

HOUSE BILL No. 1363

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 20-46.

Synopsis: Controlled projects. Adds back the following deductions in calculating the basis for taxation of property for purposes of a referendum tax levy that is approved after June 30, 2021: (1) The homestead standard deduction. (2) The supplemental homestead deduction. (3) The mortgage deduction. Modifies the threshold amounts used for determining whether a political subdivision's project is a controlled project and whether the petition and remonstrance process or the referendum process applies. Bases these threshold amounts on gross assessed value. Provides that, for purposes of the petition and remonstrance process, a controlled project includes any project: (1) that is not otherwise a controlled project; but (2) the cost of which, when added to the outstanding principal balance of all other projects adopted by the political subdivision in the preceding five years: (A) exceeds 1.5% of the political subdivision's gross assessed value but does not exceed 3% of the political subdivision's gross assessed value, in the case of a political subdivision whose total gross assessed value is not more than \$1,000,000,000; or (B) in the case of a political subdivision whose total gross assessed value is more than \$1,000,000,000, exceeds \$15,000,000 plus 0.1% of the political subdivision's gross assessed value that exceeds \$1,000,000,000 but does not exceed \$30,000,000 plus 0.1% of the political subdivision's gross assessed value that exceeds \$1,000,000,000. Provides that, for purposes of the referendum process, a controlled project includes any project: (1) that is not otherwise a controlled project; but (2) the cost of which, when added to the outstanding principal balance of all other projects adopted by the political subdivision in the preceding five

(Continued next page)

Effective: July 1, 2021.

Thompson

January 14, 2021, read first time and referred to Committee on Ways and Means.



Digest Continued

years: (A) exceeds 3% of the political subdivision's gross assessed value, in the case of a political subdivision whose total gross assessed value is not more than \$1,000,000,000; or (B) in the case of a political subdivision whose total gross assessed value is more than \$1,000,000,000, exceeds \$30,000,000 plus 0.1% of the political subdivision's gross assessed value that exceeds \$1,000,000,000. Provides that the public question for a controlled project referendum or a school referendum levy must include a statement that if approved, the tax rate approved by referendum would represent a stated percentage increase (calculated by the department of local government finance) of the political subdivision's or school corporation's total tax rate as of the time of the referendum. Provides that if the estimated increase in a political subdivision's property tax levy for debt service for a proposed controlled project will be offset in whole or in part because of the retirement of existing debt of the political subdivision, the proper officers of the political subdivision may adopt a resolution that includes certain information and statements. Provides that if a political subdivision experiences a decrease in net assessed value it may be stated as an exception to a political subdivision's statement about maintaining its property tax rate to fund a new controlled project because of the retirement of debt. Specifies the ballot language for the referendum on such a proposed controlled project. Provides that the restrictions on supporting a position on a controlled project apply to any political subdivision that has assessed value within the same taxing district as the political subdivision proposing the project. Provides that any referendum must be held on the first Tuesday following the first Monday in May or November.



Introduced

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1363

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 6-1.1-12-0.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 0.5. (a) **Except as**
3 **provided in subsection (b)**, for each year that a deduction from the
4 assessed value of tangible property is allowed, the assessed value
5 remaining after the deduction is the basis for taxation of the property.
6 (b) **This subsection applies only to property subject to a**
7 **referendum tax levy that is approved after June 30, 2021. The basis**
8 **for taxation of property for a referendum tax levy fund established**
9 **after June 30, 2021, shall be:**
10 (1) **the assessed value determined under subsection (a); plus**
11 (2) **any amounts deducted for the following:**
12 (A) **The homestead standard deduction under**
13 **IC 6-1.1-12-37.**
14 (B) **The supplemental homestead deduction under**
15 **IC 6-1.1-12-37.5.**



1 **(C) The mortgage deduction under IC 6-1.1-12-1.**

2 SECTION 2. IC 6-1.1-17-0.5, AS AMENDED BY P.L.184-2016,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 0.5. (a) **Except as provided in subsection (g)**, for
5 purposes of this section, "net assessed value" means assessed value
6 after the application of deductions, exemptions, and abatements.

7 (b) The county auditor may exclude and keep separate on the tax
8 duplicate for taxes payable in a calendar year the net assessed value of
9 tangible property that meets the following conditions:

10 (1) The net assessed value of the property is at least nine percent
11 (9%) of the net assessed value of all tangible property subject to
12 taxation by a taxing district.

13 (2) The property is or has been part of a bankruptcy estate that is
14 subject to protection under the federal bankruptcy code.

15 (3) The owner of the property has discontinued all business
16 operations on the property.

17 (4) There is a high probability that the taxpayer will not pay
18 property taxes due on the property in the following year.

19 (c) This section does not limit, restrict, or reduce in any way the
20 property tax liability on the property.

21 (d) For each taxing district located in the county, the county auditor
22 may reduce for a calendar year the taxing district's net assessed value
23 that is certified to the department of local government finance under
24 section 1 of this chapter and used to set tax rates for the taxing district
25 for taxes first due and payable in the immediately succeeding calendar
26 year. The county auditor may reduce a taxing district's net assessed
27 value under this subsection only to enable the taxing district to absorb
28 the effects of reduced property tax collections in the immediately
29 succeeding calendar year that are expected to result from any or a
30 combination of the following:

31 (1) Successful appeals of the assessed value of property located
32 in the taxing district.

33 (2) Deductions under IC 6-1.1-12-37 and IC 6-1.1-12-37.5 that
34 result from the granting of applications for the standard deduction
35 for the calendar year under IC 6-1.1-12-37 or IC 6-1.1-12-44 after
36 the county auditor certifies net assessed value as described in this
37 section.

38 (3) Deductions that result from the granting of applications for
39 deductions for the calendar year under IC 6-1.1-12-44 after the
40 county auditor certifies net assessed value as described in this
41 section.

42 (4) Reassessments of real property under IC 6-1.1-4-11.5.



1 Not later than July 31 of each year, the county auditor shall send a
 2 certified statement, under the seal of the board of county
 3 commissioners, to the fiscal officer of each political subdivision of the
 4 county and to the department of local government finance. The
 5 certified statement must list any adjustments to the amount of the
 6 reduction under this subsection and the information submitted under
 7 section 1 of this chapter that are necessary. The county auditor shall
 8 keep separately on the tax duplicate the amount of any reductions made
 9 under this subsection. The maximum amount of the reduction
 10 authorized under this subsection is determined under subsection (e).

11 (e) The amount of the reduction in a taxing district's net assessed
 12 value for a calendar year under subsection (d) may not exceed two
 13 percent (2%) of the net assessed value of tangible property subject to
 14 assessment in the taxing district in that calendar year.

15 (f) The amount of a reduction under subsection (d) may not be
 16 offered in a proceeding before the:

- 17 (1) county property tax assessment board of appeals;
- 18 (2) Indiana board; or
- 19 (3) Indiana tax court;

20 as evidence that a particular parcel has been improperly assessed.

21 **(g) This subsection applies only to a determination of net**
 22 **assessed value for purposes of calculating the tax rate for a**
 23 **referendum tax levy that is approved after June 30, 2021. For**
 24 **purposes of this section, beginning after June 30, 2021, the term**
 25 **"net assessed value" shall mean:**

- 26 **(1) net assessed value as defined in subsection (a); plus**
- 27 **(2) any amounts deducted for the following:**
 - 28 **(A) The homestead standard deduction under**
 29 **IC 6-1.1-12-37.**
 - 30 **(B) The supplemental homestead deduction under**
 31 **IC 6-1.1-12-37.5.**
 - 32 **(C) The mortgage deduction under IC 6-1.1-12-1.**

33 SECTION 3. IC 6-1.1-20-1.1, AS AMENDED BY P.L.60-2020,
 34 SECTION 1, AND AS AMENDED BY P.L.159-2020, SECTION 40,
 35 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL
 36 OF THE 2021 GENERAL ASSEMBLY, IS CORRECTED AND
 37 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:
 38 Sec. 1.1. As used in this chapter, "controlled project" means any project
 39 financed by bonds or a lease, except for the following:

- 40 (1) A project for which the political subdivision reasonably
 41 expects to pay:
 - 42 (A) debt service; or



- 1 (B) lease rentals;
 2 from funds other than property taxes that are exempt from the
 3 levy limitations of IC 6-1.1-18.5 or (before January 1, 2009)
 4 IC 20-45-3. A project is not a controlled project even though the
 5 political subdivision has pledged to levy property taxes to pay the
 6 debt service or lease rentals if those other funds are insufficient.
 7 (2) A project that will not cost the political subdivision more than
 8 the lesser of the following:
 9 (A) An amount equal to the following:
 10 (i) In the case of an ordinance or resolution adopted before
 11 January 1, 2018, making a preliminary determination to
 12 issue bonds or enter into a lease for the project, two million
 13 dollars (\$2,000,000).
 14 (ii) In the case of an ordinance or resolution adopted after
 15 December 31, 2017, and before January 1, 2019, making a
 16 preliminary determination to issue bonds or enter into a
 17 lease for the project, five million dollars (\$5,000,000).
 18 (iii) In the case of an ordinance or resolution adopted in a
 19 calendar year after December 31, 2018, making a
 20 preliminary determination to issue bonds or enter into a
 21 lease for the project, an amount (as determined by the
 22 department of local government finance) equal to the result
 23 of the *assessed value maximum levy* growth quotient
 24 determined under IC 6-1.1-18.5-2 for the year multiplied by
 25 the amount determined under this clause for the preceding
 26 calendar year.
 27 The department of local government finance shall publish the
 28 threshold determined under item (iii) in the Indiana Register
 29 under IC 4-22-7-7 not more than sixty (60) days after the date
 30 the budget agency releases the *maximum levy* growth quotient
 31 for the ensuing year under IC 6-1.1-18.5-2.
 32 (B) An amount equal to the following:
 33 (i) One percent (1%) of the total gross assessed value of
 34 property within the political subdivision on the last
 35 assessment date, if that total gross assessed value is more
 36 than one hundred million dollars (\$100,000,000).
 37 (ii) One million dollars (\$1,000,000), if the total gross
 38 assessed value of property within the political subdivision
 39 on the last assessment date is not more than one hundred
 40 million dollars (\$100,000,000).
 41 (A) If the total gross assessed value of property within the
 42 political subdivision on the last assessment date is not more



- 1 **than one hundred million dollars (\$100,000,000), one**
 2 **million dollars (\$1,000,000).**
 3 **(B) If the total gross assessed value of property within the**
 4 **political subdivision on the last assessment date exceeds**
 5 **one hundred million dollars (\$100,000,000) and is not more**
 6 **than five hundred million dollars (\$500,000,000), one**
 7 **million dollars (\$1,000,000) plus one percent (1%) of the**
 8 **political subdivision's gross assessed value that exceeds one**
 9 **hundred million dollars (\$100,000,000).**
 10 **(C) If the total gross assessed value of property within the**
 11 **political subdivision on the last assessment date exceeds**
 12 **five hundred million dollars (\$500,000,000), five million**
 13 **dollars (\$5,000,000) plus five-hundredths of one percent**
 14 **(0.05%) of the political subdivision's gross assessed value**
 15 **that exceeds five hundred million dollars (\$500,000,000).**
 16 (3) A project that is being refinanced for the purpose of providing
 17 gross or net present value savings to taxpayers.
 18 (4) A project for which bonds were issued or leases were entered
 19 into before January 1, 1996, or where the state board of tax
 20 commissioners has approved the issuance of bonds or the
 21 execution of leases before January 1, 1996.
 22 (5) A project that is required by a court order holding that a
 23 federal law mandates the project.
 24 (6) A project that is in response to:
 25 (A) a natural disaster;
 26 (B) an accident; or
 27 (C) an emergency;
 28 in the political subdivision that makes a building or facility
 29 unavailable for its intended use.
 30 (7) A project that was not a controlled project under this section
 31 as in effect on June 30, 2008, and for which:
 32 (A) the bonds or lease for the project were issued or entered
 33 into before July 1, 2008; or
 34 (B) the issuance of the bonds or the execution of the lease for
 35 the project was approved by the department of local
 36 government finance before July 1, 2008.
 37 (8) A project of the Little Calumet River basin development
 38 commission for which bonds are payable from special
 39 assessments collected under IC 14-13-2-18.6.
 40 (9) *A project for engineering, land and right-of-way acquisition,*
 41 *construction, resurfacing, maintenance, restoration, and*
 42 *rehabilitation exclusively for or of:*



1 (A) local road and street systems, including bridges that are
2 designated as being in a local road and street system;

3 (B) arterial road and street systems, including bridges that are
4 designated as being in an arterial road and street system; or

5 (C) any combination of local and arterial road and street
6 systems, including designated bridges.

7 SECTION 4. IC 6-1.1-20-3.1, AS AMENDED BY P.L.159-2020,
8 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2021]: Sec. 3.1. (a) Subject to section 3.5(a)(1)(C) of this
10 chapter, this section applies only to the following:

11 (1) A controlled project (as defined in section 1.1 of this chapter
12 as in effect June 30, 2008) for which the proper officers of a
13 political subdivision make a preliminary determination in the
14 manner described in subsection (b) before July 1, 2008.

15 (2) An elementary school building, middle school building, high
16 school building, or other school building for academic instruction
17 that:

18 (A) is a controlled project;

19 (B) will be used for any combination of kindergarten through
20 grade 12; and

21 (C) will not cost more than the lesser of the following
22 **threshold amount:**

23 (i) ~~The threshold amount determined under this item. In the~~
24 ~~case of an ordinance or resolution adopted before January 1,~~
25 ~~2018, making a preliminary determination to issue bonds or~~
26 ~~enter into a lease for the project, the threshold amount is ten~~
27 ~~million dollars (\$10,000,000). In the case of an ordinance or~~
28 ~~resolution adopted after December 31, 2017, and before~~
29 ~~January 1, 2019, making a preliminary determination to~~
30 ~~issue bonds or enter into a lease for the project, the threshold~~
31 ~~amount is fifteen million dollars (\$15,000,000). In the case of~~
32 ~~an ordinance or resolution adopted in a calendar year after~~
33 ~~December 31, 2018, making a preliminary determination to~~
34 ~~issue bonds or enter into a lease for the project, the threshold~~
35 ~~amount is an amount (as determined by the department of~~
36 ~~local government finance) equal to the result of the~~
37 ~~maximum levy growth quotient determined under~~
38 ~~IC 6-1.1-18.5-2 for the year multiplied by the threshold~~
39 ~~amount determined under this item for the preceding~~
40 ~~calendar year. In the case of a threshold amount determined~~
41 ~~under this item that applies for a calendar year after~~
42 ~~December 31, 2018, the department of local government~~



1 finance shall publish the threshold in the Indiana Register
 2 under IC ~~4-22-7-7~~ not more than sixty (60) days after the
 3 date the budget agency releases the maximum levy growth
 4 quotient for the ensuing year under IC ~~6-1.1-18.5-2~~.

5 (ii) An amount equal to one percent (1%) of the total gross
 6 assessed value of property within the political subdivision
 7 on the last assessment date, if that total gross assessed value
 8 is more than one billion dollars (\$1,000,000,000); or ten
 9 million dollars (\$10,000,000); if the total gross assessed
 10 value of property within the political subdivision on the last
 11 assessment date is not more than one billion dollars
 12 (\$1,000,000,000).

13 **(i) If the total gross assessed value of property within the**
 14 **political subdivision on the last assessment date is not**
 15 **more than one billion dollars (\$1,000,000,000), ten**
 16 **million dollars (\$10,000,000).**

17 **(ii) If the total gross assessed value of property within**
 18 **the political subdivision on the last assessment date**
 19 **exceeds one billion dollars (\$1,000,000,000) and is not**
 20 **more than one billion five hundred million dollars**
 21 **(\$1,500,000,000), ten million dollars (\$10,000,000) plus**
 22 **one percent (1%) of the political subdivision's gross**
 23 **assessed value that exceeds one billion dollars**
 24 **(\$1,000,000,000).**

25 **(iii) If the total gross assessed value of property within**
 26 **the political subdivision on the last assessment date**
 27 **exceeds one billion five hundred million dollars**
 28 **(\$1,500,000,000), fifteen million dollars (\$15,000,000)**
 29 **plus one-tenth of one percent (0.1%) of the political**
 30 **subdivision's gross assessed value that exceeds one**
 31 **billion five hundred million dollars (\$1,500,000,000).**

32 (3) Any other controlled project that:

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

35 (B) will not cost the political subdivision more than the lesser
 36 of the following:

37 (i) The threshold amount determined under this item. In the
 38 case of an ordinance or resolution adopted before January 1,
 39 2018; making a preliminary determination to issue bonds or
 40 enter into a lease for the project, the threshold amount is
 41 twelve million dollars (\$12,000,000). In the case of an
 42 ordinance or resolution adopted after December 31, 2017,



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

20 (ii) An amount equal to one percent (1%) of the total gross
 21 assessed value of property within the political subdivision
 22 on the last assessment date; if that total gross assessed value
 23 is more than one hundred million dollars (\$100,000,000); or
 24 one million dollars (\$1,000,000); if the total gross assessed
 25 value of property within the political subdivision on the last
 26 assessment date is not more than one hundred million
 27 dollars (\$100,000,000).

28 **(i) If the total gross assessed value of property within the**
 29 **political subdivision on the last assessment date is not**
 30 **more than one hundred million dollars (\$100,000,000),**
 31 **one million dollars (\$1,000,000).**

32 **(ii) If the total gross assessed value of property within**
 33 **the political subdivision on the last assessment date**
 34 **exceeds one hundred million dollars (\$100,000,000) and**
 35 **is not more than one billion five hundred million dollars**
 36 **(\$1,500,000,000), one million dollars (\$1,000,000) plus**
 37 **one percent (1%) of the political subdivision's gross**
 38 **assessed value that exceeds one hundred million dollars**
 39 **(\$100,000,000).**

40 **(iii) If the total gross assessed value of property within**
 41 **the political subdivision on the last assessment date**
 42 **exceeds one billion five hundred million dollars**



1 **(\$1,500,000,000), fifteen million dollars (\$15,000,000)**
 2 **plus one-tenth of one percent (0.1%) of the political**
 3 **subdivision's gross assessed value that exceeds one**
 4 **billion five hundred million dollars (\$1,500,000,000).**

5 **(4) After June 30, 2021, any other project:**

6 **(A) that is not a controlled project described in**
 7 **subdivisions (1) through (3); and**

8 **(B) for which a political subdivision adopts an ordinance**
 9 **or resolution after June 30, 2021, making a preliminary**
 10 **determination to issue bonds or enter into a lease for the**
 11 **project, if the sum of:**

12 **(i) the cost of that project; plus**

13 **(ii) the outstanding principal balance of all other projects**
 14 **described in clause (A) for which the political subdivision**
 15 **has previously adopted within the preceding five (5)**
 16 **years an ordinance or resolution making a preliminary**
 17 **determination to issue bonds or enter into a lease for the**
 18 **project, but not including an ordinance or resolution**
 19 **adopted before July 1, 2021;**

20 **exceeds one and five-tenths percent (1.5%) of the political**
 21 **subdivision's gross assessed value on the last assessment**
 22 **date but does not exceed three percent (3%) of the political**
 23 **subdivision's gross assessed value on the last assessment**
 24 **date, in the case of a political subdivision whose total gross**
 25 **assessed value is not more than one billion dollars**
 26 **(\$1,000,000,000), or in the case of a political subdivision**
 27 **whose total gross assessed value is more than one billion**
 28 **dollars (\$1,000,000,000), exceeds fifteen million dollars**
 29 **(\$15,000,000) plus one-tenth of one percent (0.1%) of the**
 30 **political subdivision's gross assessed value that exceeds one**
 31 **billion dollars (\$1,000,000,000) but does not exceed thirty**
 32 **million dollars (\$30,000,000) plus one-tenth of one percent**
 33 **(0.1%) of the political subdivision's gross assessed value**
 34 **that exceeds one billion dollars (\$1,000,000,000).**

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

38 **(1) The proper officers of a political subdivision shall publish**
 39 **notice in accordance with IC 5-3-1 and send notice by first class**
 40 **mail to the circuit court clerk and to any organization that delivers**
 41 **to the officers, before January 1 of that year, an annual written**
 42 **request for such notices of any meeting to consider adoption of a**



1 resolution or an ordinance making a preliminary determination to
 2 issue bonds or enter into a lease and shall conduct at least two (2)
 3 public hearings on a preliminary determination before adoption
 4 of the resolution or ordinance. The political subdivision must at
 5 each of the public hearings on the preliminary determination
 6 allow the public to testify regarding the preliminary determination
 7 and must make the following information available to the public
 8 at each of the public hearings on the preliminary determination,
 9 in addition to any other information required by law:

10 (A) The result of the political subdivision's current and
 11 projected annual debt service payments divided by the net
 12 assessed value of taxable property within the political
 13 subdivision.

14 (B) The result of:

15 (i) the sum of the political subdivision's outstanding long
 16 term debt plus the outstanding long term debt of other taxing
 17 units that include any of the territory of the political
 18 subdivision; divided by

19 (ii) the net assessed value of taxable property within the
 20 political subdivision.

21 (C) The information specified in subdivision (3)(A) through
 22 (3)(H).

23 (2) When the proper officers of a political subdivision make a
 24 preliminary determination to issue bonds or enter into a lease for
 25 a controlled project, the officers shall give notice of the
 26 preliminary determination by:

27 (A) publication in accordance with IC 5-3-1; and

28 (B) first class mail to the circuit court clerk and to the
 29 organizations described in subdivision (1).

30 (3) A notice under subdivision (2) of the preliminary
 31 determination of the political subdivision to issue bonds or enter
 32 into a lease for a controlled project must include the following
 33 information:

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

35 (B) The maximum principal amount of the bonds or the
 36 maximum lease rental for the lease.

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

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

40 (E) A statement that any owners of property within the
 41 political subdivision or registered voters residing within the
 42 political subdivision who want to initiate a petition and



- 1 remonstrance process against the proposed debt service or
 2 lease payments must file a petition that complies with
 3 subdivisions (4) and (5) not later than thirty (30) days after
 4 publication in accordance with IC 5-3-1.
 5 (F) With respect to bonds issued or a lease entered into to
 6 open:
 7 (i) a new school facility; or
 8 (ii) an existing facility that has not been used for at least
 9 three (3) years and that is being reopened to provide
 10 additional classroom space;
 11 the estimated costs the school corporation expects to incur
 12 annually to operate the facility.
 13 (G) A statement of whether the school corporation expects to
 14 appeal for a new facility adjustment (as defined in
 15 IC 20-45-1-16 (repealed) before January 1, 2009) for an
 16 increased maximum permissible tuition support levy to pay the
 17 estimated costs described in clause (F).
 18 (H) The following information:
 19 (i) The political subdivision's current debt service levy and
 20 rate.
 21 (ii) The estimated increase to the political subdivision's debt
 22 service levy and rate that will result if the political
 23 subdivision issues the bonds or enters into the lease.
 24 (iii) The estimated amount of the political subdivision's debt
 25 service levy and rate that will result during the following ten
 26 (10) years if the political subdivision issues the bonds or
 27 enters into the lease, after also considering any changes that
 28 will occur to the debt service levy and rate during that
 29 period on account of any outstanding bonds or lease
 30 obligations that will mature or terminate during that period.
 31 (I) The information specified in subdivision (1)(A) through
 32 (1)(B).
 33 (4) After notice is given, a petition requesting the application of
 34 a petition and remonstrance process may be filed by the lesser of:
 35 (A) five hundred (500) persons who are either owners of
 36 property within the political subdivision or registered voters
 37 residing within the political subdivision; or
 38 (B) five percent (5%) of the registered voters residing within
 39 the political subdivision.
 40 (5) The state board of accounts shall design and, upon request by
 41 the county voter registration office, deliver to the county voter
 42 registration office or the county voter registration office's



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

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

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

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

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

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

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

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

34 (8) The county voter registration office shall determine whether
 35 each person who signed the petition is a registered voter.
 36 However, after the county voter registration office has determined
 37 that at least five hundred twenty-five (525) persons who signed
 38 the petition are registered voters within the political subdivision,
 39 the county voter registration office is not required to verify
 40 whether the remaining persons who signed the petition are
 41 registered voters. If the county voter registration office does not
 42 determine that at least five hundred twenty-five (525) persons



1 who signed the petition are registered voters, the county voter
2 registration office shall, not more than fifteen (15) business days
3 after receiving a petition, forward a copy of the petition to the
4 county auditor. Not more than ten (10) business days after
5 receiving the copy of the petition, the county auditor shall provide
6 to the county voter registration office a statement verifying:

7 (A) whether a person who signed the petition as a registered
8 voter but is not a registered voter, as determined by the county
9 voter registration office, is the owner of property in the
10 political subdivision; and

11 (B) whether a person who signed the petition as an owner of
12 property within the political subdivision does in fact own
13 property within the political subdivision.

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



1 property within the political subdivision. Notwithstanding any
 2 other provision of this section, if a petition is presented to the
 3 county voter registration office within forty-five (45) days before
 4 an election, the county voter registration office may defer acting
 5 on the petition, and the time requirements under this section for
 6 action by the county voter registration office do not begin to run
 7 until five (5) days after the date of the election.

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

10 (A) the township trustee, if the political subdivision is a
 11 township, who shall present the petition or petitions to the
 12 township board; or

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

16 within thirty-five (35) business days of the filing of the petition
 17 requesting a petition and remonstrance process. The certificate
 18 must state the number of petitioners that are owners of property
 19 within the political subdivision and the number of petitioners who
 20 are registered voters residing within the political subdivision.

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

26 (c) A political subdivision may not divide a controlled project in
 27 order to avoid the requirements of this section and section 3.2 of this
 28 chapter. A person that owns property within a political subdivision or
 29 a person that is a registered voter residing within a political subdivision
 30 may file a petition with the department of local government finance
 31 objecting that the political subdivision has divided a controlled project
 32 in order to avoid the requirements of this section and section 3.2 of this
 33 chapter. The petition must be filed not more than ten (10) days after the
 34 political subdivision gives notice of the political subdivision's decision
 35 to issue bonds or enter into leases for a capital project that the person
 36 believes is the result of a division of a controlled project that is
 37 prohibited by this subsection. If the department of local government
 38 finance receives a petition under this subsection, the department shall
 39 not later than thirty (30) days after receiving the petition make a final
 40 determination on the issue of whether the political subdivision divided
 41 a controlled project in order to avoid the requirements of this section
 42 and section 3.2 of this chapter. If the department of local government



1 finance determines that a political subdivision divided a controlled
 2 project in order to avoid the requirements of this section and section
 3 3.2 of this chapter and the political subdivision continues to desire to
 4 proceed with the project, the political subdivision shall fulfill the
 5 requirements of this section and section 3.2 of this chapter, if
 6 applicable, regardless of the cost of the project in dispute. A political
 7 subdivision shall be considered to have divided a capital project in
 8 order to avoid the requirements of this section and section 3.2 of this
 9 chapter if the result of one (1) or more of the subprojects cannot
 10 reasonably be considered an independently desirable end in itself
 11 without reference to another capital project. This subsection does not
 12 prohibit a political subdivision from undertaking a series of capital
 13 projects in which the result of each capital project can reasonably be
 14 considered an independently desirable end in itself without reference
 15 to another capital project.

16 SECTION 5. IC 6-1.1-20-3.5, AS AMENDED BY P.L.159-2020,
 17 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 3.5. (a) This section applies only to a controlled
 19 project that meets the following conditions:

20 (1) The controlled project is described in one (1) of the following
 21 categories:

22 (A) An elementary school building, middle school building,
 23 high school building, or other school building for academic
 24 instruction that will be used for any combination of
 25 kindergarten through grade 12 and will cost more than ~~the~~
 26 lesser of the following **threshold amount**:

27 (i) ~~The threshold amount determined under this item. In the~~
 28 ~~case of an ordinance or resolution adopted before January 1,~~
 29 ~~2018; making a preliminary determination to issue bonds or~~
 30 ~~enter into a lease for the project, the threshold amount is ten~~
 31 ~~million dollars (\$10,000,000). In the case of an ordinance or~~
 32 ~~resolution adopted after December 31, 2017; and before~~
 33 ~~January 1, 2019; making a preliminary determination to~~
 34 ~~issue bonds or enter into a lease for the project, the threshold~~
 35 ~~amount is fifteen million dollars (\$15,000,000). In the case~~
 36 ~~of an ordinance or resolution adopted in a calendar year after~~
 37 ~~December 31, 2018; making a preliminary determination to~~
 38 ~~issue bonds or enter into a lease for the project, the threshold~~
 39 ~~amount is an amount (as determined by the department of~~
 40 ~~local government finance) equal to the result of the~~
 41 ~~maximum levy growth quotient determined under~~
 42 ~~IC 6-1.1-18.5-2 for the year multiplied by the threshold~~



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

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

17 **(i) If the total gross assessed value of property within the**
 18 **political subdivision on the last assessment date is not**
 19 **more than one billion dollars (\$1,000,000,000), ten**
 20 **million dollars (\$10,000,000).**

21 **(ii) If the total gross assessed value of property within**
 22 **the political subdivision on the last assessment date**
 23 **exceeds one billion dollars (\$1,000,000,000) and is not**
 24 **more than one billion five hundred million dollars**
 25 **(\$1,500,000,000), ten million dollars (\$10,000,000) plus**
 26 **one percent (1%) of the political subdivision's gross**
 27 **assessed value that exceeds one billion dollars**
 28 **(\$1,000,000,000).**

29 **(iii) If the total gross assessed value of property within**
 30 **the political subdivision on the last assessment date**
 31 **exceeds one billion five hundred million dollars**
 32 **(\$1,500,000,000), fifteen million dollars (\$15,000,000)**
 33 **plus one-tenth of one percent (0.1%) of the political**
 34 **subdivision's gross assessed value that exceeds one**
 35 **billion five hundred million dollars (\$1,500,000,000).**

36 (B) Any other controlled project that is not a controlled project
 37 described in clause (A) and will cost the political subdivision
 38 more than the lesser of the following **threshold amount**:

39 (i) The threshold amount determined under this item. In the
 40 case of an ordinance or resolution adopted before January 1,
 41 2018, making a preliminary determination to issue bonds or
 42 enter into a lease for the project, the threshold amount is



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

22 (ii) An amount equal to one percent (1%) of the total gross
 23 assessed value of property within the political subdivision
 24 on the last assessment date, if that total gross assessed value
 25 is more than one hundred million dollars (\$100,000,000), or
 26 one million dollars (\$1,000,000); if the total gross assessed
 27 value of property within the political subdivision on the last
 28 assessment date is not more than one hundred million
 29 dollars (\$100,000,000).

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

34 **(ii) If the total gross assessed value of property within**
 35 **the political subdivision on the last assessment date**
 36 **exceeds one hundred million dollars (\$100,000,000) and**
 37 **is not more than one billion five hundred million dollars**
 38 **(\$1,500,000,000), one million dollars (\$1,000,000) plus**
 39 **one percent (1%) of the political subdivision's gross**
 40 **assessed value that exceeds one hundred million dollars**
 41 **(\$100,000,000).**

42 **(iii) If the total gross assessed value of property within**



1 **the political subdivision on the last assessment date**
 2 **exceeds one billion five hundred million dollars**
 3 **(\$1,500,000,000), fifteen million dollars (\$15,000,000)**
 4 **plus one-tenth of one percent (0.1%) of the political**
 5 **subdivision's gross assessed value that exceeds one**
 6 **billion five hundred million dollars (\$1,500,000,000).**

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

11 (i) the cost of that controlled project; plus

12 (ii) the costs of all other controlled projects for which the
 13 political subdivision has previously adopted within the
 14 preceding three hundred sixty-five (365) days an ordinance
 15 or resolution making a preliminary determination to issue
 16 bonds or enter into a lease for those other controlled
 17 projects;

18 exceeds twenty-five million dollars (\$25,000,000) **plus**
 19 **one-tenth of one percent (0.1%) of the gross assessed value**
 20 **that exceeds two billion five hundred million dollars**
 21 **(\$2,500,000,000). For purposes of this clause, the cost of the**
 22 **controlled project includes only the costs for the project**
 23 **that will be paid from property taxes.**

24 (D) After June 30, 2021, any other project that is not a
 25 controlled project described in clauses (A) through (C),
 26 and for which a political subdivision adopts an ordinance
 27 or resolution after June 30, 2021, making a preliminary
 28 determination to issue bonds or enter into a lease for the
 29 project, if the sum of:

30 (i) the cost of that project; plus

31 (ii) the outstanding principal balance of all other projects
 32 that were not controlled projects described in clauses (A)
 33 through (C) for which the political subdivision has
 34 previously adopted within the preceding five (5) years an
 35 ordinance or resolution making a preliminary
 36 determination to issue bonds or enter into a lease for the
 37 project, but not including an ordinance or resolution
 38 adopted before July 1, 2021;

39 exceeds three percent (3%) of the political subdivision's
 40 gross assessed value on the last assessment date, in the case
 41 of a political subdivision whose total gross assessed value
 42 is not more than one billion dollars (\$1,000,000,000), or in



1 **the case of a political subdivision whose total gross**
 2 **assessed value is more than one billion dollars**
 3 **(\$1,000,000,000), exceeds thirty million dollars**
 4 **(\$30,000,000) plus one-tenth of one percent (0.1%) of the**
 5 **political subdivision's gross assessed value that exceeds one**
 6 **billion dollars (\$1,000,000,000).**

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

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

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

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

32 (B) The result of:

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

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

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

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



- 1 officers shall give notice of the preliminary determination by:
- 2 (A) publication in accordance with IC 5-3-1; and
- 3 (B) first class mail to the circuit court clerk and to the
- 4 organizations described in subdivision (1).
- 5 (3) A notice under subdivision (2) of the preliminary
- 6 determination of the political subdivision to issue bonds or enter
- 7 into a lease must include the following information:
- 8 (A) The maximum term of the bonds or lease.
- 9 (B) The maximum principal amount of the bonds or the
- 10 maximum lease rental for the lease.
- 11 (C) The estimated interest rates that will be paid and the total
- 12 interest costs associated with the bonds or lease.
- 13 (D) The purpose of the bonds or lease.
- 14 (E) A statement that the proposed debt service or lease
- 15 payments must be approved in an election on a local public
- 16 question held under section 3.6 of this chapter.
- 17 (F) With respect to bonds issued or a lease entered into to
- 18 open:
- 19 (i) a new school facility; or
- 20 (ii) an existing facility that has not been used for at least
- 21 three (3) years and that is being reopened to provide
- 22 additional classroom space;
- 23 the estimated costs the school corporation expects to annually
- 24 incur to operate the facility.
- 25 (G) The following information:
- 26 (i) The political subdivision's current debt service levy and
- 27 rate.
- 28 (ii) The estimated increase to the political subdivision's debt
- 29 service levy and rate that will result if the political
- 30 subdivision issues the bonds or enters into the lease.
- 31 (iii) The estimated amount of the political subdivision's debt
- 32 service levy and rate that will result during the following ten
- 33 (10) years if the political subdivision issues the bonds or
- 34 enters into the lease, after also considering any changes that
- 35 will occur to the debt service levy and rate during that
- 36 period on account of any outstanding bonds or lease
- 37 obligations that will mature or terminate during that period.
- 38 (H) The information specified in subdivision (1)(A) through
- 39 (1)(B).
- 40 (4) After notice is given, a petition requesting the application of
- 41 the local public question process under section 3.6 of this chapter
- 42 may be filed by the lesser of:



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



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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

9 SECTION 6. IC 6-1.1-20-3.6, AS AMENDED BY P.L.246-2017,
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2021]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
 12 of this chapter, this section applies only to a controlled project
 13 described in section 3.5(a) of this chapter.

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

21 (c) Except as provided in ~~subsection (k)~~, **subsections (d) and (l)**,
 22 the following question shall be submitted to the eligible voters at the
 23 election conducted under this section:

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

31 **If this public question is approved by the voters, the tax rate**
 32 **approved would represent a _____% (insert the percentage**
 33 **increase determined by the department of local government**
 34 **finance) increase over the current total tax rate of _____**
 35 **(insert the name of the political subdivision)."**

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



1 If the county election board approves the language of a public question
 2 under this subsection, the county election board shall submit the
 3 language to the department of local government finance for review.

4 **(d) If the estimated increase in a political subdivision's property**
 5 **tax levy for debt service for a controlled project will be offset in**
 6 **whole or in part because of the retirement of existing debt of the**
 7 **political subdivision, the proper officers of the political subdivision**
 8 **may adopt a resolution that does the following:**

9 **(1) Includes a schedule that specifies:**

10 **(A) the maximum annual debt service for the controlled**
 11 **project for each year in which such debt service will be**
 12 **paid;**

13 **(B) the information described in section 3.5(b)(3)(G)(iii) of**
 14 **this chapter concerning the estimated amount of the**
 15 **political subdivision's debt service levy and tax rate that**
 16 **will result during the following ten (10) years if the**
 17 **political subdivision issues the bonds or enters into the**
 18 **lease for the controlled project, after also considering any**
 19 **changes that will occur to the debt service levy and tax rate**
 20 **during that period on account of any outstanding bonds or**
 21 **lease obligations that will mature or terminate during that**
 22 **period; and**

23 **(C) whether:**

24 **(i) the outstanding bonds or lease obligations that will**
 25 **mature or terminate during the following ten (10) years**
 26 **were approved in a public question under this chapter;**
 27 **and**

28 **(ii) the property taxes imposed to pay the outstanding**
 29 **bonds or lease obligations described in item (i) are**
 30 **excluded from consideration in calculating tax credits**
 31 **for purposes of the property tax caps under**
 32 **IC 6-1.1-20.6.**

33 **(2) States that the proper officers of the political subdivision**
 34 **intend to maintain the political subdivision's total debt service**
 35 **property tax rate (including debt service for the controlled**
 36 **project and for all other debt of the political subdivision) at or**
 37 **below a specified property tax rate. The political subdivision's**
 38 **statement that it intends to maintain its total debt service**
 39 **property tax rate at or below such a specified property tax**
 40 **rate may include exceptions for the following:**

41 **(A) Specified projects or purposes, including any projects**
 42 **that the proper officers of the political subdivision declare**



1 are required by an emergency or are required for the
2 safety and security of citizens or students.

3 (B) The political subdivision experiences a decrease in net
4 assessed value and its rate may not be maintained as a
5 result of the decrease.

6 If a political subdivision adopts a resolution under this subsection,
7 the proper officers of the political subdivision shall submit to the
8 department of local government finance a copy of the resolution,
9 information specifying the amount of existing debt that will be
10 retired, and a calculation showing the effect that the retirement of
11 the existing debt will have on the political subdivision's overall debt
12 service tax rates and levies. Except as provided in subsection (l), if
13 a political subdivision adopts a resolution under this subsection, the
14 following question shall be submitted to the eligible voters at the
15 election conducted under this section:

16 "Shall _____ (insert the name of the political subdivision)
17 issue bonds or enter into a lease to finance _____
18 (insert a brief description of the controlled project), which is
19 estimated to cost not more than _____ (insert the total cost
20 of the project), with an estimated property tax rate for the
21 project of _____ (insert the property tax rate for the
22 controlled project as determined by the department of local
23 government finance) but with the following estimated net
24 change in the total debt service property tax rate, after
25 accounting for the retirement of existing debt: _____
26 (insert net change in the political subdivision's total debt
27 service property tax rate, as determined by the department of
28 local government finance, after accounting for the retirement
29 of existing debt)?"

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

41 (d) (e) The department of local government finance shall review the
42 language of the public question to evaluate whether the description of



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

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

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

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

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



1 political subdivision that requests the special election shall pay the
 2 costs of holding the special election. The county election board shall
 3 give notice under IC 5-3-1 of a special election conducted under this
 4 subsection. A special election conducted under this subsection is under
 5 the direction of the county election board. The county election board
 6 shall take all steps necessary to carry out the special election.

7 ~~(f)~~ **(g)** The circuit court clerk shall certify the results of the public
 8 question to the following:

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

11 (2) The department of local government finance.

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

16 ~~(h)~~ **(i)** If a majority of the eligible voters voting on the public
 17 question vote in opposition to the public question, both of the following
 18 apply:

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

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

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

26 (B) three hundred fifty (350) days after the date of the election,
 27 if a petition that meets the requirements of subsection ~~(m)~~ **(n)**
 28 is submitted to the county auditor.

29 ~~(i)~~ **(j)** IC 3, to the extent not inconsistent with this section, applies
 30 to an election held under this section.

31 ~~(j)~~ **(k)** A political subdivision may not divide a controlled project in
 32 order to avoid the requirements of this section and section 3.5 of this
 33 chapter. A person that owns property within a political subdivision or
 34 a person that is a registered voter residing within a political subdivision
 35 may file a petition with the department of local government finance
 36 objecting that the political subdivision has divided a controlled project
 37 into two (2) or more capital projects in order to avoid the requirements
 38 of this section and section 3.5 of this chapter. The petition must be filed
 39 not more than ten (10) days after the political subdivision gives notice
 40 of the political subdivision's decision under section 3.5 of this chapter
 41 or a determination under section 5 of this chapter to issue bonds or
 42 enter into leases for a capital project that the person believes is the



1 result of a division of a controlled project that is prohibited by this
 2 subsection. If the department of local government finance receives a
 3 petition under this subsection, the department shall not later than thirty
 4 (30) days after receiving the petition make a final determination on the
 5 issue of whether the political subdivision divided a controlled project
 6 in order to avoid the requirements of this section and section 3.5 of this
 7 chapter. If the department of local government finance determines that
 8 a political subdivision divided a controlled project in order to avoid the
 9 requirements of this section and section 3.5 of this chapter and the
 10 political subdivision continues to desire to proceed with the project, the
 11 political subdivision may appeal the determination of the department
 12 of local government finance to the Indiana board of tax review. A
 13 political subdivision shall be considered to have divided a capital
 14 project in order to avoid the requirements of this section and section
 15 3.5 of this chapter if the result of one (1) or more of the subprojects
 16 cannot reasonably be considered an independently desirable end in
 17 itself without reference to another capital project. This subsection does
 18 not prohibit a political subdivision from undertaking a series of capital
 19 projects in which the result of each capital project can reasonably be
 20 considered an independently desirable end in itself without reference
 21 to another capital project.

22 ~~(k)~~ **(l)** This subsection applies to a political subdivision for which a
 23 petition requesting a public question has been submitted under section
 24 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of
 25 the political subdivision may adopt a resolution to withdraw a
 26 controlled project from consideration in a public question. If the
 27 legislative body provides a certified copy of the resolution to the county
 28 auditor and the county election board not later than sixty-three (63)
 29 days before the election at which the public question would be on the
 30 ballot, the public question on the controlled project shall not be placed
 31 on the ballot and the public question on the controlled project shall not
 32 be held, regardless of whether the county auditor has certified the
 33 public question to the county election board. If the withdrawal of a
 34 public question under this subsection requires the county election
 35 board to reprint ballots, the political subdivision withdrawing the
 36 public question shall pay the costs of reprinting the ballots. If a political
 37 subdivision withdraws a public question under this subsection that
 38 would have been held at a special election and the county election
 39 board has printed the ballots before the legislative body of the political
 40 subdivision provides a certified copy of the withdrawal resolution to
 41 the county auditor and the county election board, the political
 42 subdivision withdrawing the public question shall pay the costs



1 incurred by the county in printing the ballots. If a public question on a
 2 controlled project is withdrawn under this subsection, a public question
 3 under this section on the same controlled project or a substantially
 4 similar controlled project may not be submitted to the voters earlier
 5 than three hundred fifty (350) days after the date the resolution
 6 withdrawing the public question is adopted.

7 ~~(h)~~ **(m)** If a public question regarding a controlled project is placed
 8 on the ballot to be voted on at an election under this section, the
 9 political subdivision shall submit to the department of local
 10 government finance, at least thirty (30) days before the election, the
 11 following information regarding the proposed controlled project for
 12 posting on the department's Internet web site:

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

15 (2) The effect that approval of the controlled project would have
 16 on the political subdivision's property tax rate. **If the retirement**
 17 **of existing debt of the political subdivision will affect the**
 18 **political subdivision's tax rate, the political subdivision must**
 19 **provide information specifying:**

20 **(A) the amount of the debt that will be retired;**

21 **(B) the impact that the retirement of the debt will have on**
 22 **the political subdivision's property tax rate; and**

23 **(C) the net change in the political subdivision's total debt**
 24 **service property tax rate, after accounting for the**
 25 **retirement of the existing debt.**

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

27 (4) The maximum principal amount of the bonds or the maximum
 28 lease rental for the lease.

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

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

32 (7) In the case of a controlled project proposed by a school
 33 corporation:

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

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

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

38 ~~(m)~~ **(n)** If a majority of the eligible voters voting on the public
 39 question vote in opposition to the public question, a petition may be
 40 submitted to the county auditor to request that the limit under
 41 subsection ~~(h)(2)(B)~~ **(i)(2)(B)** apply to the holding of a subsequent
 42 public question by the political subdivision. If such a petition is



1 submitted to the county auditor and is signed by the lesser of:
 2 (1) ~~five hundred (500)~~ **the number of** persons who are either
 3 owners of property within the political subdivision or registered
 4 voters residing within the political subdivision ~~or equal to the~~
 5 **result of:**
 6 **(A) five hundred (500); plus**
 7 **(B) if more than sixty percent (60%) of eligible voters**
 8 **voting on the public question voted in opposition to the**
 9 **public question, the result of:**
 10 **(i) the percentage of eligible voters voting on the public**
 11 **question who voted in opposition to the public question,**
 12 **minus**
 13 **(ii) sixty percent (60%);**
 14 **multiplied by the total number of eligible voters voting on**
 15 **the public question; or**
 16 (2) ~~five percent (5%)~~ **a percentage** of the registered voters
 17 residing within the political subdivision **equal to the result of:**
 18 **(A) five percent (5%) of the registered voters residing**
 19 **within the political subdivision; plus**
 20 **(B) if more than sixty percent (60%) of eligible voters**
 21 **voting on the public question voted in opposition to the**
 22 **public question, the result of:**
 23 **(i) the percentage of eligible voters voting on the public**
 24 **question who voted in opposition to the public question;**
 25 **minus**
 26 **(ii) sixty percent (60%)**
 27 the limit under subsection ~~(h)(2)(B)~~ **(i)(2)(B)** applies to the holding of
 28 a second public question by the political subdivision and the limit
 29 under subsection ~~(h)(2)(A)~~ **(i)(2)(A)** does not apply to the holding of
 30 a second public question by the political subdivision.
 31 SECTION 7. IC 20-46-1-10, AS AMENDED BY P.L.138-2016,
 32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2021]: 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 "For the __ (insert number) calendar year or years immediately
 39 following the holding of the referendum, shall the school
 40 corporation impose a property tax rate that does not exceed
 41 _____ (insert amount) cents (\$0. __) (insert amount) on
 42 each one hundred dollars (\$100) of assessed valuation and that is



1 in addition to all other property taxes imposed by the school
 2 corporation for the purpose of funding _____
 3 (insert short description of purposes)?

4 **If this public question is approved by the voters, the tax rate**
 5 **approved would represent a _____ % (insert the percentage**
 6 **increase determined by the department of local government**
 7 **finance) increase over the current total tax rate of _____**
 8 **(insert the name of the school corporation)."**

9 SECTION 8. IC 20-46-1-14, AS AMENDED BY P.L.278-2019,
 10 SECTION 175, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The referendum shall be
 12 held in the next primary election, general election, or municipal
 13 election **that is held on the first Tuesday after the first Monday in**
 14 **May or November** in which all the registered voters who are residents
 15 of the appellant school corporation are entitled to vote after
 16 certification of the question under IC 3-10-9-3. The certification of the
 17 question must occur not later than noon:

18 (1) seventy-four (74) days before a primary election **held on the**
 19 **first Tuesday after the first Monday in May** if the question is
 20 to be placed on the primary or municipal primary election ballot;
 21 or

22 (2) August 1 if the question is to be placed on the general or
 23 municipal election ballot **held on the first Tuesday after the**
 24 **first Monday in November.**

25 (b) However, if a primary election, general election, or municipal
 26 election will not be held during the first year in which the public
 27 question is eligible to be placed on the ballot under this chapter and if
 28 the appellant school corporation requests the public question to be
 29 placed on the ballot at a special election, the public question shall be
 30 placed on the ballot at a special election to be held on the first Tuesday
 31 after the first Monday in May or November of the year. The
 32 certification must occur not later than noon:

33 (1) sixty (60) days before a special election to be held **on the first**
 34 **Tuesday after the first Monday** in May (if the special election
 35 is to be held in May); or

36 (2) on August 1 (if the special election is to be held **on the first**
 37 **Tuesday after the first Monday** in November).

38 (c) If the referendum is not conducted at a primary election, general
 39 election, or municipal election, the appellant school corporation in
 40 which the referendum is to be held shall pay all the costs of holding the
 41 referendum.

42 SECTION 9. IC 20-46-9-14, AS ADDED BY P.L.272-2019,



1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 14. (a) The referendum shall be held in the next
3 primary election, general election, or municipal election **that is held on**
4 **the first Tuesday after the first Monday in May or November** in
5 which all the registered voters who are residents of the school
6 corporation are entitled to vote after certification of the question under
7 IC 3-10-9-3. The certification of the question must occur not later than
8 noon:

9 (1) sixty (60) days before a primary election if the question is to
10 be placed on the primary or municipal primary election ballot; or

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

13 (b) However, if a primary election, general election, or municipal
14 election will not be held during the first year in which the public
15 question is eligible to be placed on the ballot under this chapter and if
16 the school corporation requests the public question to be placed on the
17 ballot at a special election, the public question shall be placed on the
18 ballot at a special election to be held on the first Tuesday after the first
19 Monday in May or November of the year. The certification must occur
20 not later than noon:

21 (1) sixty (60) days before a special election to be held **on the first**
22 **Tuesday after the first Monday** in May (if the special election
23 is to be held in May); or

24 (2) August 1 (if the special election is to be held **on the first**
25 **Tuesday after the first Monday** in November).

26 (c) If the referendum is not conducted at a primary election, general
27 election, or municipal election, the school corporation in which the
28 referendum is to be held shall pay all the costs of holding the
29 referendum.

