

HOUSE BILL No. 1055

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 12-29; IC 13-21-15-3; IC 20-46-8-1; IC 36-1.5.

Synopsis: Civil government property tax controls. Provides that for years after 2020 an assessed value growth quotient is determined individually for each taxing unit. Provides that the assessed value growth quotient for a taxing unit is determined by a formula that is based on: (1) the average growth in the taxing unit's net assessed value; and (2) the average circuit breaker losses experienced by a taxing unit. Eliminates Indiana nonfarm personal income as a factor in computing an assessed value growth quotient.

Effective: July 1, 2020.

Thompson

January 6, 2020, read first time and referred to Committee on Ways and Means.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1055

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

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

1 SECTION 1. IC 6-1.1-2-8, AS ADDED BY P.L.220-2011,
2 SECTION 117, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) IC 6-1.1-1-3, as amended by
4 P.L.6-1997, and all changes in tax rates, deductions, and limits on
5 indebtedness made by P.L.6-1997 apply only to budget years and
6 property taxes first due and payable after December 31, 2001.
7 (b) For the purpose of computing:
8 (1) ~~the an~~ assessed value growth quotient under IC 6-1.1-18.5-2;
9 and
10 (2) any other value that requires the use of an assessed value from
11 a date before March 1, 2001;
12 for a budgetary appropriation, state distribution, or property tax levy
13 first due and payable after December 31, 2001, the assessed value from
14 a date before March 1, 2001, must first be increased from thirty-three
15 and thirty-three hundredths percent (33.33%) of true tax value to one
16 hundred percent (100%) of true tax value before the computation is
17 made.



1 (c) For the purpose of computing:

2 (1) a tax rate under IC 6-1.1-19-1.5 (before its repeal); and

3 (2) any other value that requires the use of a tax rate from a date
4 before March 1, 2001;

5 for a budgetary appropriation, state distribution, or property tax levy
6 first due and payable after December 31, 2001, a tax rate from a date
7 before January 1, 2002, must first be reduced by dividing the tax rate
8 by three (3) before the computation is made.

9 (d) The state board of tax commissioners shall adjust the tax rates
10 of all taxing units to eliminate the effects of changing assessed values
11 from thirty-three and thirty-three hundredths percent (33.33%) of true
12 tax value to one hundred percent (100%) of true tax value.

13 (e) If a maximum property tax rate that was enacted before 1997 is
14 not amended by P.L.6-1997, the state board of tax commissioners shall
15 adjust the maximum tax rate to eliminate the effects of changing
16 assessed values from thirty-three and thirty-three hundredths percent
17 (33.33%) of true tax value to one hundred percent (100%) of true tax
18 value.

19 (f) The state board of tax commissioners shall prepare the initial
20 schedule of adjusted assessed values for all political subdivisions under
21 IC 36-1-15, as added by P.L.6-1997, not later than July 1, 2001.

22 (g) It is the intent of the general assembly that all adjustments
23 necessary to implement IC 6-1.1-1-3, as amended by P.L.6-1997, be
24 made without raising the revenues available to governmental units
25 more than would have occurred if P.L.6-1997 were not enacted. The
26 state board of tax commissioners shall provide fiscal officers in the
27 taxing units, assessing officials, and members of the board of tax
28 adjustment with instructions on how to implement this section.

29 (h) If a statute that imposes an assessed value limitation on the
30 aggregate amount of bonds that a political subdivision may issue that
31 was enacted before 1997 is not amended by P.L.6-1997, the state board
32 of tax commissioners shall adjust the assessed value limitation to
33 eliminate the effects of changing assessed values from thirty-three and
34 thirty-three hundredths percent (33.33%) of true tax value to one
35 hundred percent (100%) of true tax value.

36 (i) The state board of tax commissioners shall, if necessary to
37 protect owners of bonds payable in whole or in part from tax increment,
38 adjust the base assessed value to neutralize the effect of changing
39 assessed values under P.L.6-1997 from thirty-three and thirty-three
40 hundredths percent (33.33%) of true tax value to one hundred percent
41 (100%) of true tax value under the following statutes:

42 (1) IC 6-1.1-39.



- 1 (2) IC 8-22-3.5.
 2 (3) IC 36-7-14.
 3 (4) IC 36-7-14.5.
 4 (5) IC 36-7-15.1.
 5 (6) IC 36-7-30.

6 SECTION 2. IC 6-1.1-17-20.3, AS AMENDED BY P.L.252-2019,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2020]: Sec. 20.3. (a) Except as provided in section 20.4 of this
 9 chapter, this section applies only to the governing body of a public
 10 library that:

- 11 (1) is not comprised of a majority of officials who are elected to
 12 serve on the governing body; and
 13 (2) has a percentage increase in the proposed budget for the
 14 taxing unit for the ensuing calendar year that is more than the
 15 result of:
 16 (A) the **public library's** assessed value growth quotient
 17 determined under IC 6-1.1-18.5-2 for the ensuing calendar
 18 year; minus
 19 (B) one (1).

20 For purposes of this section, an individual who qualifies to be
 21 appointed to a governing body or serves on a governing body because
 22 of the individual's status as an elected official of another taxing unit
 23 shall be treated as an official who was not elected to serve on the
 24 governing body.

25 (b) This section does not apply to an entity whose tax levies are
 26 subject to review and modification by a city-county legislative body
 27 under IC 36-3-6-9.

28 (c) If:

- 29 (1) the assessed valuation of a public library is entirely contained
 30 within a city or town; or
 31 (2) the assessed valuation of a public library is not entirely
 32 contained within a city or town but the public library was
 33 originally established by the city or town;

34 the governing body shall submit its proposed budget and property tax
 35 levy to the city or town fiscal body in the manner prescribed by the
 36 department of local government finance before September 2 of a year.
 37 However, the governing body shall submit its proposed budget and
 38 property tax levy to the county fiscal body in the manner provided in
 39 subsection (d), rather than to the city or town fiscal body, if more than
 40 fifty percent (50%) of the parcels of real property within the
 41 jurisdiction of the public library are located outside the city or town.

- 42 (d) If subsection (c) does not apply, the governing body of the public



1 library shall submit its proposed budget and property tax levy to the
 2 county fiscal body in the county where the public library has the most
 3 assessed valuation. The proposed budget and levy shall be submitted
 4 to the county fiscal body in the manner prescribed by the department
 5 of local government finance before September 2 of a year.

6 (e) The fiscal body of the city, town, or county (whichever applies)
 7 shall review each budget and proposed tax levy and adopt a final
 8 budget and tax levy for the public library. The fiscal body may reduce
 9 or modify but not increase the proposed budget or tax levy.

10 (f) If a public library fails to file the information required in
 11 subsection (c) or (d), whichever applies, with the appropriate fiscal
 12 body by the time prescribed by this section, the most recent annual
 13 appropriations and annual tax levy of that public library are continued
 14 for the ensuing budget year.

15 (g) If the appropriate fiscal body fails to complete the requirements
 16 of subsection (e) before the adoption deadline in section 5 of this
 17 chapter for any public library subject to this section, the most recent
 18 annual appropriations and annual tax levy of the city, town, or county,
 19 whichever applies, are continued for the ensuing budget year.

20 SECTION 3. IC 6-1.1-18-5, AS AMENDED BY P.L.252-2019,
 21 SECTION 3, AND AS AMENDED BY P.L.257-2019, SECTION 49,
 22 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL
 23 OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND
 24 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:
 25 Sec. 5. (a) If the proper officers of a political subdivision desire to
 26 appropriate more money for a particular year than the amount
 27 prescribed in the budget for that year as finally determined under this
 28 article, they shall give notice of their proposed additional
 29 appropriation. The notice shall state the time and place at which a
 30 public hearing will be held on the proposal. The notice shall be given
 31 once in accordance with IC 5-3-1-2(b).

32 (b) If the additional appropriation by the political subdivision is
 33 made from a fund *that receives*:

34 *(1) distributions from the motor vehicle highway account*
 35 *established under IC 8-14-1-1 or the local road and street*
 36 *account established under IC 8-14-2-4; or*

37 *(2) revenue from property taxes levied under IC 6-1-1; for which*
 38 *the budget, rate, or levy is certified by the department of local*
 39 *government finance under IC 6-1.1-17-16,*

40 the political subdivision must report the additional appropriation to the
 41 department of local government finance. If the additional appropriation
 42 is made from a fund described under this subsection, subsections (f),



1 (g), (h), and (i) apply to the political subdivision.

2 (c) However, if the additional appropriation is not made from a fund
3 described under subsection (b), subsections (f), (g), (h), and (i) do not
4 apply to the political subdivision. Subsections (f), (g), (h), and (i) do
5 not apply to an additional appropriation made from the cumulative
6 bridge fund if the appropriation meets the requirements under
7 IC 8-16-3-3(c).

8 (d) A political subdivision may make an additional appropriation
9 without approval of the department of local government finance if the
10 additional appropriation is made from a fund that is not described
11 under subsection (b). However, the fiscal officer of the political
12 subdivision shall report the additional appropriation to the department
13 of local government finance.

14 (e) *Subject to subsections (j) and (k)*, after the public hearing, the
15 proper officers of the political subdivision shall file a certified copy of
16 their final proposal and any other relevant information to the
17 department of local government finance.

18 (f) When the department of local government finance receives a
19 certified copy of a proposal for an additional appropriation under
20 subsection (e), the department shall determine whether sufficient funds
21 are available or will be available for the proposal. The determination
22 shall be made in writing and sent to the political subdivision not more
23 than fifteen (15) days after the department of local government finance
24 receives the proposal.

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

29 (h) If the department of local government finance disapproves an
30 additional appropriation under subsection (f), the department shall
31 specify the reason for its disapproval on the determination sent to the
32 political subdivision.

33 (i) A political subdivision may request a reconsideration of a
34 determination of the department of local government finance under this
35 section by filing a written request for reconsideration. A request for
36 reconsideration must:

37 (1) be filed with the department of local government finance
38 within fifteen (15) days of the receipt of the determination by the
39 political subdivision; and

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

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



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

10 (k) This subsection applies to a public library that is not required to
 11 submit the public library's budgets, tax rates, and tax levies for binding
 12 review and approval under IC 6-1.1-17-20 *or IC 6-1.1-17-20.4*. If a
 13 public library subject to this subsection proposes to make an additional
 14 appropriation for a year, and the additional appropriation would result
 15 in the budget for the library for that year increasing (as compared to the
 16 previous year) by a percentage that is greater than the result of the
 17 **public library's** assessed value growth quotient determined under
 18 IC 6-1.1-18.5-2 for the calendar year minus one (1), the additional
 19 appropriation must first be approved by the city, town, or county fiscal
 20 body described in IC 6-1.1-17-20.3(c) or ~~IC 6-1.1-17-20(d)~~;
 21 *IC 6-1.1-17-20.3(d)*, as appropriate.

22 SECTION 4. IC 6-1.1-18.5-2, AS AMENDED BY P.L.238-2019,
 23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2020]: Sec. 2. (a) As used in this section, "Indiana nonfarm
 25 personal income" means the estimate of total nonfarm personal income
 26 for Indiana in a calendar year as computed by the federal Bureau of
 27 Economic Analysis using any actual data for the calendar year and any
 28 estimated data determined appropriate by the federal Bureau of
 29 Economic Analysis.

30 (b) **This subsection applies to the determination of an assessed**
 31 **value growth quotient for an ensuing calendar year that begins**
 32 **before January 1, 2021.** Except as provided in subsection (c), for
 33 purposes of determining a civil taxing unit's maximum permissible ad
 34 valorem property tax levy for an ensuing calendar year, the civil taxing
 35 unit shall use the assessed value growth quotient determined in the last
 36 STEP of the following STEPS:

37 STEP ONE: For each of the six (6) calendar years immediately
 38 preceding the year in which a budget is adopted under
 39 IC 6-1.1-17-5 for the ensuing calendar year, divide the Indiana
 40 nonfarm personal income for the calendar year by the Indiana
 41 nonfarm personal income for the calendar year immediately
 42 preceding that calendar year, rounding to the nearest



- 1 one-thousandth (0.001).
 2 STEP TWO: Determine the sum of the STEP ONE results.
 3 STEP THREE: Divide the STEP TWO result by six (6), rounding
 4 to the nearest one-thousandth (0.001).
 5 STEP FOUR: Determine the lesser of the following:
 6 (A) The STEP THREE quotient.
 7 (B) One and six-hundredths (1.06).
- 8 **(c) This subsection applies to the determination of an assessed**
 9 **value growth quotient for an ensuing calendar year that begins**
 10 **before January 1, 2021.** A school corporation shall use for its
 11 operations fund maximum levy calculation under IC 20-46-8-1 the
 12 assessed value growth quotient determined in the last STEP of the
 13 following STEPS:
 14 STEP ONE: Determine for each school corporation, the average
 15 annual growth in net assessed value using the three (3) calendar
 16 years immediately preceding the year in which a budget is
 17 adopted under IC 6-1.1-17-5 for the ensuing calendar year.
 18 STEP TWO: Determine the greater of:
 19 (A) zero (0); or
 20 (B) the STEP ONE amount minus the sum of:
 21 (i) the assessed value growth quotient determined under
 22 subsection (b) minus one (1); plus
 23 (ii) two-hundredths (0.02).
 24 STEP THREE: Determine the lesser of:
 25 (A) the STEP TWO amount; or
 26 (B) four-hundredths (0.04).
 27 STEP FOUR: Determine the sum of:
 28 (A) the STEP THREE amount; plus
 29 (B) the assessed value growth quotient determined under
 30 subsection (b).
 31 STEP FIVE: Determine the greater of:
 32 (A) the STEP FOUR amount; or
 33 (B) the assessed value growth quotient determined under
 34 subsection (b).
- 35 **(d) This subsection applies to the determination of an assessed**
 36 **value growth quotient for an ensuing calendar year that begins**
 37 **after December 31, 2020. Except as provided in subsection (e), for**
 38 **purposes of determining a civil taxing unit's maximum permissible**
 39 **ad valorem property tax levy for an ensuing calendar year, the civil**
 40 **taxing unit shall use the assessed value growth quotient determined**
 41 **in the last STEP of the following STEPS:**
 42 **STEP ONE: For the three (3) calendar years immediately**



1 preceding the year in which a budget is adopted under
 2 IC 6-1.1-17-5 for the ensuing calendar year, determine the
 3 average of:

4 (A) the civil taxing unit's net assessed value for the
 5 calendar year; divided by

6 (B) the civil taxing unit's net assessed value for the
 7 immediately preceding calendar year;

8 rounding to the nearest one-thousandth (0.001).

9 **STEP TWO:** For the three (3) calendar years immediately
 10 preceding the year in which a budget is adopted under
 11 IC 6-1.1-17-5 for the ensuing calendar year, determine the
 12 average of:

13 (A) the amount of credits granted under IC 6-1.1-20.6 for
 14 the calendar year; divided by

15 (B) the amount of the civil taxing unit's ad valorem
 16 property tax levy for the current calendar year.

17 **STEP THREE:** Determine the greater of:

18 (A) zero (0); or

19 (B) the amount equal to:

20 (i) one-tenth (0.1); minus

21 (ii) the STEP TWO result.

22 **STEP FOUR:** Divide:

23 (A) the STEP THREE result; by

24 (B) two and five-tenths (2.5).

25 **STEP FIVE:** Determine the greater of:

26 (A) zero (0); or

27 (B) the amount equal to:

28 (i) the STEP TWO result; minus

29 (ii) two-tenths (0.2).

30 **STEP SIX:** Divide:

31 (A) the STEP FIVE result; by

32 (B) five (5).

33 **STEP SEVEN:** Determine the lesser of:

34 (A) the STEP SIX result; or

35 (B) four hundredths (0.04).

36 **STEP EIGHT:** Determine:

37 (A) the STEP FOUR result; minus

38 (B) the STEP SEVEN result.

39 **STEP NINE:** Add:

40 (A) the STEP ONE result; and

41 (B) the STEP EIGHT result.

42 (e) This subsection applies to the determination of an assessed



1 value growth quotient for an ensuing calendar year that begins
 2 after December 31, 2020. A school corporation shall use for its
 3 operations fund maximum levy calculation under IC 20-46-8-1 the
 4 assessed value growth quotient determined in the last STEP of the
 5 following STEPS:

6 **STEP ONE:** For the three (3) calendar years immediately
 7 preceding the year in which a budget is adopted under
 8 IC 6-1.1-17-5 for the ensuing calendar year, determine the
 9 average of:

10 (A) the school corporation's net assessed value for the
 11 calendar year; divided by

12 (B) the school corporation's net assessed value for the
 13 immediately preceding calendar year;

14 rounding to the nearest one-thousandth (0.001).

15 **STEP TWO:** For the three (3) calendar years immediately
 16 preceding the year in which a budget is adopted under
 17 IC 6-1.1-17-5 for the ensuing calendar year, determine the
 18 average of:

19 (A) the amount of credits granted under IC 6-1.1-20.6 for
 20 the calendar year; divided by

21 (B) the amount of the school corporation's ad valorem
 22 property tax levy for the current calendar year.

23 **STEP THREE:** Determine the greater of:

24 (A) zero (0); or

25 (B) the amount equal to:

26 (i) one-tenth (0.1); minus

27 (ii) the STEP TWO result.

28 **STEP FOUR:** Divide:

29 (A) the STEP THREE result; by

30 (B) two and five-tenths (2.5).

31 **STEP FIVE:** Determine the greater of:

32 (A) zero (0); or

33 (B) the amount equal to:

34 (i) the STEP TWO result; minus

35 (ii) two-tenths (0.2).

36 **STEP SIX:** Divide:

37 (A) the STEP FIVE result; by

38 (B) five (5).

39 **STEP SEVEN:** Determine the lesser of:

40 (A) the STEP SIX result; or

41 (B) four hundredths (0.04).

42 **STEP EIGHT:** Determine:



- 1 **(A) the STEP FOUR result; minus**
 2 **(B) the STEP SEVEN result.**
 3 **STEP NINE: Add:**
 4 **(A) the STEP ONE result; and**
 5 **(B) the STEP EIGHT result.**
 6 ~~(d)~~ **(f)** The budget agency shall provide the assessed value growth
 7 ~~quotient~~ **quotients** for the ensuing year to civil taxing units, school
 8 corporations, and the department of local government finance before
 9 July 1 of each year.
 10 SECTION 5. IC 6-1.1-18.5-10, AS AMENDED BY P.L.76-2018,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2020]: Sec. 10. (a) The ad valorem property tax levy limits
 13 imposed by section 3 of this chapter do not apply to ad valorem
 14 property taxes imposed by a civil taxing unit to be used to fund:
 15 (1) community mental health centers under:
 16 (A) IC 12-29-2-1.2, for only those civil taxing units that
 17 authorized financial assistance under IC 12-29-1 before 2002
 18 for a community mental health center as long as the tax levy
 19 under this section does not exceed the levy authorized in 2002;
 20 (B) IC 12-29-2-2 through IC 12-29-2-4; and
 21 (C) IC 12-29-2-13; or
 22 (2) community intellectual disability and other developmental
 23 disabilities centers under IC 12-29-1-1.
 24 (b) For purposes of computing the ad valorem property tax levy
 25 limits imposed on a civil taxing unit by section 3 of this chapter, the
 26 civil taxing unit's ad valorem property tax levy for a particular calendar
 27 year does not include that part of the levy described in subsection (a).
 28 (c) This subsection applies to property taxes first due and payable
 29 after December 31, 2008. Notwithstanding subsections (a) and (b) or
 30 any other law, any property taxes imposed by a civil taxing unit that are
 31 exempted by this section from the ad valorem property tax levy limits
 32 imposed by section 3 of this chapter may not increase annually by a
 33 percentage greater than the result of:
 34 (1) the **civil taxing unit's** assessed value growth quotient
 35 determined under section 2 of this chapter; minus
 36 (2) one (1).
 37 (d) Before July 15 of each year, the department of local government
 38 finance shall provide to each county an estimate of the maximum
 39 amount of property taxes imposed for community mental health centers
 40 or community intellectual disability and other developmental
 41 disabilities centers that are exempt from the levy limits for the ensuing
 42 year.



1 SECTION 6. IC 6-1.1-18.5-10.5, AS AMENDED BY P.L.245-2015,
 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2020]: Sec. 10.5. (a) The ad valorem property tax levy limits
 4 imposed by section 3 of this chapter do not apply to ad valorem
 5 property taxes imposed by a civil taxing unit for fire protection services
 6 within a fire protection territory under IC 36-8-19, if the civil taxing
 7 unit is a participating unit in a fire protection territory established
 8 before August 1, 2001. For purposes of computing the ad valorem
 9 property tax levy limits imposed on a civil taxing unit by section 3 of
 10 this chapter on a civil taxing unit that is a participating unit in a fire
 11 protection territory, established before August 1, 2001, the civil taxing
 12 unit's ad valorem property tax levy for a particular calendar year does
 13 not include that part of the levy imposed under IC 36-8-19. Any
 14 property taxes imposed by a civil taxing unit that are exempted by this
 15 subsection from the ad valorem property tax levy limits imposed by
 16 section 3 of this chapter and first due and payable after December 31,
 17 2008, may not increase annually by a percentage greater than the result
 18 of:

- 19 (1) the **civil taxing unit's** assessed value growth quotient
- 20 determined under section 2 of this chapter; minus
- 21 (2) one (1).

22 (b) The department of local government finance may, under this
 23 subsection, increase the maximum permissible ad valorem property tax
 24 levy that would otherwise apply to a civil taxing unit under section 3
 25 of this chapter to meet the civil taxing unit's obligations to a fire
 26 protection territory established under IC 36-8-19. To obtain an increase
 27 in the civil taxing unit's maximum permissible ad valorem property tax
 28 levy, a civil taxing unit shall submit a petition to the department of
 29 local government finance in the year immediately preceding the first
 30 year in which the civil taxing unit levies a tax to support the fire
 31 protection territory. The petition must be filed before the date specified
 32 in section 12(a)(1) of this chapter of that year. The department of local
 33 government finance shall make a final determination of the civil taxing
 34 unit's budget, ad valorem property tax levy, and property tax rate for the
 35 fire protection territory for the ensuing calendar year. In making its
 36 determination under this subsection, the department of local
 37 government finance shall consider the amount that the civil taxing unit
 38 is obligated to provide to meet the expenses of operation and
 39 maintenance of the fire protection services within the territory,
 40 including the participating unit's reasonable share of an operating
 41 balance for the fire protection territory. The department of local
 42 government finance shall determine the entire amount of the allowable



1 adjustment in the final determination. The department shall order the
 2 adjustment implemented in the amounts and over the number of years,
 3 not exceeding three (3), requested by the petitioning civil taxing unit.
 4 However, the department of local government finance may not approve
 5 under this subsection a property tax levy greater than zero (0) if the
 6 civil taxing unit did not exist as of the assessment date for which the
 7 tax levy will be imposed. For purposes of applying this subsection to
 8 the civil taxing unit's maximum permissible ad valorem property tax
 9 levy in subsequent calendar years, the department of local government
 10 finance may determine not to consider part or all of the part of the
 11 property tax levy imposed to establish the operating balance of the fire
 12 protection territory.

13 SECTION 7. IC 6-1.1-18.5-13, AS AMENDED BY P.L.86-2018,
 14 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2020]: Sec. 13. (a) With respect to an appeal filed under
 16 section 12 of this chapter, the department may find that a civil taxing
 17 unit should receive any one (1) or more of the following types of relief:

18 (1) Permission to the civil taxing unit to increase its levy in excess
 19 of the limitations established under section 3 of this chapter, if in
 20 the judgment of the department the increase is reasonably
 21 necessary due to increased costs of the civil taxing unit resulting
 22 from annexation, consolidation, or other extensions of
 23 governmental services by the civil taxing unit to additional
 24 geographic areas. With respect to annexation, consolidation, or
 25 other extensions of governmental services in a calendar year, if
 26 those increased costs are incurred by the civil taxing unit in that
 27 calendar year and more than one (1) immediately succeeding
 28 calendar year, the unit may appeal under section 12 of this chapter
 29 for permission to increase its levy under this subdivision based on
 30 those increased costs in any of the following:

31 (A) The first calendar year in which those costs are incurred.

32 (B) One (1) or more of the immediately succeeding four (4)
 33 calendar years.

34 (2) Permission to the civil taxing unit to increase its levy in excess
 35 of the limitations established under section 3 of this chapter, if the
 36 department finds that the quotient determined under STEP SIX of
 37 the following formula is equal to or greater than one and
 38 two-hundredths (1.02):

39 STEP ONE: Determine the three (3) calendar years that most
 40 immediately precede the ensuing calendar year.

41 STEP TWO: Compute separately, for each of the calendar
 42 years determined in STEP ONE, the quotient (rounded to the



1 nearest ten-thousandth (0.0001) of the sum of the civil taxing
 2 unit's total assessed value of all taxable property and:

3 (i) for a particular calendar year before 2007, the total
 4 assessed value of property tax deductions in the unit under
 5 IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular
 6 calendar year; or

7 (ii) for a particular calendar year after 2006, the total
 8 assessed value of property tax deductions that applied in the
 9 unit under IC 6-1.1-12-42 in 2006 plus for a particular
 10 calendar year after 2009, the total assessed value of property
 11 tax deductions that applied in the unit under
 12 IC 6-1.1-12-37.5 in 2008;

13 divided by the sum determined under this STEP for the
 14 calendar year immediately preceding the particular calendar
 15 year.

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

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

22 (i) for a particular calendar year before 2007, the total
 23 assessed value of property tax deductions in all counties
 24 under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the
 25 particular calendar year; or

26 (ii) for a particular calendar year after 2006, the total
 27 assessed value of property tax deductions that applied in all
 28 counties under IC 6-1.1-12-42 in 2006 plus for a particular
 29 calendar year after 2009, the total assessed value of property
 30 tax deductions that applied in the unit under
 31 IC 6-1.1-12-37.5 in 2008;

32 divided by the sum determined under this STEP for the
 33 calendar year immediately preceding the particular calendar
 34 year.

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

37 STEP SIX: Divide the STEP THREE amount by the STEP
 38 FIVE amount.

39 The civil taxing unit may increase its levy by a percentage not
 40 greater than the percentage by which the STEP THREE amount
 41 exceeds the percentage by which the civil taxing unit may
 42 increase its levy under section 3 of this chapter based on the **civil**



1 **taxing unit's** assessed value growth quotient determined under
2 section 2 of this chapter.

3 (3) A levy increase may be granted under this subdivision only for
4 property taxes first due and payable after December 31, 2008.
5 Permission to a civil taxing unit to increase its levy in excess of
6 the limitations established under section 3 of this chapter if the
7 civil taxing unit cannot carry out its governmental functions for
8 an ensuing calendar year under the levy limitations imposed by
9 section 3 of this chapter due to a natural disaster, an accident, or
10 another unanticipated emergency.

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

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

18 (2) the sum of:

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

23 (B) any previous permanent increases to the city's levy that
24 were authorized to account for the transfer to the state of the
25 responsibility to pay benefits to members of the 1925 police
26 pension fund (IC 36-8-6) and the 1937 firefighters' pension
27 fund (IC 36-8-7).

28 SECTION 8. IC 6-1.1-20-1.1, AS AMENDED BY P.L.246-2017,
29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2020]: Sec. 1.1. As used in this chapter, "controlled project"
31 means any project financed by bonds or a lease, except for the
32 following:

33 (1) A project for which the political subdivision reasonably
34 expects to pay:

35 (A) debt service; or

36 (B) lease rentals;

37 from funds other than property taxes that are exempt from the
38 levy limitations of IC 6-1.1-18.5 or (before January 1, 2009)
39 IC 20-45-3. A project is not a controlled project even though the
40 political subdivision has pledged to levy property taxes to pay the
41 debt service or lease rentals if those other funds are insufficient.

42 (2) A project that will not cost the political subdivision more than



1 the lesser of the following:

2 (A) An amount equal to the following:

3 (i) In the case of an ordinance or resolution adopted before
4 January 1, 2018, making a preliminary determination to
5 issue bonds or enter into a lease for the project, two million
6 dollars (\$2,000,000).

7 (ii) In the case of an ordinance or resolution adopted after
8 December 31, 2017, and before January 1, 2019, making a
9 preliminary determination to issue bonds or enter into a
10 lease for the project, five million dollars (\$5,000,000).

11 (iii) In the case of an ordinance or resolution adopted in a
12 calendar year after December 31, 2018, making a
13 preliminary determination to issue bonds or enter into a
14 lease for the project, an amount (as determined by the
15 department of local government finance) equal to the result
16 of the **political subdivision's** assessed value growth
17 quotient determined under IC 6-1.1-18.5-2 for the year
18 multiplied by the amount determined under this clause for
19 the preceding calendar year.

20 The department of local government finance shall publish the
21 threshold determined under item (iii) in the Indiana Register
22 under IC 4-22-7-7 not more than sixty (60) days after the date
23 the budget agency releases the growth quotient for the ensuing
24 year under IC 6-1.1-18.5-2.

25 (B) An amount equal to the following:

26 (i) One percent (1%) of the total gross assessed value of
27 property within the political subdivision on the last
28 assessment date, if that total gross assessed value is more
29 than one hundred million dollars (\$100,000,000).

30 (ii) One million dollars (\$1,000,000), if the total gross
31 assessed value of property within the political subdivision
32 on the last assessment date is not more than one hundred
33 million dollars (\$100,000,000).

34 (3) A project that is being refinanced for the purpose of providing
35 gross or net present value savings to taxpayers.

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

40 (5) A project that is required by a court order holding that a
41 federal law mandates the project.

42 (6) A project that is in response to:



- 1 (A) a natural disaster;
- 2 (B) an accident; or
- 3 (C) an emergency;
- 4 in the political subdivision that makes a building or facility
- 5 unavailable for its intended use.
- 6 (7) A project that was not a controlled project under this section
- 7 as in effect on June 30, 2008, and for which:
- 8 (A) the bonds or lease for the project were issued or entered
- 9 into before July 1, 2008; or
- 10 (B) the issuance of the bonds or the execution of the lease for
- 11 the project was approved by the department of local
- 12 government finance before July 1, 2008.
- 13 (8) A project of the Little Calumet River basin development
- 14 commission for which bonds are payable from special
- 15 assessments collected under IC 14-13-2-18.6.
- 16 SECTION 9. IC 6-1.1-20-3.1, AS AMENDED BY P.L.246-2017,
- 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2020]: Sec. 3.1. (a) Subject to section 3.5(a)(1)(C) of this
- 19 chapter, this section applies only to the following:
- 20 (1) A controlled project (as defined in section 1.1 of this chapter
- 21 as in effect June 30, 2008) for which the proper officers of a
- 22 political subdivision make a preliminary determination in the
- 23 manner described in subsection (b) before July 1, 2008.
- 24 (2) An elementary school building, middle school building, high
- 25 school building, or other school building for academic instruction
- 26 that:
- 27 (A) is a controlled project;
- 28 (B) will be used for any combination of kindergarten through
- 29 grade 12; and
- 30 (C) will not cost more than the lesser of the following:
- 31 (i) The threshold amount determined under this item. In the
- 32 case of an ordinance or resolution adopted before January 1,
- 33 2018, making a preliminary determination to issue bonds or
- 34 enter into a lease for the project, the threshold amount is ten
- 35 million dollars (\$10,000,000). In the case of an ordinance or
- 36 resolution adopted after December 31, 2017, and before
- 37 January 1, 2019, making a preliminary determination to
- 38 issue bonds or enter into a lease for the project, the threshold
- 39 amount is fifteen million dollars (\$15,000,000). In the case
- 40 of an ordinance or resolution adopted in a calendar year after
- 41 December 31, 2018, making a preliminary determination to
- 42 issue bonds or enter into a lease for the project, the threshold



1 amount is an amount (as determined by the department of
 2 local government finance) equal to the result of the **school**
 3 **corporation's** assessed value growth quotient determined
 4 under IC 6-1.1-18.5-2 for the year multiplied by the
 5 threshold amount determined under this item for the
 6 preceding calendar year. In the case of a threshold amount
 7 determined under this item that applies for a calendar year
 8 after December 31, 2018, the department of local
 9 government finance shall publish the threshold in the
 10 Indiana Register under IC 4-22-7-7 not more than sixty (60)
 11 days after the date the budget agency releases the assessed
 12 value growth ~~quotient~~ **quotients** for the ensuing year under
 13 IC 6-1.1-18.5-2.

14 (ii) An amount equal to one percent (1%) of the total gross
 15 assessed value of property within the political subdivision
 16 on the last assessment date, if that total gross assessed value
 17 is more than one billion dollars (\$1,000,000,000), or ten
 18 million dollars (\$10,000,000), if the total gross assessed
 19 value of property within the political subdivision on the last
 20 assessment date is not more than one billion dollars
 21 (\$1,000,000,000).

22 (3) Any other controlled project that:

23 (A) is not a controlled project described in subdivision (1) or
 24 (2); and

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

27 (i) The threshold amount determined under this item. In the
 28 case of an ordinance or resolution adopted before January 1,
 29 2018, making a preliminary determination to issue bonds or
 30 enter into a lease for the project, the threshold amount is
 31 twelve million dollars (\$12,000,000). In the case of an
 32 ordinance or resolution adopted after December 31, 2017,
 33 and before January 1, 2019, making a preliminary
 34 determination to issue bonds or enter into a lease for the
 35 project, the threshold amount is fifteen million dollars
 36 (\$15,000,000). In the case of an ordinance or resolution
 37 adopted in a calendar year after December 31, 2018, making
 38 a preliminary determination to issue bonds or enter into a
 39 lease for the project, the threshold amount is an amount (as
 40 determined by the department of local government finance)
 41 equal to the result of the **political subdivision's** assessed
 42 value growth quotient determined under IC 6-1.1-18.5-2 for



1 the year multiplied by the threshold amount determined
 2 under this item for the preceding calendar year. In the case
 3 of a threshold amount determined under this item that
 4 applies for a calendar year after December 31, 2018, the
 5 department of local government finance shall publish the
 6 threshold in the Indiana Register under IC 4-22-7-7 not more
 7 than sixty (60) days after the date the budget agency releases
 8 the assessed value growth ~~quotient~~ **quotients** for the ensuing
 9 year under IC 6-1.1-18.5-2.

10 (ii) An amount equal to one percent (1%) of the total gross
 11 assessed value of property within the political subdivision
 12 on the last assessment date, if that total gross assessed value
 13 is more than one hundred million dollars (\$100,000,000), or
 14 one million dollars (\$1,000,000), if the total gross assessed
 15 value of property within the political subdivision on the last
 16 assessment date is not more than one hundred million
 17 dollars (\$100,000,000).

18 (b) A political subdivision may not impose property taxes to pay
 19 debt service on bonds or lease rentals on a lease for a controlled project
 20 without completing the following procedures:

21 (1) The proper officers of a political subdivision shall publish
 22 notice in accordance with IC 5-3-1 and send notice by first class
 23 mail to the circuit court clerk and to any organization that delivers
 24 to the officers, before January 1 of that year, an annual written
 25 request for such notices of any meeting to consider adoption of a
 26 resolution or an ordinance making a preliminary determination to
 27 issue bonds or enter into a lease and shall conduct at least two (2)
 28 public hearings on a preliminary determination before adoption
 29 of the resolution or ordinance. The political subdivision must at
 30 each of the public hearings on the preliminary determination
 31 allow the public to testify regarding the preliminary determination
 32 and must make the following information available to the public
 33 at each of the public hearings on the preliminary determination,
 34 in addition to any other information required by law:

35 (A) The result of the political subdivision's current and
 36 projected annual debt service payments divided by the net
 37 assessed value of taxable property within the political
 38 subdivision.

39 (B) The result of:

40 (i) the sum of the political subdivision's outstanding long
 41 term debt plus the outstanding long term debt of other taxing
 42 units that include any of the territory of the political



- 1 subdivision; divided by
- 2 (ii) the net assessed value of taxable property within the
- 3 political subdivision.
- 4 (C) The information specified in subdivision (3)(A) through
- 5 (3)(H).
- 6 (2) When the proper officers of a political subdivision make a
- 7 preliminary determination to issue bonds or enter into a lease for
- 8 a controlled project, the officers shall give notice of the
- 9 preliminary determination by:
- 10 (A) publication in accordance with IC 5-3-1; and
- 11 (B) first class mail to the circuit court clerk and to the
- 12 organizations described in subdivision (1).
- 13 (3) A notice under subdivision (2) of the preliminary
- 14 determination of the political subdivision to issue bonds or enter
- 15 into a lease for a controlled project must include the following
- 16 information:
- 17 (A) The maximum term of the bonds or lease.
- 18 (B) The maximum principal amount of the bonds or the
- 19 maximum lease rental for the lease.
- 20 (C) The estimated interest rates that will be paid and the total
- 21 interest costs associated with the bonds or lease.
- 22 (D) The purpose of the bonds or lease.
- 23 (E) A statement that any owners of property within the
- 24 political subdivision or registered voters residing within the
- 25 political subdivision who want to initiate a petition and
- 26 remonstrance process against the proposed debt service or
- 27 lease payments must file a petition that complies with
- 28 subdivisions (4) and (5) not later than thirty (30) days after
- 29 publication in accordance with IC 5-3-1.
- 30 (F) With respect to bonds issued or a lease entered into to
- 31 open:
- 32 (i) a new school facility; or
- 33 (ii) an existing facility that has not been used for at least
- 34 three (3) years and that is being reopened to provide
- 35 additional classroom space;
- 36 the estimated costs the school corporation expects to incur
- 37 annually to operate the facility.
- 38 (G) A statement of whether the school corporation expects to
- 39 appeal for a new facility adjustment (as defined in
- 40 IC 20-45-1-16 (repealed) before January 1, 2009) for an
- 41 increased maximum permissible tuition support levy to pay the
- 42 estimated costs described in clause (F).



- 1 (H) The following information:
 2 (i) The political subdivision's current debt service levy and
 3 rate.
 4 (ii) The estimated increase to the political subdivision's debt
 5 service levy and rate that will result if the political
 6 subdivision issues the bonds or enters into the lease.
 7 (iii) The estimated amount of the political subdivision's debt
 8 service levy and rate that will result during the following ten
 9 (10) years if the political subdivision issues the bonds or
 10 enters into the lease, after also considering any changes that
 11 will occur to the debt service levy and rate during that
 12 period on account of any outstanding bonds or lease
 13 obligations that will mature or terminate during that period.
 14 (I) The information specified in subdivision (1)(A) through
 15 (1)(B).
 16 (4) After notice is given, a petition requesting the application of
 17 a petition and remonstrance process may be filed by the lesser of:
 18 (A) five hundred (500) persons who are either owners of
 19 property within the political subdivision or registered voters
 20 residing within the political subdivision; or
 21 (B) five percent (5%) of the registered voters residing within
 22 the political subdivision.
 23 (5) The state board of accounts shall design and, upon request by
 24 the county voter registration office, deliver to the county voter
 25 registration office or the county voter registration office's
 26 designated printer the petition forms to be used solely in the
 27 petition process described in this section. The county voter
 28 registration office shall issue to an owner or owners of property
 29 within the political subdivision or a registered voter residing
 30 within the political subdivision the number of petition forms
 31 requested by the owner or owners or the registered voter. Each
 32 form must be accompanied by instructions detailing the
 33 requirements that:
 34 (A) the carrier and signers must be owners of property or
 35 registered voters;
 36 (B) the carrier must be a signatory on at least one (1) petition;
 37 (C) after the signatures have been collected, the carrier must
 38 swear or affirm before a notary public that the carrier
 39 witnessed each signature; and
 40 (D) govern the closing date for the petition period.
 41 Persons requesting forms may be required to identify themselves
 42 as owners of property or registered voters and may be allowed to



1 pick up additional copies to distribute to other owners of property
2 or registered voters. Each person signing a petition must indicate
3 whether the person is signing the petition as a registered voter
4 within the political subdivision or is signing the petition as the
5 owner of property within the political subdivision. A person who
6 signs a petition as a registered voter must indicate the address at
7 which the person is registered to vote. A person who signs a
8 petition as an owner of property must indicate the address of the
9 property owned by the person in the political subdivision.

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

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

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

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

36 (B) whether a person who signed the petition as an owner of
37 property within the political subdivision does in fact own
38 property within the political subdivision.

39 (9) The county voter registration office, not more than ten (10)
40 business days after determining that at least five hundred
41 twenty-five (525) persons who signed the petition are registered
42 voters or receiving the statement from the county auditor under



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

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

35 (A) the township trustee, if the political subdivision is a
36 township, who shall present the petition or petitions to the
37 township board; or

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

41 within thirty-five (35) business days of the filing of the petition
42 requesting a petition and remonstrance process. The certificate



1 must state the number of petitioners that are owners of property
 2 within the political subdivision and the number of petitioners who
 3 are registered voters residing within the political subdivision.

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

9 (c) A political subdivision may not divide a controlled project in
 10 order to avoid the requirements of this section and section 3.2 of this
 11 chapter. A person that owns property within a political subdivision or
 12 a person that is a registered voter residing within a political subdivision
 13 may file a petition with the department of local government finance
 14 objecting that the political subdivision has divided a controlled project
 15 in order to avoid the requirements of this section and section 3.2 of this
 16 chapter. The petition must be filed not more than ten (10) days after the
 17 political subdivision gives notice of the political subdivision's decision
 18 to issue bonds or enter into leases for a capital project that the person
 19 believes is the result of a division of a controlled project that is
 20 prohibited by this subsection. If the department of local government
 21 finance receives a petition under this subsection, the department shall
 22 not later than thirty (30) days after receiving the petition make a final
 23 determination on the issue of whether the political subdivision divided
 24 a controlled project in order to avoid the requirements of this section
 25 and section 3.2 of this chapter. If the department of local government
 26 finance determines that a political subdivision divided a controlled
 27 project in order to avoid the requirements of this section and section
 28 3.2 of this chapter and the political subdivision continues to desire to
 29 proceed with the project, the political subdivision shall fulfill the
 30 requirements of this section and section 3.2 of this chapter, if
 31 applicable, regardless of the cost of the project in dispute. A political
 32 subdivision shall be considered to have divided a capital project in
 33 order to avoid the requirements of this section and section 3.2 of this
 34 chapter if the result of one (1) or more of the subprojects cannot
 35 reasonably be considered an independently desirable end in itself
 36 without reference to another capital project. This subsection does not
 37 prohibit a political subdivision from undertaking a series of capital
 38 projects in which the result of each capital project can reasonably be
 39 considered an independently desirable end in itself without reference
 40 to another capital project.

41 SECTION 10. IC 6-1.1-20-3.5, AS AMENDED BY P.L.272-2019,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2020]: Sec. 3.5. (a) This section applies only to a controlled
 2 project that meets the following conditions:

3 (1) The controlled project is described in one (1) of the following
 4 categories:

5 (A) An elementary school building, middle school building,
 6 high school building, or other school building for academic
 7 instruction that will be used for any combination of
 8 kindergarten through grade 12 and will cost more than the
 9 lesser of the following:

10 (i) The threshold amount determined under this item. In the
 11 case of an ordinance or resolution adopted before January 1,
 12 2018, making a preliminary determination to issue bonds or
 13 enter into a lease for the project, the threshold amount is ten
 14 million dollars (\$10,000,000). In the case of an ordinance or
 15 resolution adopted after December 31, 2017, and before
 16 January 1, 2019, making a preliminary determination to
 17 issue bonds or enter into a lease for the project, the threshold
 18 amount is fifteen million dollars (\$15,000,000). In the case
 19 of an ordinance or resolution adopted in a calendar year after
 20 December 31, 2018, making a preliminary determination to
 21 issue bonds or enter into a lease for the project, the threshold
 22 amount is an amount (as determined by the department of
 23 local government finance) equal to the result of the **school**
 24 **corporation's** assessed value growth quotient determined
 25 under IC 6-1.1-18.5-2 for the year multiplied by the
 26 threshold amount determined under this item for the
 27 preceding calendar year. In the case of a threshold amount
 28 determined under this item that applies for a calendar year
 29 after December 31, 2018, the department of local
 30 government finance shall publish the threshold in the
 31 Indiana Register under IC 4-22-7-7 not more than sixty (60)
 32 days after the date the budget agency releases the assessed
 33 value growth ~~quotient~~ **quotients** for the ensuing year under
 34 IC 6-1.1-18.5-2.

35 (ii) An amount equal to one percent (1%) of the total gross
 36 assessed value of property within the political subdivision
 37 on the last assessment date, if that total gross assessed value
 38 is more than one billion dollars (\$1,000,000,000), or ten
 39 million dollars (\$10,000,000), if the total gross assessed
 40 value of property within the political subdivision on the last
 41 assessment date is not more than one billion dollars
 42 (\$1,000,000,000).



1 (B) Any other controlled project that is not a controlled project
 2 described in clause (A) and will cost the political subdivision
 3 more than the lesser of the following:

4 (i) The threshold amount determined under this item. In the
 5 case of an ordinance or resolution adopted before January 1,
 6 2018, making a preliminary determination to issue bonds or
 7 enter into a lease for the project, the threshold amount is
 8 twelve million dollars (\$12,000,000). In the case of an
 9 ordinance or resolution adopted after December 31, 2017,
 10 and before January 1, 2019, making a preliminary
 11 determination to issue bonds or enter into a lease for the
 12 project, the threshold amount is fifteen million dollars
 13 (\$15,000,000). In the case of an ordinance or resolution
 14 adopted in a calendar year after December 31, 2018, making
 15 a preliminary determination to issue bonds or enter into a
 16 lease for the project, the threshold amount is an amount (as
 17 determined by the department of local government finance)
 18 equal to the result of the **political subdivision's** assessed
 19 value growth quotient determined under IC 6-1.1-18.5-2 for
 20 the year multiplied by the threshold amount determined
 21 under this item for the preceding calendar year. In the case
 22 of a threshold amount determined under this item that
 23 applies for a calendar year after December 31, 2018, the
 24 department of local government finance shall publish the
 25 threshold in the Indiana Register under IC 4-22-7-7 not more
 26 than sixty (60) days after the date the budget agency releases
 27 the assessed value growth ~~quotient~~ **quotients** for the ensuing
 28 year under IC 6-1.1-18.5-2.

29 (ii) An amount equal to one percent (1%) of the total gross
 30 assessed value of property within the political subdivision
 31 on the last assessment date, if that total gross assessed value
 32 is more than one hundred million dollars (\$100,000,000), or
 33 one million dollars (\$1,000,000), if the total gross assessed
 34 value of property within the political subdivision on the last
 35 assessment date is not more than one hundred million
 36 dollars (\$100,000,000).

37 (C) Any other controlled project for which a political
 38 subdivision adopts an ordinance or resolution making a
 39 preliminary determination to issue bonds or enter into a lease
 40 for the project, if the sum of:

- 41 (i) the cost of that controlled project; plus
 42 (ii) the costs of all other controlled projects for which the



1 political subdivision has previously adopted within the
 2 preceding three hundred sixty-five (365) days an ordinance
 3 or resolution making a preliminary determination to issue
 4 bonds or enter into a lease for those other controlled
 5 projects;

6 exceeds twenty-five million dollars (\$25,000,000).

7 (2) The proper officers of the political subdivision make a
 8 preliminary determination after June 30, 2008, in the manner
 9 described in subsection (b) to issue bonds or enter into a lease for
 10 the controlled project.

11 (b) Subject to subsection (d), a political subdivision may not impose
 12 property taxes to pay debt service on bonds or lease rentals on a lease
 13 for a controlled project without completing the following procedures:

14 (1) The proper officers of a political subdivision shall publish
 15 notice in accordance with IC 5-3-1 and send notice by first class
 16 mail to the circuit court clerk and to any organization that delivers
 17 to the officers, before January 1 of that year, an annual written
 18 request for notices of any meeting to consider the adoption of an
 19 ordinance or a resolution making a preliminary determination to
 20 issue bonds or enter into a lease and shall conduct at least two (2)
 21 public hearings on the preliminary determination before adoption
 22 of the ordinance or resolution. The political subdivision must at
 23 each of the public hearings on the preliminary determination
 24 allow the public to testify regarding the preliminary determination
 25 and must make the following information available to the public
 26 at each of the public hearings on the preliminary determination,
 27 in addition to any other information required by law:

28 (A) The result of the political subdivision's current and
 29 projected annual debt service payments divided by the net
 30 assessed value of taxable property within the political
 31 subdivision.

32 (B) The result of:

33 (i) the sum of the political subdivision's outstanding long
 34 term debt plus the outstanding long term debt of other taxing
 35 units that include any of the territory of the political
 36 subdivision; divided by

37 (ii) the net assessed value of taxable property within the
 38 political subdivision.

39 (C) The information specified in subdivision (3)(A) through
 40 (3)(G).

41 (2) If the proper officers of a political subdivision make a
 42 preliminary determination to issue bonds or enter into a lease, the



- 1 officers shall give notice of the preliminary determination by:
- 2 (A) publication in accordance with IC 5-3-1; and
- 3 (B) first class mail to the circuit court clerk and to the
- 4 organizations described in subdivision (1).
- 5 (3) A notice under subdivision (2) of the preliminary
- 6 determination of the political subdivision to issue bonds or enter
- 7 into a lease must include the following information:
- 8 (A) The maximum term of the bonds or lease.
- 9 (B) The maximum principal amount of the bonds or the
- 10 maximum lease rental for the lease.
- 11 (C) The estimated interest rates that will be paid and the total
- 12 interest costs associated with the bonds or lease.
- 13 (D) The purpose of the bonds or lease.
- 14 (E) A statement that the proposed debt service or lease
- 15 payments must be approved in an election on a local public
- 16 question held under section 3.6 of this chapter.
- 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 annually
- 24 incur to operate the facility.
- 25 (G) The following information:
- 26 (i) The political subdivision's current debt service levy and
- 27 rate.
- 28 (ii) The estimated increase to the political subdivision's debt
- 29 service levy and rate that will result if the political
- 30 subdivision issues the bonds or enters into the lease.
- 31 (iii) The estimated amount of the political subdivision's debt
- 32 service levy and rate that will result during the following ten
- 33 (10) years if the political subdivision issues the bonds or
- 34 enters into the lease, after also considering any changes that
- 35 will occur to the debt service levy and rate during that
- 36 period on account of any outstanding bonds or lease
- 37 obligations that will mature or terminate during that period.
- 38 (H) The information specified in subdivision (1)(A) through
- 39 (1)(B).
- 40 (4) After notice is given, a petition requesting the application of
- 41 the local public question process under section 3.6 of this chapter
- 42 may be filed by the lesser of:



- 1 (A) five hundred (500) persons who are either owners of
 2 property within the political subdivision or registered voters
 3 residing within the political subdivision; or
 4 (B) five percent (5%) of the registered voters residing within
 5 the political subdivision.
- 6 (5) The state board of accounts shall design and, upon request by
 7 the county voter registration office, deliver to the county voter
 8 registration office or the county voter registration office's
 9 designated printer the petition forms to be used solely in the
 10 petition process described in this section. The county voter
 11 registration office shall issue to an owner or owners of property
 12 within the political subdivision or a registered voter residing
 13 within the political subdivision the number of petition forms
 14 requested by the owner or owners or the registered voter. Each
 15 form must be accompanied by instructions detailing the
 16 requirements that:
- 17 (A) the carrier and signers must be owners of property or
 18 registered voters;
 19 (B) the carrier must be a signatory on at least one (1) petition;
 20 (C) after the signatures have been collected, the carrier must
 21 swear or affirm before a notary public that the carrier
 22 witnessed each signature; and
 23 (D) govern the closing date for the petition period.
- 24 Persons requesting forms may be required to identify themselves
 25 as owners of property or registered voters and may be allowed to
 26 pick up additional copies to distribute to other owners of property
 27 or registered voters. Each person signing a petition must indicate
 28 whether the person is signing the petition as a registered voter
 29 within the political subdivision or is signing the petition as the
 30 owner of property within the political subdivision. A person who
 31 signs a petition as a registered voter must indicate the address at
 32 which the person is registered to vote. A person who signs a
 33 petition as an owner of property must indicate the address of the
 34 property owned by the person in the political subdivision.
- 35 (6) Each petition must be verified under oath by at least one (1)
 36 qualified petitioner in a manner prescribed by the state board of
 37 accounts before the petition is filed with the county voter
 38 registration office under subdivision (7).
- 39 (7) Each petition must be filed with the county voter registration
 40 office not more than thirty (30) days after publication under
 41 subdivision (2) of the notice of the preliminary determination.
- 42 (8) The county voter registration office shall determine whether



1 each person who signed the petition is a registered voter.
2 However, after the county voter registration office has determined
3 that at least five hundred twenty-five (525) persons who signed
4 the petition are registered voters within the political subdivision,
5 the county voter registration office is not required to verify
6 whether the remaining persons who signed the petition are
7 registered voters. If the county voter registration office does not
8 determine that at least five hundred twenty-five (525) persons
9 who signed the petition are registered voters, the county voter
10 registration office, not more than fifteen (15) business days after
11 receiving a petition, shall forward a copy of the petition to the
12 county auditor. Not more than ten (10) business days after
13 receiving the copy of the petition, the county auditor shall provide
14 to the county voter registration office a statement verifying:

15 (A) whether a person who signed the petition as a registered
16 voter but is not a registered voter, as determined by the county
17 voter registration office, is the owner of property in the
18 political subdivision; and

19 (B) whether a person who signed the petition as an owner of
20 property within the political subdivision does in fact own
21 property within the political subdivision.

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



1 chapter, regardless of whether the person owns more than one (1)
 2 parcel of real property, mobile home assessed as personal
 3 property, or manufactured home assessed as personal property or
 4 a combination of those types of property within the political
 5 subdivision and regardless of whether the person is both a
 6 registered voter in the political subdivision and the owner of
 7 property within the political subdivision. Notwithstanding any
 8 other provision of this section, if a petition is presented to the
 9 county voter registration office within forty-five (45) days before
 10 an election, the county voter registration office may defer acting
 11 on the petition, and the time requirements under this section for
 12 action by the county voter registration office do not begin to run
 13 until five (5) days after the date of the election.

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

16 (A) the township trustee, if the political subdivision is a
 17 township, who shall present the petition or petitions to the
 18 township board; or

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

22 within thirty-five (35) business days of the filing of the petition
 23 requesting the referendum process. The certificate must state the
 24 number of petitioners who are owners of property within the
 25 political subdivision and the number of petitioners who are
 26 registered voters residing within the political subdivision.

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

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

35 (1) a copy of the notice required by subsection (b)(2); and

36 (2) any other information the county auditor requires to fulfill the
 37 county auditor's duties under section 3.6 of this chapter.

38 (d) In addition to the procedures in subsection (b), if any capital
 39 improvement components addressed in the most recent:

40 (1) threat assessment of the buildings within the school
 41 corporation; or

42 (2) school safety plan (as described in IC 20-26-18.2-2(b));



1 concerning a particular school have not been completed or require
 2 additional funding to be completed, before the school corporation may
 3 impose property taxes to pay debt service on bonds or lease rentals for
 4 a lease for a controlled project, and in addition to any other components
 5 of the controlled project, the controlled project must include any capital
 6 improvements necessary to complete those components described in
 7 subdivisions (1) and (2) that have not been completed or that require
 8 additional funding to be completed.

9 SECTION 11. IC 12-29-1-1, AS AMENDED BY P.L.184-2016,
 10 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2020]: Sec. 1. (a) The county executive of a county may
 12 authorize the furnishing of financial assistance to a community
 13 intellectual disability and other developmental disabilities center that
 14 is located or will be located in the county.

15 (b) Assistance authorized under this section shall be used for the
 16 following purposes:

- 17 (1) Constructing a center.
- 18 (2) Operating a center.

19 (c) Upon request of the county executive, the county fiscal body
 20 may appropriate annually from the county's general fund the money to
 21 provide financial assistance for the purposes described in subsection
 22 (b). For property taxes first due and payable before January 1, 2017, the
 23 appropriation may not exceed the amount that could be collected from
 24 an annual tax levy of not more than three and thirty-three hundredths
 25 cents (\$0.0333) on each one hundred dollars (\$100) of taxable property
 26 within the county.

27 (d) For property taxes first due and payable after December 31,
 28 2016, the maximum allowable appropriation for the purposes described
 29 in subsection (b) is equal to the result of:

- 30 (1) the maximum allowable appropriation by the county for the
 31 preceding year; multiplied by
- 32 (2) the **county's** assessed value growth quotient determined under
 33 IC 6-1.1-18.5-2 for the year.

34 (e) For purposes of this subsection, "first calendar year" refers to the
 35 first calendar year after 2008 in which the county imposes an ad
 36 valorem property tax levy for the county general fund to provide
 37 financial assistance under this chapter. If a county did not provide
 38 financial assistance under this chapter in 2008, the county for a
 39 following calendar year:

- 40 (1) may propose a financial assistance budget; and
- 41 (2) shall refer its proposed financial assistance budget for the first
 42 calendar year to the department of local government finance



1 before the tax levy is advertised.

2 The ad valorem property tax levy to fund the budget for the first
3 calendar year is subject to review and approval under IC 6-1.1-18.5-10.

4 SECTION 12. IC 12-29-1-2, AS AMENDED BY P.L.184-2016,
5 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2020]: Sec. 2. (a) If a community intellectual disability and
7 other developmental disabilities center is organized to provide services
8 to at least two (2) counties, the county executive of each county may
9 authorize the furnishing of financial assistance for the purposes
10 described in section 1(b) of this chapter.

11 (b) Upon the request of the county executive of the county, the
12 county fiscal body of each county may appropriate annually from the
13 county's general fund the money to provide financial assistance for the
14 purposes described in section 1(b) of this chapter. For property taxes
15 first due and payable before January 1, 2017, the appropriation of each
16 county may not exceed the amount that could be collected from an
17 annual tax levy of three and thirty-three hundredths cents (\$0.0333) on
18 each one hundred dollars (\$100) of taxable property within the county.

19 (c) For property taxes first due and payable after December 31,
20 2016, the maximum allowable appropriation by each county for the
21 purposes described in section 1(b) of this chapter is equal to the result
22 of:

- 23 (1) the maximum allowable appropriation by the county for the
24 preceding year; multiplied by
- 25 (2) the **county's** assessed value growth quotient determined under
26 IC 6-1.1-18.5-2 for the year.

27 SECTION 13. IC 12-29-1-3, AS AMENDED BY P.L.184-2016,
28 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2020]: Sec. 3. (a) The county executive of each county whose
30 residents may receive services from a community intellectual disability
31 and other developmental disabilities center may authorize the
32 furnishing of a share of financial assistance for the purposes described
33 in section 1(b) of this chapter if the following conditions are met:

- 34 (1) The facilities for the center are located in a state adjacent to
35 Indiana.
- 36 (2) The center is organized to provide services to Indiana
37 residents.

38 (b) Upon the request of the county executive of a county, the county
39 fiscal body of the county may appropriate annually from the county's
40 general fund the money to provide financial assistance for the purposes
41 described in section 1(b) of this chapter. For property taxes first due
42 and payable before January 1, 2017, the appropriations of the county



1 may not exceed the amount that could be collected from an annual tax
 2 levy of three and thirty-three hundredths cents (\$0.0333) on each one
 3 hundred dollars (\$100) of taxable property within the county.

4 (c) For property taxes first due and payable after December 31,
 5 2016, the maximum allowable appropriation by the county for the
 6 purposes described in section 1(b) of this chapter is equal to the result
 7 of:

8 (1) the maximum allowable appropriation by the county for the
 9 preceding year; multiplied by

10 (2) the **county's** assessed value growth quotient determined under
 11 IC 6-1.1-18.5-2 for the year.

12 SECTION 14. IC 12-29-2-2, AS AMENDED BY P.L.257-2019,
 13 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 2. (a) A county shall provide funding for the
 15 operation of community mental health centers in the amount
 16 determined under subsection (b) or, in the case of Marion County for
 17 calendar year 2019, calendar year 2020, and calendar year 2021, the
 18 amount determined under subsection (c).

19 (b) Except as provided in subsection (c), the amount of funding
 20 under subsection (a) for a calendar year is equal to the following:

21 (1) The county's maximum appropriation amount for the operation
 22 of community mental health centers determined under this
 23 chapter in the previous calendar year, if the STEP THREE result
 24 under the following formula is less than or equal to zero (0):

25 STEP ONE: Determine the amount of the certified levy for
 26 funds subject to the civil maximum levy in the immediately
 27 preceding calendar year minus the amount of credits granted
 28 under IC 6-1.1-20.6 that were allocated to funds subject to the
 29 civil maximum levy in the immediately preceding calendar
 30 year, as determined by the department of local government
 31 finance under IC 6-1.1-20.6-11.

32 STEP TWO: Determine the amount of the certified levy for
 33 funds subject to the civil maximum levy in the year prior to the
 34 immediately preceding calendar year minus the amount of
 35 credits granted under IC 6-1.1-20.6 that were allocated to
 36 funds subject to the civil maximum levy in the year prior to the
 37 immediately preceding calendar year, as determined by the
 38 department of local government finance under
 39 IC 6-1.1-20.6-11.

40 STEP THREE: Determine the remainder of the STEP ONE
 41 amount minus the STEP TWO amount.

42 (2) If the STEP THREE result under the formula in subdivision



1 (1) is greater than zero (0), then the county's maximum
 2 appropriation amount for the operation of community mental
 3 health centers determined under this chapter in the previous
 4 calendar year, multiplied by the greater of:

5 (A) one (1); or

6 (B) the result of STEP SIX of the following formula:

7 STEP ONE: Determine the **county's** assessed value growth
 8 quotient for the year under IC 6-1.1-18.5 minus one (1).

9 STEP TWO: Determine the amount of the certified levy for
 10 funds subject to the civil maximum levy in the immediately
 11 preceding calendar year minus the amount of credits granted
 12 under IC 6-1.1-20.6 that were allocated to funds subject to
 13 the civil maximum levy in the immediately preceding
 14 calendar year, as determined by the department of local
 15 government finance under IC 6-1.1-20.6-11.

16 STEP THREE: Determine the amount of the certified levy
 17 for funds subject to the civil maximum levy in the
 18 immediately preceding calendar year.

19 STEP FOUR: Determine the result of the STEP TWO
 20 amount divided by the STEP THREE amount.

21 STEP FIVE: Determine the product of the STEP ONE
 22 amount multiplied by the STEP FOUR result.

23 STEP SIX: Determine the STEP FIVE amount plus one (1).

24 The department of local government finance shall verify the maximum
 25 appropriation calculation under this subsection as part of the
 26 certification of the county's budget under IC 6-1.1-17. For taxes due
 27 and payable in 2020, the department of local government finance shall
 28 calculate the maximum appropriation under this subsection as if the
 29 taxes were due and payable in 2019.

30 (c) This subsection applies only in calendar year 2019, calendar year
 31 2020, and calendar year 2021. In the case of Marion County, the
 32 amount of funding under subsection (a) for a calendar year is
 33 determined under this subsection and is equal to the following:

34 (1) For calendar year 2019, the sum of:

35 (A) the actual amount of the appropriations by the county for
 36 community mental health centers under this chapter in 2018;
 37 plus

38 (B) the result of thirty-three percent (33%) multiplied by the
 39 result of:

40 (i) the amount that would have, except for the application of
 41 this subsection, applied to the county under subsection (b)
 42 for calendar year 2019; minus



- 1 (ii) the actual amount of the appropriations by the county for
- 2 community mental health centers under this chapter in 2018.
- 3 (2) For calendar year 2020, the sum of:
- 4 (A) the actual amount of the appropriations by the county for
- 5 community mental health centers under this chapter in 2019;
- 6 plus
- 7 (B) the result of sixty-six percent (66%) multiplied by the
- 8 result of:
- 9 (i) the amount that would have, except for the application of
- 10 this subsection, applied to the county under subsection (b)
- 11 for calendar year 2020; minus
- 12 (ii) the actual amount of the appropriations by the county for
- 13 community mental health centers under this chapter in 2019.
- 14 (3) For calendar year 2021, the amount that would have, except
- 15 for the application of this subsection, applied to the county under
- 16 subsection (b) for calendar year 2021.

17 The department of local government finance shall verify the maximum
 18 appropriation calculation under this subsection as part of the
 19 certification of the county's budget under IC 6-1.1-17. This subsection
 20 expires January 1, 2022.

21 (d) The funding provided by a county under this section shall be
 22 used solely for:

- 23 (1) the operations of community mental health centers serving the
- 24 county; or
- 25 (2) contributing to the nonfederal share of medical assistance
- 26 payments to community mental health centers serving the county.

27 SECTION 15. IC 13-21-15-3, AS ADDED BY P.L.189-2016,
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2020]: Sec. 3. (a) This section applies to the imposition of
 30 property taxes in a county that:

- 31 (1) dissolves its county solid waste management district as
- 32 described in section 1(a) of this chapter; or
- 33 (2) withdraws from a joint solid waste management district and
- 34 determines that it will no longer be a member of a joint solid
- 35 waste management district or be designated as a county district as
- 36 described in section 2(a) of this chapter.

37 (b) The following apply to a county that dissolves its county solid
 38 waste management district as described in section 1(a) of this chapter:

- 39 (1) Subject to the limitations of this subsection, the authority of
- 40 the county solid waste management district to impose property
- 41 taxes for purposes of this article is transferred to the county.
- 42 (2) For property taxes first due and payable in the first year in



1 which the county no longer has a county solid waste management
 2 district, the department of local government finance shall
 3 establish a separate solid waste management maximum
 4 permissible ad valorem property tax levy for the county that is
 5 equal to:

6 (A) the county solid waste management district's maximum
 7 permissible ad valorem property tax levy for the last year in
 8 which the county solid waste management district was in
 9 existence; multiplied by

10 (B) the **county's** assessed value growth quotient under
 11 IC 6-1.1-18.5-2 that applies to the determination of maximum
 12 permissible ad valorem property tax levies for the first year in
 13 which the county no longer has a county solid waste
 14 management district.

15 (3) Property taxes collected by the county under the property tax
 16 levy authorized under this subsection may be used only for those
 17 purposes for which a property tax levy imposed by a solid waste
 18 management district under this article may be used.

19 (c) The following apply to a county that withdraws from a joint
 20 district and determines that it will no longer be a member of a joint
 21 district or be designated as a county district as described in section 2(a)
 22 of this chapter:

23 (1) Subject to the limitations of this subsection, the county has the
 24 authority to impose property taxes for purposes of this article.

25 (2) For property taxes first due and payable in the first year in
 26 which the county is no longer a member of the joint district, the
 27 department of local government finance shall establish a separate
 28 solid waste management maximum permissible ad valorem
 29 property tax levy for the county that is equal to:

30 (A) the joint solid waste management district's maximum
 31 permissible property tax levy for the last year in which the
 32 county was a member of the joint district; multiplied by

33 (B) a fraction equal to:

34 (i) the certified assessed valuation of the county for taxes
 35 payable in the last year in which the county was a member
 36 of the joint district; divided by

37 (ii) the certified assessed valuation of the joint solid waste
 38 management district for taxes payable in the last year in
 39 which the county was a member of the joint district;
 40 multiplied by

41 (C) the **county's** assessed value growth quotient under
 42 IC 6-1.1-18.5-2 that applies to the determination of maximum



- 1 permissible ad valorem property tax levies for the first year in
 2 which the county is no longer a member of the joint district.
 3 (3) For property taxes first due and payable in the first year in
 4 which the county is no longer a member of the joint district, the
 5 department of local government finance shall reduce the joint
 6 solid waste management district's maximum permissible property
 7 tax levy that would otherwise apply by the amount determined
 8 under subdivision (2) for the withdrawing county.
 9 (4) Property taxes collected by the county under the property tax
 10 levy authorized under this subsection may be used only for those
 11 purposes for which a property tax levy imposed by a solid waste
 12 management district under this article may be used.
- 13 SECTION 16. IC 20-46-8-1, AS AMENDED BY P.L.140-2018,
 14 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2020]: Sec. 1. (a) A school corporation may impose an annual
 16 property tax levy for its operations fund.
 17 (b) For property taxes first due and payable in 2019, the maximum
 18 permissible property tax levy a school corporation may impose for its
 19 operations fund (IC 20-40-18) is the following:
 20 STEP ONE: Determine the sum of the following:
 21 (A) The 2018 maximum permissible transportation levy
 22 determined under IC 20-46-4 (repealed January 1, 2019).
 23 (B) The 2018 maximum permissible school bus replacement
 24 levy determined under IC 20-46-5 (repealed January 1, 2019).
 25 (C) The 2018 amount that would be raised from a capital
 26 projects fund tax rate equal to the sum of:
 27 (i) the maximum capital projects fund rate that the school
 28 corporation was authorized to impose for 2018 under
 29 IC 20-46-6 (repealed January 1, 2019), after any adjustment
 30 under IC 6-1.1-18-12 (but excluding any rate imposed for
 31 qualified utility and insurance costs); plus
 32 (ii) the capital projects fund rate imposed for qualified utility
 33 and insurance costs in 2018.
 34 (D) For school corporations described in IC 36-10-13-7, the
 35 2018 levy as provided in section 6 of this chapter (repealed
 36 January 1, 2019) to provide funding for an art association.
 37 (E) For a school corporation in a county having a population
 38 of more than two hundred fifty thousand (250,000) but less
 39 than two hundred seventy thousand (270,000), the 2018 levy
 40 as provided in section 7 of this chapter (repealed January 1,
 41 2019) to provide funding for a historical society.
 42 (F) For a school corporation described in IC 36-10-14-1, the



- 1 2018 levy as provided in section 8 of this chapter (repealed
2 January 1, 2019) to provide funding for a public playground.
- 3 STEP TWO: Determine the product of:
- 4 (A) The amount determined in STEP ONE, after eliminating
5 the effects of temporary excessive levy appeals and any other
6 temporary adjustments made to each of these levies for 2018
7 (regardless of whether the school corporation imposed the
8 entire amount of that maximum permissible levy for the
9 previous year); multiplied by
- 10 (B) the assessed value growth quotient determined under
11 IC 6-1.1-18.5-2.
- 12 STEP THREE: Determine the result of the following:
- 13 (A) Determine the sum of:
- 14 (i) the amount determined in STEP TWO; plus
- 15 (ii) the amount granted due to an appeal to increase the levy
16 for transportation for 2019.
- 17 (B) Make the school bus replacement adjustment for 2019.
- 18 (c) After 2019, the maximum permissible property tax levy a school
19 corporation may impose for its operations fund for a particular year is
20 the following:
- 21 STEP ONE: Determine the product of:
- 22 (A) the maximum permissible property tax levy for the school
23 corporation's operations fund for the previous year, after
24 eliminating the effects of temporary excessive levy appeals
25 and any other temporary adjustments made to the levy for the
26 previous year (regardless of whether the school corporation
27 imposed the entire amount of the maximum permissible levy
28 for the previous year); multiplied by
- 29 (B) the **school corporation's** assessed value growth quotient
30 determined under IC 6-1.1-18.5-2.
- 31 STEP TWO: Determine the result of the following:
- 32 (A) Determine the sum of:
- 33 (i) the amount determined in STEP ONE; plus
- 34 (ii) the amount granted due to an appeal to increase the
35 maximum permissible operations fund levy for the year
36 under section 3 of this chapter for transportation.
- 37 (B) Make the school bus replacement adjustment permitted by
38 section 4 of this chapter.
- 39 SECTION 17. IC 36-1.5-3-5, AS AMENDED BY P.L.238-2019,
40 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2020]: Sec. 5. (a) This subsection applies to the plan of
42 reorganization of a political subdivision other than a school



1 corporation. The plan of reorganization must specify the amount (if
 2 any) of the decrease that the department of local government finance
 3 shall make to the maximum permissible property tax levies, maximum
 4 permissible property tax rates, and budgets under IC 6-1.1-17 and
 5 IC 6-1.1-18.5 of the reorganized political subdivision to:

6 (1) eliminate double taxation for services or goods provided by
 7 the reorganized political subdivision; or

8 (2) eliminate any excess by which the amount of property taxes
 9 imposed by the reorganized political subdivision exceeds the
 10 amount necessary to pay for services or goods provided under this
 11 article.

12 (b) This subsection applies to a plan of reorganization for a school
 13 corporation. The plan of reorganization must specify the adjustments
 14 that the department of local government finance shall make to the
 15 maximum permissible property tax levies, maximum permissible
 16 property tax rates, and budgets under IC 6-1.1-17 and IC 6-1.1-18.5 of
 17 the reorganized school corporation. The following apply to a school
 18 corporation reorganized under this article:

19 (1) The new maximum permissible tax levy under IC 20-46-8
 20 (operations fund property tax levy) for the first calendar year in
 21 which the reorganization is effective equals the following:

22 STEP ONE: Determine for each school corporation that is part
 23 of the reorganization the sum of the maximum levies under
 24 IC 20-46-8 (operations fund property tax levy) for the ensuing
 25 calendar year, including ~~the~~ **each school corporation's**
 26 assessed value growth quotient (IC 6-1.1-18.5-2) adjustment
 27 for the ensuing calendar year.

28 STEP TWO: Determine the sum of the STEP ONE amounts.

29 STEP THREE: Multiply the STEP TWO amount by one
 30 hundred three percent (103%).

31 (2) The new debt service levy under IC 20-46-7 for the first
 32 calendar year in which the reorganization is effective equals the
 33 sum of the debt service fund levies for each school corporation
 34 that is part of the reorganization that would have been permitted
 35 under IC 20-46-7 in the calendar year.

36 (c) The fiscal body of the reorganized political subdivision shall
 37 determine and certify to the department of local government finance
 38 the amount of the adjustment (if any) under subsection (a).

39 (d) The amount of the adjustment (if any) under subsection (a) or (b)
 40 must comply with the reorganization agreement under which the
 41 political subdivision or school corporation is reorganized under this
 42 article.



1 SECTION 18. IC 36-1.5-4-40.5, AS ADDED BY P.L.255-2013,
 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2020]: Sec. 40.5. The following apply in the case of a
 4 reorganization under this article that includes a township and another
 5 political subdivision:

6 (1) If the township borrowed money from a township fund under
 7 IC 36-6-6-14(c) to pay the operating expenses of the township fire
 8 department or a volunteer fire department before the
 9 reorganization:

10 (A) the reorganized political subdivision is not required to
 11 repay the entire loan during the following year; and

12 (B) the reorganized political subdivision may repay the loan in
 13 installments during the following five (5) years.

14 (2) Except as provided in subdivision (3):

15 (A) the reorganized political subdivision continues to be
 16 responsible after the reorganization for providing township
 17 services in all areas of the township, including within the
 18 territory of a municipality in the township that does not
 19 participate in the reorganization; and

20 (B) the reorganized political subdivision retains the powers of
 21 a township after the reorganization in order to provide
 22 township services as required by clause (A).

23 (3) Powers and duties of the reorganized political subdivision may
 24 be transferred as authorized in an interlocal cooperation
 25 agreement approved under IC 36-1-7 or as authorized in a
 26 cooperative agreement approved under IC 36-1.5-5.

27 (4) If all or part of a municipality in the township is not
 28 participating in the reorganization, not less than ten (10) township
 29 taxpayers who reside within territory that is not participating in
 30 the reorganization may file a petition with the county auditor
 31 protesting the reorganized political subdivision's township
 32 assistance levy. The petition must be filed not more than thirty
 33 (30) days after the reorganized political subdivision finally adopts
 34 the reorganized political subdivision's township assistance levy.
 35 The petition must state the taxpayers' objections and the reasons
 36 why the taxpayers believe the reorganized political subdivision's
 37 township assistance levy is excessive or unnecessary. The county
 38 auditor shall immediately certify a copy of the petition, together
 39 with other data necessary to present the questions involved, to the
 40 department of local government finance. Upon receipt of the
 41 certified petition and other data, the department of local
 42 government finance shall fix a time and place for the hearing of



1 the matter. The hearing shall be held not less than five (5) days
 2 and not more than thirty (30) days after the receipt of the certified
 3 documents. The hearing shall be held in the county where the
 4 petition arose. Notice of the hearing shall be given by the
 5 department of local government finance to the reorganized
 6 political subdivision and to the first ten (10) taxpayer petitioners
 7 listed on the petition by letter. The letter shall be sent to the first
 8 ten (10) taxpayer petitioners at the taxpayers' usual place of
 9 residence at least five (5) days before the date of the hearing.
 10 After the hearing, the department of local government finance
 11 may reduce the reorganized political subdivision's township
 12 assistance levy to the extent that the levy is excessive or
 13 unnecessary. A taxpayer who signed a petition under this
 14 subdivision or a reorganized political subdivision against which
 15 a petition under this subdivision is filed may petition for judicial
 16 review of the final determination of the department of local
 17 government finance under this subdivision. The petition must be
 18 filed in the tax court not more than forty-five (45) days after the
 19 date of the department of local government finance's final
 20 determination.

21 (5) Section 40 of this chapter applies to the debt service levy of
 22 the reorganized political subdivision and to the department of
 23 local government finance's determination of the new maximum
 24 permissible ad valorem property tax levy for the reorganized
 25 political subdivision.

26 (6) The reorganized political subdivision may not borrow money
 27 under IC 36-6-6-14(b) or IC 36-6-6-14(c).

28 (7) The new maximum permissible ad valorem property tax levy
 29 for the reorganized political subdivision's firefighting fund under
 30 IC 36-8-13-4 is equal to:

31 (A) the result of:

32 (i) the maximum permissible ad valorem property tax levy
 33 for the township's firefighting fund under IC 36-8-13-4 in
 34 the year preceding the year in which the reorganization is
 35 effective; multiplied by

36 (ii) the **township's** assessed value growth quotient
 37 applicable for property taxes first due and payable in the
 38 year in which the reorganization is effective; plus

39 (B) any amounts borrowed by the township under
 40 IC 36-6-6-14(b) or IC 36-6-6-14(c) in the year preceding the
 41 year in which the reorganization is effective.

