. However, the individual's failure to**
 10 **reapply for the deduction does not make the individual's former**
 11 **spouse ineligible for a deduction under section 37 of this chapter.**
 12 **If a person who is receiving a deduction under section 9 of this**
 13 **chapter for a property subsequently comes to own the property**
 14 **with another person jointly or as a tenant in common, desires to**
 15 **continue claiming the deduction for the property, and remains**
 16 **eligible for the deduction, the person must reapply for the**
 17 **deduction for the following assessment date. If an unmarried**
 18 **individual who is receiving a credit under IC 6-1.1-20.6-8.5 for a**
 19 **property subsequently marries, desires to continue claiming the**
 20 **credit for the property, and remains eligible for the credit, the**
 21 **individual must reapply for the credit for the following assessment**
 22 **date.**

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

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

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

37 (f) A cooperative housing corporation (as defined in 26 U.S.C. 216)
 38 that is entitled to a deduction under section 37 of this chapter in the
 39 immediately preceding calendar year for a homestead (as defined in
 40 section 37 of this chapter) is not required to file a statement to apply for
 41 the deduction for the current calendar year if the cooperative housing
 42 corporation remains eligible for the deduction for the current calendar



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

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

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

15 (g) An individual who:

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

19 (2) would have been eligible for a homestead credit under
 20 IC 6-1.1-20.9 (repealed) for property taxes imposed for the March
 21 1, 2008, or January 15, 2009, assessment date if IC 6-1.1-20.9 had
 22 not been repealed;

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

42 (h) If a county auditor terminates a deduction because the taxpayer



1 claiming the deduction did not comply with the requirement in
 2 IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015) before January 1, 2013,
 3 the county auditor shall reinstate the deduction if the taxpayer provides
 4 proof that the taxpayer is eligible for the deduction and is not claiming
 5 the deduction for any other property.

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

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

25 SECTION 6. IC 6-1.1-12-37, AS AMENDED BY THE
 26 TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL
 27 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2017]: Sec. 37. (a) The following definitions apply throughout
 29 this section:

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



1 county recorder's office, that provides that the individual is
 2 to pay the property taxes on the residence, and that obligates
 3 the owner to convey title to the individual upon completion
 4 of all of the individual's contract obligations;

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

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

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

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

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

24 (1) the assessment date; or

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

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

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

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

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

41 (d) A person who has sold real property, a mobile home not assessed
 42 as real property, or a manufactured home not assessed as real property



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

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

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

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

17 (3) the names of:

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

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

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

25 if the applicant is an individual; or

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

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

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

34 if the applicant is not an individual; and

35 (4) either:

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

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

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



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

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

31 **(f) Except as provided in subsection (n), if ~~an individual~~ a person**
32 **who is receiving, or seeks to receive, the deduction provided by this**
33 **section or who otherwise qualifies property for a deduction under this**
34 **section: in the person's name:**

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

38 (2) is ~~no longer~~ **not** eligible for a deduction under this section ~~on~~
39 ~~another parcel of property~~ because **the person is already**
40 **receiving:**

41 (A) ~~the individual would otherwise receive the benefit of more~~
42 ~~than one~~ **(1) a deduction under this chapter; section in the**



1 **person's name as an individual or a spouse; or**
 2 (B) ~~the individual maintains the individual's principal place of~~
 3 ~~residence with another individual who receives a deduction~~
 4 ~~under this section; a deduction under the law of another~~
 5 ~~state that is equivalent to the deduction provided by this~~
 6 ~~section;~~

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

24 (g) The department of local government finance *shall* may adopt
 25 rules or guidelines concerning the application for a deduction under
 26 this section.

27 (h) This subsection does not apply to property in the first year for
 28 which a deduction is claimed under this section if the sole reason that
 29 a deduction is claimed on other property is that the individual or
 30 married couple maintained a principal residence at the other property
 31 on the ~~March 1~~ assessment date in the same year in which an
 32 application for a deduction is filed under this section or, if the
 33 application is for a homestead that is assessed as personal property, on
 34 the ~~March 1~~ assessment date in the immediately preceding year and the
 35 individual or married couple is moving the individual's or married
 36 couple's principal residence to the property that is the subject of the
 37 application. Except as provided in subsection (n), the county auditor
 38 may not grant an individual or a married couple a deduction under this
 39 section if:

- 40 (1) the individual or married couple, for the same year, claims the
 41 deduction on two (2) or more different applications for the
 42 deduction; and



- 1 (2) the applications claim the deduction for different property.
- 2 (i) The department of local government finance shall provide secure
3 access to county auditors to a homestead property data base that
4 includes access to the homestead owner's name and the numbers
5 required from the homestead owner under subsection (e)(4) for the sole
6 purpose of verifying whether an owner is wrongly claiming a deduction
7 under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, ~~or~~ or
8 IC 6-3.6-5 (after December 31, 2016).
- 9 (j) A county auditor may require an individual to provide evidence
10 proving that the individual's residence is the individual's principal place
11 of residence as claimed in the certified statement filed under subsection
12 (e). The county auditor may limit the evidence that an individual is
13 required to submit to a state income tax return, a valid driver's license,
14 or a valid voter registration card showing that the residence for which
15 the deduction is claimed is the individual's principal place of residence.
16 The department of local government finance shall work with county
17 auditors to develop procedures to determine whether a property owner
18 that is claiming a standard deduction or homestead credit is not eligible
19 for the standard deduction or homestead credit because the property
20 owner's principal place of residence is outside Indiana.
- 21 (k) As used in this section, "homestead" includes property that
22 satisfies each of the following requirements:
- 23 (1) The property is located in Indiana and consists of a dwelling
24 and the real estate, not exceeding one (1) acre, that immediately
25 surrounds that dwelling.
- 26 (2) The property is the principal place of residence of an
27 individual.
- 28 (3) The property is owned by an entity that is not described in
29 subsection (a)(2)(B).
- 30 (4) The individual residing on the property is a shareholder,
31 partner, or member of the entity that owns the property.
- 32 (5) The property was eligible for the standard deduction under
33 this section on March 1, 2009.
- 34 (l) If a county auditor terminates a deduction for property described
35 in subsection (k) with respect to property taxes that are:
- 36 (1) imposed for an assessment date in 2009; and
37 (2) first due and payable in 2010;
- 38 on the grounds that the property is not owned by an entity described in
39 subsection (a)(2)(B), the county auditor shall reinstate the deduction if
40 the taxpayer provides proof that the property is eligible for the
41 deduction in accordance with subsection (k) and that the individual
42 residing on the property is not claiming the deduction for any other



- 1 property.
- 2 (m) For assessment dates after 2009, the term "homestead" includes:
- 3 (1) a deck or patio;
- 4 (2) a gazebo; or
- 5 (3) another residential yard structure, as defined in rules *that may*
- 6 ~~be~~ adopted by the department of local government finance (other
- 7 than a swimming pool);
- 8 that is assessed as real property and attached to the dwelling.
- 9 (n) A county auditor shall grant an individual a deduction under this
- 10 section regardless of whether the individual and the individual's spouse
- 11 claim a deduction on two (2) different applications and each
- 12 application claims a deduction for different property if the property
- 13 owned by the individual's spouse is located outside Indiana and the
- 14 individual files an affidavit with the county auditor containing the
- 15 following information:
- 16 (1) The names of the county and state in which the individual's
- 17 spouse claims a deduction substantially similar to the deduction
- 18 allowed by this section.
- 19 (2) A statement made under penalty of perjury that the following
- 20 are true:
- 21 (A) That the individual and the individual's spouse maintain
- 22 separate principal places of residence.
- 23 (B) That neither the individual nor the individual's spouse has
- 24 an ownership interest in the other's principal place of
- 25 residence.
- 26 (C) That neither the individual nor the individual's spouse has,
- 27 for that same year, claimed a standard or substantially similar
- 28 deduction for any property other than the property maintained
- 29 as a principal place of residence by the respective individuals.
- 30 A county auditor may require an individual or an individual's spouse to
- 31 provide evidence of the accuracy of the information contained in an
- 32 affidavit submitted under this subsection. The evidence required of the
- 33 individual or the individual's spouse may include state income tax
- 34 returns, excise tax payment information, property tax payment
- 35 information, driver license information, and voter registration
- 36 information.
- 37 (o) If:
- 38 (1) a property owner files a statement under subsection (e) to
- 39 claim the deduction provided by this section for a particular
- 40 property; and
- 41 (2) the county auditor receiving the filed statement determines
- 42 that the property owner's property is not eligible for the deduction;



1 the county auditor shall inform the property owner of the county
 2 auditor's determination in writing. If a property owner's property is not
 3 eligible for the deduction because the county auditor has determined
 4 that the property is not the property owner's principal place of
 5 residence, the property owner may appeal the county auditor's
 6 determination to the county property tax assessment board of appeals
 7 as provided in IC 6-1.1-15. The county auditor shall inform the
 8 property owner of the owner's right to appeal to the county property tax
 9 assessment board of appeals when the county auditor informs the
 10 property owner of the county auditor's determination under this
 11 subsection.

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

14 (1) either:

15 (A) the individual's interest in the homestead as described in
 16 subsection (a)(2)(B) is conveyed to the individual after the
 17 assessment date, but within the calendar year in which the
 18 assessment date occurs; or

19 (B) the individual contracts to purchase the homestead after
 20 the assessment date, but within the calendar year in which the
 21 assessment date occurs;

22 (2) on the assessment date:

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

25 (B) the construction of the dwelling that constitutes the
 26 homestead was not completed; *and*

27 (3) either:

28 (A) the individual files the certified statement required by
 29 subsection (e); *on or before December 31 of the calendar year*
 30 *in which the assessment date occurs to claim the deduction*
 31 *under this section;* or

32 (B) a sales disclosure form that meets the requirements of
 33 section 44 of this chapter is submitted to the county assessor
 34 on or before December 31 of the calendar year for the
 35 individual's purchase of the homestead. *and*

36 *(4) the individual files with the county auditor on or before*
 37 *December 31 of the calendar year in which the assessment date*
 38 *occurs a statement that:*

39 *(A) lists any other property for which the individual would*
 40 *otherwise receive a deduction under this section for the*
 41 *assessment date; and*

42 *(B) cancels the deduction described in clause (A) for that*



1 ~~property.~~
 2 An individual who satisfies the requirements of subdivisions (1)
 3 through ~~(4)~~ (3) is entitled to the deduction under this section for the
 4 homestead for the assessment date, even if on the assessment date the
 5 property on which the homestead is currently located was vacant land
 6 or the construction of the dwelling that constitutes the homestead was
 7 not completed. The county auditor shall apply the deduction for the
 8 assessment date and for the assessment date in any later year in which
 9 the homestead remains eligible for the deduction. A homestead that
 10 qualifies for the deduction under this section as provided in this
 11 subsection is considered a homestead for purposes of section 37.5 of
 12 this chapter and IC 6-1.1-20.6. *The county auditor shall cancel the*
 13 *deduction under this section for any property that is located in the*
 14 *county and is listed on the statement filed by the individual under*
 15 *subdivision (4). If the property listed on the statement filed under*
 16 *subdivision (4) is located in another county, the county auditor who*
 17 *receives the statement shall forward the statement to the county*
 18 *auditor of that other county, and the county auditor of that other*
 19 *county shall cancel the deduction under this section for that property.*

20 (q) This subsection applies to an application for the deduction
 21 provided by this section that is filed for an assessment date occurring
 22 after December 31, 2013. Notwithstanding any other provision of this
 23 section, an individual buying a mobile home that is not assessed as real
 24 property or a manufactured home that is not assessed as real property
 25 under a contract providing that the individual is to pay the property
 26 taxes on the mobile home or manufactured home is not entitled to the
 27 deduction provided by this section unless the parties to the contract
 28 comply with IC 9-17-6-17.

29 (r) This subsection:

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

33 (2) does not apply to an individual described in subsection (q).
 34 The owner of a mobile home that is not assessed as real property or a
 35 manufactured home that is not assessed as real property must attach a
 36 copy of the owner's title to the mobile home or manufactured home to
 37 the application for the deduction provided by this section.

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

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

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



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

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

25 SECTION 7. IC 6-1.1-12-45, AS AMENDED BY P.L.183-2014,
 26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2017]: Sec. 45. (a) Subject to subsections (b) and (c), a
 28 deduction under this chapter applies for an assessment date and for the
 29 property taxes due and payable based on the assessment for that
 30 assessment date, regardless of whether with respect to the real property
 31 or mobile home or manufactured home not assessed as real property:

32 (1) the title is conveyed one (1) or more times; or

33 (2) one (1) or more contracts to purchase are entered into;

34 after that assessment date and on or before the next succeeding
 35 assessment date.

36 (b) Subsection (a) applies regardless of whether:

37 (1) one (1) or more grantees of title under subsection (a)(1); or

38 (2) one (1) or more contract purchasers under subsection (a)(2);

39 file a statement under this chapter to claim the deduction.

40 (c) A deduction applies under subsection (a) for only one (1) year.

41 The requirements of this chapter for filing a statement to apply for a
 42 deduction under this chapter apply to subsequent years. **A person who**



1 **fails to apply for a deduction or credit under this article by the**
 2 **deadlines prescribed by this article may not apply for the**
 3 **deduction or credit retroactively.**

4 (d) If:

5 (1) a statement is filed under this chapter on or before January 5
 6 of a calendar year to claim a deduction under this chapter with
 7 respect to real property; and

8 (2) the eligibility criteria for the deduction are met;

9 the deduction applies for the assessment date in the preceding calendar
 10 year and for the property taxes due and payable based on the
 11 assessment for that assessment date.

12 (e) If:

13 (1) a statement is filed under this chapter in a twelve (12) month
 14 filing period designated under this chapter to claim a deduction
 15 under this chapter with respect to a mobile home or a
 16 manufactured home not assessed as real property; and

17 (2) the eligibility criteria for the deduction are met;

18 the deduction applies for the assessment date in that twelve (12) month
 19 period and for the property taxes due and payable based on the
 20 assessment for that assessment date.

21 **(f) If a person who is receiving a deduction under section 1 of**
 22 **this chapter subsequently refinances the property, desires to**
 23 **continue claiming the deduction, and remains eligible for the**
 24 **deduction, the person must reapply for the deduction for the**
 25 **following assessment date.**

26 **(g) A person who is required to record a contract with a county**
 27 **recorder in order to qualify for a deduction under this article must**
 28 **record the contract before, or concurrently with, the filing of the**
 29 **corresponding deduction application.**

30 **(h) Before a county auditor terminates a deduction under this**
 31 **article, the county auditor shall give to the person claiming the**
 32 **deduction written notice that states the county auditor's intention**
 33 **to terminate the deduction and the county auditor's reason for**
 34 **terminating the deduction. The county auditor may send the notice**
 35 **to the taxpayer claiming the deduction by first class mail or by**
 36 **electronic mail. A notice issued under this subsection is not**
 37 **appealable under IC 6-1.1-15. However, after a deduction is**
 38 **terminated by a county auditor, the taxpayer may appeal the**
 39 **county auditor's action under IC 6-1.1-15.**

40 SECTION 8. IC 6-1.1-20-3.1, AS AMENDED BY P.L.138-2016,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2017]: Sec. 3.1. (a) This section applies only to the following:



- 1 (1) A controlled project (as defined in section 1.1 of this chapter
 2 as in effect June 30, 2008) for which the proper officers of a
 3 political subdivision make a preliminary determination in the
 4 manner described in subsection (b) before July 1, 2008.
 5 (2) An elementary school building, middle school building, high
 6 school building, or other school building for academic instruction
 7 that:
 8 (A) is a controlled project;
 9 (B) will be used for any combination of kindergarten through
 10 grade 12; and
 11 (C) will not cost more than ten million dollars (\$10,000,000).
 12 (3) Any other controlled project that:
 13 (A) is not a controlled project described in subdivision (1) or
 14 (2); and
 15 (B) will not cost the political subdivision more than the lesser
 16 of the following:
 17 (i) Twelve million dollars (\$12,000,000).
 18 (ii) An amount equal to one percent (1%) of the total gross
 19 assessed value of property within the political subdivision
 20 on the last assessment date, if that amount is at least one
 21 million dollars (\$1,000,000).
 22 (b) A political subdivision may not impose property taxes to pay
 23 debt service on bonds or lease rentals on a lease for a controlled project
 24 without completing the following procedures:
 25 (1) The proper officers of a political subdivision shall:
 26 (A) publish notice in accordance with IC 5-3-1; and
 27 (B) send notice by first class mail to the circuit court clerk and
 28 to any organization that delivers to the officers, before January
 29 1 of that year, an annual written request for such notices;
 30 of any meeting to consider adoption of a resolution or an
 31 ordinance making a preliminary determination to issue bonds or
 32 enter into a lease and shall conduct a public hearing on a
 33 preliminary determination before adoption of the resolution or
 34 ordinance.
 35 (2) When the proper officers of a political subdivision make a
 36 preliminary determination to issue bonds or enter into a lease for
 37 a controlled project, the officers shall give notice of the
 38 preliminary determination by:
 39 (A) publication in accordance with IC 5-3-1; and
 40 (B) first class mail to the circuit court clerk and to the
 41 organizations described in subdivision (1)(B).
 42 (3) A notice under subdivision (2) of the preliminary



1 determination of the political subdivision to issue bonds or enter
 2 into a lease for a controlled project must include the following
 3 information:

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

5 (B) The maximum principal amount of the bonds or the
 6 maximum lease rental for the lease.

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

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

10 (E) A statement that any owners of property within the
 11 political subdivision or registered voters residing within the
 12 political subdivision who want to initiate a petition and
 13 remonstrance process against the proposed debt service or
 14 lease payments must file a petition that complies with
 15 subdivisions (4) and (5) not later than thirty (30) days after
 16 publication in accordance with IC 5-3-1.

17 (F) With respect to bonds issued or a lease entered into to
 18 open:

19 (i) a new school facility; or

20 (ii) an existing facility that has not been used for at least
 21 three (3) years and that is being reopened to provide
 22 additional classroom space;

23 the estimated costs the school corporation expects to incur
 24 annually to operate the facility.

25 (G) A statement of whether the school corporation expects to
 26 appeal for a new facility adjustment (as defined in
 27 IC 20-45-1-16 (repealed) before January 1, 2009) for an
 28 increased maximum permissible tuition support levy to pay the
 29 estimated costs described in clause (F).

30 (H) The political subdivision's current debt service levy and
 31 rate and the estimated increase to the political subdivision's
 32 debt service levy and rate that will result if the political
 33 subdivision issues the bonds or enters into the lease.

34 (4) After notice is given, a petition requesting the application of
 35 a petition and remonstrance process may be filed by the lesser of:

36 (A) five hundred (500) persons who are either owners of
 37 property within the political subdivision or registered voters
 38 residing within the political subdivision; or

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

41 (5) The state board of accounts shall design and, upon request by
 42 the county voter registration office, deliver to the county voter



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

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

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

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

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

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

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

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

35 (8) The county voter registration office shall determine whether
 36 each person who signed the petition is a registered voter. The
 37 county voter registration office shall, not more than fifteen (15)
 38 business days after receiving a petition, forward a copy of the
 39 petition to the county auditor. Not more than ten (10) business
 40 days after receiving the copy of the petition, the county auditor
 41 shall provide to the county voter registration office a statement
 42 verifying:



1 (A) whether a person who signed the petition as a registered
2 voter but is not a registered voter, as determined by the county
3 voter registration office, is the owner of property in the
4 political subdivision; and
5 (B) whether a person who signed the petition as an owner of
6 property within the political subdivision does in fact own
7 property within the political subdivision.

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

42 (10) The county voter registration office must file a certificate and



1 each petition with:

2 (A) the township trustee, if the political subdivision is a

3 township, who shall present the petition or petitions to the

4 township board; or

5 (B) the body that has the authority to authorize the issuance of

6 the bonds or the execution of a lease, if the political

7 subdivision is not a township;

8 within thirty-five (35) business days of the filing of the petition

9 requesting a petition and remonstrance process. The certificate

10 must state the number of petitioners that are owners of property

11 within the political subdivision and the number of petitioners who

12 are registered voters residing within the political subdivision.

13 If a sufficient petition requesting a petition and remonstrance process

14 is not filed by owners of property or registered voters as set forth in this

15 section, the political subdivision may issue bonds or enter into a lease

16 by following the provisions of law relating to the bonds to be issued or

17 lease to be entered into.

18 (c) ~~This subsection applies only to a political subdivision that, after~~

19 ~~April 30, 2011, adopts an ordinance or a resolution making a~~

20 ~~preliminary determination to issue bonds or enter into a lease subject~~

21 ~~to this section and section 3.2 of this chapter.~~ A political subdivision

22 may not ~~artificially~~ divide a **capital controlled** project ~~into multiple~~

23 ~~capital projects~~ in order to avoid the requirements of this section and

24 section 3.2 of this chapter. A person that owns property within a

25 political subdivision or a person that is a registered voter residing

26 within a political subdivision may file a petition with the department

27 of local government finance objecting that the political subdivision has

28 ~~artificially~~ divided a **capital controlled** project ~~into multiple capital~~

29 ~~projects~~ in order to avoid the requirements of this section and section

30 3.2 of this chapter. The petition must be filed not more than ten (10)

31 days after the political subdivision ~~makes~~ **publishes** the **political**

32 **subdivision's** preliminary determination to issue ~~the~~ bonds or enter

33 into ~~the lease leases for the a capital project that the person believes~~

34 **is the result of a division of a controlled project that is prohibited**

35 **by this subsection.** If the department of local government finance

36 receives a petition under this subsection, the department shall not later

37 than thirty (30) days after receiving the petition make a final

38 determination on the issue of whether the ~~capital projects were~~

39 ~~artificially political subdivision~~ divided **a controlled project in order**

40 **to avoid the requirements of this section and section 3.2 of this**

41 **chapter. If the department of local government finance determines**

42 **that a political subdivision divided a controlled project in order to**



1 **avoid the requirements of this section and section 3.2 of this**
 2 **chapter and the political subdivision continues to desire to proceed**
 3 **with the project, the political subdivision shall fulfill the**
 4 **requirements of this section and section 3.2 of this chapter, if**
 5 **applicable, regardless of the cost of the project in dispute.**

6 SECTION 9. IC 6-1.1-20-3.6, AS AMENDED BY P.L.149-2016,
 7 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2017]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
 9 of this chapter, this section applies only to a controlled project
 10 described in section 3.5(a) of this chapter.

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

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

21 "Shall _____ (insert the name of the political subdivision)
 22 issue bonds or enter into a lease to finance _____ (insert
 23 a brief description of the controlled project), which is estimated
 24 to cost not more than _____ (insert the total cost of the project)
 25 and is estimated to increase the property tax rate for debt service
 26 by _____ (insert increase in tax rate as determined by the
 27 department of local government finance)?"

28 The public question must appear on the ballot in the form approved by
 29 the county election board. If the political subdivision proposing to issue
 30 bonds or enter into a lease is located in more than one (1) county, the
 31 county election board of each county shall jointly approve the form of
 32 the public question that will appear on the ballot in each county. The
 33 form approved by the county election board may differ from the
 34 language certified to the county election board by the county auditor.
 35 If the county election board approves the language of a public question
 36 under this subsection, the county election board shall submit the
 37 language to the department of local government finance for review.

38 (d) The department of local government finance shall review the
 39 language of the public question to evaluate whether the description of
 40 the controlled project is accurate and is not biased against either a vote
 41 in favor of the controlled project or a vote against the controlled
 42 project. The department of local government finance may either



1 approve the ballot language as submitted or recommend that the ballot
 2 language be modified as necessary to ensure that the description of the
 3 controlled project is accurate and is not biased. The department of local
 4 government finance shall certify its approval or recommendations to
 5 the county auditor and the county election board not more than ten (10)
 6 days after the language of the public question is submitted to the
 7 department for review. If the department of local government finance
 8 recommends a modification to the ballot language, the county election
 9 board shall, after reviewing the recommendations of the department of
 10 local government finance, submit modified ballot language to the
 11 department for the department's approval or recommendation of any
 12 additional modifications. The public question may not be certified by
 13 the county auditor under subsection (e) unless the department of local
 14 government finance has first certified the department's final approval
 15 of the ballot language for the public question.

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

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

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

25 Subject to the certification requirements and deadlines under this
 26 subsection and except as provided in subsection (k), the public
 27 question shall be placed on the ballot at the next primary election,
 28 general election, or municipal election in which all voters of the
 29 political subdivision are entitled to vote. However, if a primary
 30 election, general election, or municipal election will not be held during
 31 the first year in which the public question is eligible to be placed on the
 32 ballot under this section and if the political subdivision requests the
 33 public question to be placed on the ballot at a special election, the
 34 public question shall be placed on the ballot at a special election to be
 35 held on the first Tuesday after the first Monday in May or November
 36 of the year. The certification must occur not later than noon
 37 seventy-four (74) days before a special election to be held in May (if
 38 the special election is to be held in May) or noon on August 1 (if the
 39 special election is to be held in November). The fiscal body of the
 40 political subdivision that requests the special election shall pay the
 41 costs of holding the special election. The county election board shall
 42 give notice under IC 5-3-1 of a special election conducted under this



1 subsection. A special election conducted under this subsection is under
 2 the direction of the county election board. The county election board
 3 shall take all steps necessary to carry out the special election.

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

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

8 (2) The department of local government finance.

9 (g) Subject to the requirements of IC 6-1.1-18.5-8, the political
 10 subdivision may issue the proposed bonds or enter into the proposed
 11 lease rental if a majority of the eligible voters voting on the public
 12 question vote in favor of the public question.

13 (h) If a majority of the eligible voters voting on the public question
 14 vote in opposition to the public question, both of the following apply:

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

17 (2) Another public question under this section on the same or a
 18 substantially similar project may not be submitted to the voters
 19 earlier than three hundred fifty (350) days after the date of the
 20 election.

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

23 (j) A political subdivision may not ~~artificially~~ divide a ~~capital~~
 24 **controlled project into multiple capital projects** in order to avoid the
 25 requirements of this section and section 3.5 of this chapter. A person
 26 that owns property within a political subdivision or a person that is a
 27 registered voter residing within a political subdivision may file a
 28 petition with the department of local government finance objecting that
 29 the political subdivision has ~~artificially~~ divided a ~~capital controlled~~
 30 **project into multiple two (2) or more capital projects** in order to avoid
 31 the requirements of this section and section 3.5 of this chapter. The
 32 petition must be filed not more than ten (10) days after the political
 33 subdivision ~~makes publishes~~ the **political subdivision's** preliminary
 34 **determination under section 3.5 of this chapter or a determination**
 35 **under section 5 of this chapter** to issue ~~the~~ bonds or enter into ~~the~~
 36 ~~lease leases~~ for ~~the~~ a **capital project that the person believes is the**
 37 **result of a division of a controlled project that is prohibited by this**
 38 **subsection.** If the department of local government finance receives a
 39 petition under this subsection, the department shall not later than thirty
 40 (30) days after receiving the petition make a final determination on the
 41 issue of whether the ~~capital projects were artificially~~ **political**
 42 **subdivision divided a controlled project in order to avoid the**



1 **requirements of this section and section 3.5 of this chapter. If the**
 2 **department of local government finance determines that a political**
 3 **subdivision divided a controlled project in order to avoid the**
 4 **requirements of this section and section 3.5 of this chapter and the**
 5 **political subdivision continues to desire to proceed with the project,**
 6 **the political subdivision shall fulfill the requirements of this section**
 7 **and section 3.5 of this chapter, if applicable, regardless of the cost**
 8 **of the capital project in dispute.**

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

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

42 (1) The cost per square foot of any buildings being constructed as



- 1 part of the controlled project.
- 2 (2) The effect that approval of the controlled project would have
- 3 on the political subdivision's property tax rate.
- 4 (3) The maximum term of the bonds or lease.
- 5 (4) The maximum principal amount of the bonds or the maximum
- 6 lease rental for the lease.
- 7 (5) The estimated interest rates that will be paid and the total
- 8 interest costs associated with the bonds or lease.
- 9 (6) The purpose of the bonds or lease.
- 10 (7) In the case of a controlled project proposed by a school
- 11 corporation:

- 12 (A) the current and proposed square footage of school building
- 13 space per student;
- 14 (B) enrollment patterns within the school corporation; and
- 15 (C) the age and condition of the current school facilities.

16 SECTION 10. IC 6-1.1-20.3-15, AS ADDED BY P.L.84-2014,
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2017]: Sec. 15. (a) ~~After June 30, 2015,~~ The executive of a
 19 political subdivision **or a majority of the members of the fiscal body**
 20 **of a political subdivision** may request technical assistance from the
 21 board in helping prevent the political subdivision from becoming a
 22 distressed political subdivision. The board, by using the health fiscal
 23 indicators developed under IC 5-14-3.7-16 or IC 5-14-3.8-8, shall
 24 determine whether to provide assistance to the political subdivision.

25 (b) The board may do any of the following for a political subdivision
 26 that receives assistance under subsection (a):

- 27 (1) Provide information and technical assistance with respect to
- 28 the data management, accounting, or other aspects of the fiscal
- 29 management of the political subdivision.
- 30 (2) Assist the political subdivision in obtaining assistance from
- 31 state agencies and other resources.

32 SECTION 11. IC 6-1.1-28-12, AS AMENDED BY P.L.149-2016,
 33 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2017]: Sec. 12. (a) This section applies beginning January 1,
 35 2016.

36 (b) Each county property tax assessment board of appeals (referred
 37 to as the "county PTABOA" in this section) shall submit annually a
 38 report of the notices for review filed with the county PTABOA under
 39 IC 6-1.1-15-1(c) and IC 6-1.1-15-1(d) in the preceding year to the
 40 department of local government finance, the Indiana board of tax
 41 review, and the legislative services agency before April 1 of each year.
 42 A report submitted to the legislative services agency must be in an



1 electronic format under IC 5-14-6.

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

4 (1) The total number of notices for review filed with the county
5 PTABOA.

6 (2) The notices for review, either filed or pending during the year,
7 that were resolved during the year by a preliminary informal
8 meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j).

9 (3) The notices for review, either filed or pending during the year,
10 in which a hearing was conducted during the year by the county
11 PTABOA under IC 6-1.1-15-1(k).

12 (4) The number of written decisions issued during the year by the
13 county PTABOA under IC 6-1.1-15-1(n).

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

16 (6) The number of reviews resolved through a preliminary
17 informal meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j)
18 that were:

19 (A) resolved in favor of the taxpayer;

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

21 (C) resolved in some other manner.

22 (7) The number of reviews resolved through a written decision
23 issued during the year by the county PTABOA under
24 IC 6-1.1-15-1(n) that were:

25 (A) resolved in favor of the taxpayer;

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

27 (C) resolved in some other manner.

28 The report may not include any confidential information.

29 **(d) A multiple county PTABOA shall submit a separate report**
30 **under this section for each county participating in the multiple**
31 **county PTABOA. A report filed under this subsection for a county**
32 **participating in a multiple county PTABOA must provide**
33 **information on the notices for review that originated within the**
34 **county.**

35 SECTION 12. IC 6-1.1-30-14.5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14.5. The department
37 of local government finance ~~shall~~ **may** adopt rules under IC 4-22-2 to
38 limit the basis of payment for services provided by all professionals,
39 including but not limited to attorneys, architects, and construction
40 managers, who work on capital projects, to a fee for service agreement
41 and may not adopt a rule authorizing the basis of payment for the
42 services to be a percentage of the cost of the capital project.



1 SECTION 13. IC 6-1.1-31-9, AS AMENDED BY P.L.112-2012,
 2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2016 (RETROACTIVE)]: Sec. 9. (a) Except as provided in
 4 subsection (b) **or (c)**, the department of local government finance may
 5 not adopt rules for the appraisal of real property:

- 6 (1) in a general reassessment under IC 6-1.1-4-4; or
 7 (2) in a reassessment under a county's reassessment plan prepared
 8 under IC 6-1.1-4-4.2;

9 after July 1 of the year before the year in which the reassessment is
 10 scheduled to begin.

11 (b) If rules described in subsection (a) are timely adopted under
 12 subsection (a) and are then disapproved by the attorney general for any
 13 reason under IC 4-22-2-32, the department of local government finance
 14 may modify the rules to cure the defect that resulted in disapproval by
 15 the attorney general, and may then take all actions necessary under
 16 IC 4-22-2 to readopt and to obtain approval of the rules. This process
 17 may be repeated as necessary until the rules are approved.

18 **(c) The department of local government finance may adopt rules**
 19 **under IC 4-22-2 after June 30, 2016, and before April 1, 2017, that:**

- 20 **(1) concern or include market segmentation under section 6**
 21 **of this chapter; and**
 22 **(2) affect assessments for the January 1, 2018, assessment**
 23 **date.**

24 SECTION 14. IC 6-1.1-37-11, AS AMENDED BY P.L.288-2013,
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2017]: Sec. 11. (a) If a taxpayer is entitled to a property tax
 27 refund or credit because an assessment is decreased, the taxpayer shall
 28 also be paid, or credited with, interest on the excess taxes that the
 29 taxpayer paid at the rate established for excess tax payments by the
 30 commissioner of the department of state revenue under IC 6-8.1-10-1.
 31 However, in the case of an assessment that is decreased by the Indiana
 32 board or the Indiana tax court, the taxpayer is not entitled to the greater
 33 of five hundred dollars (\$500) or twenty percent (20%) of the interest
 34 to which the taxpayer would otherwise be entitled on the excess taxes
 35 unless the taxpayer affirms, under penalty of perjury, that substantive
 36 evidence supporting the taxpayer's position had been:

- 37 (1) presented by the taxpayer to the assessor before; or
 38 (2) introduced by the taxpayer at;

39 the hearing held by the county property tax assessment board of
 40 appeals. An appraisal may not be required by the county property tax
 41 assessment board of appeals or the assessor in a proceeding before the
 42 county property tax assessment board of appeals or in a preliminary



1 informal meeting under IC 6-1.1-15-1(h)(2).

2 (b) For purposes of this section and except as provided in subsection
3 (c), the interest shall be computed:

4 (1) from the date on which the taxes were paid or due, whichever
5 is later, to the date **on which the county auditor determines the**
6 **amount** of the refund or credit; and

7 (2) using the rate in effect under IC 6-8.1-10-1 for each particular
8 year covered by the refund or credit.

9 If a taxpayer is sent a provisional tax statement and is later sent a final
10 or reconciling tax statement, interest shall be computed after the date
11 on which the taxes were paid or first due under the provisional tax
12 statement, whichever is later, through the date of the refund or credit.

13 (c) This subsection applies if a taxpayer who is entitled to a refund
14 or credit does not make a written request for the refund or credit to the
15 county auditor within forty-five (45) days after the final determination
16 of the county property tax assessment board of appeals, the state board
17 of tax commissioners, the department of local government finance, the
18 Indiana board, or the tax court that entitles the taxpayer to the refund
19 or credit. In the case of a taxpayer described in this subsection, the
20 interest shall be computed from the date on which the taxes were paid
21 or due to the date that is forty-five (45) days after the final
22 determination of the county property tax assessment board of appeals,
23 the state board of tax commissioners, the department of local
24 government finance, the Indiana board of tax review, or the Indiana tax
25 court. In any event, a property tax refund or credit must be issued not
26 later than ninety (90) days after the request is received.

27 SECTION 15. IC 6-1.1-37-15 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2017]: **Sec. 15. (a) The auditor of a county**
30 **may, with the approval of the county treasurer, waive, negotiate,**
31 **or settle penalties that have accrued on delinquent property taxes**
32 **imposed in the county.**

33 (b) **A negotiated agreement or a settlement agreement under**
34 **this section must be an agreement in writing among the county**
35 **auditor, the county treasurer, and the taxpayer or the taxpayer's**
36 **authorized representative. After concluding the agreement, the**
37 **county auditor shall provide a copy of the agreement to the**
38 **taxpayer or the taxpayer's authorized representative.**

39 (c) **A county auditor who waives, negotiates, or settles penalties**
40 **under this section shall document the action in the manner**
41 **prescribed by the department.**

42 (d) **A county auditor shall provide all documentation related to**



1 **a waiver, negotiation, or settlement of penalties under this section**
 2 **to the state board of accounts upon request.**

3 SECTION 16. IC 6-3.6-5-6, AS ADDED BY P.L.243-2015,
 4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2017]: Sec. 6. (a) This section applies to all counties.

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

10 (c) Revenues from a tax under this section may be used only for the
 11 purpose of funding a property tax credit applied on a percentage basis
 12 to reduce the property tax liability of taxpayers with tangible property
 13 located in the county as authorized under this section. Property taxes
 14 imposed due to a referendum in which a majority of the voters in the
 15 taxing unit imposing the property taxes approved the property taxes are
 16 not eligible for a credit under this section.

17 (d) The adopting body shall specify by ordinance how the revenue
 18 from the tax shall be applied to provide property tax credits in
 19 subsequent years. The ordinance must be adopted before July 1 and
 20 first applies in the following year and then thereafter until it is
 21 rescinded or modified. The property tax credits may be allocated
 22 among any combination of the following categories:

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

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

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

31 (A) Residential property, as defined in 6-1.1-20.6-4.

32 (B) Real property, a mobile home, and industrialized housing
 33 that would qualify as a homestead if the taxpayer had filed for
 34 a homestead credit under IC 6-1.1-20.9 (repealed) or the
 35 standard deduction under IC 6-1.1-12-37.

36 (C) Real property consisting of units that are regularly used to
 37 rent or otherwise furnish residential accommodations for
 38 periods of at least thirty (30) days, regardless of whether the
 39 tangible property is subject to assessment under rules of the
 40 department of local government finance that apply to:

41 (i) residential property; or

42 (ii) commercial property.



1 (4) For nonresidential real property, personal property, and other
 2 tangible property (if any) eligible for a credit under
 3 IC 6-1.1-20.6-7.5 that limits the taxpayer's property tax liability
 4 for the property to three percent (3%). However, IC 6-3.6-11-2
 5 applies in Jasper County.

6 (e) Within a category described in subsection (d) for which an
 7 ordinance grants property tax credits, the property tax credit rate must
 8 be a uniform percentage for all qualifying taxpayers with property in
 9 that category in the county. The credit percentage may be, but does not
 10 have to be, uniform for all categories of property listed in subsection
 11 (d). The total of all tax credits granted under this section for a year may
 12 not exceed the amount of revenue raised by the tax imposed under this
 13 section. If the amount available in a year for property tax credits under
 14 this section is less than the amount necessary to provide all the property
 15 tax credits authorized by the adopting body, the county auditor shall
 16 reduce the property tax credits granted to eliminate the excess. The
 17 county auditor shall reduce credits within the categories described in
 18 subsection (d)(1) through (d)(4) as follows:

19 (1) First, against property taxes imposed on property described in
 20 subsection (d)(4).

21 (2) Second, if an excess remains after applying the reduction as
 22 described in subdivision (1), against property taxes imposed on
 23 property described in subsection (d)(3).

24 (3) Third, if an excess remains after applying the reduction as
 25 described in subdivisions (1) and (2), against property taxes
 26 imposed on property described in subsection (d)(2).

27 (4) Fourth, if an excess remains after applying the reduction as
 28 described in subdivisions (1) through (3), against property taxes
 29 imposed on property described in subsection (d)(1).

30 (f) The total of all tax credits granted under this section for a year
 31 may not exceed the amount authorized by the adopting body. If the
 32 amount available in a year for property tax credits under this section is
 33 greater than the amount necessary to provide all the property tax credits
 34 authorized by the adopting body, the county auditor shall retain and
 35 apply the excess as necessary to provide the property tax credits
 36 authorized by the adopting body for the following year. The adopting
 37 body may adopt an ordinance that directs to which categories described
 38 in subsection (d) the excess is to be uniformly applied.

39 (g) The county auditor shall allocate the amount of revenue applied
 40 as tax credits under this section to the taxing units that imposed the
 41 eligible property taxes against which the credits are applied.

42 **(h) If the adopting body adopts an ordinance to reduce or**



1 **eliminate the property tax relief credits that are in effect in the**
 2 **county under this chapter, the county auditor shall give notice of**
 3 **the adoption of the ordinance in accordance with IC 5-3-1 not later**
 4 **than thirty (30) days after the date on which ordinance is adopted.**

5 SECTION 17. IC 6-3.6-9-2 IS REPEALED [EFFECTIVE
 6 JANUARY 1, 2017 (RETROACTIVE)]. ~~Sec. 2: The budget agency~~
 7 ~~shall before May 1 of every odd-numbered year publish an estimate of~~
 8 ~~the statewide total amount of certified distributions to be made under~~
 9 ~~this article during the following two (2) calendar years.~~

10 SECTION 18. IC 6-3.6-9-3 IS REPEALED [EFFECTIVE
 11 JANUARY 1, 2017 (RETROACTIVE)]. ~~Sec. 3: The budget agency~~
 12 ~~shall before May 1 of every even-numbered year publish an estimate~~
 13 ~~of the statewide total amount of certified distributions to be made under~~
 14 ~~this article during the following calendar year.~~

15 SECTION 19. IC 8-22-3-19, AS AMENDED BY P.L.230-2013,
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2017]: Sec. 19. (a) Temporary loans may be made by the
 18 board in anticipation of the collection of taxes of the authority actually
 19 levied and in course of collection for the fiscal year in which the loans
 20 are made. The loans must be authorized by ordinance and evidenced by
 21 warrants in the form provided by the authorizing ordinance. The
 22 warrants must state the total amount of the issue, the denomination of
 23 the warrant, the time and place payable, the rate of interest, the funds
 24 in anticipation of which they are issued and out of which they are
 25 payable, and a reference to the ordinance authorizing them and the date
 26 of its adoption. The ordinance authorizing temporary loans must
 27 appropriate and pledge a sufficient amount of the current revenue in
 28 anticipation of which they are issued and out of which they are payable.
 29 The warrants evidencing the temporary loans must be executed, sold,
 30 and delivered as are bonds of the authority.

31 (b) The board may negotiate terms and borrow money from any
 32 source under a loan contract, subject to the following requirements:

33 (1) The loan contract must be approved by resolution of the board.

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

36 (3) This subdivision applies only to loan contracts entered into
 37 under this subsection before July 1, 2013. The loan contract must
 38 state that the indebtedness:

39 (A) is that of the authority;

40 (B) is payable solely from revenues of the authority that are
 41 derived from either airport operations or from revenue bonds;

42 and



- 1 (C) may not be paid by a tax levied on property located within
 2 the district.
- 3 (4) This subdivision applies only to loan contracts entered into
 4 under this subsection after June 30, 2013. The loan contract must
 5 state that the indebtedness:
- 6 (A) is that of the authority;
 7 (B) is payable solely from:
- 8 (i) a cumulative building fund established under section 25
 9 of this chapter;
 10 (ii) revenues of the authority that are derived from either
 11 airport operations or from revenue bonds; or
 12 (iii) both items (i) and (ii); and
- 13 (C) may not be paid by a general operating fund tax levied on
 14 property located within the district.
- 15 ~~(5) The loan contract must be submitted to the department of local
 16 government finance, which may approve, disapprove, or reduce
 17 the amount of the proposed loan contract. The department of local
 18 government finance must make a decision on the loan contract
 19 within thirty (30) days after it is submitted for review. The action
 20 taken by the department of local government finance on the
 21 proposed loan contract is final.~~
- 22 (c) Any loan contract issued under this chapter is issued for
 23 essential public and governmental purposes. A loan contract, the
 24 interest on it, the proceeds received by a holder from the sale of a loan
 25 contract to the extent of the holder's cost of acquisition, proceeds
 26 received upon redemption before maturity, proceeds received at
 27 maturity, and the receipt of the interest and proceeds are exempt from
 28 taxation as provided in IC 6-8-5.
- 29 (d) After the board of an authority enters into a loan contract, the
 30 board may use funds received from state or federal grants to satisfy the
 31 repayment of part or all of the loan contract.
- 32 SECTION 20. IC 14-33-9-1, AS AMENDED BY P.L.182-2009(ss),
 33 SECTION 301, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Except as provided in
 35 IC 6-1.1-17-20, the budget of a district:
- 36 (1) must be prepared and submitted:
- 37 (A) at the same time;
 38 (B) in the same manner; and
 39 (C) with notice;
- 40 as is required by statute for the preparation of budgets by
 41 municipalities; and
- 42 (2) **if the district imposes a property tax or special benefits**



- 1 **tax**, is subject to the same review by:
 2 (A) the county board of tax adjustment; and
 3 (B) the department of local government finance;
 4 as is required by statute for the budgets of municipalities.
 5 (b) If a district is established in more than one (1) county:
 6 (1) except as provided in subsection (c), the budget shall be
 7 certified to the auditor of the county in which is located the court
 8 that had exclusive jurisdiction over the establishment of the
 9 district; and
 10 (2) notice must be published in each county having land in the
 11 district. Any taxpayer in the district is entitled to be heard before
 12 the county board of tax adjustment and, after December 31, 2008,
 13 the fiscal body of each county having jurisdiction.
 14 (c) If one (1) of the counties in a district contains either a first or
 15 second class city located in whole or in part in the district, the budget:
 16 (1) shall be certified to the auditor of that county; and
 17 (2) is subject to review at the county level only by the county
 18 board of tax adjustment and, after December 31, 2008, the fiscal
 19 body of that county.
 20 SECTION 21. IC 36-7-14-13, AS AMENDED BY P.L.204-2016,
 21 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2017]: Sec. 13. (a) Not later than April 15 of each year, the
 23 redevelopment commissioners or their designees shall file with the
 24 unit's executive and fiscal body a report setting out their activities
 25 during the preceding calendar year.
 26 (b) The report of the commissioners of a municipal redevelopment
 27 commission must show the names of the then qualified and acting
 28 commissioners, the names of the officers of that body, the number of
 29 regular employees and their fixed salaries or compensation, the amount
 30 of the expenditures made during the preceding year and their general
 31 purpose, an accounting of the tax increment revenues expended by any
 32 entity receiving the tax increment revenues as a grant or loan from the
 33 commission, the amount of funds on hand at the close of the calendar
 34 year, and other information necessary to disclose the activities of the
 35 commissioners and the results obtained.
 36 (c) The report of the commissioners of a county redevelopment
 37 commission must show all the information required by subsection (b),
 38 plus the names of any commissioners appointed to or removed from
 39 office during the preceding calendar year.
 40 (d) A copy of each report filed under this section must be submitted
 41 to the department of local government finance in an electronic format.
 42 (e) The report required under subsection (a) must also include the



1 following information set forth for each tax increment financing district
2 regarding the previous year:

3 (1) Revenues received.

4 (2) Expenses paid.

5 (3) Fund balances.

6 (4) The amount and maturity date for all outstanding obligations.

7 (5) The amount paid on outstanding obligations.

8 (6) A list of all the parcels **and personal property records**
9 included in each tax increment financing district allocation area
10 and the base assessed value and incremental assessed value for
11 each parcel **and personal property record** in the list.

12 (7) To the extent that the following information has not previously
13 been provided to the department of local government finance:

14 (A) The year in which the tax increment financing district was
15 established.

16 (B) The section of the Indiana Code under which the tax
17 increment financing district was established.

18 (C) Whether the tax increment financing district is part of an
19 area needing redevelopment, an economic development area,
20 a redevelopment project area, or an urban renewal project
21 area.

22 (D) If applicable, the year in which the boundaries of the tax
23 increment financing district were changed and a description of
24 those changes.

25 (E) The date on which the tax increment financing district will
26 expire.

27 (F) A copy of each resolution adopted by the redevelopment
28 commission that establishes or alters the tax increment
29 financing district.

30 (f) A redevelopment commission and a department of
31 redevelopment are subject to the same laws, rules, and ordinances of
32 a general nature that apply to all other commissions or departments of
33 the unit.

34 SECTION 22. IC 36-7-15.1-36.3, AS AMENDED BY
35 P.L.204-2016, SECTION 35, IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 36.3. (a) Not later than
37 April 15 of each year, the commission or its designee shall file with the
38 mayor and the fiscal body a report setting out the commission's
39 activities during the preceding calendar year.

40 (b) The report required by subsection (a) must show the names of
41 the then qualified and acting commissioners, the names of the officers
42 of that body, the number of regular employees and their fixed salaries



1 or compensation, the amount of the expenditures made during the
 2 preceding year and their general purpose, an accounting of the tax
 3 increment revenues expended by any entity receiving the tax increment
 4 revenues as a grant or loan from the commission, the amount of funds
 5 on hand at the close of the calendar year, and other information
 6 necessary to disclose the activities of the commission and the results
 7 obtained.

8 (c) A copy of each report filed under this section must be submitted
 9 to the department of local government finance in an electronic format.

10 (d) The report required under subsection (a) must also include the
 11 following information set forth for each tax increment financing district
 12 regarding the previous year:

13 (1) Revenues received.

14 (2) Expenses paid.

15 (3) Fund balances.

16 (4) The amount and maturity date for all outstanding obligations.

17 (5) The amount paid on outstanding obligations.

18 (6) A list of all the parcels **and personal property records**
 19 included in each tax increment financing district allocation area
 20 and the base assessed value and incremental assessed value for
 21 each parcel **and personal property record** in the list.

22 (7) To the extent that the following information has not previously
 23 been provided to the department of local government finance:

24 (A) The year in which the tax increment financing district was
 25 established.

26 (B) The section of the Indiana Code under which the tax
 27 increment financing district was established.

28 (C) Whether the tax increment financing district is part of an
 29 area needing redevelopment, an economic development area,
 30 a redevelopment project area, or an urban renewal project
 31 area.

32 (D) If applicable, the year in which the boundaries of the tax
 33 increment financing district were changed and a description of
 34 those changes.

35 (E) The date on which the tax increment financing district will
 36 expire.

37 (F) A copy of each resolution adopted by the redevelopment
 38 commission that establishes or alters the tax increment
 39 financing district.

40 SECTION 23. IC 36-8-19-6.5, AS ADDED BY P.L.182-2009(ss),
 41 SECTION 441, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2017]: Sec. 6.5. (a) The legislative bodies of all



1 participating units in a territory may agree to change the provider unit
 2 of the territory from one (1) participating unit to another participating
 3 unit. To change the provider unit, the legislative body of each
 4 participating unit must adopt an ordinance (if the unit is a county or
 5 municipality) or a resolution (if the unit is a township) that agrees to
 6 and specifies the new provider unit. The provider unit may not be
 7 changed unless all participating units agree on the participating unit
 8 that will become the new provider unit. **However, if the provider unit**
 9 **has adopted an ordinance or resolution under section 13 of this**
 10 **chapter after January 1 and before April 1 of a year to withdraw**
 11 **from the territory, all of the participating units other than the**
 12 **provider unit must agree on the participating unit that will become**
 13 **the new provider unit.** The participating units may not change the
 14 provider unit more than one (1) time in any year.

15 (b) The following apply to an ordinance or a resolution adopted
 16 under this section to change the provider unit of the territory:

17 (1) The ordinance or resolution must be adopted after January 1
 18 but before ~~April~~ **July** 1 of a year.

19 (2) The ordinance or resolution takes effect January 1 of the year
 20 following the year in which the ordinance or resolution is
 21 adopted.

22 SECTION 24. IC 36-8-19-13, AS AMENDED BY P.L.203-2016,
 23 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2017]: Sec. 13. (a) If a unit elects to withdraw from a fire
 25 protection territory established under this chapter, the unit must after
 26 January 1 but before April 1, adopt an ordinance (if the unit is a county
 27 or municipality) or a resolution (if the unit is a township) providing for
 28 the withdrawal. An ordinance or resolution adopted under this section
 29 takes effect:

30 (1) July 1 of the year that the ordinance or resolution is adopted,
 31 **if the unit is not the provider unit; or**

32 (2) **January 1 of the year immediately following the year in**
 33 **which the ordinance or resolution is adopted, if the unit is the**
 34 **provider unit.**

35 (b) If an ordinance or a resolution is adopted under subsection (a),
 36 for purposes of determining a unit's maximum permissible ad valorem
 37 property tax levy for the year following the year in which the ordinance
 38 or resolution is adopted, the unit receives a percentage of the territory's
 39 maximum permissible ad valorem property tax levy equal to the
 40 percentage of the assessed valuation that the unit contributed to the
 41 territory in the year in which the ordinance or resolution is adopted.
 42 The department of local government finance shall adjust the territory's



1 maximum permissible ad valorem property tax levy to account for the
 2 unit's withdrawal. After the effective date of an ordinance or resolution
 3 adopted under subsection (a), the unit may no longer impose a tax rate
 4 for an equipment replacement fund under section 8.5 of this chapter.
 5 The unit remains liable for the unit's share of any debt incurred under
 6 section 8.5 of this chapter.

7 (c) If a territory is dissolved, subsection (b) applies to the
 8 determination of the maximum permissible ad valorem property tax
 9 levy of each unit that formerly participated in the territory.

10 SECTION 25. IC 36-10-13-4, AS AMENDED BY P.L.119-2012,
 11 SECTION 243, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) This section does not apply
 13 to a school corporation in a county having a population of:

14 (1) more than two hundred fifty thousand (250,000) but less than
 15 two hundred seventy thousand (270,000); or

16 (2) **more than one hundred seventy-five thousand (175,000)**
 17 **but less than one hundred eighty-five thousand (185,000).**

18 (b) The governing body of a school corporation may annually
 19 appropriate, from the school corporation's general fund, a sum of not
 20 more than five-tenths of one cent (\$0.005) on each one hundred dollars
 21 (\$100) of assessed valuation in the school corporation to be paid to a
 22 historical society, subject to section 6 of this chapter.

23 SECTION 26. IC 36-10-13-5, AS AMENDED BY P.L.119-2012,
 24 SECTION 244, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) This section applies only to
 26 a school corporation in a county having a population of:

27 (1) more than two hundred fifty thousand (250,000) but less than
 28 two hundred seventy thousand (270,000); or

29 (2) **more than one hundred seventy-five thousand (175,000)**
 30 **but less than one hundred eighty-five thousand (185,000).**

31 (b) To provide funding for a historical society under this section, the
 32 governing body of a school corporation may impose a tax of not more
 33 than five-tenths of one cent (\$0.005) on each one hundred dollars
 34 (\$100) of assessed valuation in the school corporation.

35 (c) The school corporation shall deposit the proceeds of the tax in
 36 a fund to be known as the historical society fund. The historical society
 37 fund is separate and distinct from the school corporation's general fund
 38 and may be used only to provide funds for a historical society under
 39 this section.

40 (d) Subject to section 6 of this chapter, the governing body of the
 41 school corporation may annually appropriate the money in the fund to
 42 be paid in semiannual installments to a historical society having



1 facilities in the county.
2 SECTION 27. [EFFECTIVE JULY 1, 2017] **(a) IC 6-1.1-12-1, as**
3 **amended by this act, applies for all assessment dates.**
4 **(b) This SECTION expires July 1, 2018.**
5 SECTION 28. **An emergency is declared for this act.**

