
HOUSE BILL No. 1260

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 8-22; IC 20-46; IC 33-34-8; IC 33-37; IC 36-1-10; IC 36-7; IC 36-8-8-14.2.

Synopsis: Department of local government finance. Provides that a county assessor shall provide electronic access to property record cards on the county's official Internet web site. Provides that the authority of a property tax assessment board of appeals (county board) is not limited to review the ongoing eligibility of a property for an exemption. Defines the term "taxpayer" for purposes of the procedures for review and appeal of assessments and corrections of errors. Provides that in an appeal, an assessment as last determined by an assessing official or the county board is presumed to equal a property's true tax value until rebutted by evidence presented by the parties. Provides that a county auditor shall submit a certified statement to the department of local government finance (DLGF) not later than September 1 in a manner prescribed by the DLGF. Specifies certain dates with regard to the adjustment of maximum tax rates after a reassessment or annual adjustment. For reports filed by county boards with the DLGF, changes the requirement for the total number of "notices" to be filed to the total number of "appeals" to be filed. Requires additional information to be filed in such reports. Provides that the term "tax representative" does not include an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted temporary admission to the Indiana bar in order to represent a party before the property tax assessment board of appeals or the DLGF. Provides that the DLGF may not review certain written complaints if such a complaint is related to a matter that is under appeal. Provides that for certain airport development zones and allocation areas established after June 30,
(Continued next page)

Effective: July 1, 2022.

Leonard

January 10, 2022, read first time and referred to Committee on Ways and Means.



Digest Continued

2024, "residential property" refers to the assessed value of property that is allocated to the 1% homestead land and improvement categories in the county tax and billing software system, along with the residential assessed value as defined for purposes of calculating the rate for the local income tax property tax relief credit designated for residential property. Provides formulas for school corporations that propose to impose property taxes under a referendum tax levy. Provides that the property tax rate imposed under the provision for the public safety officers survivors' health coverage cumulative fund is exempt from the adjustment of maximum tax rates after reassessment or annual adjustment. Removes the sunset provision on the \$1 pro bono legal service fee. Repeals various property tax provisions.



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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1260



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

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

1 SECTION 1. IC 6-1.1-4-4.4 IS REPEALED [EFFECTIVE JULY 1,
2 2022]. Sec. 4.4. (a) ~~This section applies to an assessment under section~~
3 ~~4.2 or 4.5 of this chapter or another law.~~
4 (b) ~~If the assessor changes the underlying parcel characteristics;~~
5 ~~including age, grade, or condition, of a property, from the previous~~
6 ~~year's assessment date, the assessor shall document:~~
7 ~~(1) each change; and~~
8 ~~(2) the reason that each change was made.~~
9 ~~In any appeal of the assessment, the assessor has the burden of proving~~
10 ~~that each change was valid.~~
11 SECTION 2. IC 6-1.1-4-25, AS AMENDED BY P.L.159-2020,
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2022]: Sec. 25. (a) Each township assessor and each county
14 assessor shall keep the assessor's reassessment data and records current
15 by securing the necessary field data and by making changes in the



1 assessed value of real property as changes occur in the use of the real
 2 property. The township or county assessor's records shall at all times
 3 show the assessed value of real property in accordance with this
 4 chapter. The township assessor shall ensure that the county assessor
 5 has full access to the assessment records maintained by the township
 6 assessor.

7 (b) The county assessor shall:

8 (1) maintain an electronic data file of:

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

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

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

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

17 (A) the legislative services agency; and

18 (B) the department of local government finance; ~~and~~

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

21 ~~(2)~~ **(4)** before September 1 of each year, transmit the data in the
 22 file with respect to the assessment date of that year to the
 23 department of local government finance.

24 (c) The appropriate county officer, as designated by the county
 25 executive, shall:

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

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

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

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

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

41 (2) Resubmit the data in the form and manner required under
 42 subsection (b) or (c) upon request of the legislative services



1 agency, the department of local government finance, or the
 2 geographic information office of the office of technology, as
 3 applicable, if data previously submitted under subsection (b) or
 4 (c) does not comply with the requirements of subsection (b) or (c),
 5 as determined by the legislative services agency, the department
 6 of local government finance, or the geographic information office
 7 of the office of technology, as applicable.

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

14 SECTION 3. IC 6-1.1-11-4, AS AMENDED BY P.L.159-2020,
 15 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2022]: Sec. 4. (a) The exemption application referred to in
 17 section 3 of this chapter is not required if the exempt property is owned
 18 by the United States, the state, an agency of this state, or a political
 19 subdivision (as defined in IC 36-1-2-13). However, this subsection
 20 applies only when the property is used, and in the case of real property
 21 occupied, by the owner.

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

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

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

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

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

31 (1) the exempt property is:

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

34 (B) tangible property owned by a church or religious society
 35 used for educational purposes described in IC 6-1.1-10-16;

36 (C) other tangible property owned, occupied, and used by a
 37 person for educational, literary, scientific, religious, or
 38 charitable purposes described in IC 6-1.1-10-16; or

39 (D) other tangible property owned by a fraternity or sorority
 40 (as defined in IC 6-1.1-10-24);

41 (2) the exemption application referred to in section 3 or 3.5 of this
 42 chapter was filed properly at least once for a religious use under



1 IC 6-1.1-10-21, an educational, literary, scientific, religious, or
 2 charitable use under IC 6-1.1-10-16, or use by a fraternity or
 3 sorority under IC 6-1.1-10-24; and

4 (3) the property continues to meet the requirements for an
 5 exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or
 6 IC 6-1.1-10-24.

7 (e) If, after an assessment date, an exempt property is transferred or
 8 its use is changed resulting in its ineligibility for an exemption under
 9 IC 6-1.1-10, the county assessor shall terminate the exemption for the
 10 next assessment date. However, if the property remains eligible for an
 11 exemption under IC 6-1.1-10 following the transfer or change in use,
 12 the exemption shall be left in place for that assessment date. For the
 13 following assessment date, the person that obtained the exemption or
 14 the current owner of the property, as applicable, shall, under section 3
 15 of this chapter and except as provided in this section, file a certified
 16 application in duplicate with the county assessor of the county in which
 17 the property that is the subject of the exemption is located. In all cases,
 18 the person that obtained the exemption or the current owner of the
 19 property shall notify the county assessor for the county where the
 20 tangible property is located of the change in ownership or use in the
 21 year that the change occurs. The notice must be in the form prescribed
 22 by the department of local government finance.

23 (f) If the county assessor discovers that title to or use of property
 24 granted an exemption under IC 6-1.1-10 has changed, the county
 25 assessor shall notify the persons entitled to a tax statement under
 26 IC 6-1.1-22-8.1 for the property of the change in title or use and
 27 indicate that the county auditor will suspend the exemption for the
 28 property until the persons provide the county assessor with an affidavit,
 29 signed under penalties of perjury, that identifies the new owners or use
 30 of the property and indicates whether the property continues to meet
 31 the requirements for an exemption under IC 6-1.1-10. Upon receipt of
 32 the affidavit, the county assessor shall reinstate the exemption under
 33 IC 6-1.1-15-12.1. However, a claim under IC 6-1.1-26-1.1 for a refund
 34 of all or a part of a tax installment paid and any correction of error
 35 under IC 6-1.1-15-12.1 must be filed not later than three (3) years after
 36 the taxes are first due.

37 **(g) This section shall not be construed to limit the authority of**
 38 **the county property tax assessment board of appeals to review the**
 39 **ongoing eligibility of a property for an exemption. A county**
 40 **property tax assessment board of appeals shall disapprove an**
 41 **exemption application in any year following the initial approval of**
 42 **the application if the property is not eligible for an exemption.**



1 SECTION 4, IC 6-1.1-12-1, AS AMENDED BY P.L.255-2017,
 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 1. (a) The following definitions apply throughout
 4 this section:

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

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

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

8 (ii) a manufactured home that is not assessed as real
 9 property; and

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

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

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

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

18 The term includes a reverse mortgage.

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

21 (1) mortgaged real property, an installment loan financed mobile
 22 home that is not assessed as real property, or an installment loan
 23 financed manufactured home that is not assessed as real property,
 24 with the mortgage or installment loan instrument recorded with
 25 the county recorder's office, that the person owns;

26 (2) real property, a mobile home that is not assessed as real
 27 property, or a manufactured home that is not assessed as real
 28 property that the person is buying under a contract, with the
 29 contract or a memorandum of the contract recorded in the county
 30 recorder's office, which provides that the person is to pay the
 31 property taxes on the real property, mobile home, or manufactured
 32 home; or

33 (3) real property, a mobile home that is not assessed as real
 34 property, or a manufactured home that the person owns or is
 35 buying on a contract described in subdivision (2) on which the
 36 person has a home equity line of credit that is recorded in the
 37 county recorder's office.

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

41 (1) the balance of the mortgage or contract indebtedness
 42 (including a home equity line of credit) on the assessment date of



1 that year;

2 (2) one-half (1/2) of the assessed value of the real property,
3 mobile home, or manufactured home **on the following**
4 **assessment date;** or

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

6 whichever is least.

7 (d) A person who has sold real property, a mobile home not assessed
8 as real property, or a manufactured home not assessed as real property
9 to another person under a contract which provides that the contract
10 buyer is to pay the property taxes on the real property, mobile home, or
11 manufactured home may not claim the deduction provided under this
12 section with respect to that real property, mobile home, or
13 manufactured home.

14 (e) The person must:

15 (1) own the real property, mobile home, or manufactured home;
16 or

17 (2) be buying the real property, mobile home, or manufactured
18 home under contract;

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

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

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

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

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

30 SECTION 6. IC 6-1.1-15-17.1 IS REPEALED [EFFECTIVE JULY
31 1, 2022]. ~~Sec. 17.1. In the case of a change occurring after February 28,~~
32 ~~2015, in the classification of real property:~~

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

36 (2) ~~the county assessor or township assessor making the change~~
37 ~~in the classification has the burden of proving that the change in~~
38 ~~the classification is correct in any review or appeal under this~~
39 ~~chapter and in any appeals taken to the Indiana board of tax~~
40 ~~review or to the Indiana tax court.~~

41 SECTION 7. IC 6-1.1-15-17.2 IS REPEALED [EFFECTIVE JULY
42 1, 2022]. ~~Sec. 17.2: (a) Except as provided in subsection (d); this~~



1 section applies to any review or appeal of an assessment under this
 2 chapter if the assessment that is the subject of the review or appeal is
 3 an increase of more than five percent (5%) over the assessment for the
 4 same property for the prior tax year. In calculating the change in the
 5 assessment for purposes of this section, the assessment to be used for
 6 the prior tax year is the original assessment for that prior tax year or, if
 7 applicable, the assessment for that prior tax year:

8 (1) as last corrected by an assessing official;

9 (2) as stipulated or settled by the taxpayer and the assessing
 10 official; or

11 (3) as determined by the reviewing authority.

12 (b) Under this section, the county assessor or township assessor
 13 making the assessment has the burden of proving that the assessment
 14 is correct in any review or appeal under this chapter and in any appeals
 15 taken to the Indiana board of tax review or to the Indiana tax court. If
 16 a county assessor or township assessor fails to meet the burden of proof
 17 under this section, the taxpayer may introduce evidence to prove the
 18 correct assessment. If neither the assessing official nor the taxpayer
 19 meets the burden of proof under this section, the assessment reverts to
 20 the assessment for the prior tax year, which is the original assessment
 21 for that prior tax year or, if applicable, the assessment for that prior tax
 22 year:

23 (1) as last corrected by an assessing official;

24 (2) as stipulated or settled by the taxpayer and the assessing
 25 official; or

26 (3) as determined by the reviewing authority.

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

29 (1) substantial renovations or new improvements;

30 (2) zoning; or

31 (3) uses;

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

33 (d) This subsection applies to real property for which the gross
 34 assessed value of the real property was reduced by the assessing
 35 official or reviewing authority in an appeal conducted under
 36 IC 6-1.1-15. However, this subsection does not apply for an assessment
 37 date if the real property was valued using the income capitalization
 38 approach in the appeal. If the gross assessed value of real property for
 39 an assessment date that follows the latest assessment date that was the
 40 subject of an appeal described in this subsection is increased above the
 41 gross assessed value of the real property for the latest assessment date
 42 covered by the appeal; regardless of the amount of the increase; the



1 county assessor or township assessor (if any) making the assessment
2 has the burden of proving that the assessment is correct.

3 SECTION 8. IC 6-1.1-15-18 IS REPEALED [EFFECTIVE JULY
4 1, 2022]. Sec. 18. (a) This section applies to an appeal to which this
5 chapter applies, including any review by the board of tax review or the
6 tax court.

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

9 (c) To accurately determine market-value-in-use, a taxpayer or an
10 assessing official may:

11 (1) in a proceeding concerning residential property, introduce
12 evidence of the assessments of comparable properties located in
13 the same taxing district or within two (2) miles of a boundary of
14 the taxing district; and

15 (2) in a proceeding concerning property that is not residential
16 property, introduce evidence of the assessments of any relevant,
17 comparable property.

18 However, in a proceeding described in subdivision (2), preference shall
19 be given to comparable properties that are located in the same taxing
20 district or within two (2) miles of a boundary of the taxing district. The
21 determination of whether properties are comparable shall be made
22 using generally accepted appraisal and assessment practices.

23 SECTION 9. IC 6-1.1-15-20 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2022]: Sec. 20. (a) In an appeal under this chapter, except as
26 provided in subsection (b), the assessment as last determined by an
27 assessing official or the county board is presumed to equal the
28 property's true tax value until rebutted by evidence presented by
29 the parties.

30 (b) If a property's assessment increased more than five percent
31 (5%) over the property's assessment for the prior tax year, then
32 the assessment is no longer presumed to equal the property's true
33 tax value.

34 (c) For purposes of this chapter, an assessment for a prior tax
35 year means the final value:

36 (1) as last corrected by an assessing official;

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

39 (3) as determined by a reviewing authority.

40 (d) Subsection (b) does not apply if the increase in the
41 assessment on appeal is based on:

42 (1) substantial renovations or new improvements;



1 (2) zoning; or
 2 (3) uses;
 3 that were not considered in the assessment for the prior tax year.

4 (e) Both parties in an appeal under this chapter may present
 5 evidence of the true tax value of the property, seeking to decrease
 6 or increase the assessment.

7 (f) In an appeal under this chapter, the Indiana board shall, as
 8 trier of fact, weigh the evidence and decide the true tax value of the
 9 property as compelled by the totality of the probative evidence
 10 before it. The Indiana board's determination of the property's true
 11 tax value may be higher or lower than the assessment or the value
 12 proposed by a party or witness. If the totality of the evidence
 13 presented to the Indiana board is insufficient to determine the
 14 property's true tax value in an appeal governed by subsection (a),
 15 then the property's assessment is presumed to equal the property's
 16 true tax value. If the totality of the evidence presented to the
 17 Indiana board is insufficient to determine the property's true tax
 18 value in an appeal governed by subsection (b), then the property's
 19 prior year assessment is presumed to equal the property's true tax
 20 value.

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

23 (h) This section applies to all appeals pending on or after its
 24 effective date.

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

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

33 (c) Subject to subsection (d), after the county auditor submits a
 34 certified statement under subsection (a) or an amended certified
 35 statement under this subsection with respect to a political subdivision
 36 and before the department of local government finance certifies its
 37 action with respect to the political subdivision under section 16(i) of
 38 this chapter, the county auditor may amend the information concerning
 39 assessed valuation included in the earlier certified statement. The
 40 county auditor shall submit a certified statement amended under this
 41 subsection to the department of local government finance **not later**
 42 **than September 1** in the manner prescribed by the department.



1 (d) Except as provided in subsection (e), Before the county auditor
 2 makes an amendment under subsection (c), the county auditor must
 3 provide an opportunity for public comment on the proposed
 4 amendment at a public hearing. The county auditor must give notice of
 5 the hearing under IC 5-3-1. If the county auditor makes the amendment
 6 as a result of information provided to the county auditor by an assessor,
 7 the county auditor shall give notice of the public hearing to the
 8 assessor.

9 (e) The county auditor is not required to hold a public hearing under
 10 subsection (d) if:

11 (1) the amendment under subsection (c) is proposed to correct a
 12 mathematical error made in the determination of the amount of
 13 assessed valuation included in the earlier certified statement;

14 (2) the amendment under subsection (c) is proposed to add to the
 15 amount of assessed valuation included in the earlier certified
 16 statement assessed valuation of omitted property discovered after
 17 the county auditor sent the earlier certified statement; or

18 (3) the county auditor determines that the amendment under
 19 subsection (c) will not result in an increase in the tax rate or tax
 20 rates of the political subdivision.

21 (f) (e) Beginning in 2018, each county auditor shall submit to the
 22 department of local government finance parcel level data of certified
 23 net assessed values as required by the department. A county auditor
 24 shall submit the parcel level data in the manner and format required by
 25 the department and according to a schedule determined by the
 26 department.

27 SECTION 11. IC 6-1.1-18-12, AS AMENDED BY P.L.86-2018,
 28 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2022]: Sec. 12. (a) For purposes of this section, "maximum
 30 rate" refers to the maximum:

31 (1) property tax rate or rates; or

32 (2) special benefits tax rate or rates;

33 referred to in the statutes listed in subsection (d).

34 (b) The maximum rate for taxes first due and payable after 2003 is
 35 the maximum rate that would have been determined under subsection
 36 (e) for taxes first due and payable in 2003 if subsection (e) had applied
 37 for taxes first due and payable in 2003.

38 (c) The maximum rate must be adjusted each year to account for the
 39 change in assessed value of real property that results from:

40 (1) an annual adjustment of the assessed value of real property
 41 under IC 6-1.1-4-4.5; or

42 (2) a reassessment under a county's reassessment plan prepared



- 1 under IC 6-1.1-4-4.2.
 2 (d) The statutes to which subsection (a) refers are:
 3 (1) IC 8-10-5-17 (**for taxes due and payable before January 1,**
 4 **2023**);
 5 (2) IC 8-22-3-11;
 6 (3) IC 8-22-3-25 (**for taxes due and payable before January 1,**
 7 **2023**);
 8 (4) IC 12-29-1-1;
 9 (5) IC 12-29-1-2;
 10 (6) IC 12-29-1-3;
 11 (7) IC 12-29-3-6;
 12 (8) IC 13-21-3-12;
 13 (9) IC 13-21-3-15;
 14 (10) IC 14-27-6-30;
 15 (11) IC 14-33-7-3;
 16 (12) IC 14-33-21-5 (**for taxes due and payable before January**
 17 **1, 2023**);
 18 (13) IC 15-14-7-4;
 19 (14) IC 15-14-9-1;
 20 (15) IC 15-14-9-2;
 21 (16) IC 16-20-2-18;
 22 (17) IC 16-20-4-27;
 23 (18) IC 16-20-7-2;
 24 (19) IC 16-22-14;
 25 (20) IC 16-23-1-29;
 26 (21) IC 16-23-3-6;
 27 (22) IC 16-23-4-2;
 28 (23) IC 16-23-5-6;
 29 (24) IC 16-23-7-2;
 30 (25) IC 16-23-8-2;
 31 (26) IC 16-23-9-2;
 32 (27) IC 16-41-15-5;
 33 (28) IC 16-41-33-4;
 34 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);
 35 (30) IC 20-46-6-5 (before its repeal on January 1, 2019);
 36 (31) IC 20-49-2-10;
 37 (32) IC 36-1-19-1;
 38 (33) IC 23-14-66-2;
 39 (34) IC 23-14-67-3;
 40 (35) IC 36-7-13-4;
 41 (36) IC 36-7-14-28;
 42 (37) IC 36-7-15.1-16;



- 1 (38) IC 36-8-19-8.5 (**for taxes due and payable before January**
 2 **1, 2023**);
 3 (39) IC 36-9-6.1-2;
 4 (40) IC 36-9-17.5-4 (**for taxes due and payable before January**
 5 **1, 2023**);
 6 (41) IC 36-9-27-73;
 7 (42) IC 36-9-29-31;
 8 (43) IC 36-9-29.1-15;
 9 (44) IC 36-10-6-2;
 10 (45) IC 36-10-7-7;
 11 (46) IC 36-10-7-8;
 12 (47) IC 36-10-7.5-19 (**for taxes due and payable before**
 13 **January 1, 2023**);
 14 (48) IC 36-10-13-5 (before the power to impose a levy was
 15 removed on January 1, 2019);
 16 (49) IC 36-10-13-7 (before the power to impose a levy was
 17 removed on January 1, 2019);
 18 (50) IC 36-10-14-4 (before its repeal on January 1, 2019);
 19 (51) IC 36-12-7-7;
 20 (52) IC 36-12-7-8;
 21 (53) IC 36-12-12-10;
 22 (54) a statute listed in IC 6-1.1-18.5-9.8 (**for taxes due and**
 23 **payable before January 1, 2023**); and
 24 (55) any statute enacted after December 31, 2003, that:
 25 (A) establishes a maximum rate for any part of the:
 26 (i) property taxes; or
 27 (ii) special benefits taxes;
 28 imposed by a political subdivision; and
 29 (B) does not exempt the maximum rate from the adjustment
 30 under this section.
 31 (e) For property tax rates imposed for property taxes first due and
 32 payable after December 31, 2013, the new maximum rate under a
 33 statute listed in subsection (d) is the tax rate determined under STEP
 34 EIGHT of the following STEPS:
 35 STEP ONE: Determine the maximum rate for the political
 36 subdivision levying a property tax or special benefits tax under
 37 the statute for the previous calendar year.
 38 STEP TWO: Determine the actual percentage change (rounded to
 39 the nearest one-hundredth percent (0.01%)) in the assessed value
 40 of the taxable property from the previous calendar year to the year
 41 in which the affected property taxes will be imposed.
 42 STEP THREE: Determine the three (3) calendar years that



- 1 immediately precede the year in which the affected property taxes
 2 will be imposed.
- 3 STEP FOUR: Compute separately, for each of the calendar years
 4 determined in STEP THREE, the actual percentage change
 5 (rounded to the nearest one-hundredth percent (0.01%)) in the
 6 assessed value (before the adjustment, if any, under
 7 IC 6-1.1-4-4.5) of the taxable property from the preceding year.
- 8 STEP FIVE: Divide the sum of the three (3) quotients computed
 9 in STEP FOUR by three (3).
- 10 STEP SIX: Determine the greater of the following:
- 11 (A) Zero (0).
 12 (B) The STEP FIVE result.
- 13 STEP SEVEN: Determine the greater of the following:
- 14 (A) Zero (0).
 15 (B) The result of the STEP TWO percentage minus the STEP
 16 SIX percentage, if any.
- 17 STEP EIGHT: Determine the quotient of the STEP ONE tax rate
 18 divided by the sum of one (1) plus the STEP SEVEN percentage,
 19 if any.
- 20 (f) The department of local government finance shall compute the
 21 maximum rate allowed under subsection (e) and provide the rate to
 22 each political subdivision with authority to levy a tax under a statute
 23 listed in subsection (d).
- 24 SECTION 12. IC 6-1.1-18.5-13, AS AMENDED BY P.L.159-2020,
 25 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 13. (a) With respect to an appeal filed under
 27 section 12 of this chapter, the department may find that a civil taxing
 28 unit should receive any one (1) or more of the following types of relief:
- 29 (1) Permission to the civil taxing unit to increase its levy in excess
 30 of the limitations established under section 3 or 25 of this chapter,
 31 as applicable, if in the judgment of the department the increase is
 32 reasonably necessary due to increased costs of the civil taxing
 33 unit resulting from annexation, consolidation, or other extensions
 34 of governmental services by the civil taxing unit to additional
 35 geographic areas. With respect to annexation, consolidation, or
 36 other extensions of governmental services in a calendar year, if
 37 those increased costs are incurred by the civil taxing unit in that
 38 calendar year and more than one (1) immediately succeeding
 39 calendar year, the unit may appeal under section 12 of this chapter
 40 for permission to increase its levy under this subdivision based on
 41 those increased costs in any of the following:
- 42 (A) The first calendar year in which those costs are incurred.



1 (B) One (1) or more of the immediately succeeding four (4)
2 calendar years.
3 (2) Permission to the civil taxing unit to increase its levy in excess
4 of the limitations established under section 3 or 25 of this chapter,
5 as applicable, if the department finds that the quotient determined
6 under STEP SIX of the following formula is equal to or greater
7 than one and two-hundredths (1.02):
8 STEP ONE: Determine the three (3) calendar years that most
9 immediately precede the ensuing calendar year.
10 STEP TWO: Compute separately, for each of the calendar
11 years determined in STEP ONE, the quotient (rounded to the
12 nearest ten-thousandth (0.0001)) of the sum of the civil taxing
13 unit's total assessed value of all taxable property ~~and:~~
14 (i) for a particular calendar year before 2007, the total
15 assessed value of property tax deductions in the unit under
16 IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular
17 calendar year; or
18 (ii) for a particular calendar year after 2006, the total
19 assessed value of property tax deductions that applied in the
20 unit under IC 6-1.1-12-42 in 2006 plus for a particular
21 calendar year after 2009, the total assessed value of property
22 tax deductions that applied in the unit under
23 IC 6-1.1-12-37.5 in 2008;
24 divided by the sum determined under this STEP for the
25 calendar year immediately preceding the particular calendar
26 year.
27 STEP THREE: Divide the sum of the three (3) quotients
28 computed in STEP TWO by three (3).
29 STEP FOUR: Compute separately, for each of the calendar
30 years determined in STEP ONE, the quotient (rounded to the
31 nearest ten-thousandth (0.0001)) of the sum of the total
32 assessed value of all taxable property in all counties ~~and:~~
33 (i) for a particular calendar year before 2007, the total
34 assessed value of property tax deductions in all counties
35 under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the
36 particular calendar year; or
37 (ii) for a particular calendar year after 2006, the total
38 assessed value of property tax deductions that applied in all
39 counties under IC 6-1.1-12-42 in 2006 plus for a particular
40 calendar year after 2009, the total assessed value of property
41 tax deductions that applied in the unit under
42 IC 6-1.1-12-37.5 in 2008;



- 1 divided by the sum determined under this STEP for the
 2 calendar year immediately preceding the particular calendar
 3 year.
- 4 STEP FIVE: Divide the sum of the three (3) quotients
 5 computed in STEP FOUR by three (3).
- 6 STEP SIX: Divide the STEP THREE amount by the STEP
 7 FIVE amount.
- 8 The civil taxing unit may increase its levy by a percentage not
 9 greater than the percentage by which the STEP THREE amount
 10 exceeds the percentage by which the civil taxing unit may
 11 increase its levy under section 3 or 25 of this chapter, as
 12 applicable, based on the maximum levy growth quotient
 13 determined under section 2 of this chapter.
- 14 (3) A levy increase may be granted under this subdivision only for
 15 property taxes first due and payable after December 31, 2008.
 16 Permission to a civil taxing unit to increase its levy in excess of
 17 the limitations established under section 3 or 25 of this chapter,
 18 as applicable, if the civil taxing unit cannot carry out its
 19 governmental functions for an ensuing calendar year under the
 20 levy limitations imposed by section 3 or 25 of this chapter, as
 21 applicable, due to a natural disaster, an accident, or another
 22 unanticipated emergency.
- 23 (b) The department of local government finance shall increase the
 24 maximum permissible ad valorem property tax levy under section 3 of
 25 this chapter for the city of Goshen for 2012 and thereafter by an
 26 amount equal to the greater of zero (0) or the result of:
- 27 (1) the city's total pension costs in 2009 for the 1925 police
 28 pension fund (IC 36-8-6) and the 1937 firefighters' pension fund
 29 (IC 36-8-7); minus
- 30 (2) the sum of:
- 31 (A) the total amount of state funds received in 2009 by the city
 32 and used to pay benefits to members of the 1925 police
 33 pension fund (IC 36-8-6) or the 1937 firefighters' pension fund
 34 (IC 36-8-7); plus
- 35 (B) any previous permanent increases to the city's levy that
 36 were authorized to account for the transfer to the state of the
 37 responsibility to pay benefits to members of the 1925 police
 38 pension fund (IC 36-8-6) and the 1937 firefighters' pension
 39 fund (IC 36-8-7).
- 40 SECTION 13. IC 6-1.1-20-3.6, AS AMENDED BY P.L.38-2021,
 41 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2022]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8



1 of this chapter, this section applies only to a controlled project
2 described in section 3.5(a) of this chapter.

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

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

13 "Shall _____ (insert the name of the political subdivision)
14 increase property taxes paid to the _____ (insert the type of
15 taxing unit) by homeowners and businesses? If this public
16 question is approved by the voters, the average property tax paid
17 to the _____ (insert the type of taxing unit) per year on a
18 residence would increase by _____% (insert the estimated
19 average percentage of property tax increase paid to the political
20 subdivision on a residence within the political subdivision as
21 determined under subsection (n)) and the average property tax
22 paid to the _____ (insert the type of taxing unit) per year on a
23 business property would increase by _____% (insert the
24 estimated average percentage of property tax increase paid to the
25 political subdivision on a business property within the political
26 subdivision as determined under subsection (o)). The political
27 subdivision may issue bonds or enter into a lease to _____
28 (insert a brief description of the controlled project), which is
29 estimated to cost _____ (insert the total cost of the project)
30 over _____ (insert number of years to bond maturity or
31 termination of lease) years. The most recent property tax
32 referendum within the boundaries of the political subdivision for
33 which this public question is being considered was proposed by
34 _____ (insert name of political subdivision) in _____ (insert
35 year of most recent property tax referendum) and _____
36 (insert whether the measure passed or failed).".

37 The public question must appear on the ballot in the form approved by
38 the county election board. If the political subdivision proposing to issue
39 bonds or enter into a lease is located in more than one (1) county, the
40 county election board of each county shall jointly approve the form of
41 the public question that will appear on the ballot in each county. The
42 form approved by the county election board may differ from the



1 language certified to the county election board by the county auditor.
2 If the county election board approves the language of a public question
3 under this subsection, the county election board shall submit the
4 language and the certification of the county auditor described in
5 subsection (p) to the department of local government finance for
6 review.

7 (d) The department of local government finance shall review the
8 language of the public question to evaluate whether the description of
9 the controlled project is accurate and is not biased against either a vote
10 in favor of the controlled project or a vote against the controlled
11 project. The department of local government finance shall post the
12 estimated average percentage of property tax increases to be paid to a
13 political subdivision on a residence and business property that are
14 certified by the county auditor under subsection (p) on the department's
15 Internet web site. The department of local government finance may
16 either approve the ballot language as submitted or recommend that the
17 ballot language be modified as necessary to ensure that the description
18 of the controlled project is accurate and is not biased. The department
19 of local government finance shall certify its approval or
20 recommendations to the county auditor and the county election board
21 not more than ten (10) days after the language of the public question is
22 submitted to the department for review. If the department of local
23 government finance recommends a modification to the ballot language,
24 the county election board shall, after reviewing the recommendations
25 of the department of local government finance, submit modified ballot
26 language to the department for the department's approval or
27 recommendation of any additional modifications. The public question
28 may not be certified by the county auditor under subsection (e) unless
29 the department of local government finance has first certified the
30 department's final approval of the ballot language for the public
31 question.

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

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

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

41 Subject to the certification requirements and deadlines under this
42 subsection and except as provided in subsection (j), the public question



1 shall be placed on the ballot at the next primary election, general
 2 election or municipal election in which all voters of the political
 3 subdivision are entitled to vote. However, if a primary election, general
 4 election, or municipal election will not be held during the first year in
 5 which the public question is eligible to be placed on the ballot under
 6 this section and if the political subdivision requests the public question
 7 to be placed on the ballot at a special election, the public question shall
 8 be placed on the ballot at a special election to be held on the first
 9 Tuesday after the first Monday in May or November of the year. The
 10 certification must occur not later than noon seventy-four (74) days
 11 before a special election to be held in May (if the special election is to
 12 be held in May) or noon on August 1 (if the special election is to be
 13 held in November). The fiscal body of the political subdivision that
 14 requests the special election shall pay the costs of holding the special
 15 election. The county election board shall give notice under IC 5-3-1 of
 16 a special election conducted under this subsection. A special election
 17 conducted under this subsection is under the direction of the county
 18 election board. The county election board shall take all steps necessary
 19 to carry out the special election.

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

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

24 (2) The department of local government finance.

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

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

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

33 (2) Another public question under this section on the same or a
 34 substantially similar project may not be submitted to the voters
 35 earlier than:

36 (A) except as provided in clause (B), seven hundred (700)
 37 days after the date of the public question; or

38 (B) three hundred fifty (350) days after the date of the election,
 39 if a petition that meets the requirements of subsection (m) is
 40 submitted to the county auditor.

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



1 (j) A political subdivision may not divide a controlled project in
2 order to avoid the requirements of this section and section 3.5 of this
3 chapter. A person that owns property within a political subdivision or
4 a person that is a registered voter residing within a political subdivision
5 may file a petition with the department of local government finance
6 objecting that the political subdivision has divided a controlled project
7 into two (2) or more capital projects in order to avoid the requirements
8 of this section and section 3.5 of this chapter. The petition must be filed
9 not more than ten (10) days after the political subdivision gives notice
10 of the political subdivision's decision under section 3.5 of this chapter
11 or a determination under section 5 of this chapter to issue bonds or
12 enter into leases for a capital project that the person believes is the
13 result of a division of a controlled project that is prohibited by this
14 subsection. If the department of local government finance receives a
15 petition under this subsection, the department shall not later than thirty
16 (30) days after receiving the petition make a final determination on the
17 issue of whether the political subdivision divided a controlled project
18 in order to avoid the requirements of this section and section 3.5 of this
19 chapter. If the department of local government finance determines that
20 a political subdivision divided a controlled project in order to avoid the
21 requirements of this section and section 3.5 of this chapter and the
22 political subdivision continues to desire to proceed with the project, the
23 political subdivision may appeal the determination of the department
24 of local government finance to the Indiana board of tax review. A
25 political subdivision shall be considered to have divided a capital
26 project in order to avoid the requirements of this section and section
27 3.5 of this chapter if the result of one (1) or more of the subprojects
28 cannot reasonably be considered an independently desirable end in
29 itself without reference to another capital project. This subsection does
30 not prohibit a political subdivision from undertaking a series of capital
31 projects in which the result of each capital project can reasonably be
32 considered an independently desirable end in itself without reference
33 to another capital project.

34 (k) This subsection applies to a political subdivision for which a
35 petition requesting a public question has been submitted under section
36 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of
37 the political subdivision may adopt a resolution to withdraw a
38 controlled project from consideration in a public question. If the
39 legislative body provides a certified copy of the resolution to the county
40 auditor and the county election board not later than sixty-three (63)
41 days before the election at which the public question would be on the
42 ballot, the public question on the controlled project shall not be placed



1 on the ballot and the public question on the controlled project shall not
 2 be held, regardless of whether the county auditor has certified the
 3 public question to the county election board. If the withdrawal of a
 4 public question under this subsection requires the county election
 5 board to reprint ballots, the political subdivision withdrawing the
 6 public question shall pay the costs of reprinting the ballots. If a political
 7 subdivision withdraws a public question under this subsection that
 8 would have been held at a special election and the county election
 9 board has printed the ballots before the legislative body of the political
 10 subdivision provides a certified copy of the withdrawal resolution to
 11 the county auditor and the county election board, the political
 12 subdivision withdrawing the public question shall pay the costs
 13 incurred by the county in printing the ballots. If a public question on a
 14 controlled project is withdrawn under this subsection, a public question
 15 under this section on the same controlled project or a substantially
 16 similar controlled project may not be submitted to the voters earlier
 17 than three hundred fifty (350) days after the date the resolution
 18 withdrawing the public question is adopted.

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

25 (1) The cost per square foot of any buildings being constructed as
 26 part of the controlled project.

27 (2) The effect that approval of the controlled project would have
 28 on the political subdivision's property tax rate.

29 (3) The maximum term of the bonds or lease.

30 (4) The maximum principal amount of the bonds or the maximum
 31 lease rental for the lease.

32 (5) The estimated interest rates that will be paid and the total
 33 interest costs associated with the bonds or lease.

34 (6) The purpose of the bonds or lease.

35 (7) In the case of a controlled project proposed by a school
 36 corporation:

37 (A) the current and proposed square footage of school building
 38 space per student;

39 (B) enrollment patterns within the school corporation; and

40 (C) the age and condition of the current school facilities.

41 (m) If a majority of the eligible voters voting on the public question
 42 vote in opposition to the public question, a petition may be submitted



1 to the county auditor to request that the limit under subsection
 2 (h)(2)(B) apply to the holding of a subsequent public question by the
 3 political subdivision. If such a petition is submitted to the county
 4 auditor and is signed by the lesser of:

5 (1) five hundred (500) persons who are either owners of property
 6 within the political subdivision or registered voters residing
 7 within the political subdivision; or

8 (2) five percent (5%) of the registered voters residing within the
 9 political subdivision;

10 the limit under subsection (h)(2)(B) applies to the holding of a second
 11 public question by the political subdivision and the limit under
 12 subsection (h)(2)(A) does not apply to the holding of a second public
 13 question by the political subdivision.

14 (n) At the request of a political subdivision that proposes to impose
 15 property taxes to pay debt service on bonds or lease rentals on a lease
 16 for a controlled project, the county auditor of a county in which the
 17 political subdivision is located shall determine the estimated average
 18 percentage of property tax increase on a homestead to be paid to the
 19 political subdivision that must be included in the public question under
 20 subsection (c) as follows:

21 STEP ONE: Determine the average assessed value of a homestead
 22 located within the political subdivision.

23 STEP TWO: For purposes of determining the net assessed value
 24 of the average homestead located within the political subdivision,
 25 subtract:

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

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

32 from the result of STEP ONE.

33 STEP THREE: Divide the result of STEP TWO by one hundred
 34 (100).

35 STEP FOUR: Determine the overall average tax rate per one
 36 hundred dollars (\$100) of assessed valuation for the current year
 37 imposed on property located within the political subdivision.

38 STEP FIVE: For purposes of determining net property tax liability
 39 of the average homestead located within the political subdivision:

40 (A) multiply the result of STEP THREE by the result of STEP
 41 FOUR; and

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



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



1 percentage of property tax increase on a homestead to be paid to the
 2 political subdivision determined under subsection (n), and the
 3 estimated average percentage of property tax increase on a business
 4 property to be paid to the political subdivision determined under
 5 subsection (o), in a manner prescribed by the department of local
 6 government finance, and provide the certification to the political
 7 subdivision that proposes to impose property taxes. The political
 8 subdivision shall provide the certification to the county election board
 9 and include the estimated average percentages in the language of the
 10 public question at the time the language of the public question is
 11 submitted to the county election board for approval as described in
 12 subsection (c).

13 SECTION 14. IC 6-1.1-28-12, AS AMENDED BY P.L.121-2019,
 14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2022]: Sec. 12. (a) This section applies beginning January 1,
 16 2016.

17 (b) Each county property tax assessment board of appeals (referred
 18 to as the "county PTABOA" in this section) shall submit annually a
 19 report of the ~~notices for an appeal~~ **appeals** filed with the county
 20 PTABOA under IC 6-1.1-15-1.1(a) in the preceding year to the
 21 department of local government finance, the Indiana board of tax
 22 review, and the legislative services agency before ~~April 1~~ **January 15**
 23 of each year. A report submitted to the legislative services agency must
 24 be in an electronic format under IC 5-14-6.

25 (c) The report required by subsection (b) must include the following
 26 information:

- 27 (1) The total number of ~~notices~~ **appeals** filed with the county
 28 PTABOA.
- 29 (2) The ~~notices; appeals~~, either filed or pending during the year,
 30 that were resolved during the year by a preliminary informal
 31 meeting under IC 6-1.1-15-1.2.
- 32 (3) The ~~notices; appeals~~, either filed or pending during the year,
 33 in which a hearing was conducted during the year by the county
 34 PTABOA under IC 6-1.1-15-1.2.
- 35 (4) The number of written decisions issued during the year by the
 36 county PTABOA under IC 6-1.1-15-1.2(j).
- 37 (5) The number of ~~notices~~ **appeals** pending with the county
 38 PTABOA on December 31 of the reporting year.
- 39 (6) The number of appeals resolved through a preliminary
 40 informal meeting under IC 6-1.1-15-1.2 that were:
 - 41 (A) resolved in favor of the taxpayer;
 - 42 (B) resolved in favor of the assessor; or



- 1 (C) resolved in some other manner.
- 2 (7) The number of appeals resolved through a written decision
- 3 issued during the year by the county PTABOA under
- 4 IC 6-1.1-15-1.2(j) that were:
- 5 (A) resolved in favor of the taxpayer;
- 6 (B) resolved in favor of the assessor; or
- 7 (C) resolved in some other manner.
- 8 **(8) The total number of parcels in the county.**
- 9 **(9) The total reduction in assessed valuations requested by**
- 10 **appellants in the reporting year.**
- 11 **(10) The total reduction in assessed valuations approved by**
- 12 **the county PTABOA in the reporting year.**
- 13 **(11) The average length of time for an appeal in the reporting**
- 14 **year.**
- 15 **(12) The number of appeals for:**
- 16 **(A) agricultural parcels;**
- 17 **(B) residential parcels;**
- 18 **(C) commercial parcels;**
- 19 **(D) industrial parcels;**
- 20 **(E) utility parcels;**
- 21 **(F) exempt parcels; and**
- 22 **(G) mobile or manufactured homes.**
- 23 **(13) The number of appeals withdrawn.**
- 24 **(14) The number of appeals where a taxpayer is represented**
- 25 **by:**
- 26 **(A) a tax representative; or**
- 27 **(B) an attorney.**
- 28 **(15) Any other information as required by the department of**
- 29 **local government finance.**

30 The report may not include any confidential information.

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

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

- 42 (1) the owner of the property (or person liable for the taxes under



- 1 IC 6-1.1-2-4) that is the subject of the appeal;
 2 (2) an individual who is appointed as provided in
 3 IC 6-1.1-15-17.3(e) to represent the owner of the property
 4 concerning the appeal;
 5 (3) a permanent full-time employee of the owner of the property
 6 (or person liable for the taxes under IC 6-1.1-2-4) who is the
 7 subject of the appeal;
 8 (4) a representative of a local unit of government appearing on
 9 behalf of the unit;
 10 (5) a certified public accountant, when the certified public
 11 accountant is representing a client in a matter that relates only to
 12 personal property taxation; or
 13 (6) an attorney who is a member in good standing of the Indiana
 14 bar or any person who is a member in good standing of any other
 15 state bar and who has been granted leave by the department to
 16 appear pro hac vice. **temporary admission to the Indiana bar**
 17 **in order to represent a party before the property tax**
 18 **assessment board of appeals or the department.**

19 SECTION 16. IC 6-1.1-35.7-4, AS AMENDED BY P.L.178-2021,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2022]: Sec. 4. (a) A township assessor, a county assessor, an
 22 employee of the township assessor or county assessor, or an appraiser:

- 23 (1) must be competent to perform a particular assessment;
 24 (2) must acquire the necessary competency to perform the
 25 assessment; or
 26 (3) shall contract with an appraiser who demonstrates competency
 27 to do the assessment.
 28 (b) If a taxpayer has reason to believe that the township assessor, the
 29 county assessor, an employee of the township assessor or county
 30 assessor, or an appraiser has violated subsection (a) or section 3 of this
 31 chapter, the taxpayer may submit a written complaint to the
 32 department. The department shall respond in writing to the complaint
 33 within thirty (30) days.

34 **(c) The department may not review a written complaint**
 35 **submitted under subsection (b) if the complaint is related to a**
 36 **matter that is under appeal.**

37 ~~(c)~~ **(d)** The department may revoke the certification of a township
 38 assessor, a county assessor, an employee of the township assessor or
 39 county assessor, or an appraiser under 50 IAC 15 for gross
 40 incompetence in the performance of an assessment.

41 ~~(d)~~ **(e)** An individual whose certification is revoked by the
 42 department under subsection ~~(c)~~ **(d)** may appeal the department's



1 decision to the certification appeal board established under subsection
 2 ~~(e)~~: **(f)**. A decision of the certification appeal board may be appealed to
 3 the tax court in the same manner that a final determination of the
 4 department may be appealed under IC 33-26.

5 ~~(e)~~ **(f)** The certification appeal board is established for the sole
 6 purpose of conducting appeals under this section. The board consists
 7 of the following seven (7) members:

8 (1) Two (2) representatives of the department appointed by the
 9 commissioner of the department.

10 (2) Two (2) individuals appointed by the governor. The
 11 individuals must be township or county assessors.

12 (3) Two (2) individuals appointed by the governor. The
 13 individuals must be licensed appraisers.

14 (4) One (1) individual appointed by the governor. The individual
 15 must be a resident of Indiana.

16 The commissioner of the department shall designate a member
 17 appointed under subdivision (1) as the chairperson of the board. Not
 18 more than four (4) members of the board may be members of the same
 19 political party. Each member of the board serves at the pleasure of the
 20 appointing authority.

21 ~~(f)~~ **(g)** The certification appeal board shall meet as often as is
 22 necessary to properly perform its duties. Each member of the board is
 23 entitled to the following:

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

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

27 (3) Other expenses actually incurred in connection with the
 28 member's duties as provided in the state policies and procedures
 29 established by the Indiana department of administration and
 30 approved by the budget agency.

31 SECTION 17. IC 8-22-2-18.5, AS AMENDED BY P.L.61-2012,
 32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2022]: Sec. 18.5. (a) The board may negotiate terms and
 34 borrow money from any source for the payment of the costs of airport
 35 capital improvements, including the acquisition of real property or
 36 construction or improvement of revenue producing buildings or
 37 facilities located on an airport and owned and operated by the eligible
 38 entity, subject to the following requirements:

39 (1) The loan contract must be approved by resolution of the board
 40 and the fiscal body of the eligible entity that established the
 41 board.

42 (2) The loan contract must provide for the repayment of the loan



1 in not more than forty (40) years.

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

7 ~~(4) The loan contract must be submitted to the department of local
8 government finance, which may approve, disapprove, or reduce
9 the amount of the proposed loan contract. The department of local
10 government finance must make a decision on the loan contract
11 within thirty (30) days after the contract is submitted for review.
12 The action taken by the department of local government finance
13 on the proposed loan contract is final.~~

14 (b) A loan contract issued under this chapter is issued for essential
15 public and governmental purposes. A loan contract, the interest on the
16 contract, the proceeds received by a holder from the sale of a loan
17 contract to the extent of the holder's cost of acquisition, proceeds
18 received upon redemption before maturity, proceeds received at
19 maturity, and the receipt of the interest and proceeds are exempt from
20 taxation as provided in IC 6-8-5.

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

24 SECTION 18. IC 8-22-3.5-9, AS AMENDED BY P.L.156-2020,
25 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2022]: Sec. 9. (a) As used in this section, "base assessed
27 value" means, subject to subsection (k):

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

34 (2) to the extent it is not included in subdivision (1), the net
35 assessed value of property that is assessed as residential property
36 under the rules of the department of local government finance,
37 within the airport development zone, as finally determined for the
38 current assessment date.

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



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

5 (c) The allocation provision must:

- 6 (1) apply to the entire airport development zone; and
7 (2) require that any property tax on taxable tangible property
8 subsequently levied by or for the benefit of any public body
9 entitled to a distribution of property taxes in the airport
10 development zone be allocated and distributed as provided in
11 subsections (d) and (e).

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

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

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

17 (B) the base assessed value;

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

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

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

32 (1) The commission may determine that a portion of tax proceeds
33 shall be allocated to a training grant fund to be expended by the
34 commission without appropriation solely for the purpose of
35 reimbursing training expenses incurred by public or private
36 entities in the training of employees for the qualified airport
37 development project.

38 (2) The commission may determine that a portion of tax proceeds
39 shall be allocated to a debt service fund and dedicated to the
40 payment of principal and interest on revenue bonds or a loan
41 contract of the board of aviation commissioners or airport
42 authority for a qualified airport development project, to the



1 payment of leases for a qualified airport development project, or
 2 to the payment of principal and interest on bonds issued by an
 3 eligible entity to pay for qualified airport development projects in
 4 the airport development zone or serving the airport development
 5 zone.

6 (3) The commission may determine that a part of the tax proceeds
 7 shall be allocated to a project fund and used to pay expenses
 8 incurred by the commission for a qualified airport development
 9 project that is in the airport development zone or is serving the
 10 airport development zone.

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

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

19 (1) Determine the amount, if any, by which tax proceeds allocated
 20 to the project fund in subsection (e)(3) in the following year will
 21 exceed the amount necessary to satisfy amounts required under
 22 subsection (e).

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

- 27 (A) state the amount, if any, of excess tax proceeds that the
 28 commission has determined may be allocated to the respective
 29 taxing units in the manner prescribed in subsection (d)(1); or
 30 (B) state that the commission has determined that there are no
 31 excess tax proceeds that may be allocated to the respective
 32 taxing units in the manner prescribed in subsection (d)(1).

33 The county auditor shall allocate to the respective taxing units the
 34 amount, if any, of excess tax proceeds determined by the
 35 commission.

36 (g) When money in the debt service fund and in the project fund is
 37 sufficient to pay all outstanding principal and interest (to the earliest
 38 date on which the obligations can be redeemed) on revenue bonds
 39 issued by the board of aviation commissioners or airport authority for
 40 the financing of qualified airport development projects, all lease rentals
 41 payable on leases of qualified airport development projects, and all
 42 costs and expenditures associated with all qualified airport



1 development projects, money in the debt service fund and in the project
 2 fund in excess of those amounts shall be paid to the respective taxing
 3 units in the manner prescribed by subsection (d)(1).

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

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

12 (j) Notwithstanding any other law, the assessed value of all taxable
 13 tangible property in the airport development zone, for purposes of tax
 14 limitation, property tax replacement, and formulation of the budget, tax
 15 rate, and tax levy for each political subdivision in which the property
 16 is located is the lesser of:

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

19 (2) the base assessed value.

20 (k) If the commission confirms, or modifies and confirms, a
 21 resolution under section 6 of this chapter and the commission makes
 22 either of the filings required under section 6(c) of this chapter after the
 23 first anniversary of the effective date of the allocation provision, the
 24 auditor of the county in which the airport development zone is located
 25 shall compute the base assessed value for the allocation area using the
 26 assessment date immediately preceding the later of:

27 (1) the date on which the documents are filed with the county
 28 auditor; or

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

31 **(l) For an airport development zone established after June 30,**
 32 **2024, "residential property" refers to the assessed value of**
 33 **property that is allocated to the one percent (1%) homestead land**
 34 **and improvement categories in the county tax and billing software**
 35 **system, along with the residential assessed value as defined for**
 36 **purposes of calculating the rate for the local income tax property**
 37 **tax relief credit designated for residential property under**
 38 **IC 6-3.6-5-6(d)(3).**

39 SECTION 19. IC 20-46-1-8, AS AMENDED BY P.L.136-2021,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2022]: Sec. 8. (a) Subject to subsections (c), (d), and (e) and
 42 this chapter, the governing body of a school corporation may adopt a



1 resolution to place a referendum under this chapter on the ballot for any
2 of the following purposes:

3 (1) The governing body of the school corporation determines that
4 it cannot, in a calendar year, carry out its public educational duty
5 unless it imposes a referendum tax levy under this chapter.

6 (2) The governing body of the school corporation determines that
7 a referendum tax levy under this chapter should be imposed to
8 replace property tax revenue that the school corporation will not
9 receive because of the application of the credit under
10 IC 6-1.1-20.6.

11 (3) The governing body makes the determination required under
12 subdivision (1) or (2) and determines to share a portion of the
13 referendum proceeds with a charter school, excluding a virtual
14 charter school, in the manner prescribed in subsection (d).

15 (b) The governing body of the school corporation shall certify a
16 copy of the resolution to place a referendum on the ballot to the
17 following:

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

19 (A) the language for the question required by section 10 of this
20 chapter, or in the case of a resolution to extend a referendum
21 levy certified to the department of local government finance
22 after March 15, 2016, section 10.1 of this chapter; and

23 (B) a copy of the revenue spending plan adopted under
24 subsection (e).

25 The language of the public question must include the estimated
26 average percentage increases certified by the county auditor under
27 section 10(e) **or 10.1(f)** of this chapter, **as applicable**. The
28 governing body of the school corporation shall also provide the
29 county auditor's certification described in section 10(e) **or 10.1(f)**
30 of this chapter, **as applicable**. The department of local
31 government finance shall post the values certified by the county
32 auditor to the department's Internet web site. The department shall
33 review the language for compliance with section 10 or 10.1 of this
34 chapter, whichever is applicable, and either approve or reject the
35 language. The department shall send its decision to the governing
36 body of the school corporation not more than ten (10) days after
37 the resolution is submitted to the department. If the language is
38 approved, the governing body of the school corporation shall
39 certify a copy of the resolution, including the language for the
40 question and the department's approval.

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



- 1 (3) The circuit court clerk of each county in which the school
2 corporation is located.
- 3 (c) If a school safety referendum tax levy under IC 20-46-9 has been
4 approved by the voters in a school corporation at any time in the
5 previous three (3) years, the school corporation may not:
- 6 (1) adopt a resolution to place a referendum under this chapter on
7 the ballot; or
- 8 (2) otherwise place a referendum under this chapter on the ballot.
- 9 (d) The resolution described in subsection (a) must indicate whether
10 proceeds in the school corporation's education fund collected from a
11 tax levy under this chapter will be used to provide a distribution to a
12 charter school or charter schools, excluding a virtual charter school,
13 under IC 20-40-3-5 as well as the amount that will be distributed to the
14 particular charter school or charter schools. A school corporation may
15 request from the designated charter school or charter schools any
16 financial documentation necessary to demonstrate the financial need of
17 the charter school or charter schools.
- 18 (e) As part of the resolution described in subsection (a), the
19 governing body of the school corporation shall adopt a revenue
20 spending plan for the proposed referendum tax levy that includes:
- 21 (1) an estimate of the amount of annual revenue expected to be
22 collected if a levy is imposed under this chapter;
- 23 (2) the specific purposes for which the revenue collected from a
24 levy imposed under this chapter will be used; and
- 25 (3) an estimate of the annual dollar amounts that will be expended
26 for each purpose described in subdivision (2).
- 27 (f) A school corporation shall specify in its proposed budget the
28 school corporation's revenue spending plan adopted under subsection
29 (e) and annually present the revenue spending plan at its public hearing
30 on the proposed budget under IC 6-1.1-17-3.
- 31 SECTION 20. IC 20-46-1-10, AS AMENDED BY P.L.38-2021,
32 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2022]: Sec. 10. (a) This section does not apply to a
34 referendum on a resolution certified to the department of local
35 government finance after March 15, 2016, to extend a referendum levy.
- 36 (b) The question to be submitted to the voters in the referendum
37 must read as follows:
- 38 "Shall the school corporation increase property taxes paid to the
39 school corporation by homeowners and businesses for _____
40 (insert number of years) years immediately following the holding
41 of the referendum for the purpose of funding _____ (insert short
42 description of purposes)? If this public question is approved by



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

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

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

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

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

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

31 from the result of STEP ONE.

32 STEP THREE: Divide the result of STEP TWO by one hundred
 33 (100).

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

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

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

41 (B) as appropriate, apply any currently applicable county
 42 property tax credit rates and the credit for excessive property



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



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

6 SECTION 21. IC 20-46-1-10.1, AS AMENDED BY P.L.38-2021,
 7 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2022]: Sec. 10.1. (a) This section applies only to a referendum
 9 to allow a school corporation to extend a referendum levy.

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

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

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

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

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

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



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

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

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

9 from the result of STEP ONE.

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

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

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

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

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

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

26 STEP SEVEN: Multiply:

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

29 (B) the result of STEP THREE.

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

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

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

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



- 1 **(100).**
 2 **STEP THREE: Determine the overall average tax rate per**
 3 **one hundred dollars (\$100) of assessed valuation for the first**
 4 **year in which the referendum levy was imposed on property**
 5 **located within the school corporation.**
 6 **STEP FOUR: For purposes of determining net property tax**
 7 **liability of the average business property located within the**
 8 **school corporation:**
 9 **(A) multiply the result of STEP TWO by the result of**
 10 **STEP THREE; and**
 11 **(B) as appropriate, apply any currently applicable county**
 12 **property tax credit rates and the credit for excessive**
 13 **property taxes under IC 6-1.1-20.6-7.5 as if the applicable**
 14 **percentage was three percent (3%).**
 15 **STEP FIVE: Determine the amount of the school**
 16 **corporation's part of the result determined in STEP FOUR.**
 17 **STEP SIX: Multiply:**
 18 **(A) the result of STEP TWO; by**
 19 **(B) the tax rate that will be imposed if the public question**
 20 **is approved by the voters.**
 21 **STEP SEVEN: Divide the result of STEP SIX by the result of**
 22 **STEP FIVE, expressed as a percentage.**
 23 **(f) The county auditor shall certify the estimated average**
 24 **percentage of property tax increase on a homestead to be paid to**
 25 **the school corporation determined under subsection (d), and the**
 26 **estimated average percentage of property tax increase on a**
 27 **business property to be paid to the school corporation determined**
 28 **under subsection (e), in a manner prescribed by the department of**
 29 **local government finance, and provide the certification to the**
 30 **governing body of the school corporation that proposes to impose**
 31 **property taxes.**
 32 SECTION 22. IC 20-46-9-6, AS AMENDED BY P.L.136-2021,
 33 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2022]: Sec. 6. (a) Subject to this chapter, the governing body
 35 of a school corporation may adopt a resolution to place a referendum
 36 under this chapter on the ballot if the governing body of the school
 37 corporation determines that a referendum levy should be imposed for
 38 measures to improve school safety as described in IC 20-40-20-6(a) or
 39 IC 20-40-20-6(b).
 40 (b) A school corporation may, with the approval of the majority of
 41 members of the governing body, distribute a portion of the proceeds of
 42 a tax levy collected under this chapter that is deposited in the fund to



1 a charter school, excluding a virtual charter school, that is located
 2 within the attendance area of the school corporation, to be used by the
 3 charter school for the purposes described in IC 20-40-20-6(a).

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

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

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

11 (B) a copy of the revenue spending plan adopted under
 12 subsection (e).

13 The language of the public question must include the estimated
 14 average percentage increases certified by the county auditor under
 15 section 9(d) or 10(f) of this chapter, **as applicable**. The governing
 16 body of the school corporation shall also provide the county
 17 auditor's certification described in section 9(d) or 10(f) of this
 18 chapter, **as applicable**. The department of local government
 19 finance shall post the values certified by the county auditor to the
 20 department's Internet web site. The department shall review the
 21 language for compliance with section 9 or 10 of this chapter,
 22 whichever is applicable, and either approve or reject the language.
 23 The department shall send its decision to the governing body of
 24 the school corporation not more than ten (10) days after the
 25 resolution is submitted to the department. If the language is
 26 approved, the governing body of the school corporation shall
 27 certify a copy of the resolution, including the language for the
 28 question and the department's approval.

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

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

33 (d) The resolution described in subsection (a) must indicate whether
 34 proceeds in the school corporation's fund collected from a tax levy
 35 under this chapter will be used to provide a distribution to a charter
 36 school or charter schools, excluding a virtual charter school, under
 37 IC 20-40-20-6(b) as well as the amount that will be distributed to the
 38 particular charter school or charter schools. A school corporation may
 39 request from the designated charter school or charter schools any
 40 financial documentation necessary to demonstrate the financial need of
 41 the charter school or charter schools.

42 (e) As part of the resolution described in subsection (a), the



1 governing body of the school corporation shall adopt a revenue
2 spending plan for the proposed referendum tax levy that includes:

- 3 (1) an estimate of the amount of annual revenue expected to be
4 collected if a levy is imposed under this chapter;
5 (2) the specific purposes described in IC 20-40-20-6 for which the
6 revenue collected from a levy imposed under this chapter will be
7 used; and
8 (3) an estimate of the annual dollar amounts that will be expended
9 for each purpose described in subdivision (2).

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

14 SECTION 23. IC 20-46-9-9, AS AMENDED BY P.L.38-2021,
15 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2022]: Sec. 9. (a) The question to be submitted to the voters
17 in the referendum must read as follows:

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

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

42 STEP ONE: Determine the average assessed value of a homestead



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



1 hundred dollars (\$100) of assessed valuation for the current year
 2 imposed on property located within the school corporation.
 3 STEP FOUR: For purposes of determining net property tax
 4 liability of the average business property located within the school
 5 corporation:
 6 (A) multiply the result of STEP TWO by the result of STEP
 7 THREE; and
 8 (B) as appropriate, apply any currently applicable county
 9 property tax credit rates and the credit for excessive property
 10 taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage
 11 was three percent (3%).
 12 STEP FIVE: Determine the amount of the school corporation's
 13 part of the result determined in STEP FOUR.
 14 STEP SIX: Multiply:
 15 (A) the result of STEP TWO; by
 16 (B) the tax rate that will be imposed if the public question is
 17 approved by the voters.
 18 STEP SEVEN: Divide the result of STEP SIX by the result of
 19 STEP FIVE, expressed as a percentage.
 20 (d) The county auditor shall certify the estimated average
 21 percentage of property tax increase on a homestead to be paid to the
 22 school corporation determined under subsection (b), and the estimated
 23 average percentage of property tax increase on a business property to
 24 be paid to the school corporation determined under subsection (c), in
 25 a manner prescribed by the department of local government finance,
 26 and provide the certification to the governing body of the school
 27 corporation that proposes to impose property taxes.
 28 SECTION 24. IC 20-46-9-10, AS AMENDED BY P.L.38-2021,
 29 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2022]: Sec. 10. (a) This section applies only to a referendum
 31 to allow a school corporation to extend a referendum tax levy.
 32 (b) The question to be submitted to the voters in the referendum
 33 must read as follows:
 34 "Shall the school corporation continue to impose increased
 35 property taxes paid to the school corporation by homeowners and
 36 businesses for _____ (insert number of years) years immediately
 37 following the holding of the referendum for the purpose of
 38 funding _____ (insert short description of purposes)? The
 39 property tax increase requested in this referendum was originally
 40 approved by the voters in _____ (insert the year in which the
 41 referendum tax levy was approved) and originally increased the
 42 average property tax paid to the school corporation per year on a



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

9 (c) The number of years for which a referendum tax levy may be
 10 extended if the public question under this section is approved may not
 11 exceed the number of years for which the expiring referendum tax levy
 12 was imposed.

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

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

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

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

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

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

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

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

39 **STEP FIVE: For purposes of determining net property tax**
 40 **liability of the average homestead located within the school**
 41 **corporation:**

42 **(A) multiply the result of STEP THREE by the result of**



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



1 **is approved by the voters.**

2 **STEP SEVEN: Divide the result of STEP SIX by the result of**
 3 **STEP FIVE, expressed as a percentage.**

4 **(f) The county auditor shall certify the estimated average**
 5 **percentage of property tax increase on a homestead to be paid to**
 6 **the school corporation determined under subsection (d), and the**
 7 **estimated average percentage of property tax increase on a**
 8 **business property to be paid to the school corporation determined**
 9 **under subsection (e), in a manner prescribed by the department of**
 10 **local government finance, and provide the certification to the**
 11 **governing body of the school corporation that proposes to impose**
 12 **property taxes.**

13 SECTION 25. IC 33-34-8-1, AS AMENDED BY P.L.38-2021,
 14 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2022]: Sec. 1. (a) The following fees and costs apply to cases
 16 in the small claims court:

17 (1) A township docket fee of five dollars (\$5) plus forty-five
 18 percent (45%) of the infraction or ordinance violation costs fee
 19 under IC 33-37-4-2.

20 (2) The bailiff's service of process by registered or certified mail
 21 fee of fifteen dollars (\$15) for each service.

22 (3) The cost for the personal service of process by the bailiff or
 23 other process server of fifteen dollars (\$15) for each service.

24 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
 25 to be taxed and charged in the circuit court.

26 (5) A redocketing fee, if any, of five dollars (\$5).

27 (6) A document storage fee under IC 33-37-5-20.

28 (7) An automated record keeping fee under IC 33-37-5-21.

29 (8) A late fee, if any, under IC 33-37-5-22.

30 (9) A public defense administration fee under IC 33-37-5-21.2.

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

32 (11) A judicial salaries fee under IC 33-37-5-26.

33 (12) A court administration fee under IC 33-37-5-27.

34 (13) ~~Before July 1, 2022;~~ A pro bono legal services fee under
 35 IC 33-37-5-31.

36 The docket fee and the cost for the initial service of process shall be
 37 paid at the institution of a case. The cost of service after the initial
 38 service shall be assessed and paid after service has been made. The
 39 cost of witness fees shall be paid before the witnesses are called.

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



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

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

12 (c) This subsection does not apply to a low caseload court. This
 13 subsection applies to all other township small claims courts in Marion
 14 County. One dollar and fifty cents (\$1.50) of the township docket fee
 15 shall be paid to the township trustee of each low caseload court at the
 16 end of each month. The remaining township docket fees and late fees
 17 received by the court shall be paid to the township trustee at the close
 18 of each month.

19 (d) The court shall:

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

21 (A) all automated record keeping fees (IC 33-37-5-21)
 22 received by the court for deposit in the homeowner protection
 23 unit account established by IC 4-6-12-9 and the state user fee
 24 fund established under IC 33-37-9;

25 (B) all public defense administration fees collected by the
 26 court under IC 33-37-5-21.2 for deposit in the state general
 27 fund;

28 (C) sixty percent (60%) of all court administration fees
 29 collected by the court under IC 33-37-5-27 for deposit in the
 30 state general fund;

31 (D) all judicial insurance adjustment fees collected by the
 32 court under IC 33-37-5-25 for deposit in the state general fund;

33 (E) seventy-five percent (75%) of all judicial salaries fees
 34 collected by the court under IC 33-37-5-26 for deposit in the
 35 state general fund; and

36 (F) one hundred percent (100%) of the pro bono legal services
 37 fees collected ~~before July 1, 2022;~~ by the court under
 38 IC 33-37-5-31; and

39 (2) distribute monthly to the county auditor all document storage
 40 fees received by the court.

41 The remaining twenty-five percent (25%) of the judicial salaries fees
 42 described in subdivision (1)(E) shall be deposited monthly in the



1 township general fund of the township in which the court is located.
 2 The county auditor shall deposit fees distributed under subdivision (2)
 3 into the clerk's record perpetuation fund under IC 33-37-5-2.

4 (e) The court semiannually shall pay to the township trustee of the
 5 township in which the court is located the remaining forty percent
 6 (40%) of the court administration fees described under subsection
 7 (d)(1)(C) to fund the operations of the small claims court in the
 8 trustee's township.

9 SECTION 27. IC 33-37-4-4, AS AMENDED BY P.L.39-2017,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2022]: Sec. 4. (a) The clerk shall collect a civil costs fee of
 12 one hundred dollars (\$100) from a party filing a civil action. This
 13 subsection does not apply to the following civil actions:

14 (1) Proceedings to enforce a statute defining an infraction under
 15 IC 34-28-5 (or IC 34-4-32 before its repeal).

16 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
 17 IC 34-4-32 before its repeal).

18 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

19 (4) Proceedings in paternity under IC 31-14.

20 (5) Proceedings in small claims court under IC 33-34.

21 (6) Proceedings in actions described in section 7 of this chapter.

22 (b) In addition to the civil costs fee collected under this section, the
 23 clerk shall collect the following fees, if they are required under
 24 IC 33-37-5:

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

27 (2) A support and maintenance fee (IC 33-37-5-6).

28 (3) A document storage fee (IC 33-37-5-20).

29 (4) An automated record keeping fee (IC 33-37-5-21).

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

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

32 (7) A judicial salaries fee (IC 33-37-5-26).

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

34 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).

35 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or
 36 IC 33-37-5-28(b)(4)).

37 (11) For a mortgage foreclosure action, a mortgage foreclosure
 38 counseling and education fee (IC 33-37-5-33) (before its
 39 expiration on July 1, 2017).

40 (12) ~~Before July 1, 2022,~~ A pro bono legal services fee (IC
 41 33-37-5-31).

42 SECTION 28. IC 33-37-4-6, AS AMENDED BY P.L.235-2017,



1 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2022]: Sec. 6. (a) For each small claims action, the clerk shall
3 collect the following fees:

4 (1) From the party filing the action:

5 (A) a small claims costs fee of thirty-five dollars (\$35);

6 (B) a small claims service fee of ten dollars (\$10) for each
7 named defendant that is not a garnishee defendant; and

8 (C) if the party has named more than three (3) garnishees or
9 garnishee defendants, a small claims garnishee service fee of
10 ten dollars (\$10) for each garnishee or garnishee defendant in
11 excess of three (3).

12 (2) From any party adding a defendant that is not a garnishee
13 defendant, a small claims service fee of ten dollars (\$10) for each
14 defendant that is not a garnishee defendant added in the action.

15 (3) From any party adding a garnishee or garnishee defendant, a
16 small claims garnishee service fee of ten dollars (\$10) for each
17 garnishee or garnishee defendant added to the action. However,
18 a clerk may not collect a small claims garnishee service fee for the
19 first three (3) garnishees named in the action.

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

23 (b) A clerk may not collect a fee under subsection (a)(1)(B),
24 (a)(1)(C), (a)(2), or (a)(3) for a small claims action filed through the
25 Indiana electronic filing system adopted by the Indiana supreme court.

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

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

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

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

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

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

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

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

38 (8) ~~Before July 1, 2022~~, A pro bono legal services fee (IC
39 33-37-5-31).

40 SECTION 29. IC 33-37-4-7, AS AMENDED BY P.L.194-2017,
41 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2022]: Sec. 7. (a) Except as provided under subsection (c), the



1 clerk shall collect from the party filing the action a probate costs fee of
 2 one hundred twenty dollars (\$120) for each action filed under any of
 3 the following:

- 4 (1) IC 29 (probate).
 5 (2) IC 30 (trusts and fiduciaries).

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

- 9 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 10 IC 33-37-5-4).
 11 (2) A document storage fee (IC 33-37-5-20).
 12 (3) An automated record keeping fee (IC 33-37-5-21).
 13 (4) A public defense administration fee (IC 33-37-5-21.2).
 14 (5) A judicial insurance adjustment fee (IC 33-37-5-25).
 15 (6) A judicial salaries fee (IC 33-37-5-26).
 16 (7) A court administration fee (IC 33-37-5-27).
 17 (8) ~~Before July 1, 2022~~, A pro bono legal services fee (IC
 18 33-37-5-31).

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

- 21 (1) Petition to open a safety deposit box.
 22 (2) Filing an inheritance tax return, unless proceedings other than
 23 the court's approval of the return become necessary.
 24 (3) Offering a will for probate under IC 29-1-7, unless
 25 proceedings other than admitting the will to probate become
 26 necessary.
 27 (4) Filing a closing statement for an estate described in
 28 IC 29-1-8-4.

29 SECTION 30. IC 33-37-5-31, AS AMENDED BY P.L.39-2017,
 30 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2022]: Sec. 31. In each:

- 32 (1) civil action in which the clerk is required to collect a civil
 33 costs fee under IC 33-37-4-4(a);
 34 (2) small claims action in which:
 35 (A) a party is required to pay a township docket fee under
 36 IC 33-34-8-1(a)(1); or
 37 (B) the clerk is required to collect a small claims costs fee
 38 under IC 33-37-4-6; or
 39 (3) probate action in which the clerk is required to collect a
 40 probate costs fee under IC 33-37-4-7(a);

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



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

- 13 (1) IC 33-37-4-1(a) (criminal costs fees).
- 14 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 15 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 16 (4) IC 33-37-4-4(a) (civil costs fees).
- 17 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 18 (6) IC 33-37-4-7(a) (probate costs fees).
- 19 (7) IC 33-37-5-17 (deferred prosecution fees).

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

- 23 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 24 interdiction, and correction fees collected under
 25 IC 33-37-4-1(b)(5).
- 26 (2) Twenty-five percent (25%) of the alcohol and drug
 27 countermeasures fees collected under IC 33-37-4-1(b)(6),
 28 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 29 (3) One hundred percent (100%) of the child abuse prevention
 30 fees collected under IC 33-37-4-1(b)(7).
- 31 (4) One hundred percent (100%) of the domestic violence
 32 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 33 (5) One hundred percent (100%) of the highway worksite zone
 34 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 35 (6) Seventy-five percent (75%) of the safe schools fee collected
 36 under IC 33-37-5-18.
- 37 (7) One hundred percent (100%) of the automated record keeping
 38 fee collected under IC 33-37-5-21 not distributed under
 39 subsection (a).

40 (c) The clerk of a circuit court shall distribute monthly to the county
 41 auditor the following:

- 42 (1) Seventy-five percent (75%) of the drug abuse, prosecution,



1 interdiction, and correction fees collected under
2 IC 33-37-4-1(b)(5).

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

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

9 (d) The clerk of a circuit court shall distribute monthly to the county
10 auditor one hundred percent (100%) of the late payment fees collected
11 under IC 33-37-5-22. The county auditor shall deposit fees distributed
12 by a clerk under this subsection as follows:

13 (1) If directed to do so by an ordinance adopted by the county
14 fiscal body, the county auditor shall deposit forty percent (40%)
15 of the fees in the clerk's record perpetuation fund established
16 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
17 county general fund.

18 (2) If the county fiscal body has not adopted an ordinance
19 described in subdivision (1), the county auditor shall deposit all
20 the fees in the county general fund.

21 (e) The clerk of the circuit court shall distribute semiannually to the
22 auditor of state for deposit in the sexual assault victims assistance fund
23 established by IC 5-2-6-23(d) one hundred percent (100%) of the
24 sexual assault victims assistance fees collected under IC 33-37-5-23.

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

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

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

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



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

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

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

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

11 (h) This subsection does not apply to court administration fees
12 collected in small claims actions filed in a court described in IC 33-34.
13 The clerk of a circuit court shall semiannually distribute to the auditor
14 of state for deposit in the state general fund one hundred percent
15 (100%) of the following:

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

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

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

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

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

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

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

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

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

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

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



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

5 (1) The mortgage foreclosure counseling and education fees
 6 collected under IC 33-37-5-33 (before its expiration on July 1,
 7 2017).

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

11 (l) The clerk of a circuit court shall distribute semiannually to the
 12 auditor of state one hundred percent (100%) of the pro bono legal
 13 services fees collected ~~before July 1, 2022~~, under IC 33-37-5-31. The
 14 auditor of state shall transfer semiannually the pro bono legal services
 15 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 16 designated to organize and administer the interest on lawyers trust
 17 accounts (IOLTA) program under Rule 1.15 of the Rules of
 18 Professional Conduct of the Indiana supreme court. The Indiana Bar
 19 Foundation shall:

20 (1) deposit in an appropriate account and otherwise manage the
 21 fees the Indiana Bar Foundation receives under this subsection in
 22 the same manner the Indiana Bar Foundation deposits and
 23 manages the net earnings the Indiana Bar Foundation receives
 24 from IOLTA accounts; and

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

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

33 SECTION 32. IC 33-37-7-8, AS AMENDED BY P.L.165-2021,
 34 SECTION 194, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The clerk of a city or town
 36 court shall distribute semiannually to the auditor of state as the state
 37 share for deposit in the homeowner protection unit account established
 38 by IC 4-6-12-9 one hundred percent (100%) of the automated record
 39 keeping fees collected under IC 33-37-5-21 with respect to actions
 40 resulting in the accused person entering into a pretrial diversion
 41 program agreement under IC 33-39-1-8 or a deferral program
 42 agreement under IC 34-28-5-1 and for deposit in the state general fund



- 1 fifty-five percent (55%) of the amount of fees collected under the
 2 following:
- 3 (1) IC 33-37-4-1(a) (criminal costs fees).
 - 4 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - 5 (3) IC 33-37-4-4(a) (civil costs fees).
 - 6 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - 7 (5) IC 33-37-5-17 (deferred prosecution fees).
- 8 (b) The city or town fiscal officer shall distribute monthly to the
 9 county auditor as the county share twenty percent (20%) of the amount
 10 of fees collected under the following:
- 11 (1) IC 33-37-4-1(a) (criminal costs fees).
 - 12 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - 13 (3) IC 33-37-4-4(a) (civil costs fees).
 - 14 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - 15 (5) IC 33-37-5-17 (deferred prosecution fees).
- 16 (c) The city or town fiscal officer shall retain twenty-five percent
 17 (25%) as the city or town share of the fees collected under the
 18 following:
- 19 (1) IC 33-37-4-1(a) (criminal costs fees).
 - 20 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - 21 (3) IC 33-37-4-4(a) (civil costs fees).
 - 22 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - 23 (5) IC 33-37-5-17 (deferred prosecution fees).
- 24 (d) The clerk of a city or town court shall distribute semiannually to
 25 the auditor of state for deposit in the state user fee fund established in
 26 IC 33-37-9 the following:
- 27 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 28 interdiction, and correction fees collected under
 29 IC 33-37-4-1(b)(5).
 - 30 (2) Twenty-five percent (25%) of the alcohol and drug
 31 countermeasures fees collected under IC 33-37-4-1(b)(6),
 32 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 - 33 (3) One hundred percent (100%) of the highway worksite zone
 34 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 - 35 (4) Seventy-five percent (75%) of the safe schools fee collected
 36 under IC 33-37-5-18.
 - 37 (5) One hundred percent (100%) of the automated record keeping
 38 fee collected under IC 33-37-5-21 not distributed under
 39 subsection (a).
- 40 (e) The clerk of a city or town court shall distribute monthly to the
 41 county auditor the following:
- 42 (1) Seventy-five percent (75%) of the drug abuse, prosecution,



1 interdiction, and correction fees collected under
2 IC 33-37-4-1(b)(5).

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

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

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

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

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

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

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

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

22 (g) The clerk of a city or town court shall semiannually distribute to
23 the auditor of state for deposit in the state general fund one hundred
24 percent (100%) of the following:

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

27 (2) The DNA sample processing fees collected under
28 IC 33-37-5-26.2.

29 (3) The court administration fees collected under IC 33-37-5-27.

30 (4) The judicial insurance adjustment fee collected under
31 IC 33-37-5-25.

32 (h) The clerk of a city or town court shall semiannually distribute to
33 the auditor of state for deposit in the state general fund seventy-five
34 percent (75%) of the judicial salaries fee collected under
35 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
36 percent (25%) of the judicial salaries fee collected under
37 IC 33-37-5-26. The funds retained by the city or town shall be
38 prioritized to fund city or town court operations.

39 (i) The clerk of a city or town court shall distribute semiannually to
40 the auditor of state one hundred percent (100%) of the pro bono legal
41 services fees collected ~~before July 1, 2022,~~ under IC 33-37-5-31. The
42 auditor of state shall transfer semiannually the pro bono legal services



1 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 2 designated to organize and administer the interest on lawyers trust
 3 accounts (IOLTA) program under Rule 1.15 of the Rules of
 4 Professional Conduct of the Indiana supreme court. The Indiana Bar
 5 Foundation shall:

6 (1) deposit in an appropriate account and otherwise manage the
 7 fees the Indiana Bar Foundation receives under this subsection in
 8 the same manner the Indiana Bar Foundation deposits and
 9 manages the net earnings the Indiana Bar Foundation receives
 10 from IOLTA accounts; and

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

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

19 SECTION 33. IC 36-1-10-5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. Notwithstanding
 21 sections 6, 12, 16, and 17 of this chapter, the following procedure shall
 22 be followed whenever a lease does not contain an option to purchase:

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

26 ~~(2) (1) The lease must provide that the lease is subject to annual~~
 27 ~~appropriation by the appropriate fiscal body.~~

28 ~~(3) (2) The leasing agent must have a copy of the lease filed and~~
 29 ~~kept in a place available for public inspection.~~

30 A leasing agent may lease part of a structure.

31 SECTION 34. IC 36-1-10-16 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. (a) A political
 33 subdivision or agency owning a structure with respect to which its
 34 revenue bonds are outstanding may, to refinance those bonds, convey
 35 the structure to the lessor in fee simple and lease it from the lessor in
 36 accordance with this chapter. ~~subject to the approval of the department~~
 37 ~~of local government finance.~~

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

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

41 (2) interest on those bonds to the maturity date of bonds not
 42 subject to redemption before maturity and to the first redemption



1 date of bonds subject to redemption before maturity; and
 2 (3) the redemption premiums on all bonds subject to redemption
 3 before maturity.

4 An amount not less than this sum shall be deposited in trust for the
 5 payment of the outstanding revenue bonds in a manner consistent with
 6 the ordinance or trust agreement under which the bonds were issued.
 7 The money deposited in the trust, and investment income from it, not
 8 required for the payment of the bonds, shall be applied to the payment
 9 of the obligations issued by the lessor for the acquisition of the
 10 structure, and to a corresponding reduction of rentals for the leasing
 11 agent.

12 (c) Each lease entered into under this section must include an option
 13 permitting the political subdivision or agency to purchase the structure
 14 at a price not exceeding the amount required to retire all outstanding
 15 obligations issued by the lessor to acquire the property covered by the
 16 lease. The lease and sale of a parking facility under this section does
 17 not preclude the lease of air rights.

18 SECTION 35. IC 36-7-14-22.7, AS ADDED BY P.L.169-2006,
 19 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2022]: Sec. 22.7. (a) The commission may dispose of real
 21 property to which section 22.5 of this chapter applies by following the
 22 procedure set forth in this section.

23 (b) The commission shall first have the property appraised by two
 24 (2) appraisers. The appraisers must be:

- 25 (1) persons who are professionally engaged in making appraisals;
 26 (2) persons who are licensed under IC 25-34.1; or
 27 (3) employees of the political subdivision familiar with the value
 28 of the property.

29 The appraisers shall make a joint appraisal of the property.

30 (c) The commission may:

- 31 (1) negotiate a sale or transfer; and
 32 (2) dispose of the property;

33 at a value that is not less than the appraised value determined under
 34 subsection (b).

35 (d) Disposal of real property under this ~~chapter~~ **section** is subject to
 36 the approval of the commission. The commission may not approve a
 37 disposal of property without conducting a public hearing after giving
 38 notice under IC 5-3-1.

39 (e) In addition to any other reason for disapproving a disposal of
 40 property under this section, the commission may disapprove a sale of
 41 a tract of residential property to any bidder who does not by affidavit
 42 declare that the bidder will reside on that property for at least one (1)



1 year after the bidder obtains possession of the property.

2 SECTION 36. IC 36-7-14-39, AS AMENDED BY P.L.38-2021,
3 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]: Sec. 39. (a) As used in this section:

5 "Allocation area" means that part of a redevelopment project area
6 to which an allocation provision of a declaratory resolution adopted
7 under section 15 of this chapter refers for purposes of distribution and
8 allocation of property taxes.

9 "Base assessed value" means, subject to subsection (j), the
10 following:

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

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

18 (B) to the extent that it is not included in clause (A), the net
19 assessed value of property that is assessed as residential
20 property under the rules of the department of local government
21 finance, within the allocation area, as finally determined for
22 the current assessment date.

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

26 (A) the net assessed value of all the property as finally
27 determined for the assessment date immediately preceding the
28 effective date of the allocation provision of the declaratory
29 resolution, as adjusted under subsection (h); plus

30 (B) to the extent that it is not included in clause (A), the net
31 assessed value of property that is assessed as residential
32 property under the rules of the department of local government
33 finance, as finally determined for the current assessment date.

34 (3) If:

35 (A) an allocation provision adopted before June 30, 1995, in
36 a declaratory resolution or an amendment to a declaratory
37 resolution establishing a redevelopment project area expires
38 after June 30, 1997; and

39 (B) after June 30, 1997, a new allocation provision is included
40 in an amendment to the declaratory resolution;

41 the net assessed value of all the property as finally determined for
42 the assessment date immediately preceding the effective date of



1 the allocation provision adopted after June 30, 1997, as adjusted
2 under subsection (h).

3 (4) Except as provided in subdivision (5), for all other allocation
4 areas, the net assessed value of all the property as finally
5 determined for the assessment date immediately preceding the
6 effective date of the allocation provision of the declaratory
7 resolution, as adjusted under subsection (h).

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

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

16 Except as provided in section 39.3 of this chapter, "property taxes"
17 means taxes imposed under IC 6-1.1 on real property. However, upon
18 approval by a resolution of the redevelopment commission adopted
19 before June 1, 1987, "property taxes" also includes taxes imposed
20 under IC 6-1.1 on depreciable personal property. If a redevelopment
21 commission adopted before June 1, 1987, a resolution to include within
22 the definition of property taxes, taxes imposed under IC 6-1.1 on
23 depreciable personal property that has a useful life in excess of eight
24 (8) years, the commission may by resolution determine the percentage
25 of taxes imposed under IC 6-1.1 on all depreciable personal property
26 that will be included within the definition of property taxes. However,
27 the percentage included must not exceed twenty-five percent (25%) of
28 the taxes imposed under IC 6-1.1 on all depreciable personal property.

29 (b) A declaratory resolution adopted under section 15 of this chapter
30 on or before the allocation deadline determined under subsection (i)
31 may include a provision with respect to the allocation and distribution
32 of property taxes for the purposes and in the manner provided in this
33 section. A declaratory resolution previously adopted may include an
34 allocation provision by the amendment of that declaratory resolution on
35 or before the allocation deadline determined under subsection (i) in
36 accordance with the procedures required for its original adoption. A
37 declaratory resolution or amendment that establishes an allocation
38 provision must include a specific finding of fact, supported by
39 evidence, that the adoption of the allocation provision will result in
40 new property taxes in the area that would not have been generated but
41 for the adoption of the allocation provision. For an allocation area
42 established before July 1, 1995, the expiration date of any allocation



1 provisions for the allocation area is June 30, 2025, or the last date of
 2 any obligations that are outstanding on July 1, 2015, whichever is later.
 3 A declaratory resolution or an amendment that establishes an allocation
 4 provision after June 30, 1995, must specify an expiration date for the
 5 allocation provision. For an allocation area established before July 1,
 6 2008, the expiration date may not be more than thirty (30) years after
 7 the date on which the allocation provision is established. For an
 8 allocation area established after June 30, 2008, the expiration date may
 9 not be more than twenty-five (25) years after the date on which the first
 10 obligation was incurred to pay principal and interest on bonds or lease
 11 rentals on leases payable from tax increment revenues. However, with
 12 respect to bonds or other obligations that were issued before July 1,
 13 2008, if any of the bonds or other obligations that were scheduled when
 14 issued to mature before the specified expiration date and that are
 15 payable only from allocated tax proceeds with respect to the allocation
 16 area remain outstanding as of the expiration date, the allocation
 17 provision does not expire until all of the bonds or other obligations are
 18 no longer outstanding. Notwithstanding any other law, in the case of an
 19 allocation area that is established after June 30, 2019, and that is
 20 located in a redevelopment project area described in section
 21 25.1(c)(3)(C) of this chapter, an economic development area described
 22 in section 25.1(c)(3)(C) of this chapter, or an urban renewal project
 23 area described in section 25.1(c)(3)(C) of this chapter, the expiration
 24 date of the allocation provision may not be more than thirty-five (35)
 25 years after the date on which the allocation provision is established.
 26 The allocation provision may apply to all or part of the redevelopment
 27 project area. The allocation provision must require that any property
 28 taxes subsequently levied by or for the benefit of any public body
 29 entitled to a distribution of property taxes on taxable property in the
 30 allocation area be allocated and distributed as follows:

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

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

35 or

36 (B) the base assessed value;

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

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



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

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

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

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

18 (C) Pay the principal of and interest on bonds payable from
 19 allocated tax proceeds in that allocation area and from the
 20 special tax levied under section 27 of this chapter.

21 (D) Pay the principal of and interest on bonds issued by the
 22 unit to pay for local public improvements that are physically
 23 located in or physically connected to that allocation area.

24 (E) Pay premiums on the redemption before maturity of bonds
 25 payable solely or in part from allocated tax proceeds in that
 26 allocation area.

27 (F) Make payments on leases payable from allocated tax
 28 proceeds in that allocation area under section 25.2 of this
 29 chapter.

30 (G) Reimburse the unit for expenditures made by it for local
 31 public improvements (which include buildings, parking
 32 facilities, and other items described in section 25.1(a) of this
 33 chapter) that are physically located in or physically connected
 34 to that allocation area.

35 (H) Reimburse the unit for rentals paid by it for a building or
 36 parking facility that is physically located in or physically
 37 connected to that allocation area under any lease entered into
 38 under IC 36-1-10.

39 (I) For property taxes first due and payable before January 1,
 40 2009, pay all or a part of a property tax replacement credit to
 41 taxpayers in an allocation area as determined by the
 42 redevelopment commission. This credit equals the amount



1 determined under the following STEPS for each taxpayer in a
 2 taxing district (as defined in IC 6-1.1-1-20) that contains all or
 3 part of the allocation area:

4 STEP ONE: Determine that part of the sum of the amounts
 5 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
 6 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
 7 IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to
 8 the taxing district.

9 STEP TWO: Divide:

10 (i) that part of each county's eligible property tax
 11 replacement amount (as defined in IC 6-1.1-21-2 (before its
 12 repeal)) for that year as determined under IC 6-1.1-21-4
 13 (before its repeal) that is attributable to the taxing district;
 14 by

15 (ii) the STEP ONE sum.

16 STEP THREE: Multiply:

17 (i) the STEP TWO quotient; times

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

22 If not all the taxpayers in an allocation area receive the credit
 23 in full, each taxpayer in the allocation area is entitled to
 24 receive the same proportion of the credit. A taxpayer may not
 25 receive a credit under this section and a credit under section
 26 39.5 of this chapter (before its repeal) in the same year.

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

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

35 (i) in the allocation area; and

36 (ii) on a parcel of real property that has been classified as
 37 industrial property under the rules of the department of local
 38 government finance.

39 However, the total amount of money spent for this purpose in
 40 any year may not exceed the total amount of money in the
 41 allocation fund that is attributable to property taxes paid by the
 42 industrial facilities described in this clause. The



1 reimbursements under this clause must be made within three
 2 (3) years after the date on which the investments that are the
 3 basis for the increment financing are made.

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

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

17 (ii) Make any reimbursements required under this
 18 subdivision.

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

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

22 (M) Expend money and provide financial assistance as
 23 authorized in section 12.2(a)(27) of this chapter.

24 The allocation fund may not be used for operating expenses of the
 25 commission.

26 (4) Except as provided in subsection (g), before June 15 of each
 27 year, the commission shall do the following:

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

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



1 upon receiving the notice, shall forward this notice (in an
2 electronic format) to the department of local government
3 finance not later than June 15 of each year. The notice must:

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

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

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

18 (C) If:

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

24 (ii) the amount necessary for other purposes described in
25 subdivision (3);

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

34 (5) Notwithstanding subdivision (4), in the case of an allocation
35 area that is established after June 30, 2019, and that is located in
36 a redevelopment project area described in section 25.1(c)(3)(C)
37 of this chapter, an economic development area described in
38 section 25.1(c)(3)(C) of this chapter, or an urban renewal project
39 area described in section 25.1(c)(3)(C) of this chapter, for each
40 year the allocation provision is in effect, if the amount of excess
41 assessed value determined by the commission under subdivision
42 (4)(A) is expected to generate more than two hundred percent



- 1 (200%) of:
- 2 (A) the amount of allocated tax proceeds necessary to make,
- 3 when due, principal and interest payments on bonds described
- 4 in subdivision (3) for the project; plus
- 5 (B) the amount necessary for other purposes described in
- 6 subdivision (3) for the project;
- 7 the amount of the excess assessed value that generates more than
- 8 two hundred percent (200%) of the amounts described in clauses
- 9 (A) and (B) shall be allocated to the respective taxing units in the
- 10 manner prescribed by subdivision (1).
- 11 (c) For the purpose of allocating taxes levied by or for any taxing
- 12 unit or units, the assessed value of taxable property in a territory in the
- 13 allocation area that is annexed by any taxing unit after the effective
- 14 date of the allocation provision of the declaratory resolution is the
- 15 lesser of:
- 16 (1) the assessed value of the property for the assessment date with
- 17 respect to which the allocation and distribution is made; or
- 18 (2) the base assessed value.
- 19 (d) Property tax proceeds allocable to the redevelopment district
- 20 under subsection (b)(3) may, subject to subsection (b)(4), be
- 21 irrevocably pledged by the redevelopment district for payment as set
- 22 forth in subsection (b)(3).
- 23 (e) Notwithstanding any other law, each assessor shall, upon
- 24 petition of the redevelopment commission, reassess the taxable
- 25 property situated upon or in, or added to, the allocation area, effective
- 26 on the next assessment date after the petition.
- 27 (f) Notwithstanding any other law, the assessed value of all taxable
- 28 property in the allocation area, for purposes of tax limitation, property
- 29 tax replacement, and formulation of the budget, tax rate, and tax levy
- 30 for each political subdivision in which the property is located is the
- 31 lesser of:
- 32 (1) the assessed value of the property as valued without regard to
- 33 this section; or
- 34 (2) the base assessed value.
- 35 (g) If any part of the allocation area is located in an enterprise zone
- 36 created under IC 5-28-15, the unit that designated the allocation area
- 37 shall create funds as specified in this subsection. A unit that has
- 38 obligations, bonds, or leases payable from allocated tax proceeds under
- 39 subsection (b)(3) shall establish an allocation fund for the purposes
- 40 specified in subsection (b)(3) and a special zone fund. Such a unit
- 41 shall, until the end of the enterprise zone phase out period, deposit each
- 42 year in the special zone fund any amount in the allocation fund derived



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

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

- 38 (1) may not include the effect of phasing in assessed value due to
- 39 property tax abatements under IC 6-1.1-12.1;
- 40 (2) may not produce less property tax proceeds allocable to the
- 41 redevelopment district under subsection (b)(3) than would
- 42 otherwise have been received if the reassessment under the



1 reassessment plan or the annual adjustment had not occurred; and
 2 (3) may decrease base assessed value only to the extent that
 3 assessed values in the allocation area have been decreased due to
 4 annual adjustments or the reassessment under the reassessment
 5 plan.

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

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

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

14 (2) Subject to subdivision (3), the initial allocation deadline and
 15 subsequent allocation deadlines are automatically extended in
 16 increments of five (5) years, so that allocation deadlines
 17 subsequent to the initial allocation deadline fall on December 31,
 18 2016, and December 31 of each fifth year thereafter.

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

22 (A) terminates the automatic extension of allocation deadlines
 23 under subdivision (2); and

24 (B) specifically designates a particular date as the final
 25 allocation deadline.

26 (j) If a redevelopment commission adopts a declaratory resolution
 27 or an amendment to a declaratory resolution that contains an allocation
 28 provision and the redevelopment commission makes either of the
 29 filings required under section 17(e) of this chapter after the first
 30 anniversary of the effective date of the allocation provision, the auditor
 31 of the county in which the unit is located shall compute the base
 32 assessed value for the allocation area using the assessment date
 33 immediately preceding the later of:

34 (1) the date on which the documents are filed with the county
 35 auditor; or

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

38 **(k) For an allocation area established after June 30, 2024,**
 39 **"residential property" refers to the assessed value of property that**
 40 **is allocated to the one percent (1%) homestead land and**
 41 **improvement categories in the county tax and billing software**
 42 **system, along with the residential assessed value as defined for**



1 **purposes of calculating the rate for the local income tax property**
 2 **tax relief credit designated for residential property under**
 3 **IC 6-3.6-5-6(d)(3).**

4 SECTION 37. IC 36-7-15.1-26, AS AMENDED BY P.L.156-2020,
 5 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2022]: Sec. 26. (a) As used in this section:

7 "Allocation area" means that part of a redevelopment project area
 8 to which an allocation provision of a resolution adopted under section
 9 8 of this chapter refers for purposes of distribution and allocation of
 10 property taxes.

11 "Base assessed value" means, subject to subsection (j), the
 12 following:

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

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

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

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

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

32 (B) to the extent that it is not included in clause (A), the net
 33 assessed value of property that is assessed as residential
 34 property under the rules of the department of local government
 35 finance, within the allocation area, as finally determined for
 36 the current assessment date.

37 (3) If:

38 (A) an allocation provision adopted before June 30, 1995, in
 39 a declaratory resolution or an amendment to a declaratory
 40 resolution establishing a redevelopment project area expires
 41 after June 30, 1997; and

42 (B) after June 30, 1997, a new allocation provision is included



1 in an amendment to the declaratory resolution;
 2 the net assessed value of all the property as finally determined for
 3 the assessment date immediately preceding the effective date of
 4 the allocation provision adopted after June 30, 1997, as adjusted
 5 under subsection (h).

6 (4) Except as provided in subdivision (5), for all other allocation
 7 areas, the net assessed value of all the property as finally
 8 determined for the assessment date immediately preceding the
 9 effective date of the allocation provision of the declaratory
 10 resolution, as adjusted under subsection (h).

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

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

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

32 (b) A resolution adopted under section 8 of this chapter on or before
 33 the allocation deadline determined under subsection (i) may include a
 34 provision with respect to the allocation and distribution of property
 35 taxes for the purposes and in the manner provided in this section. A
 36 resolution previously adopted may include an allocation provision by
 37 the amendment of that resolution on or before the allocation deadline
 38 determined under subsection (i) in accordance with the procedures
 39 required for its original adoption. A declaratory resolution or
 40 amendment that establishes an allocation provision must include a
 41 specific finding of fact, supported by evidence, that the adoption of the
 42 allocation provision will result in new property taxes in the area that



1 would not have been generated but for the adoption of the allocation
 2 provision. For an allocation area established before July 1, 1995, the
 3 expiration date of any allocation provisions for the allocation area is
 4 June 30, 2025, or the last date of any obligations that are outstanding
 5 on July 1, 2015, whichever is later. However, for an allocation area
 6 identified as the Consolidated Allocation Area in the report submitted
 7 in 2013 to the fiscal body under section 36.3 of this chapter, the
 8 expiration date of any allocation provisions for the allocation area is
 9 January 1, 2051. A declaratory resolution or an amendment that
 10 establishes an allocation provision after June 30, 1995, must specify an
 11 expiration date for the allocation provision. For an allocation area
 12 established before July 1, 2008, the expiration date may not be more
 13 than thirty (30) years after the date on which the allocation provision
 14 is established. For an allocation area established after June 30, 2008,
 15 the expiration date may not be more than twenty-five (25) years after
 16 the date on which the first obligation was incurred to pay principal and
 17 interest on bonds or lease rentals on leases payable from tax increment
 18 revenues. However, with respect to bonds or other obligations that were
 19 issued before July 1, 2008, if any of the bonds or other obligations that
 20 were scheduled when issued to mature before the specified expiration
 21 date and that are payable only from allocated tax proceeds with respect
 22 to the allocation area remain outstanding as of the expiration date, the
 23 allocation provision does not expire until all of the bonds or other
 24 obligations are no longer outstanding. The allocation provision may
 25 apply to all or part of the redevelopment project area. The allocation
 26 provision must require that any property taxes subsequently levied by
 27 or for the benefit of any public body entitled to a distribution of
 28 property taxes on taxable property in the allocation area be allocated
 29 and distributed as follows:

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

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

35 (B) the base assessed value;

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

38 (2) The excess of the proceeds of the property taxes imposed for
 39 the assessment date with respect to which the allocation and
 40 distribution is made that are attributable to taxes imposed after
 41 being approved by the voters in a referendum or local public
 42 question conducted after April 30, 2010, not otherwise included



1 in subdivision (1) shall be allocated to and, when collected, paid
 2 into the funds of the taxing unit for which the referendum or local
 3 public question was conducted.

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

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

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

17 (C) Pay the principal of and interest on bonds payable from
 18 allocated tax proceeds in that allocation area and from the
 19 special tax levied under section 19 of this chapter.

20 (D) Pay the principal of and interest on bonds issued by the
 21 consolidated city to pay for local public improvements that are
 22 physically located in or physically connected to that allocation
 23 area.

24 (E) Pay premiums on the redemption before maturity of bonds
 25 payable solely or in part from allocated tax proceeds in that
 26 allocation area.

27 (F) Make payments on leases payable from allocated tax
 28 proceeds in that allocation area under section 17.1 of this
 29 chapter.

30 (G) Reimburse the consolidated city for expenditures for local
 31 public improvements (which include buildings, parking
 32 facilities, and other items set forth in section 17 of this
 33 chapter) that are physically located in or physically connected
 34 to that allocation area.

35 (H) Reimburse the unit for rentals paid by it for a building or
 36 parking facility that is physically located in or physically
 37 connected to that allocation area under any lease entered into
 38 under IC 36-1-10.

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

41 (i) in the allocation area; and

42 (ii) on a parcel of real property that has been classified as



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



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

7 The notice must:

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

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

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

21 (C) If:

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

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

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

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

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



1 (2) the base assessed value.

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

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

10 (f) Notwithstanding any other law, the assessed value of all taxable
11 property in the allocation area, for purposes of tax limitation, property
12 tax replacement, and formulation of the budget, tax rate, and tax levy
13 for each political subdivision in which the property is located is the
14 lesser of:

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

17 (2) the base assessed value.

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

38 (1) To pay for programs in job training, job enrichment, and basic
39 skill development designed to benefit residents and employers in
40 the enterprise zone. The programs must reserve at least one-half
41 (1/2) of the enrollment in any session for residents of the
42 enterprise zone.



- 1 (2) To make loans and grants for the purpose of stimulating
2 business activity in the enterprise zone or providing employment
3 for enterprise zone residents in the enterprise zone. These loans
4 and grants may be made to the following:
- 5 (A) Businesses operating in the enterprise zone.
6 (B) Businesses that will move their operations to the enterprise
7 zone if such a loan or grant is made.
- 8 (3) To provide funds to carry out other purposes specified in
9 subsection (b)(3). However, where reference is made in
10 subsection (b)(3) to the allocation area, the reference refers for
11 purposes of payments from the special zone fund only to that part
12 of the allocation area that is also located in the enterprise zone.
- 13 (h) The state board of accounts and department of local government
14 finance shall make the rules and prescribe the forms and procedures
15 that they consider expedient for the implementation of this chapter.
16 After each reassessment under a reassessment plan prepared under
17 IC 6-1.1-4-4.2, the department of local government finance shall adjust
18 the base assessed value one (1) time to neutralize any effect of the
19 reassessment of the real property in the area on the property tax
20 proceeds allocated to the redevelopment district under this section.
21 After each annual adjustment under IC 6-1.1-4-4.5, the department of
22 local government finance shall adjust the base assessed value to
23 neutralize any effect of the annual adjustment on the property tax
24 proceeds allocated to the redevelopment district under this section.
25 However, the adjustments under this subsection may not include the
26 effect of property tax abatements under IC 6-1.1-12.1, and these
27 adjustments may not produce less property tax proceeds allocable to
28 the redevelopment district under subsection (b)(3) than would
29 otherwise have been received if the reassessment under the
30 reassessment plan or annual adjustment had not occurred. The
31 department of local government finance may prescribe procedures for
32 county and township officials to follow to assist the department in
33 making the adjustments.
- 34 (i) The allocation deadline referred to in subsection (b) is
35 determined in the following manner:
- 36 (1) The initial allocation deadline is December 31, 2011.
37 (2) Subject to subdivision (3), the initial allocation deadline and
38 subsequent allocation deadlines are automatically extended in
39 increments of five (5) years, so that allocation deadlines
40 subsequent to the initial allocation deadline fall on December 31,
41 2016, and December 31 of each fifth year thereafter.
42 (3) At least one (1) year before the date of an allocation deadline



1 determined under subdivision (2), the general assembly may enact
2 a law that:

3 (A) terminates the automatic extension of allocation deadlines
4 under subdivision (2); and

5 (B) specifically designates a particular date as the final
6 allocation deadline.

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

15 (1) the date on which the documents are filed with the county
16 auditor; or

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

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

27 SECTION 38. IC 36-7-15.1-53, AS AMENDED BY P.L.156-2020,
28 SECTION 141, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2022]: Sec. 53. (a) As used in this section:

30 "Allocation area" means that part of a redevelopment project area
31 to which an allocation provision of a resolution adopted under section
32 40 of this chapter refers for purposes of distribution and allocation of
33 property taxes.

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

35 (1) the net assessed value of all the property as finally determined
36 for the assessment date immediately preceding the effective date
37 of the allocation provision of the declaratory resolution, as
38 adjusted under subsection (h); plus

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



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

3 (b) A resolution adopted under section 40 of this chapter on or
4 before the allocation deadline determined under subsection (i) may
5 include a provision with respect to the allocation and distribution of
6 property taxes for the purposes and in the manner provided in this
7 section. A resolution previously adopted may include an allocation
8 provision by the amendment of that resolution on or before the
9 allocation deadline determined under subsection (i) in accordance with
10 the procedures required for its original adoption. A declaratory
11 resolution or an amendment that establishes an allocation provision
12 must be approved by resolution of the legislative body of the excluded
13 city and must specify an expiration date for the allocation provision.
14 For an allocation area established before July 1, 2008, the expiration
15 date may not be more than thirty (30) years after the date on which the
16 allocation provision is established. For an allocation area established
17 after June 30, 2008, the expiration date may not be more than
18 twenty-five (25) years after the date on which the first obligation was
19 incurred to pay principal and interest on bonds or lease rentals on
20 leases payable from tax increment revenues. However, with respect to
21 bonds or other obligations that were issued before July 1, 2008, if any
22 of the bonds or other obligations that were scheduled when issued to
23 mature before the specified expiration date and that are payable only
24 from allocated tax proceeds with respect to the allocation area remain
25 outstanding as of the expiration date, the allocation provision does not
26 expire until all of the bonds or other obligations are no longer
27 outstanding. The allocation provision may apply to all or part of the
28 redevelopment project area. The allocation provision must require that
29 any property taxes subsequently levied by or for the benefit of any
30 public body entitled to a distribution of property taxes on taxable
31 property in the allocation area be allocated and distributed as follows:

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

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

36 or

37 (B) the base assessed value;

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

40 (2) The excess of the proceeds of the property taxes imposed for
41 the assessment date with respect to which the allocation and
42 distribution is made that are attributable to taxes imposed after



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

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

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

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

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

22 (D) Pay the principal of and interest on bonds issued by the
 23 excluded city to pay for local public improvements that are
 24 physically located in or physically connected to that allocation
 25 area.

26 (E) Pay premiums on the redemption before maturity of bonds
 27 payable solely or in part from allocated tax proceeds in that
 28 allocation area.

29 (F) Make payments on leases payable from allocated tax
 30 proceeds in that allocation area under section 46 of this
 31 chapter.

32 (G) Reimburse the excluded city for expenditures for local
 33 public improvements (which include buildings, park facilities,
 34 and other items set forth in section 45 of this chapter) that are
 35 physically located in or physically connected to that allocation
 36 area.

37 (H) Reimburse the unit for rentals paid by it for a building or
 38 parking facility that is physically located in or physically
 39 connected to that allocation area under any lease entered into
 40 under IC 36-1-10.

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



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

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

12 The special fund may not be used for operating expenses of the
 13 commission.

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

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

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

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

39 The county auditor shall allocate to the respective taxing units
 40 the amount, if any, of excess assessed value determined by the
 41 commission. The commission may not authorize an allocation
 42 to the respective taxing units under this subdivision if to do so



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



1 zone. The unit that creates the special zone fund shall use the fund,
 2 based on the recommendations of the urban enterprise association, for
 3 one (1) or more of the following purposes:

4 (1) To pay for programs in job training, job enrichment, and basic
 5 skill development designed to benefit residents and employers in
 6 the enterprise zone. The programs must reserve at least one-half
 7 (1/2) of the enrollment in any session for residents of the
 8 enterprise zone.

9 (2) To make loans and grants for the purpose of stimulating
 10 business activity in the enterprise zone or providing employment
 11 for enterprise zone residents in an enterprise zone. These loans
 12 and grants may be made to the following:

13 (A) Businesses operating in the enterprise zone.

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

16 (3) To provide funds to carry out other purposes specified in
 17 subsection (b)(3). However, where reference is made in
 18 subsection (b)(3) to the allocation area, the reference refers, for
 19 purposes of payments from the special zone fund, only to that part
 20 of the allocation area that is also located in the enterprise zone.

21 (h) The state board of accounts and department of local government
 22 finance shall make the rules and prescribe the forms and procedures
 23 that they consider expedient for the implementation of this chapter.
 24 After each reassessment of real property in an area under a county's
 25 reassessment plan prepared under IC 6-1.1-4-4.2, the department of
 26 local government finance shall adjust the base assessed value one (1)
 27 time to neutralize any effect of the reassessment of the real property in
 28 the area on the property tax proceeds allocated to the redevelopment
 29 district under this section. After each annual adjustment under
 30 IC 6-1.1-4-4.5, the department of local government finance shall adjust
 31 the base assessed value to neutralize any effect of the annual
 32 adjustment on the property tax proceeds allocated to the redevelopment
 33 district under this section. However, the adjustments under this
 34 subsection may not include the effect of property tax abatements under
 35 IC 6-1.1-12.1, and these adjustments may not produce less property tax
 36 proceeds allocable to the redevelopment district under subsection
 37 (b)(3) than would otherwise have been received if the reassessment
 38 under the county's reassessment plan or annual adjustment had not
 39 occurred. The department of local government finance may prescribe
 40 procedures for county and township officials to follow to assist the
 41 department in making the adjustments.

42 (i) The allocation deadline referred to in subsection (b) is



- 1 determined in the following manner:
- 2 (1) The initial allocation deadline is December 31, 2011.
- 3 (2) Subject to subdivision (3), the initial allocation deadline and
- 4 subsequent allocation deadlines are automatically extended in
- 5 increments of five (5) years, so that allocation deadlines
- 6 subsequent to the initial allocation deadline fall on December 31,
- 7 2016, and December 31 of each fifth year thereafter.
- 8 (3) At least one (1) year before the date of an allocation deadline
- 9 determined under subdivision (2), the general assembly may enact
- 10 a law that:
- 11 (A) terminates the automatic extension of allocation deadlines
- 12 under subdivision (2); and
- 13 (B) specifically designates a particular date as the final
- 14 allocation deadline.
- 15 (j) If the commission adopts a declaratory resolution or an
- 16 amendment to a declaratory resolution that contains an allocation
- 17 provision and the commission makes either of the filings required
- 18 under section 10(e) of this chapter after the first anniversary of the
- 19 effective date of the allocation provision, the auditor of the county in
- 20 which the unit is located shall compute the base assessed value for the
- 21 allocation area using the assessment date immediately preceding the
- 22 later of:
- 23 (1) the date on which the documents are filed with the county
- 24 auditor; or
- 25 (2) the date on which the documents are filed with the department
- 26 of local government finance.
- 27 **(k) For an allocation area established after June 30, 2024,**
- 28 **"residential property" refers to the assessed value of property that**
- 29 **is allocated to the one percent (1%) homestead land and**
- 30 **improvement categories in the county tax and billing software**
- 31 **system, along with the residential assessed value as defined for**
- 32 **purposes of calculating the rate for the local income tax property**
- 33 **tax relief credit designated for residential property under**
- 34 **IC 6-3.6-5-6(d)(3).**
- 35 SECTION 39. IC 36-7-30-25, AS AMENDED BY P.L.156-2020,
- 36 SECTION 142, IS AMENDED TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 2022]: Sec. 25. (a) The following definitions
- 38 apply throughout this section:
- 39 (1) "Allocation area" means that part of a military base reuse area
- 40 to which an allocation provision of a declaratory resolution
- 41 adopted under section 10 of this chapter refers for purposes of
- 42 distribution and allocation of property taxes.



- 1 (2) "Base assessed value" means, subject to subsection (i):
 2 (A) the net assessed value of all the property as finally
 3 determined for the assessment date immediately preceding the
 4 adoption date of the allocation provision of the declaratory
 5 resolution, as adjusted under subsection (h); plus
 6 (B) to the extent that it is not included in clause (A) or (C), the
 7 net assessed value of any and all parcels or classes of parcels
 8 identified as part of the base assessed value in the declaratory
 9 resolution or an amendment thereto, as finally determined for
 10 any subsequent assessment date; plus
 11 (C) to the extent that it is not included in clause (A) or (B), the
 12 net assessed value of property that is assessed as residential
 13 property under the rules of the department of local government
 14 finance, within the allocation area, as finally determined for
 15 the current assessment date.
 16 Clause (C) applies only to allocation areas established in a
 17 military reuse area after June 30, 1997, and to the part of an
 18 allocation area that was established before June 30, 1997, and that
 19 is added to an existing allocation area after June 30, 1997.
 20 (3) "Property taxes" means taxes imposed under IC 6-1.1 on real
 21 property.
 22 (b) A declaratory resolution adopted under section 10 of this chapter
 23 before the date set forth in IC 36-7-14-39(b) pertaining to declaratory
 24 resolutions adopted under IC 36-7-14-15 may include a provision with
 25 respect to the allocation and distribution of property taxes for the
 26 purposes and in the manner provided in this section. A declaratory
 27 resolution previously adopted may include an allocation provision by
 28 the amendment of that declaratory resolution in accordance with the
 29 procedures set forth in section 13 of this chapter. The allocation
 30 provision may apply to all or part of the military base reuse area. The
 31 allocation provision must require that any property taxes subsequently
 32 levied by or for the benefit of any public body entitled to a distribution
 33 of property taxes on taxable property in the allocation area be allocated
 34 and distributed as follows:
 35 (1) Except as otherwise provided in this section, the proceeds of
 36 the taxes attributable to the lesser of:
 37 (A) the assessed value of the property for the assessment date
 38 with respect to which the allocation and distribution is made;
 39 or
 40 (B) the base assessed value;
 41 shall be allocated to and, when collected, paid into the funds of
 42 the respective taxing units.



- 1 (2) The excess of the proceeds of the property taxes imposed for
 2 the assessment date with respect to which the allocation and
 3 distribution are made that are attributable to taxes imposed after
 4 being approved by the voters in a referendum or local public
 5 question conducted after April 30, 2010, not otherwise included
 6 in subdivision (1) shall be allocated to and, when collected, paid
 7 into the funds of the taxing unit for which the referendum or local
 8 public question was conducted.
- 9 (3) Except as otherwise provided in this section, property tax
 10 proceeds in excess of those described in subdivisions (1) and (2)
 11 shall be allocated to the military base reuse district and, when
 12 collected, paid into an allocation fund for that allocation area that
 13 may be used by the military base reuse district and only to do one
 14 (1) or more of the following:
- 15 (A) Pay the principal of and interest and redemption premium
 16 on any obligations incurred by the military base reuse district
 17 or any other entity for the purpose of financing or refinancing
 18 military base reuse activities in or directly serving or
 19 benefiting that allocation area.
- 20 (B) Establish, augment, or restore the debt service reserve for
 21 bonds payable solely or in part from allocated tax proceeds in
 22 that allocation area or from other revenues of the reuse
 23 authority, including lease rental revenues.
- 24 (C) Make payments on leases payable solely or in part from
 25 allocated tax proceeds in that allocation area.
- 26 (D) Reimburse any other governmental body for expenditures
 27 made for local public improvements (or structures) in or
 28 directly serving or benefiting that allocation area.
- 29 (E) Pay expenses incurred by the reuse authority, any other
 30 department of the unit, or a department of another
 31 governmental entity for local public improvements or
 32 structures that are in the allocation area or directly serving or
 33 benefiting the allocation area, including expenses for the
 34 operation and maintenance of these local public improvements
 35 or structures if the reuse authority determines those operation
 36 and maintenance expenses are necessary or desirable to carry
 37 out the purposes of this chapter.
- 38 (F) Reimburse public and private entities for expenses
 39 incurred in training employees of industrial facilities that are
 40 located:
- 41 (i) in the allocation area; and
 42 (ii) on a parcel of real property that has been classified as



- 1 industrial property under the rules of the department of local
 2 government finance.
- 3 However, the total amount of money spent for this purpose in
 4 any year may not exceed the total amount of money in the
 5 allocation fund that is attributable to property taxes paid by the
 6 industrial facilities described in this clause. The
 7 reimbursements under this clause must be made not more than
 8 three (3) years after the date on which the investments that are
 9 the basis for the increment financing are made.
- 10 (G) Expend money and provide financial assistance as
 11 authorized in section 9(a)(25) of this chapter.
- 12 Except as provided in clause (E), the allocation fund may not be
 13 used for operating expenses of the reuse authority.
- 14 (4) Except as provided in subsection (g), before July 15 of each
 15 year the reuse authority shall do the following:
- 16 (A) Determine the amount, if any, by which property taxes
 17 payable to the allocation fund in the following year will exceed
 18 the amount of property taxes necessary to make, when due,
 19 principal and interest payments on bonds described in
 20 subdivision (3) plus the amount necessary for other purposes
 21 described in subdivision (3).
- 22 (B) Provide a written notice to the county auditor, the fiscal
 23 body of the unit that established the reuse authority, and the
 24 officers who are authorized to fix budgets, tax rates, and tax
 25 levies under IC 6-1.1-17-5 for each of the other taxing units
 26 that is wholly or partly located within the allocation area. The
 27 notice must:
- 28 (i) state the amount, if any, of excess property taxes that the
 29 reuse authority has determined may be paid to the respective
 30 taxing units in the manner prescribed in subdivision (1); or
 31 (ii) state that the reuse authority has determined that there
 32 are no excess property tax proceeds that may be allocated to
 33 the respective taxing units in the manner prescribed in
 34 subdivision (1).
- 35 The county auditor shall allocate to the respective taxing units
 36 the amount, if any, of excess property tax proceeds determined
 37 by the reuse authority. The reuse authority may not authorize
 38 a payment to the respective taxing units under this subdivision
 39 if to do so would endanger the interest of the holders of bonds
 40 described in subdivision (3) or lessors under section 19 of this
 41 chapter.
- 42 (c) For the purpose of allocating taxes levied by or for any taxing



1 unit or units, the assessed value of taxable property in a territory in the
 2 allocation area that is annexed by a taxing unit after the effective date
 3 of the allocation provision of the declaratory resolution is the lesser of:

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

7 (d) Property tax proceeds allocable to the military base reuse district
 8 under subsection (b)(3) may, subject to subsection (b)(4), be
 9 irrevocably pledged by the military base reuse district for payment as
 10 set forth in subsection (b)(3).

11 (e) Notwithstanding any other law, each assessor shall, upon
 12 petition of the reuse authority, reassess the taxable property situated
 13 upon or in or added to the allocation area, effective on the next
 14 assessment date after the petition.

15 (f) Notwithstanding any other law, the assessed value of all taxable
 16 property in the allocation area, for purposes of tax limitation, property
 17 tax replacement, and the making of the budget, tax rate, and tax levy
 18 for each political subdivision in which the property is located is the
 19 lesser of:

- 20 (1) the assessed value of the property as valued without regard to
 21 this section; or
 22 (2) the base assessed value.

23 (g) If any part of the allocation area is located in an enterprise zone
 24 created under IC 5-28-15, the unit that designated the allocation area
 25 shall create funds as specified in this subsection. A unit that has
 26 obligations, bonds, or leases payable from allocated tax proceeds under
 27 subsection (b)(3) shall establish an allocation fund for the purposes
 28 specified in subsection (b)(3) and a special zone fund. Such a unit
 29 shall, until the end of the enterprise zone phase out period, deposit each
 30 year in the special zone fund any amount in the allocation fund derived
 31 from property tax proceeds in excess of those described in subsection
 32 (b)(1) and (b)(2) from property located in the enterprise zone that
 33 exceeds the amount sufficient for the purposes specified in subsection
 34 (b)(3) for the year. The amount sufficient for purposes specified in
 35 subsection (b)(3) for the year shall be determined based on the pro rata
 36 part of such current property tax proceeds from the part of the
 37 enterprise zone that is within the allocation area as compared to all
 38 such current property tax proceeds derived from the allocation area. A
 39 unit that does not have obligations, bonds, or leases payable from
 40 allocated tax proceeds under subsection (b)(3) shall establish a special
 41 zone fund and deposit all the property tax proceeds in excess of those
 42 described in subsection (b)(1) and (b)(2) that are derived from property



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

12 (h) After each reassessment of real property in an area under the
 13 county's reassessment plan under IC 6-1.1-4-4.2, the department of
 14 local government finance shall adjust the base assessed value one (1)
 15 time to neutralize any effect of the reassessment of the real property in
 16 the area on the property tax proceeds allocated to the military base
 17 reuse district under this section. After each annual adjustment under
 18 IC 6-1.1-4-4.5, the department of local government finance shall adjust
 19 the base assessed value to neutralize any effect of the annual
 20 adjustment on the property tax proceeds allocated to the military base
 21 reuse district under this section. However, the adjustments under this
 22 subsection may not include the effect of property tax abatements under
 23 IC 6-1.1-12.1, and these adjustments may not produce less property tax
 24 proceeds allocable to the military base reuse district under subsection
 25 (b)(3) than would otherwise have been received if the reassessment
 26 under the county's reassessment plan or annual adjustment had not
 27 occurred. The department of local government finance may prescribe
 28 procedures for county and township officials to follow to assist the
 29 department in making the adjustments.

30 (i) If the reuse authority adopts a declaratory resolution or an
 31 amendment to a declaratory resolution that contains an allocation
 32 provision and the reuse authority makes either of the filings required
 33 under section 12(c) or 13(f) of this chapter after the first anniversary of
 34 the effective date of the allocation provision, the auditor of the county
 35 in which the military base reuse district is located shall compute the
 36 base assessed value for the allocation area using the assessment date
 37 immediately preceding the later of:

- 38 (1) the date on which the documents are filed with the county
- 39 auditor; or
- 40 (2) the date on which the documents are filed with the department
- 41 of local government finance.

42 (j) **For an allocation area established after June 30, 2024,**



1 **"residential property" refers to the assessed value of property that**
 2 **is allocated to the one percent (1%) homestead land and**
 3 **improvement categories in the county tax and billing software**
 4 **system, along with the residential assessed value as defined for**
 5 **purposes of calculating the rate for the local income tax property**
 6 **tax relief credit designated for residential property under**
 7 **IC 6-3.6-5-6(d)(3).**

8 SECTION 40. IC 36-7-30.5-30, AS AMENDED BY P.L.156-2020,
 9 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2022]: Sec. 30. (a) The following definitions
 11 apply throughout this section:

12 (1) "Allocation area" means that part of a military base
 13 development area to which an allocation provision of a
 14 declaratory resolution adopted under section 16 of this chapter
 15 refers for purposes of distribution and allocation of property taxes.

16 (2) "Base assessed value" means, subject to subsection (i):

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

21 (B) to the extent that it is not included in clause (A) or (C), the
 22 net assessed value of any and all parcels or classes of parcels
 23 identified as part of the base assessed value in the declaratory
 24 resolution or an amendment to the declaratory resolution, as
 25 finally determined for any subsequent assessment date; plus

26 (C) to the extent that it is not included in clause (A) or (B), the
 27 net assessed value of property that is assessed as residential
 28 property under the rules of the department of local government
 29 finance, within the allocation area, as finally determined for
 30 the current assessment date.

31 (3) "Property taxes" means taxes imposed under IC 6-1.1 on real
 32 property.

33 (b) A declaratory resolution adopted under section 16 of this chapter
 34 before the date set forth in IC 36-7-14-39(b) pertaining to declaratory
 35 resolutions adopted under IC 36-7-14-15 may include a provision with
 36 respect to the allocation and distribution of property taxes for the
 37 purposes and in the manner provided in this section. A declaratory
 38 resolution previously adopted may include an allocation provision by
 39 the amendment of that declaratory resolution in accordance with the
 40 procedures set forth in section 18 of this chapter. The allocation
 41 provision may apply to all or part of the military base development
 42 area. The allocation provision must require that any property taxes



1 subsequently levied by or for the benefit of any public body entitled to
 2 a distribution of property taxes on taxable property in the allocation
 3 area be allocated and distributed as follows:

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

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

8 or

9 (B) the base assessed value;

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

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

20 (3) Except as otherwise provided in this section, property tax
 21 proceeds in excess of those described in subdivisions (1) and (2)
 22 shall be allocated to the development authority and, when
 23 collected, paid into an allocation fund for that allocation area that
 24 may be used by the development authority and only to do one (1)
 25 or more of the following:

26 (A) Pay the principal of and interest and redemption premium
 27 on any obligations incurred by the development authority or
 28 any other entity for the purpose of financing or refinancing
 29 military base development or reuse activities in or directly
 30 serving or benefiting that allocation area.

31 (B) Establish, augment, or restore the debt service reserve for
 32 bonds payable solely or in part from allocated tax proceeds in
 33 that allocation area or from other revenues of the development
 34 authority, including lease rental revenues.

35 (C) Make payments on leases payable solely or in part from
 36 allocated tax proceeds in that allocation area.

37 (D) Reimburse any other governmental body for expenditures
 38 made for local public improvements (or structures) in or
 39 directly serving or benefiting that allocation area.

40 (E) For property taxes first due and payable before 2009, pay
 41 all or a part of a property tax replacement credit to taxpayers
 42 in an allocation area as determined by the development



1 authority. This credit equals the amount determined under the
 2 following STEPS for each taxpayer in a taxing district (as
 3 defined in IC 6-1.1-1-20) that contains all or part of the
 4 allocation area:

5 STEP ONE: Determine that part of the sum of the amounts
 6 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
 7 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
 8 IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to
 9 the taxing district.

10 STEP TWO: Divide:

11 (i) that part of each county's eligible property tax
 12 replacement amount (as defined in IC 6-1.1-21-2 (before its
 13 repeal)) for that year as determined under IC 6-1.1-21-4
 14 (before its repeal) that is attributable to the taxing district;
 15 by

16 (ii) the STEP ONE sum.

17 STEP THREE: Multiply:

18 (i) the STEP TWO quotient; by

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

23 If not all the taxpayers in an allocation area receive the credit
 24 in full, each taxpayer in the allocation area is entitled to
 25 receive the same proportion of the credit. A taxpayer may not
 26 receive a credit under this section and a credit under section
 27 32 of this chapter (before its repeal) in the same year.

28 (F) Pay expenses incurred by the development authority for
 29 local public improvements or structures that were in the
 30 allocation area or directly serving or benefiting the allocation
 31 area.

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

35 (i) in the allocation area; and

36 (ii) on a parcel of real property that has been classified as
 37 industrial property under the rules of the department of local
 38 government finance.

39 However, the total amount of money spent for this purpose in
 40 any year may not exceed the total amount of money in the
 41 allocation fund that is attributable to property taxes paid by the
 42 industrial facilities described in this clause. The



- 1 reimbursements under this clause must be made not more than
 2 three (3) years after the date on which the investments that are
 3 the basis for the increment financing are made.
- 4 (H) Expend money and provide financial assistance as
 5 authorized in section 15(26) of this chapter.
- 6 The allocation fund may not be used for operating expenses of the
 7 development authority.
- 8 (4) Except as provided in subsection (g), before July 15 of each
 9 year the development authority shall do the following:
- 10 (A) Determine the amount, if any, by which property taxes
 11 payable to the allocation fund in the following year will exceed
 12 the amount of property taxes necessary to make, when due,
 13 principal and interest payments on bonds described in
 14 subdivision (3) plus the amount necessary for other purposes
 15 described in subdivisions (2) and (3).
- 16 (B) Provide a written notice to the appropriate county auditors
 17 and the fiscal bodies and other officers who are authorized to
 18 fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for
 19 each of the other taxing units that is wholly or partly located
 20 within the allocation area. The notice must:
- 21 (i) state the amount, if any, of the excess property taxes that
 22 the development authority has determined may be paid to
 23 the respective taxing units in the manner prescribed in
 24 subdivision (1); or
- 25 (ii) state that the development authority has determined that
 26 there is no excess assessed value that may be allocated to the
 27 respective taxing units in the manner prescribed in
 28 subdivision (1).
- 29 The county auditors shall allocate to the respective taxing units
 30 the amount, if any, of excess assessed value determined by the
 31 development authority. The development authority may not
 32 authorize a payment to the respective taxing units under this
 33 subdivision if to do so would endanger the interest of the
 34 holders of bonds described in subdivision (3) or lessors under
 35 section 24 of this chapter. Property taxes received by a taxing
 36 unit under this subdivision before 2009 are eligible for the
 37 property tax replacement credit provided under IC 6-1.1-21
 38 (before its repeal).
- 39 (c) For the purpose of allocating taxes levied by or for any taxing
 40 unit or units, the assessed value of taxable property in a territory in the
 41 allocation area that is annexed by a taxing unit after the effective date
 42 of the allocation provision of the declaratory resolution is the lesser of:



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

4 (d) Property tax proceeds allocable to the military base development
5 district under subsection (b)(3) may, subject to subsection (b)(4), be
6 irrevocably pledged by the military base development district for
7 payment as set forth in subsection (b)(3).

8 (e) Notwithstanding any other law, each assessor shall, upon
9 petition of the development authority, reassess the taxable property
10 situated upon or in or added to the allocation area, effective on the next
11 assessment date after the petition.

12 (f) Notwithstanding any other law, the assessed value of all taxable
13 property in the allocation area, for purposes of tax limitation, property
14 tax replacement, and the making of the budget, tax rate, and tax levy
15 for each political subdivision in which the property is located is the
16 lesser of:

17 (1) the assessed value of the property as valued without regard to
18 this section; or
19 (2) the base assessed value.

20 (g) If any part of the allocation area is located in an enterprise zone
21 created under IC 5-28-15, the development authority shall create funds
22 as specified in this subsection. A development authority that has
23 obligations, bonds, or leases payable from allocated tax proceeds under
24 subsection (b)(3) shall establish an allocation fund for the purposes
25 specified in subsection (b)(3) and a special zone fund. The
26 development authority shall, until the end of the enterprise zone phase
27 out period, deposit each year in the special zone fund any amount in the
28 allocation fund derived from property tax proceeds in excess of those
29 described in subsection (b)(1) and (b)(2) from property located in the
30 enterprise zone that exceeds the amount sufficient for the purposes
31 specified in subsection (b)(3) for the year. The amount sufficient for
32 purposes specified in subsection (b)(3) for the year shall be determined
33 based on the pro rata part of such current property tax proceeds from
34 the part of the enterprise zone that is within the allocation area as
35 compared to all such current property tax proceeds derived from the
36 allocation area. A development authority that does not have
37 obligations, bonds, or leases payable from allocated tax proceeds under
38 subsection (b)(3) shall establish a special zone fund and deposit all the
39 property tax proceeds in excess of those described in subsection (b)(1)
40 and (b)(2) that are derived from property in the enterprise zone in the
41 fund. The development authority that creates the special zone fund
42 shall use the fund (based on the recommendations of the urban



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

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

28 (i) If the development authority adopts a declaratory resolution or
 29 an amendment to a declaratory resolution that contains an allocation
 30 provision and the development authority makes either of the filings
 31 required under section 17(e) or 18(f) of this chapter after the first
 32 anniversary of the effective date of the allocation provision, the auditor
 33 of the county in which the military base development district is located
 34 shall compute the base assessed value for the allocation area using the
 35 assessment date immediately preceding the later of:

36 (1) the date on which the documents are filed with the county
 37 auditor; or

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

40 **(j) For an allocation area established after June 30, 2024,**
 41 **"residential property" refers to the assessed value of property that**
 42 **is allocated to the one percent (1%) homestead land and**



1 **improvement categories in the county tax and billing software**
 2 **system, along with the residential assessed value as defined for**
 3 **purposes of calculating the rate for the local income tax property**
 4 **tax relief credit designated for residential property under**
 5 **IC 6-3.6-5-6(d)(3).**

6 SECTION 41. IC 36-8-8-14.2, AS ADDED BY P.L.159-2020,
 7 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2022]: Sec. 14.2. (a) This section applies to every unit that is
 9 an employer of one (1) or more individuals who are active members of
 10 the 1977 fund.

11 (b) As used in this section, "survivor" means:

12 (1) a surviving spouse of a deceased member of the 1977 fund; or

13 (2) a surviving natural child, stepchild, or adopted child of a
 14 deceased member of the 1977 fund;

15 who is entitled to health insurance coverage under section 14.1(h) of
 16 this chapter.

17 (c) If a unit is obligated under section 14.1(h) of this chapter to pay
 18 for health insurance coverage for one (1) or more survivors of a
 19 deceased member of the 1977 fund who died in the line of duty, the
 20 legislative body of the unit may establish a public safety officer
 21 survivors' health coverage cumulative fund under this section to pay for
 22 health coverage under section 14.1(h) of this chapter.

23 (d) The fiscal body of a unit may provide money for a public safety
 24 officer survivors' health coverage cumulative fund established under
 25 subsection (c) by levying a tax in compliance with IC 6-1.1-41 on the
 26 taxable property in the unit.

27 (e) The property tax rate that may be imposed under this section for
 28 property taxes first due and payable during a particular year may not
 29 exceed the rate necessary to pay the annual cost of the health coverage
 30 that the unit is obligated to pay under section 14.1(h) of this chapter.
 31 The unit shall provide any documentation requested by the department
 32 of local government finance that is necessary to certify the rate adopted
 33 by the unit. The unit's maximum permissible ad valorem property tax
 34 levy determined under IC 6-1.1-18.5-3 excludes the property tax levied
 35 under this section. **The property tax rate imposed under this section**
 36 **is exempt from the adjustment under IC 6-1.1-18-12.**

37 (f) The tax money collected under this section shall be held in a
 38 special fund to be known as the public safety officer survivors' health
 39 coverage cumulative fund.

40 (g) In a consolidated city, money may be transferred from the public
 41 safety officer survivors' health coverage cumulative fund to the fund of
 42 a department of the consolidated city responsible for carrying out a



1 purpose for which the public safety officer survivors' health coverage
2 cumulative fund was created. The department may not expend any
3 money transferred under this subsection until an appropriation is made,
4 and the department may not expend any money transferred under this
5 subsection for operating costs of the department.

