



Reprinted
January 30, 2024

HOUSE BILL No. 1120

DIGEST OF HB 1120 (Updated January 29, 2024 4:08 pm - DI 125)

Citations Affected: IC 6-1.1; IC 8-22; IC 20-26; IC 20-28; IC 20-40; IC 36-7; IC 36-8; noncode.

Synopsis: Property taxes. Increases the assessed value limit for the disabled veteran property tax deduction from \$200,000 to \$240,000. Requires a county assessor to apply throughout the county an influence factor to recognize the reduced acreage value of residential excess land. Provides that the influence factor required must reduce the base land value of residential excess land by no less than 50%. Provides, however, that the assessed value per acre of the residential excess land may not be less than the base rate of agricultural land unless a different classification of land with a lower assessed value per acre applies. Allows that, for purposes of various property tax deductions, an individual has until January 15 of a calendar year in which property taxes are first due and payable to complete, date, and file the required certified statement with the county auditor. Increases the amount by which a civil taxing unit must exceed the statewide average assessed
(Continued next page)

Effective: Upon passage; January 1, 2023 (retroactive); January 1, 2024 (retroactive); July 1, 2024; January 1, 2025.

Thompson, Clere, Cherry

January 8, 2024, read first time and referred to Committee on Ways and Means.
January 25, 2024, amended, reported — Do Pass.
January 29, 2024, read second time, amended, ordered engrossed.

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value growth for purposes of an appeal for relief from property tax levy limits. Extends the current cap on operating referendum tax that may be levied by a school corporation. Provides a formula for determining the cap on the operating referendum tax levy using the school corporation's recent average daily membership counts. Extends 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 based on the political subdivision's total debt service tax rate. Specifies that a political subdivision's total debt service tax rate does not include a tax rate approved by voters for a referendum debt service tax levy. Provides that distributions for curricular materials may not be considered for purposes of determining whether a school corporation met the requirement to expend a minimum amount of state tuition support for teacher compensation. Repeals the requirement that each school maintained by a school corporation and each charter school establish a curricular materials account. Requires a public school to deposit distributions for curricular materials in: (1) the education fund of the school corporation that maintains the school; or (2) the fund in which a charter school receives state tuition support. Prohibits a redevelopment commission from removing a parcel of real property from an existing economic development district or an existing tax increment financing district, and subsequently adding the same parcel of real property back into the economic development district or tax increment financing district during the life of the economic development district or tax increment financing district. Adds a provision to allow a redevelopment commission to expend revenues from its allocation fund that are allocated for police and fire services on both capital expenditures and operating expenses as authorized in the 2023 session in House Bill 1454. Provides that, if a township transitions from a single township firefighting and emergency services fund to two separate funds as authorized under current law, the township legislative body must approve a transfer of the remaining cash balance from the single fund to the two new separate funds and determine the amounts attributable to each fund. Makes conforming changes.



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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1120

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 6-1.1-4-44.5, AS ADDED BY P.L.249-2015,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2025]: Sec. 44.5. (a) This section applies to a real
4 property assessment:
5 (1) for the 2015 assessment date and assessment dates thereafter;
6 and
7 (2) that includes land classified as residential excess land.
8 (b) A county assessor ~~may~~ **shall** apply throughout the county an
9 influence factor to recognize the reduced acreage value of residential
10 excess land. The influence factor may be applied on a per acre basis or
11 based on acreage categories. The influence factor may not be used as
12 an alternative to determining the value of farmland as provided in
13 section 13 of this chapter.
14 (c) **The influence factor required under subsection (b) must**
15 **reduce the base land value of residential excess land by no less than**
16 **fifty percent (50%).**
17 (d) **Notwithstanding subsection (c), the assessed value per acre**

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1 **of the residential excess land may not be less than the base rate of**
 2 **agricultural land (as defined in IC 6-1.1-20.6-0.5) unless a different**
 3 **classification of land with a lower assessed value per acre applies.**

4 SECTION 2. IC 6-1.1-12-10.1, AS AMENDED BY P.L.257-2019,
 5 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2025]: Sec. 10.1. (a) Except as provided in section 17.8
 7 of this chapter and subject to section 45 of this chapter, an individual
 8 who desires to claim the deduction provided by section 9 of this
 9 chapter must file a sworn statement, on forms prescribed by the
 10 department of local government finance, with the auditor of the county
 11 in which the real property, mobile home, or manufactured home is
 12 located. To obtain the deduction for a desired calendar year in which
 13 property taxes are first due and payable, the statement must be
 14 completed, and dated, ~~in the immediately preceding calendar year~~ and
 15 filed with the county auditor on or before January ~~5~~ 15 of the calendar
 16 year in which the property taxes are first due and payable. The
 17 statement may be filed in person or by mail. If mailed, the mailing must
 18 be postmarked on or before the last day for filing.

19 (b) The statement referred to in subsection (a) shall be in affidavit
 20 form or require verification under penalties of perjury. The statement
 21 must be filed in duplicate if the applicant owns, or is buying under a
 22 contract, real property, a mobile home, or a manufactured home subject
 23 to assessment in more than one (1) county or in more than one (1)
 24 taxing district in the same county. The statement shall contain:

- 25 (1) the source and exact amount of gross income received by the
- 26 individual and the individual's spouse during the preceding
- 27 calendar year;
- 28 (2) the description and assessed value of the real property, mobile
- 29 home, or manufactured home;
- 30 (3) the individual's full name and complete residence address;
- 31 (4) the record number and page where the contract or
- 32 memorandum of the contract is recorded if the individual is
- 33 buying the real property, mobile home, or manufactured home on
- 34 contract; and
- 35 (5) any additional information which the department of local
- 36 government finance may require.

37 (c) In order to substantiate the deduction statement, the applicant
 38 shall submit for inspection by the county auditor a copy of the
 39 applicant's and a copy of the applicant's spouse's income tax returns
 40 that were originally due in the calendar year immediately preceding the
 41 desired calendar year in which the property taxes are first due and
 42 payable and for which the applicant and the applicant's spouse desire



1 to claim the deduction. If either was not required to file an income tax
 2 return, the applicant shall subscribe to that fact in the deduction
 3 statement.

4 SECTION 3. IC 6-1.1-12-12, AS AMENDED BY P.L.257-2019,
 5 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2025]: Sec. 12. (a) Except as provided in section 17.8 of
 7 this chapter and subject to section 45 of this chapter, a person who
 8 desires to claim the deduction provided in section 11 of this chapter
 9 must file an application, on forms prescribed by the department of local
 10 government finance, with the auditor of the county in which the real
 11 property, mobile home not assessed as real property, or manufactured
 12 home not assessed as real property is located. To obtain the deduction
 13 for a desired calendar year in which property taxes are first due and
 14 payable, the application must be completed, ~~and dated, in the~~
 15 ~~immediately preceding calendar year~~ and filed with the county auditor
 16 on or before January ~~5~~ 15 of the calendar year in which the property
 17 taxes are first due and payable. The application may be filed in person
 18 or by mail. If mailed, the mailing must be postmarked on or before the
 19 last day for filing.

20 (b) Proof of blindness may be supported by:

- 21 (1) the records of the division of family resources or the division
- 22 of disability and rehabilitative services; or
- 23 (2) the written statement of a physician who is licensed by this
- 24 state and skilled in the diseases of the eye or of a licensed
- 25 optometrist.

26 (c) The application required by this section must contain the record
 27 number and page where the contract or memorandum of the contract
 28 is recorded if the individual is buying the real property, mobile home,
 29 or manufactured home on a contract that provides that the individual
 30 is to pay property taxes on the real property, mobile home, or
 31 manufactured home.

32 SECTION 4. IC 6-1.1-12-14, AS AMENDED BY P.L.174-2022,
 33 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2024 (RETROACTIVE)]: Sec. 14. (a) Except as
 35 provided in subsection (c) and except as provided in section 40.5 of
 36 this chapter, an individual may have the sum of fourteen thousand
 37 dollars (\$14,000) deducted from the assessed value of the real property,
 38 mobile home not assessed as real property, or manufactured home not
 39 assessed as real property that the individual owns (or the real property,
 40 mobile home not assessed as real property, or manufactured home not
 41 assessed as real property that the individual is buying under a contract
 42 that provides that the individual is to pay property taxes on the real



property, mobile home, or manufactured home if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;
- (2) the individual received an honorable discharge;
- (3) the individual either:
 - (A) has a total disability; or
 - (B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%);
- (4) the individual's disability is evidenced by:
 - (A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or
 - (B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and
- (5) the individual:
 - (A) owns the real property, mobile home, or manufactured home; or
 - (B) is buying the real property, mobile home, or manufactured home under contract;
 on the date the statement required by section 15 of this chapter is filed.

(b) Except as provided in subsections (c) and (d), the surviving spouse of an individual may receive the deduction provided by this section if:

- (1) the individual satisfied the requirements of subsection (a)(1) through (a)(4) at the time of death; or
- (2) the individual:
 - (A) was killed in action;
 - (B) died while serving on active duty in the military or naval forces of the United States; or
 - (C) died while performing inactive duty training in the military or naval forces of the United States; and

the surviving spouse satisfies the requirement of subsection (a)(5) at the time the deduction statement is filed. The surviving spouse is entitled to the deduction regardless of whether the property for which the deduction is claimed was owned by the deceased veteran or the surviving spouse before the deceased veteran's death.

(c) Except as provided in subsection (f), no one is entitled to the



deduction provided by this section if the assessed value of the individual's Indiana real property, Indiana mobile home not assessed as real property, and Indiana manufactured home not assessed as real property, as shown by the tax duplicate, exceeds the assessed value limit specified in subsection (d).

(d) Except as provided in subsection (f), for the:

(1) January 1, 2017, January 1, 2018, and January 1, 2019, assessment dates, the assessed value limit for purposes of subsection (c) is one hundred seventy-five thousand dollars (\$175,000); ~~and~~

(2) January 1, 2020, **January 1, 2021, January 1, 2022, and January 1, 2023, assessment dates, assessment date and for each assessment date thereafter,** the assessed value limit for purposes of subsection (c) is two hundred thousand dollars (\$200,000); **and**

(3) January 1, 2024, assessment date and for each assessment date thereafter, the assessed value limit for purposes of subsection (c) is two hundred forty thousand dollars (\$240,000).

(e) An individual who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section against that real property, mobile home, or manufactured home.

(f) For purposes of determining the assessed value of the real property, mobile home, or manufactured home under subsection (d) for an individual who has received a deduction under this section in a previous year, increases in assessed value that occur after the later of:

(1) December 31, 2019; or

(2) the first year that the individual has received the deduction; are not considered unless the increase in assessed value is attributable to substantial renovation or new improvements. Where there is an increase in assessed value for purposes of the deduction under this section, the assessor shall provide a report to the county auditor describing the substantial renovation or new improvements, if any, that were made to the property prior to the increase in assessed value.

SECTION 5. IC 6-1.1-12-15, AS AMENDED BY P.L.156-2020, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 15. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by section 13 or 14 of this



chapter must file a statement with the auditor of the county in which the individual resides. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed, ~~and dated, in the immediately preceding calendar year~~ and filed with the county auditor on or before January 5 15 of the calendar year in which the property taxes are first due and payable. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

(1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;

(2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or

(3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section. If a deceased veteran's surviving spouse is claiming the deduction, the surviving spouse shall provide the documentation necessary to establish that at the time of death the deceased veteran satisfied the requirements of section 13(a)(1) through 13(a)(4) of this chapter, section 14(a)(1) through 14(a)(4) of this chapter, or section 14(b)(2) of this chapter, whichever applies.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 6. IC 6-1.1-12-17, AS AMENDED BY P.L.257-2019, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 17. Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, a surviving spouse who desires to claim the deduction provided by section 16 of this



chapter must file a statement with the auditor of the county in which the surviving spouse resides. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed, ~~and dated, in the immediately preceding calendar year~~ and filed with the county auditor on or before January 5 15 of the calendar year in which the property taxes are first due and payable. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain:

- (1) a sworn statement that the surviving spouse is entitled to the deduction; and
- (2) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property on a contract that provides that the individual is to pay property taxes on the real property.

In addition to the statement, the surviving spouse shall submit to the county auditor for the auditor's inspection a letter or certificate from the United States Department of Veterans Affairs establishing the service of the deceased spouse in the military or naval forces of the United States before November 12, 1918.

SECTION 7. IC 6-1.1-12-27.1, AS AMENDED BY P.L.257-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 27.1. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 26 or 26.1 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, manufactured home, or solar power device is subject to assessment. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the person must complete, ~~and date, the certified statement in the immediately preceding calendar year~~ and file the certified statement with the county auditor on or before January 5 15 of the calendar year in which the property taxes are first due and payable. The person must:

- (1) own the real property, mobile home, or manufactured home or own the solar power device;
- (2) be buying the real property, mobile home, manufactured home, or solar power device under contract; or
- (3) be leasing the real property from the real property owner and be subject to assessment and property taxation with respect to the solar power device;



on the date the statement is filed under this section. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property, mobile home, manufactured home, or solar power device is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 8. IC 6-1.1-12-30, AS AMENDED BY P.L.257-2019, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 30. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the person must complete, ~~and date, the statement in the immediately preceding calendar year~~ and file the statement with the county auditor on or before January ~~5~~ **15** of the calendar year in which the property taxes are first due and payable. The person must:

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

on the date the statement is filed under this section. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 9. IC 6-1.1-12-35.5, AS AMENDED BY P.L.236-2023, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 35.5. (a) Except as provided in section 36 or 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 33 or 34 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance and proof of certification under subsection (b) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the person must complete, ~~and date, the certified statement in the immediately~~



1 preceding calendar year and file the certified statement with the county
 2 auditor on or before January 5 15 of the calendar year in which the
 3 property taxes are first due and payable. The statement may be filed in
 4 person or by mail. If mailed, the mailing must be postmarked on or
 5 before the last day for filing. On verification of the statement by the
 6 assessor of the township in which the property for which the deduction
 7 is claimed is subject to assessment, or the county assessor if there is no
 8 township assessor for the township, the county auditor shall allow the
 9 deduction.

10 (b) The department of environmental management, upon application
 11 by a property owner, shall determine whether a system or device
 12 qualifies for a deduction provided by section 33 or 34 of this chapter.
 13 If the department determines that a system or device qualifies for a
 14 deduction, it shall certify the system or device and provide proof of the
 15 certification to the property owner. The department shall prescribe the
 16 form and manner of the certification process required by this
 17 subsection.

18 (c) If the department of environmental management receives an
 19 application for certification, the department shall determine whether
 20 the system or device qualifies for a deduction. If the department fails
 21 to make a determination under this subsection before December 31 of
 22 the year in which the application is received, the system or device is
 23 considered certified.

24 (d) A denial of a deduction claimed under section 33 or 34 of this
 25 chapter may be appealed as provided in IC 6-1.1-15. The appeal is
 26 limited to a review of a determination made by the township assessor
 27 county property tax assessment board of appeals, or department of local
 28 government finance.

29 (e) Notwithstanding any other law, if there is a change in ownership
 30 of real property, or a mobile home that is not assessed as real property:

31 (1) that is equipped with a geothermal energy heating or cooling
 32 device; and

33 (2) whose previous owner received a property tax deduction under
 34 section 34 of this chapter for the geothermal energy heating or
 35 cooling device prior to the change in ownership;

36 the new owner shall be eligible for the property tax deduction following
 37 the change in ownership and, in subsequent taxable years, shall not be
 38 required to obtain a determination of qualification from the department
 39 of environmental management under subsection (b) and shall not be
 40 required to file a certified statement of qualification with the county
 41 auditor under subsection (a) to remain eligible for the property tax
 42 deduction.



SECTION 10. IC 6-1.1-12-37, AS AMENDED BY P.L.236-2023,
SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2025]: Sec. 37. (a) The following definitions apply
throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual
uses as the individual's residence, limited to a single house and
a single garage, regardless of whether the single garage is
attached to the single house or detached from the single house.

(B) A mobile home that is not assessed as real property that an
individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property
that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of
residence:

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract recorded in the
county recorder's office, or evidenced by a memorandum of
contract recorded in the county recorder's office under
IC 36-2-11-20, that provides that the individual is to pay the
property taxes on the residence, and that obligates the owner
to convey title to the individual upon completion of all of the
individual's contract obligations;

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

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

(C) that consists of a dwelling and includes up to one (1) acre
of land immediately surrounding that dwelling, and any of the
following improvements:

(i) Any number of decks, patios, gazebos, or pools.

(ii) One (1) additional building that is not part of the
dwelling if the building is predominantly used for a
residential purpose and is not used as an investment property
or as a rental property.

(iii) One (1) additional residential yard structure other than
a deck, patio, gazebo, or pool.



1 The term does not include property owned by a corporation,
 2 partnership, limited liability company, or other entity not
 3 described in this subdivision.

4 (b) Each year a homestead is eligible for a standard deduction from
 5 the assessed value of the homestead for an assessment date. Except as
 6 provided in subsection ~~(m)~~; ~~(n)~~, the deduction provided by this section
 7 applies to property taxes first due and payable for an assessment date
 8 only if an individual has an interest in the homestead described in
 9 subsection (a)(2)(B) on:

10 (1) the assessment date; or

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

14 If more than one (1) individual or entity qualifies property as a
 15 homestead under subsection (a)(2)(B) for an assessment date, only one
 16 (1) standard deduction from the assessed value of the homestead may
 17 be applied for the assessment date. Subject to subsection (c), the
 18 auditor of the county shall record and make the deduction for the
 19 individual or entity qualifying for the deduction.

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

23 (1) sixty percent (60%) of the assessed value of the real property,
 24 mobile home not assessed as real property, or manufactured home
 25 not assessed as real property; or

26 (2) for assessment dates:

27 (A) before January 1, 2023, forty-five thousand dollars
 28 (\$45,000); or

29 (B) after December 31, 2022, forty-eight thousand dollars
 30 (\$48,000).

31 (d) A person who has sold real property, a mobile home not assessed
 32 as real property, or a manufactured home not assessed as real property
 33 to another person under a contract that provides that the contract buyer
 34 is to pay the property taxes on the real property, mobile home, or
 35 manufactured home may not claim the deduction provided under this
 36 section with respect to that real property, mobile home, or
 37 manufactured home.

38 (e) Except as provided in sections 17.8 and 44 of this chapter and
 39 subject to section 45 of this chapter, an individual who desires to claim
 40 the deduction provided by this section must file a certified statement on
 41 forms prescribed by the department of local government finance, with
 42 the auditor of the county in which the homestead is located. The



- 1 statement must include:
- 2 (1) the parcel number or key number of the property and the name
- 3 of the city, town, or township in which the property is located;
- 4 (2) the name of any other location in which the applicant or the
- 5 applicant's spouse owns, is buying, or has a beneficial interest in
- 6 residential real property;
- 7 (3) the names of:
- 8 (A) the applicant and the applicant's spouse (if any):
- 9 (i) as the names appear in the records of the United States
- 10 Social Security Administration for the purposes of the
- 11 issuance of a Social Security card and Social Security
- 12 number; or
- 13 (ii) that they use as their legal names when they sign their
- 14 names on legal documents;
- 15 if the applicant is an individual; or
- 16 (B) each individual who qualifies property as a homestead
- 17 under subsection (a)(2)(B) and the individual's spouse (if any):
- 18 (i) as the names appear in the records of the United States
- 19 Social Security Administration for the purposes of the
- 20 issuance of a Social Security card and Social Security
- 21 number; or
- 22 (ii) that they use as their legal names when they sign their
- 23 names on legal documents;
- 24 if the applicant is not an individual; and
- 25 (4) either:
- 26 (A) the last five (5) digits of the applicant's Social Security
- 27 number and the last five (5) digits of the Social Security
- 28 number of the applicant's spouse (if any); or
- 29 (B) if the applicant or the applicant's spouse (if any) does not
- 30 have a Social Security number, any of the following for that
- 31 individual:
- 32 (i) The last five (5) digits of the individual's driver's license
- 33 number.
- 34 (ii) The last five (5) digits of the individual's state
- 35 identification card number.
- 36 (iii) The last five (5) digits of a preparer tax identification
- 37 number that is obtained by the individual through the
- 38 Internal Revenue Service of the United States.
- 39 (iv) If the individual does not have a driver's license, a state
- 40 identification card, or an Internal Revenue Service preparer
- 41 tax identification number, the last five (5) digits of a control
- 42 number that is on a document issued to the individual by the



United States government.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. ~~To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed and dated in the immediately preceding calendar year and filed with the county auditor on or before January 5 of the calendar year in which the property taxes are first due and payable.~~

(f) To obtain the deduction for a desired calendar year under this section in which property taxes are first due and payable, the individual desiring to claim the deduction must do the following as applicable:

(1) Complete, date, and file the certified statement described in subsection (e) on or before January 15 of the calendar year in which the property taxes are first due and payable.

(2) Satisfy any recording requirements on or before January 15 of the calendar year in which the property taxes are first due and payable for a homestead described in subsection (a)(2).

~~(f)~~ **(g)** Except as provided in subsection ~~(k)~~, **(l)**, if a person who is receiving, or seeks to receive, the deduction provided by this section in the person's name:

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

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

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

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

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



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

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

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

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

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

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

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



evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The county auditor may not deny an application filed under section 44 of this chapter because the applicant does not have a valid driver's license or state identification card with the address of the homestead property. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

~~(k)~~ **(l)** A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

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

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

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

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

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

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



1 information.

2 ~~(j)~~ **(m)** If:

3 (1) a property owner files a statement under subsection (e) to
4 claim the deduction provided by this section for a particular
5 property; and

6 (2) the county auditor receiving the filed statement determines
7 that the property owner's property is not eligible for the deduction;
8 the county auditor shall inform the property owner of the county
9 auditor's determination in writing. If a property owner's property is not
10 eligible for the deduction because the county auditor has determined
11 that the property is not the property owner's principal place of
12 residence, the property owner may appeal the county auditor's
13 determination as provided in IC 6-1.1-15. The county auditor shall
14 inform the property owner of the owner's right to appeal when the
15 county auditor informs the property owner of the county auditor's
16 determination under this subsection.

17 ~~(m)~~ **(n)** An individual is entitled to the deduction under this section
18 for a homestead for a particular assessment date if:

19 (1) either:

20 (A) the individual's interest in the homestead as described in
21 subsection (a)(2)(B) is conveyed to the individual after the
22 assessment date, but within the calendar year in which the
23 assessment date occurs; or

24 (B) the individual contracts to purchase the homestead after
25 the assessment date, but within the calendar year in which the
26 assessment date occurs;

27 (2) on the assessment date:

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

30 (B) the construction of the dwelling that constitutes the
31 homestead was not completed; and

32 (3) either:

33 (A) the individual files the certified statement required by
34 subsection (e); or

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

39 An individual who satisfies the requirements of subdivisions (1)
40 through (3) is entitled to the deduction under this section for the
41 homestead for the assessment date, even if on the assessment date the
42 property on which the homestead is currently located was vacant land



or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6.

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

~~(o)~~ (p) This subsection:

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

(2) does not apply to an individual described in subsection ~~(n)~~:
(o).

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

~~(p)~~ (q) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

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

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

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

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's



ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. The property continues to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana and is serving on active duty, if the individual has lived at the property at any time during the past ten (10) years. Otherwise, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.

SECTION 11. IC 6-1.1-12-38, AS AMENDED BY P.L.183-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 38. (a) A person is entitled to a deduction from the assessed value of the person's property in an amount equal to the difference between:

(1) the assessed value of the person's property, including the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52; minus

(2) the assessed value of the person's property, excluding the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52.

(b) To obtain the deduction under this section, a person must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is subject to assessment. In addition to the certified statement, the person must file a certification by the state chemist listing the improvements that were made to comply with the fertilizer storage rules adopted under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52. Subject to section 45 of this chapter, the statement must be completed, ~~and dated, in the~~ ~~calendar year for which the person wishes to obtain the deduction, and~~ ~~the statement and certification must be~~ ~~and~~ filed with the county auditor on or before January 5 15 of the immediately succeeding calendar year. Upon the verification of the statement and certification by the assessor of the township in which the property is subject to



assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

(c) The deduction provided by this section applies only if the person:

(1) owns the property; or

(2) is buying the property under contract;
on the assessment date for which the deduction applies.

SECTION 12. IC 6-1.1-12-44, AS AMENDED BY P.L.236-2023, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 44. (a) A sales disclosure form under IC 6-1.1-5.5:

(1) that is submitted:

(A) as a paper form; or

(B) electronically;

on or before ~~December 31~~ **January 15** of a calendar year **in which property taxes are first due and payable** to the county assessor by or on behalf of the purchaser of a homestead (as defined in section 37 of this chapter) assessed as real property;

(2) that is accurate and complete;

(3) that is approved by the county assessor as eligible for filing with the county auditor; and

(4) that is filed:

(A) as a paper form; or

(B) electronically;

with the county auditor by or on behalf of the purchaser; constitutes an application for the deductions provided by sections 26, 29, 33, 34, and 37 of this chapter with respect to property taxes first due and payable in the calendar year ~~that immediately succeeds the calendar year~~ referred to in subdivision (1). The county auditor may not deny an application for the deductions provided by section 37 of this chapter because the applicant does not have a valid driver's license or state identification card with the address of the homestead property.

(b) Except as provided in subsection (c), if:

(1) the county auditor receives in a calendar year a sales disclosure form that meets the requirements of subsection (a); and

(2) the homestead for which the sales disclosure form is submitted is otherwise eligible for a deduction referred to in subsection (a);

the county auditor shall apply the deduction to the homestead for property taxes first due and payable in the calendar year for which the homestead qualifies under subsection (a) and in any later year in which the homestead remains eligible for the deduction.

(c) Subsection (b) does not apply if the county auditor, after



1 receiving a sales disclosure form from or on behalf of a purchaser
 2 under subsection (a)(4), determines that the homestead is ineligible for
 3 the deduction.

4 SECTION 13. IC 6-1.1-12-45, AS AMENDED BY P.L.174-2022,
 5 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2025]: Sec. 45. (a) Subject to subsections (b) and (c), a
 7 deduction under this chapter applies for an assessment date and for the
 8 property taxes due and payable based on the assessment for that
 9 assessment date, regardless of whether with respect to the real property
 10 or mobile home or manufactured home not assessed as real property:

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

12 (2) one (1) or more contracts to purchase are entered into;
 13 after that assessment date and on or before the next succeeding
 14 assessment date.

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

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

17 (2) one (1) or more contract purchasers under subsection (a)(2);
 18 file a statement under this chapter to claim the deduction.

19 (c) A deduction applies under subsection (a) for only one (1) year.
 20 The requirements of this chapter for filing a statement to apply for a
 21 deduction under this chapter apply to subsequent years. A person who
 22 fails to apply for a deduction or credit under this article by the
 23 deadlines prescribed by this article may not apply for the deduction or
 24 credit retroactively.

25 (d) If:

26 (1) a taxpayer wishes to claim a deduction under this chapter for
 27 a desired calendar year in which property taxes are first due and
 28 payable;

29 (2) the taxpayer files a statement under this chapter on or before
 30 January 5 15 of the calendar year in which the property taxes are
 31 first due and payable; and

32 (3) the eligibility criteria for the deduction are met;
 33 the deduction applies for the desired calendar year in which the
 34 property taxes are first due and payable.

35 (e) A person who is required to record a contract with a county
 36 recorder in order to qualify for a deduction under this article must
 37 record the contract, or a memorandum of the contract, before, or
 38 concurrently with, the filing of the corresponding deduction
 39 application.

40 (f) Before a county auditor terminates a deduction under this article,
 41 the county auditor shall give to the person claiming the deduction
 42 written notice that states the county auditor's intention to terminate the



deduction and the county auditor's reason for terminating the deduction. The county auditor may send the notice to the taxpayer claiming the deduction by first class mail or by electronic mail. A notice issued under this subsection is not appealable under IC 6-1.1-15. However, after a deduction is terminated by a county auditor, the taxpayer may appeal the county auditor's action under IC 6-1.1-15.

SECTION 14. IC 6-1.1-12.6-3, AS AMENDED BY P.L.148-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 3. (a) A property owner that qualifies for the deduction under this chapter and that desires to receive the deduction **for a calendar** must complete and date a statement containing the information required by subsection (b) ~~in the calendar year for which the person desires to obtain the deduction~~ and file the statement with the county auditor on or before January **5 15** of the immediately succeeding calendar year. The township assessor shall verify each statement filed under this section, and the county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury and must contain the following information:

- (1) The assessed value of the real property for which the person is claiming the deduction.
- (2) The full name and complete business address of the person claiming the deduction.
- (3) The complete address and a brief description of the real property for which the person is claiming the deduction.
- (4) The name of any other county in which the person has applied for a deduction under this chapter for that assessment date.
- (5) The complete address and a brief description of any other real property for which the person has applied for a deduction under this chapter for that assessment date.

SECTION 15. IC 6-1.1-12.8-4, AS AMENDED BY P.L.148-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 4. (a) A property owner that qualifies for the deduction under this chapter and that desires to receive the deduction **for a calendar year** must complete and date a statement containing the information required by subsection (b) ~~in the calendar year for which the person desires to obtain the deduction~~ and file the statement with the county auditor on or before January **5 15** of the immediately succeeding calendar year. The township assessor, or the county



assessor if there is no township assessor for the township, shall verify each statement filed under this section, and the county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury and must contain the following information:

- (1) The assessed value of the real property for which the person is claiming the deduction.
- (2) The full name and complete business address of the person claiming the deduction.
- (3) The complete address and a brief description of the real property for which the person is claiming the deduction.
- (4) The name of any other county in which the person has applied for a deduction under this chapter for that assessment date.
- (5) The complete address and a brief description of any other real property for which the person has applied for a deduction under this chapter for that assessment date.
- (6) An affirmation by the owner that the owner is receiving not more than three (3) deductions under this chapter, including the deduction being applied for by the owner, either:
 - (A) as the owner of the residence in inventory; or
 - (B) as an owner that is part of an affiliated group.
- (7) An affirmation that the real property has not been leased and will not be leased for any purpose during the term of the deduction.

SECTION 16. IC 6-1.1-17-3.1, AS ADDED BY P.L.239-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This section:

- (1) applies only to an operating referendum tax levy under IC 20-46-1 approved by the voters before January 1, 2023, that is imposed by a school corporation for taxes first due and payable in 2024 **and subsequent years; and**
- (2) does not apply to an operating referendum tax levy under IC 20-46-1:
 - (A) **approved by the voters during a time that the school corporation imposing the levy was designated as a distressed political subdivision; or**
 - (B) approved by the voters after December 31, 2022, ~~and before January 1, 2024,~~ that is imposed by a school corporation for taxes first due and payable in 2024 **or**



subsequent years. and

(3) does not apply to any other tax year.

(b) As used in this section, "ADM" refers to the school corporation's average daily membership used to determine the state tuition support distribution under IC 20-43. In the case of a school corporation that has entered into an agreement with one (1) or more charter schools to participate as an innovation network charter school under IC 20-25.7-5, the term includes the average daily membership of any innovation network charter school that is treated as a school operated by the school corporation when calculating the total amount of state tuition support to be distributed to the school corporation.

(b) (c) Notwithstanding any increase in the assessed value of property from the previous assessment date, **for taxes first due and payable in 2024**, the total amount of operating referendum tax that may be levied by a school corporation may not exceed the lesser of:

(1) the maximum operating referendum tax that could ~~be have~~ **been** levied by the school corporation **if the maximum referendum rate was imposed** for taxes first due and payable in 2023 multiplied by one and three-hundredths (1.03); or

(2) the maximum operating referendum tax that could otherwise be levied by the school corporation for taxes first due and payable in 2024.

The tax rate for an operating referendum tax levy shall be decreased, if necessary, to comply with this limitation.

~~(c) This section expires July 1, 2025.~~

(d) Notwithstanding any increase in the assessed value of property from the previous assessment date, **for taxes first due and payable in 2025 and subsequent years**, the total amount of operating referendum tax that may be levied by a school corporation may not exceed the lesser of the following:

(1) The maximum operating referendum tax that could have been levied by the school corporation if the maximum referendum rate was imposed for taxes first due and payable in the immediately preceding calendar year, as adjusted by this section, multiplied by the result determined under STEP SIX of the following formula:

STEP ONE: Subtract:

(i) the school corporation's spring count of ADM made in the calendar year preceding by five (5) years the calendar year in which the property taxes are first due and payable; from



(ii) the school corporation's spring count of ADM made in the immediately preceding calendar year.

STEP TWO: Divide the STEP ONE result by four (4).

STEP THREE: Divide the STEP TWO result by the school corporation's spring count of ADM made in the calendar year preceding by five (5) years the calendar year in which the property taxes are first due and payable.

STEP FOUR: Add the STEP THREE result and one and three-hundredths (1.03).

STEP FIVE: Determine the greater of the STEP FOUR result or one (1).

STEP SIX: Determine the lesser of the STEP FIVE result or one and eight-hundredths (1.08).

(2) The maximum operating referendum tax that could otherwise be levied by the school corporation for taxes first due and payable in the current calendar year.

The tax rate for an operating referendum tax levy shall be decreased, if necessary, to comply with this limitation.

(e) The department of education shall provide to the department of local government finance each school corporation's applicable ADM counts as needed to make the determinations under this section.

SECTION 17. IC 6-1.1-18.5-1, AS AMENDED BY P.L.236-2023, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. As used in this chapter:

"Ad valorem property tax levy for an ensuing calendar year" means the total property taxes imposed by a civil taxing unit for current property taxes collectible in that ensuing calendar year. However, if a township elects to establish both a township firefighting levy and a township emergency services levy under ~~IC 36-8-13-4(b)(2)~~; **IC 36-8-13-4(c)(2)**, the township firefighting levy and township emergency services levy shall be combined and considered as a single levy for purposes of this chapter.

"Civil taxing unit" means any taxing unit except a school corporation.

"Maximum permissible ad valorem property tax levy for the preceding calendar year" means, for purposes of determining a maximum permissible ad valorem property tax levy under section 3 of this chapter for property taxes imposed for an assessment date after January 15, 2011, the civil taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined under section 3



of this chapter (regardless of whether the taxing unit imposed the entire amount of the maximum permissible ad valorem property tax levy in the immediately preceding year).

"Taxable property" means all tangible property that is subject to the tax imposed by this article and is not exempt from the tax under IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this chapter, the term "taxable property" is further defined in section 6 of this chapter.

SECTION 18. IC 6-1.1-18.5-13, AS AMENDED BY P.L.174-2022, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

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

- (A) The first calendar year in which those costs are incurred.
- (B) One (1) or more of the immediately succeeding four (4) calendar years.

(2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 or 25 of this chapter, as applicable, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than ~~one and two-hundredths (1.02)~~: **one and four-hundredths (1.04)**:

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

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property divided by the sum determined under this STEP for the calendar year



1 immediately preceding the particular calendar year.

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

4 STEP FOUR: Compute separately, for each of the calendar
5 years determined in STEP ONE, the quotient (rounded to the
6 nearest ten-thousandth (0.0001)) of the sum of the total
7 assessed value of all taxable property in all counties divided by
8 the sum determined under this STEP for the calendar year
9 immediately preceding the particular calendar year.

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

12 STEP SIX: Divide the STEP THREE amount by the STEP
13 FIVE amount.

14 The civil taxing unit may increase its levy by a percentage not
15 greater than the percentage by which the STEP THREE amount
16 exceeds the percentage by which the civil taxing unit may
17 increase its levy under section 3 or 25 of this chapter, as
18 applicable, based on the maximum levy growth quotient
19 determined under section 2 of this chapter.

20 (3) A levy increase may be granted under this subdivision only for
21 property taxes first due and payable after December 31, 2008.
22 Permission to a civil taxing unit to increase its levy in excess of
23 the limitations established under section 3 or 25 of this chapter,
24 as applicable, if the civil taxing unit cannot carry out its
25 governmental functions for an ensuing calendar year under the
26 levy limitations imposed by section 3 or 25 of this chapter, as
27 applicable, due to a natural disaster, an accident, or another
28 unanticipated emergency.

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

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

36 (2) the sum of:

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

41 (B) any previous permanent increases to the city's levy that
42 were authorized to account for the transfer to the state of the



responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).

SECTION 19. IC 6-1.1-20-1.1, AS AMENDED BY P.L.236-2023, SECTION 35, AND AS AMENDED BY P.L.239-2023, SECTION 6, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 1.1. (a) As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

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

(A) debt service; or

(B) lease rentals;

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

(2) *Subject to subsection (b)*, a project that will not cost the political subdivision more than the lesser of the following:

(A) An amount equal to the following:

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

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

(iii) In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, an amount (as determined by the department of local government finance) equal to the result of the maximum levy growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the amount determined under this clause for the preceding calendar year.

The department of local government finance shall publish the threshold determined under item (iii) in the Indiana Register



under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the maximum levy growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(B) An amount equal to the following:

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

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

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

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

(5) A project that:

(A) is required by a court order holding that a federal law mandates the project; or

(B) is in response to a court order holding that:

(i) a federal law has been violated; and

(ii) the project is to address the deficiency or violation.

(6) A project that is in response to:

(A) a natural disaster;

(B) an accident; or

(C) an emergency;

in the political subdivision that makes a building or facility unavailable for its intended use.

(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:

(A) the bonds or lease for the project were issued or entered into before July 1, 2008; or

(B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.

(8) A project of the Little Calumet River basin development commission for which bonds are payable from special assessments collected under IC 14-13-2-18.6.

(9) A project for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and



rehabilitation exclusively for or of:

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

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

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

(b) This subsection does not apply to a project for which a public hearing to issue bonds or enter into a lease has been conducted under IC 20-26-7-37 before July 1, 2023. If:

(1) a political subdivision's total debt service tax rate is more than forty cents (\$0.40) per one hundred dollars (\$100) of assessed value; and

(2) subsection (a)(1) and subsection (a)(3) through (a)(9) are not applicable;

the term includes any project to be financed by bonds or a lease, including a project that does not otherwise meet the threshold amount provided in subsection (a)(2). This subsection expires December 31, 2024. For purposes of this subsection, a political subdivision's total debt service tax rate does not include a tax rate imposed in a referendum debt service tax levy approved by voters.

SECTION 20. IC 6-1.1-20-3.1, AS AMENDED BY P.L.239-2023, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 3.1. (a) Subject to section 3.5(a)(1)(C) of this chapter, this section applies only to the following:

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

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

(A) is a controlled project;

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

(C) will not cost more than the lesser of the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is ten million dollars (\$10,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before



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

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

(3) Any other controlled project that:

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

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

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is twelve million dollars (\$12,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making



a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the maximum levy growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the maximum levy growth quotient for the ensuing year under IC 6-1.1-18.5-2.

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

(4) This subdivision does not apply to a project for which a public hearing to issue bonds or enter into a lease has been conducted under IC 20-26-7-37 before July 1, 2023. Any other controlled project if both of the following apply:

(A) The political subdivision's total debt service tax rate is more than forty cents (\$0.40) per one hundred dollars (\$100) of assessed value, but less than eighty cents (\$0.80) per one hundred dollars (\$100) of assessed value.

(B) The controlled project is not otherwise described in section 3.5(a)(1) of this chapter.

~~This subdivision expires December 31, 2024. For purposes of this subdivision, a political subdivision's total debt service tax rate does not include a tax rate imposed in a referendum debt service tax levy approved by voters.~~

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

(1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to the circuit court clerk and to any organization that delivers



to the officers, before January 1 of that year, an annual written request for such notices of any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct at least two (2) public hearings on a preliminary determination before adoption of the resolution or ordinance. The political subdivision must at each of the public hearings on the preliminary determination allow the public to testify regarding the preliminary determination and must make the following information available to the public at each of the public hearings on the preliminary determination, in addition to any other information required by law:

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

(B) The result of:

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

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

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

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

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

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

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

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

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

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

(D) The purpose of the bonds or lease.

(E) A statement that any owners of property within the



political subdivision or registered voters residing within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.

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

(i) a new school facility; or

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

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

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

(H) The following information:

(i) The political subdivision's current debt service levy and rate.

(ii) The estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

(iii) The estimated amount of the political subdivision's debt service levy and rate that will result during the following ten (10) years if the political subdivision issues the bonds or enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period on account of any outstanding bonds or lease obligations that will mature or terminate during that period.

(I) The information specified in subdivision (1)(A) through (1)(B).

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

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

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

(5) The state board of accounts shall design and, upon request by



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

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

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

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

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

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

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

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

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



1 registered voters. If the county voter registration office does not
 2 determine that at least five hundred twenty-five (525) persons
 3 who signed the petition are registered voters, the county voter
 4 registration office shall, not more than fifteen (15) business days
 5 after receiving a petition, forward a copy of the petition to the
 6 county auditor. Not more than ten (10) business days after
 7 receiving the copy of the petition, the county auditor shall provide
 8 to the county voter registration office a statement verifying:

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

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

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



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

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

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

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

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

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

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



a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter. If the department of local government finance determines that a political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter and the political subdivision continues to desire to proceed with the project, the political subdivision shall fulfill the requirements of this section and section 3.2 of this chapter, if applicable, regardless of the cost of the project in dispute. A political subdivision shall be considered to have divided a capital project in order to avoid the requirements of this section and section 3.2 of this chapter if the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. This subsection does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

SECTION 21. IC 6-1.1-20-3.5, AS AMENDED BY P.L.239-2023, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 3.5. (a) This section applies only to a controlled project that meets the following conditions:

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

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

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is ten million dollars (\$10,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the



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

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

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

22 (i) The threshold amount determined under this item. In the
 23 case of an ordinance or resolution adopted before January 1,
 24 2018, making a preliminary determination to issue bonds or
 25 enter into a lease for the project, the threshold amount is
 26 twelve million dollars (\$12,000,000). In the case of an
 27 ordinance or resolution adopted after December 31, 2017,
 28 and before January 1, 2019, making a preliminary
 29 determination to issue bonds or enter into a lease for the
 30 project, the threshold amount is fifteen million dollars
 31 (\$15,000,000). In the case of an ordinance or resolution
 32 adopted in a calendar year after December 31, 2018, making
 33 a preliminary determination to issue bonds or enter into a
 34 lease for the project, the threshold amount is an amount (as
 35 determined by the department of local government finance)
 36 equal to the result of the maximum levy growth quotient
 37 determined under IC 6-1.1-18.5-2 for the year multiplied by
 38 the threshold amount determined under this item for the
 39 preceding calendar year. In the case of a threshold amount
 40 determined under this item that applies for a calendar year
 41 after December 31, 2018, the department of local
 42 government finance shall publish the threshold in the



1 Indiana Register under IC 4-22-7-7 not more than sixty (60)
 2 days after the date the budget agency releases the maximum
 3 levy growth quotient for the ensuing year under
 4 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 hundred million dollars (\$100,000,000), or
 9 one million dollars (\$1,000,000), if the total gross assessed
 10 value of property within the political subdivision on the last
 11 assessment date is not more than one hundred million
 12 dollars (\$100,000,000).

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

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

18 (ii) the costs of all other controlled projects for which the
 19 political subdivision has previously adopted within the
 20 preceding three hundred sixty-five (365) days an ordinance
 21 or resolution making a preliminary determination to issue
 22 bonds or enter into a lease for those other controlled
 23 projects;

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

25 (D) This clause does not apply to a project for which a public
 26 hearing to issue bonds or enter into a lease has been conducted
 27 under IC 20-26-7-37 before July 1, 2023. Except as provided
 28 in section 4.5 of this chapter, any other controlled project if the
 29 political subdivision's total debt service tax rate is at least
 30 eighty cents (\$0.80) per one hundred dollars (\$100) of
 31 assessed value. ~~This clause expires December 31, 2024. For~~
 32 **purposes of this clause, a political subdivision's total debt**
 33 **service tax rate does not include a tax rate imposed in a**
 34 **referendum debt service tax levy approved by voters.**

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

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

42 (1) The proper officers of a political subdivision shall publish



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

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

(B) The result of:

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

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

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

(2) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

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

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

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

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

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

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

(D) The purpose of the bonds or lease.

(E) A statement that the proposed debt service or lease



payments must be approved in an election on a local public question held under section 3.6 of this chapter.

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

(i) a new school facility; or

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

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

(G) The following information:

(i) The political subdivision's current debt service levy and rate.

(ii) The estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

(iii) The estimated amount of the political subdivision's debt service levy and rate that will result during the following ten (10) years if the political subdivision issues the bonds or enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period on account of any outstanding bonds or lease obligations that will mature or terminate during that period.

(H) The information specified in subdivision (1)(A) through (1)(B).

(4) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. After notice is given, a petition requesting the application of the local public question process under section 3.6 of this chapter may be filed by the lesser of:

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

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

(5) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter



1 registration office shall issue to an owner or owners of property
 2 within the political subdivision or a registered voter residing
 3 within the political subdivision the number of petition forms
 4 requested by the owner or owners or the registered voter. Each
 5 form must be accompanied by instructions detailing the
 6 requirements that:

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

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

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

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

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

25 (6) This subdivision does not apply to a controlled project
 26 described in subsection (a)(1)(D). ~~(before its expiration)~~. Each
 27 petition must be verified under oath by at least one (1) qualified
 28 petitioner in a manner prescribed by the state board of accounts
 29 before the petition is filed with the county voter registration office
 30 under subdivision (7).

31 (7) This subdivision does not apply to a controlled project
 32 described in subsection (a)(1)(D). ~~(before its expiration)~~. Each
 33 petition must be filed with the county voter registration office not
 34 more than thirty (30) days after publication under subdivision (2)
 35 of the notice of the preliminary determination.

36 (8) This subdivision does not apply to a controlled project
 37 described in subsection (a)(1)(D). ~~(before its expiration)~~. The
 38 county voter registration office shall determine whether each
 39 person who signed the petition is a registered voter. However,
 40 after the county voter registration office has determined that at
 41 least five hundred twenty-five (525) persons who signed the
 42 petition are registered voters within the political subdivision, the



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

11 (A) whether a person who signed the petition as a registered
 12 voter but is not a registered voter, as determined by the county
 13 voter registration office, is the owner of property in the
 14 political subdivision; and

15 (B) whether a person who signed the petition as an owner of
 16 property within the political subdivision does in fact own
 17 property within the political subdivision.

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



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

12 (10) This subdivision does not apply to a controlled project
 13 described in subsection (a)(1)(D). ~~(before its expiration)~~. The
 14 county voter registration office must file a certificate and each
 15 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) This subdivision does not apply to a controlled project
 28 described in subsection (a)(1)(D). ~~(before its expiration)~~. If a
 29 sufficient petition requesting the local public question process is
 30 not filed by owners of property or registered voters as set forth in
 31 this section, the political subdivision may issue bonds or enter
 32 into a lease by following the provisions of law relating to the
 33 bonds to be issued or lease to be entered into.

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

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

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

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

42 (1) threat assessment of the buildings within the school



corporation; or
 (2) school safety plan (as described in IC 20-26-18.2-2(b));
 concerning a particular school have not been completed or require
 additional funding to be completed, before the school corporation may
 impose property taxes to pay debt service on bonds or lease rentals for
 a lease for a controlled project, and in addition to any other components
 of the controlled project, the controlled project must include any capital
 improvements necessary to complete those components described in
 subdivisions (1) and (2) that have not been completed or that require
 additional funding to be completed.

(e) In addition to the other procedures in this section, an ordinance
 or resolution making a preliminary determination to issue bonds or
 enter into leases that is considered for adoption must include a
 statement of:

- (1) the maximum annual debt service for the controlled project for
 each year in which the debt service will be paid; and
 - (2) the schedule of the estimated annual tax levy and rate over a
 ten (10) year period;
- factoring in changes that will occur to the debt service levy and tax rate
 during the period on account of any outstanding bonds or lease
 obligations that will mature or terminate during the period.

SECTION 22. IC 6-1.1-20-3.6, AS AMENDED BY P.L.239-2023,
 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JANUARY 1, 2024 (RETROACTIVE)]: Sec. 3.6. (a) Except as
 provided in sections 3.7 and 3.8 of this chapter, this section applies
 only to a controlled project described in section 3.5(a) of this chapter.

(b) In the case of a controlled project:

- (1) described in section 3.5(a)(1)(A) through 3.5(a)(1)(C) of this
 chapter, if a sufficient petition requesting the application of the
 local public question process has been filed as set forth in section
 3.5 of this chapter; or
 - (2) described in section 3.5(a)(1)(D) of this chapter; ~~(before its~~
~~expiration);~~
- a political subdivision may not impose property taxes to pay debt
 service on bonds or lease rentals on a lease for a controlled project
 unless the political subdivision's proposed debt service or lease rental
 is approved in an election on a local public question held under this
 section.

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

"Shall _____ (insert the name of the political subdivision)



1 increase property taxes paid to the _____ (insert the type of
 2 taxing unit) by homeowners and businesses? If this public
 3 question is approved by the voters, the average property tax paid
 4 to the _____ (insert the type of taxing unit) per year on a
 5 residence would increase by _____% (insert the estimated
 6 average percentage of property tax increase paid to the political
 7 subdivision on a residence within the political subdivision as
 8 determined under subsection (n)) and the average property tax
 9 paid to the _____ (insert the type of taxing unit) per year on a
 10 business property would increase by _____% (insert the
 11 estimated average percentage of property tax increase paid to the
 12 political subdivision on a business property within the political
 13 subdivision as determined under subsection (o)). The political
 14 subdivision may issue bonds or enter into a lease to _____
 15 (insert a brief description of the controlled project), which is
 16 estimated to cost _____ (insert the total cost of the project)
 17 over _____ (insert number of years to bond maturity or
 18 termination of lease) years. The most recent property tax
 19 referendum within the boundaries of the political subdivision for
 20 which this public question is being considered was proposed by
 21 _____ (insert name of political subdivision) in _____ (insert
 22 year of most recent property tax referendum) and _____
 23 (insert whether the measure passed or failed).".

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

36 (d) The department of local government finance shall review the
 37 language of the public question to evaluate whether the description of
 38 the controlled project is accurate and is not biased against either a vote
 39 in favor of the controlled project or a vote against the controlled
 40 project. The department of local government finance shall post the
 41 estimated average percentage of property tax increases to be paid to a
 42 political subdivision on a residence and business property that are



certified by the county auditor under subsection (p) on the department's Internet web site. The department of local government finance may either approve the ballot language as submitted or recommend that the ballot language be modified as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall certify its approval or recommendations to the county auditor and the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified by the county auditor under subsection (e) unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

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

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

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

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



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

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

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

(2) The department of local government finance.

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

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

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

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

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

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

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

(j) A political subdivision may not divide a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has divided a controlled project into two (2) or more capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision gives notice of the political subdivision's decision under section 3.5 of this chapter or a determination under section 5 of this chapter to issue bonds or enter into leases for a capital project that the person believes is the result of a division of a controlled project that is prohibited by this



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

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



controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially similar controlled project may not be submitted to the voters earlier than three hundred fifty (350) days after the date the resolution withdrawing the public question is adopted.

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

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

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

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

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

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

(6) The purpose of the bonds or lease.

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

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

(B) enrollment patterns within the school corporation; and

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

(m) If a majority of the eligible voters voting on the public question vote in opposition to the public question, a petition may be submitted to the county auditor to request that the limit under subsection (h)(2)(B) apply to the holding of a subsequent public question by the political subdivision. If such a petition is submitted to the county auditor and is signed by the lesser of:

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

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

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



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

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

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

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

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

from the result of STEP ONE.

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

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

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

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

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

STEP SIX: Determine the amount of the political subdivision's part of the result determined in STEP FIVE.

STEP SEVEN: Determine the estimated tax rate that will be imposed if the public question is approved by the voters.

STEP EIGHT: Multiply the result of STEP SEVEN by the result of STEP THREE.

STEP NINE: Divide the result of STEP EIGHT by the result of STEP SIX, expressed as a percentage.

(o) At the request of a political subdivision that proposes to impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project, the county auditor of a county in which the



political subdivision is located shall determine the estimated average percentage of property tax increase on a business property to be paid to the political subdivision that must be included in the public question under subsection (c) as follows:

STEP ONE: Determine the average assessed value of business property located within the political subdivision.

STEP TWO: Divide the result of STEP ONE by one hundred (100).

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

STEP FOUR: For purposes of determining net property tax liability of the average business property located within the political subdivision:

(A) multiply the result of STEP TWO by the result of STEP THREE; and

(B) as appropriate, apply any currently applicable county property tax credit rates and the credit for excessive property taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage was three percent (3%).

STEP FIVE: Determine the amount of the political subdivision's part of the result determined in STEP FOUR.

STEP SIX: Determine the estimated tax rate that will be imposed if the public question is approved by the voters.

STEP SEVEN: Multiply the result of STEP TWO by the result of STEP SIX.

STEP EIGHT: Divide the result of STEP SEVEN by the result of STEP FIVE, expressed as a percentage.

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

SECTION 23. IC 6-1.1-20-4.5, AS ADDED BY P.L.239-2023,

HB 1120—LS 6559/DI 120



SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 4.5. (a) As used in this section, "maintenance emergency" refers to a response to a condition that is not otherwise subject to the application of section 1.1(a)(6) of this chapter and includes:

- (1) repair of a boiler or chiller system;
- (2) roof repair;
- (3) storm damage repair; or
- (4) any other repair that the department determines is a maintenance emergency for which waiver of the application of section 3.5(a)(1)(D) of this chapter ~~(before its expiration)~~ is warranted.

(b) A political subdivision may submit a request to the department to waive the application of section 3.5(a)(1)(D) of this chapter, ~~(before its expiration)~~; if the proposed controlled project of the political subdivision is to address a maintenance emergency with respect to a building owned or leased by the political subdivision.

(c) The department shall require the political subdivision to submit any information that the department considers necessary to determine whether the condition that the political subdivision contends is a maintenance emergency.

(d) The department shall review a request and issue a determination not later than forty-five (45) days after the department receives a request under this section determining whether the condition that the political subdivision contends is a maintenance emergency is sufficient to waive the application of section 3.5(a)(1)(D) of this chapter. ~~(before its expiration)~~. If the department determines that the condition is a maintenance emergency then section 3.5(a)(1)(D) of this chapter ~~(before its expiration)~~ is waived and does not apply to the proposed controlled project.

(e) A waiver of the application of section 3.5(a)(1)(D) of this chapter ~~(before its expiration)~~ in accordance with this section may not be construed as a waiver of any other requirement of this chapter with respect to the proposed controlled project.

~~(f) This section expires December 31, 2024.~~

SECTION 24. IC 6-1.1-39-3, AS AMENDED BY P.L.257-2019, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The fiscal body shall publish notice of the adoption and substance of the ordinance in accordance with IC 5-3-1 after:

- (1) the adoption of the ordinance under section 2 of this chapter;
- and



1 (2) the fiscal body receives preliminary certification from the
2 Indiana economic development corporation under section 2.5 of
3 this chapter that the proposed industrial development project
4 qualifies as a qualified industrial development project and that
5 there is a reasonable likelihood that a loan from the industrial
6 development fund will be approved under IC 5-28-9-12.

7 The notice must state the general boundaries of the area designated as
8 an economic development district and must state that written
9 remonstrances may be filed with the fiscal body until the time
10 designated for the hearing. The notice must also name the place, date,
11 and time when the fiscal body will receive and hear remonstrances and
12 objections from persons interested in or affected by the proceedings
13 pertaining to the proposed economic development district designation
14 and will determine the public utility and benefit of the proposed
15 economic development district designation. All persons affected in any
16 manner by the hearing, including all taxpayers of the economic
17 development district, shall be considered notified of the pendency of
18 the hearing and of subsequent acts, hearings, adjournments, and orders
19 of the fiscal body affecting the economic development district if the
20 fiscal body gives the notice required by this section.

21 (b) A copy of the notice of the hearing shall be filed with the office
22 of the unit's plan commission, board of zoning appeals, works board,
23 park board, building commissioner, and any other departments, bodies,
24 or officers of the unit having to do with unit planning, variances from
25 zoning ordinances, land use, or the issuance of building permits.

26 (c) At the hearing, which may be recessed and reconvened from
27 time to time, the fiscal body shall hear all persons interested in the
28 proceedings and shall consider all written remonstrances and
29 objections that have been filed. After considering the evidence
30 presented, the fiscal body shall take final action determining the public
31 utility and benefit of the proposed economic development district
32 designation and confirming, modifying and confirming, or rescinding
33 the ordinance. The final action taken by the fiscal body shall be
34 recorded and is final and conclusive, except that an appeal may be
35 taken in the manner prescribed by section 4 of this chapter.

36 (d) If the fiscal body confirms, or modifies and confirms, the
37 ordinance, the fiscal body shall file a copy of the ordinance with both
38 the auditor of the county in which the unit is located and the
39 department, together with any supporting documents that are relevant
40 to the computation of assessed values in the allocation area, within
41 thirty (30) days after the date on which the fiscal body takes final action
42 on the ordinance.



(e) A fiscal body is prohibited from removing a parcel of real property from an existing economic development district or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the economic development district or tax increment financing district during the life of the economic development district or tax increment financing district.

SECTION 25. IC 6-1.1-39-5, AS AMENDED BY P.L.257-2019, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) A declaratory ordinance adopted under section 2 of this chapter and confirmed under section 3 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. The allocation provision must apply to the entire economic development district. The allocation provisions must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the economic development district be allocated and distributed as follows:

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

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

(B) the base assessed value;

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

(2) Except as otherwise provided in this section, part or all of the property tax proceeds in excess of those described in subdivision (1), as specified in the declaratory ordinance, shall be allocated to the unit for the economic development district and, when collected, paid into a special fund established by the unit for that economic development district that may be used only to pay the principal of and interest on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of



1 industrial development programs in, or serving, that economic
 2 development district. The amount not paid into the special fund
 3 shall be paid to the respective units in the manner prescribed by
 4 subdivision (1).

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

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

17 (c) For the purpose of allocating taxes levied by or for any taxing
 18 unit or units, the assessed value of taxable property in a territory in the
 19 economic development district that is annexed by any taxing unit after
 20 the effective date of the allocation provision of the declaratory
 21 ordinance is the lesser of:

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

24 (2) the base assessed value.

25 (d) Notwithstanding any other law, each assessor shall, upon
 26 petition of the fiscal body, reassess the taxable property situated upon
 27 or in, or added to, the economic development district effective on the
 28 next assessment date after the petition.

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

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

36 (2) the base assessed value.

37 (f) The state board of accounts and department of local government
 38 finance shall make the rules and prescribe the forms and procedures
 39 that they consider expedient for the implementation of this chapter.
 40 After each reassessment of a group of parcels under a reassessment
 41 plan prepared under IC 6-1.1-4-4.2 the department of local government
 42 finance shall adjust the base assessed value one (1) time to neutralize



any effect of the reassessment on the property tax proceeds allocated to the district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1.

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

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

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

(h) As used in this section, "base assessed value" means, subject to subsection (i):

- (1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (f); plus
- (2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, within the economic development district, as finally determined for the current assessment date.

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

(i) If a fiscal body confirms, or modifies and confirms, an ordinance under section 3 of this chapter and the fiscal body makes either of the filings required under section 3(d) of this chapter after the first anniversary of the effective date of the allocation provision in the ordinance, the auditor of the county in which the unit is located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

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



(2) the date on which the documents are filed with the department.

(j) A fiscal body is prohibited from removing a parcel of real property from an existing economic development district or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the economic development district or tax increment financing district during the life of the economic development district or tax increment financing district.

SECTION 26. IC 6-1.1-49-10, AS ADDED BY P.L.95-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 10. (a) If an individual who is receiving the credit provided by this chapter:

(1) knows or should have known that the individual does not qualify for the credit under this chapter; or

(2) changes the use of the individual's property so that part or all of the property no longer qualifies for the credit under this chapter;

the individual must file a certified statement with the county auditor, notifying the county auditor that subdivision (1) or (2) applies, not more than sixty (60) days after the date subdivision (1) or (2) first applies.

(b) An individual who fails to file the statement required by this section is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this section, plus a civil penalty equal to ten percent (10%) of the additional taxes due. The additional taxes owed plus the civil penalty become part of the property tax liability for purposes of this article.

(c) The civil penalty imposed under this section is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this section shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under ~~IC 6-1.1-12-37(i)~~ **IC 6-1.1-12-37(j)** and, to the extent there is money remaining, for any other purposes of the department.

SECTION 27. IC 8-22-3.5-6, AS AMENDED BY P.L.257-2019, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) After adoption of the resolution under section 5 of this chapter, the commission shall:

(1) publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1; and



(2) file the following information with each taxing unit that has authority to levy property taxes in the geographic area where the airport development zone is located:

(A) A copy of the notice required by subdivision (1).

(B) A statement disclosing the impact of the airport development zone, including the following:

(i) The estimated economic benefits and costs incurred by the airport development zone, as measured by increased employment and anticipated growth of real property assessed values.

(ii) The anticipated impact on tax revenues of each taxing unit.

The notice must state the general boundaries of the area designated as an airport development zone and must state that written remonstrances may be filed with the commission until the time designated for the hearing. The notice must also name the place, date, and time when the commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed airport development zone designation and will determine the public utility and benefit of the proposed airport development zone designation. The commission shall file the information required by subdivision (2) with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date of the public hearing. All persons affected in any manner by the hearing, including all taxpayers within the taxing district of the airport authority, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, adjournments, and orders of the commission affecting the airport development zone if the commission gives the notice required by this section.

(b) At the hearing, which may be recessed and reconvened from time to time, the commission shall hear all persons interested in the proceedings and shall consider all written remonstrances and objections that have been filed. After considering the evidence presented, the commission shall take final action determining the public utility and benefit of the proposed airport development zone designation and confirming, modifying and confirming, or rescinding the resolution. The final action taken by the commission shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by section 7 of this chapter.

(c) If the commission confirms, or modifies and confirms, the resolution, the commission shall file a copy of the resolution with both



the auditor of the county in which the airport development zone is located and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the airport development zone, within thirty (30) days after the date on which the commission takes final action on the resolution.

(d) A commission is prohibited from removing a parcel of real property from an existing airport development zone or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the airport development zone or tax increment financing district during the life of the airport development zone or tax increment financing district.

SECTION 28. IC 8-22-3.5-9, AS AMENDED BY P.L.174-2022, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) As used in this section, "base assessed value" means, subject to subsection (k):

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

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

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

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

(c) The allocation provision must:

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

(2) require that any property tax on taxable tangible property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes in the airport development zone be allocated and distributed as provided in



subsections (d) and (e).

(d) Except as otherwise provided in this section:

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

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

(B) the base assessed value;

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

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

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

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

(2) The commission may determine that a portion of tax proceeds shall be allocated to a debt service fund and dedicated to the payment of principal and interest on revenue bonds or a loan contract of the board of aviation commissioners or airport authority for a qualified airport development project, to the payment of leases for a qualified airport development project, or to the payment of principal and interest on bonds issued by an eligible entity to pay for qualified airport development projects in the airport development zone or serving the airport development zone.

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



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

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

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

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

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

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

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

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

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

(i) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable tangible property situated upon or in, or added to, the airport development zone effective on the next



assessment date after the petition.

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

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

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

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

(l) For an airport development zone established after June 30, 2024, "residential property" refers to the assessed value of property that is allocated to the one percent (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 under IC 6-3.6-5-6(d)(3).

(m) A commission is prohibited from removing a parcel of real property from an existing airport development zone or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the airport development zone or tax increment financing district during the life of the airport development zone or tax increment financing district.

SECTION 29. IC 20-26-12-1, AS AMENDED BY P.L.201-2023, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b) but notwithstanding any other law, each governing body of a school corporation and each organizer of a charter school shall purchase from a publisher, either individually or through a purchasing cooperative of school corporations, as applicable, the curricular materials selected by the proper local officials, and shall provide at no



cost the curricular materials to each student enrolled in the school corporation or charter school. Curricular materials provided to a student under this section remain the property of the governing body of the school corporation or organizer of the charter school.

(b) This section does not prohibit a governing body of a school corporation or an organizer of a charter school from assessing and collecting a reasonable fee for lost or significantly damaged curricular materials in accordance with rules established by the state board under subsection (c). Fees collected under this subsection must be deposited in the: ~~separate curricular materials account established under IC 20-40-22-9 for~~

(1) education fund of the school corporation; or

(2) education fund of the charter school, or, if the charter school does not have an education fund, the same fund into which state tuition support is deposited for the charter school; in which the student was enrolled at the time the fee was imposed.

(c) The state board shall adopt rules under IC 4-22-2, including emergency rules in the manner provided in IC 4-22-2-37.1, to implement this section.

SECTION 30. IC 20-26-12-2, AS AMENDED BY P.L.201-2023, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) A governing body or an organizer of a charter school may purchase from a publisher any curricular material selected by the proper local officials. The governing body or the organizer of a charter school may not rent the curricular materials to students enrolled in any public school.

(b) A governing body may rent curricular materials to students enrolled in any nonpublic school that is located within the attendance unit served by the governing body. An organizer of a charter school may rent curricular materials to students enrolled in any nonpublic school.

(c) A governing body or an organizer of a charter school may negotiate the rental rate for the curricular materials rented to any nonpublic school under subsection (b).

(d) A governing body shall collect and deposit the amounts received from the rental of curricular materials to a nonpublic school into the ~~curricular materials account, in accordance with IC 20-40-22-9, in equal amounts for each public school of the school corporation:~~ **school corporation's education fund.**

(e) An organizer of a charter school shall deposit all money received from the rental of curricular materials to a nonpublic school into the charter school's ~~curricular materials account described in~~



~~IC 20-40-22-9.~~ **education fund, or, if the charter school does not have an education fund, the same fund into which state tuition support is deposited for the charter school.**

(f) This section does not limit other laws.

SECTION 31. IC 20-28-9-28, AS AMENDED BY P.L.246-2023, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 28. (a) **Subject to subsection (g)**, for each school year in a state fiscal year beginning after June 30, 2023, a school corporation shall expend an amount for teacher compensation that is not less than an amount equal to sixty-two percent (62%) of the state tuition support distributed to the school corporation during the state fiscal year. For purposes of determining whether a school corporation has complied with this requirement, the amount a school corporation expends for teacher compensation shall include the amount the school corporation expends for adjunct teachers, supplemental pay for teachers, stipends, and for participating in a special education cooperative or an interlocal agreement or consortium that is directly attributable to the compensation of teachers employed by the cooperative or interlocal agreement or consortium. Teacher benefits include all benefit categories collected by the department for Form 9 purposes.

(b) If a school corporation determines that the school corporation cannot comply with the requirement under subsection (a) for a particular school year, the school corporation shall apply for a waiver from the department.

(c) The waiver application must include an explanation of the financial challenges, with detailed data, that preclude the school corporation from meeting the requirement under subsection (a) and describe the cost saving measures taken by the school corporation in attempting to meet the requirement in subsection (a). The waiver may also include an explanation of an innovative or efficient approach in delivering instruction that is responsible for the school corporation being unable to meet the requirement under subsection (a).

(d) If, after review, the department determines that the school corporation has exhausted all reasonable efforts in attempting to meet the requirement in subsection (a), the department may grant the school corporation a one (1) year exception from the requirement.

(e) A school corporation that receives a waiver under this section shall work with the department to develop a plan to identify additional cost saving measures and any other steps that may be taken to allow the school corporation to meet the requirement under subsection (a).

(f) A school corporation may not receive more than three (3)



1 waivers under this section.

2 **(g) For purposes of determining whether a school corporation**
 3 **has complied with the requirement in subsection (a), distributions**
 4 **from the curricular materials fund established by IC 20-40-22-5**
 5 **that are deposited in a school corporation's education fund in a**
 6 **state fiscal year are not considered to be state tuition support**
 7 **distributed to the school corporation during the state fiscal year.**

8 ~~(g)~~ **(h)** Before November 1, 2022, and before November 1 of each
 9 year thereafter, the department shall submit a report to the legislative
 10 council in an electronic format under IC 5-14-6 and the state budget
 11 committee that contains information as to:

- 12 (1) the percent and amount that each school corporation expended
 13 and the statewide total expended for teacher compensation;
- 14 (2) the percent and amount that each school corporation expended
 15 and statewide total expended for teacher benefits, including
 16 health, dental, life insurance, and pension benefits;
- 17 (3) whether the school corporation met the requirement set forth
 18 in subsection (a); and
- 19 (4) whether the school corporation received a waiver under
 20 subsection (d).

21 SECTION 32. IC 20-40-2-3, AS AMENDED BY P.L.244-2017,
 22 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2024]: Sec. 3. Distributions of:

- 24 **(1) tuition support; and**
- 25 **(2) money for curricular materials;**
- 26 shall be received in the education fund.

27 SECTION 33. IC 20-40-2-4, AS AMENDED BY P.L.201-2023,
 28 SECTION 182, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2024]: Sec. 4. Except as provided in
 30 IC 36-1-8-5.1 (school corporation rainy day fund), the education fund
 31 of the school corporation or, if applicable, a charter school, shall be
 32 used only to pay for expenses:

- 33 **(1) allocated to student instruction and learning under IC 20-42.5;**
 34 **and**
- 35 **(2) related to the cost of providing curricular materials.**

36 The fund may not be used to pay directly any expenses that are not
 37 allocated to student instruction and learning under IC 20-42.5, **are not**
 38 **expenses related to the cost of providing curricular materials,** or
 39 expenses permitted to be paid from the school corporation's or charter
 40 school's operations fund.

41 SECTION 34. IC 20-40-2-5.5 IS ADDED TO THE INDIANA
 42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2024]: **Sec. 5.5. The department may take action, including the establishment of an account code, to track expenditures of money distributed for curricular materials.**

SECTION 35. IC 20-40-2-6, AS AMENDED BY P.L.201-2023, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) Each school corporation and, if applicable, charter school, shall make every reasonable effort to transfer not more than fifteen percent (15%) of the total revenue deposited in the school corporation's or, if applicable, charter school's, education fund from the school corporation's or, if applicable, charter school's, education fund to the school corporation's or, if applicable, charter school's, operations fund during a calendar year.

(b) Only after the transfer is authorized by the governing body in a public meeting with public notice, money in the education fund may be transferred to the operations fund to cover expenditures that are not allocated to student instruction and learning under IC 20-42.5 **or related to the cost of providing curricular materials.** The amount transferred from the education fund to the operations fund shall be reported by the school corporation or, if applicable, charter school, to the department. The transfers made during the:

(1) first six (6) months of each state fiscal year shall be reported before January 31 of the following year; and

(2) last six (6) months of each state fiscal year shall be reported before July 31 of that year.

(c) The report must include information as required by the department and in the form required by the department.

(d) The department must post the report submitted under subsection (b) on the department's website.

(e) Beginning in 2020, the department shall track for each school corporation or, if applicable, charter school, transfers from the school corporation's or, if applicable, charter school's, education fund to its operations fund for the preceding six (6) month period. Beginning in 2021, before March 1 of each year, the department shall compile an excessive education fund transfer list comprised of all school corporations or, if applicable, charter schools, that transferred more than fifteen percent (15%) of the total revenue deposited in the school corporation's or, if applicable, charter school's, education fund from the school corporation's or, if applicable, charter school's, education fund to the school corporation's or, if applicable, charter school's, operations fund during the immediately preceding calendar year. A school corporation or, if applicable, charter school, that is not included on the excessive education fund transfer list is considered to have met the



1 education fund transfer target percentage for the immediately preceding
2 calendar year.

3 SECTION 36. IC 20-40-2-7, AS ADDED BY P.L.244-2017,
4 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 7. (a) On January 1, 2019, the balance, as of
6 December 31, 2018, in the school corporation's general fund shall be
7 transferred to the education fund.

8 (b) Before March 1, 2019, the governing body of a school
9 corporation may transfer to the school corporation's operations fund,
10 from the amounts transferred from the school corporation's general
11 fund under subsection (a), any amounts that are not allocated to student
12 instruction and learning under IC 20-42.5 **or related to the cost of**
13 **providing curricular materials**. A school corporation may make a
14 transfer under this section only after complying with section 6 of this
15 chapter, including the requirements for public notice and a public
16 hearing.

17 SECTION 37. IC 20-40-22-9 IS REPEALED [EFFECTIVE JULY
18 1, 2024]. Sec. 9: Each public school shall establish a separate curricular
19 materials account for the purpose of receiving distributions under this
20 chapter; amounts received from the rental of curricular materials to
21 nonpublic schools; and fees collected under IC 20-26-12-1(b) for lost
22 or significantly damaged curricular materials. A public school that
23 receives a distribution of money from the curricular materials fund
24 under this chapter shall deposit the distributed amount in the public
25 school's curricular materials account. Money in the account may be
26 used only for the costs of curricular materials.

27 SECTION 38. IC 20-40-22-10 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2024]: Sec. 10. (a) **A school maintained by a**
30 **school corporation that receives a distribution of money from the**
31 **curricular materials fund under this chapter shall deposit the**
32 **amount in the education fund of the school corporation that**
33 **maintains the school. A charter school that receives a distribution**
34 **of money from the curricular materials fund under this chapter**
35 **shall deposit the amount in the charter school's education fund, or,**
36 **if the charter school does not have an education fund, in the same**
37 **fund into which state tuition support is deposited for the charter**
38 **school.**

39 (b) **Money received from the curricular materials fund under**
40 **this chapter by a public school may be used only for the costs of**
41 **curricular materials.**

42 (c) **The department may take action, including the establishment**



1 **of an account code for the funds into which distributions are**
 2 **deposited under this section, to track expenditures of money**
 3 **distributed for curricular materials.**

4 SECTION 39. IC 36-7-14-17.5, AS AMENDED BY P.L.146-2008,
 5 SECTION 729, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2024]: Sec. 17.5. (a) In addition to the
 7 requirements of section 17 of this chapter, if the resolution or plan for
 8 an existing redevelopment project area is proposed to be amended in
 9 a way that changes:

- 10 (1) parts of the area that are to be devoted to a public way, levee,
 11 sewerage, park, playground, or other public purposes;
- 12 (2) the proposed use of the land in the area; or
- 13 (3) requirements for rehabilitation, building requirements,
 14 proposed zoning, maximum densities, or similar requirements;

15 the commission must, at least ten (10) days before the public hearing
 16 under section 17 of this chapter, send the notice required by section 17
 17 of this chapter by first class mail to affected neighborhood associations.

18 (b) In addition to the requirements of section 17 of this chapter, if
 19 the resolution or plan for an existing redevelopment project area is
 20 proposed to be amended in a way that:

- 21 (1) enlarges the boundaries of the area; or
- 22 (2) adds one (1) or more parcels to the list of parcels to be
 23 acquired;

24 the commission must, at least ten (10) days before the public hearing
 25 under section 17 of this chapter, send the notice required by section 17
 26 of this chapter by first class mail to affected neighborhood associations
 27 and to persons owning property that is in the proposed enlargement of
 28 the area or that is proposed to be added to the acquisition list. If the
 29 enlargement of an area is proposed, notice must also be filed in
 30 accordance with section 17(b) of this chapter, and agencies and officers
 31 may not take actions prohibited by section 17(b) of this chapter in the
 32 proposed enlarged area.

33 (c) The commission may require that neighborhood associations
 34 register with the commission. The commission may adopt a rule that
 35 requires that a neighborhood association encompass a part of the
 36 geographic area included in or proposed to be included in a
 37 redevelopment project area, urban renewal area, or economic
 38 development area to qualify as an affected neighborhood association.

39 **(d) A commission is prohibited from removing a parcel of real**
 40 **property from an existing redevelopment project area or an**
 41 **existing tax increment financing district, as applicable under this**
 42 **chapter, and subsequently adding the same parcel of real property**



1 **back into the redevelopment project area or tax increment**
 2 **financing district during the life of the redevelopment project area**
 3 **or tax increment financing district.**

4 SECTION 40. IC 36-7-14-39, AS AMENDED BY P.L.236-2023,
 5 SECTION 179, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JANUARY 1, 2023 (RETROACTIVE)]: Sec. 39. (a) As
 7 used in this section:

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

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

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

17 (A) the net assessed value of all the property as finally
 18 determined for the assessment date immediately preceding the
 19 effective 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), the net
 22 assessed value of property that is assessed as residential
 23 property under the rules of the department of local government
 24 finance, within the allocation area, as finally determined for
 25 the current assessment date.

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

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

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



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

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

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

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

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

(b) A declaratory resolution adopted under section 15 of this chapter
on or before the allocation deadline determined under subsection (i)
may include a provision with respect to the allocation and distribution
of property taxes for the purposes and in the manner provided in this
section. A declaratory resolution previously adopted may include an
allocation provision by the amendment of that declaratory resolution on
or before the allocation deadline determined under subsection (i) in
accordance with the procedures required for its original adoption. A
declaratory resolution or amendment that establishes an allocation
provision must include a specific finding of fact, supported by
evidence, that the adoption of the allocation provision will result in



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

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

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

or

(B) the base assessed value;

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

(2) This subdivision applies to a fire protection territory



established after December 31, 2022. If a unit becomes a participating unit of a fire protection territory that is established after a declaratory resolution is adopted under section 15 of this chapter, the excess of the proceeds of the property taxes attributable to an increase in the property tax rate for the participating unit of a fire protection territory:

(A) except as otherwise provided by this subdivision, shall be determined as follows:

STEP ONE: Divide the unit's tax rate for fire protection for the year before the establishment of the fire protection territory by the participating unit's tax rate as part of the fire protection territory.

STEP TWO: Subtract the STEP ONE amount from one (1).

STEP THREE: Multiply the STEP TWO amount by the allocated property tax attributable to the participating unit of the fire protection territory; and

(B) to the extent not otherwise included in subdivisions (1) and (3), the amount determined under STEP THREE of clause (A) shall be allocated to and distributed in the form of an allocated property tax revenue pass back to the participating unit of the fire protection territory for the assessment date with respect to which the allocation is made.

However, if the redevelopment commission determines that it is unable to meet its debt service obligations with regards to the allocation area without all or part of the allocated property tax revenue pass back to the participating unit of a fire protection area under this subdivision, then the allocated property tax revenue pass back under this subdivision shall be reduced by the amount necessary for the redevelopment commission to meet its debt service obligations of the allocation area. The calculation under this subdivision must be made by the redevelopment commission in collaboration with the county auditor and the applicable fire protection territory. Any calculation determined according to clause (A) must be submitted to the department of local government finance in the manner prescribed by the department of local government finance. The department of local government finance shall verify the accuracy of each calculation.

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



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

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

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

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

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

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

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

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

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

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

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



1 taxing district (as defined in IC 6-1.1-1-20) that contains all or
2 part of the allocation area:

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

8 STEP TWO: Divide:

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

14 (ii) the STEP ONE sum.

15 STEP THREE: Multiply:

16 (i) the STEP TWO quotient; times

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

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

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

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

34 (i) in the allocation area; and

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

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



(3) years after the date on which the investments that are the basis for the increment financing are made.

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

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

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

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

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

(N) Expend revenues that are allocated for police and fire services on both capital expenditures and operating expenses as authorized in section 12.2(a)(28) of this chapter.

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

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

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (4), plus the amount necessary for other purposes described in subdivision (4).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are



authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The county auditor, upon receiving the notice, shall forward this notice (in an electronic format) to the department of local government finance not later than June 15 of each year. The notice must:

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

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

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (4) or lessors under section 25.3 of this chapter.

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (4); plus

(ii) the amount necessary for other purposes described in subdivision (4);

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

(6) Notwithstanding subdivision (5), in the case of an allocation area that is established after June 30, 2019, and that is located in a redevelopment project area described in section 25.1(c)(3)(C) of this chapter, an economic development area described in section 25.1(c)(3)(C) of this chapter, or an urban renewal project area described in section 25.1(c)(3)(C) of this chapter, for each



year the allocation provision is in effect, if the amount of excess assessed value determined by the commission under subdivision (5)(A) is expected to generate more than two hundred percent (200%) of:

(A) the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (4) for the project; plus

(B) the amount necessary for other purposes described in subdivision (4) for the project;

the amount of the excess assessed value that generates more than two hundred percent (200%) of the amounts described in clauses (A) and (B) shall be allocated to the respective taxing units in the manner prescribed by subdivision (1).

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

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

(2) the base assessed value.

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

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

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

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

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(4) shall establish an allocation fund for the purposes



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

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

41 (1) may not include the effect of phasing in assessed value due to
 42 property tax abatements under IC 6-1.1-12.1;



(2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(4) than would otherwise have been received if the reassessment under the reassessment plan or the annual adjustment had not occurred; and
 (3) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment plan.

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

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

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

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

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

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

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

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

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

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

(k) For an allocation area established after June 30, 2024, "residential property" refers to the assessed value of property that is



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

6 SECTION 41. IC 36-7-15.1-10.5, AS AMENDED BY
 7 P.L.146-2008, SECTION 748, IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10.5. (a) In addition to
 9 the requirements of section 10 of this chapter, if the resolution or plan
 10 for an existing redevelopment project area or urban renewal area is
 11 proposed to be amended in a way that changes:

12 (1) parts of the area that are to be devoted to a public way, levee,
 13 sewerage, park, playground, or other public purpose;

14 (2) the proposed use of the land in the area; or

15 (3) requirements for rehabilitation, building requirements,
 16 proposed zoning, maximum densities, or similar requirements;
 17 the commission must, at least ten (10) days before the public hearing
 18 under section 10 of this chapter, send the notice required by section 10
 19 of this chapter by first class mail to affected neighborhood associations.

20 (b) In addition to the requirements of section 10 of this chapter, if
 21 the resolution or plan for an existing redevelopment project area or
 22 urban renewal area is proposed to be amended in a way that:

23 (1) enlarges the boundaries of the area; or

24 (2) adds one (1) or more parcels to the list of parcels to be
 25 acquired;

26 the commission must, at least ten (10) days before the public hearing
 27 under section 10 of this chapter, send the notice required by section 10
 28 of this chapter by first class mail to affected neighborhood associations
 29 and to persons owning property that is in the proposed enlargement of
 30 the area or that is proposed to be added to the acquisition list. If the
 31 enlargement of an area is proposed, notice must also be filed in
 32 accordance with section 10(b) of this chapter, and agencies and officers
 33 may not take actions prohibited by section 10(b) in the proposed
 34 enlarged area.

35 (c) The commission may require that neighborhood associations
 36 register with the commission. The commission may adopt a rule that
 37 requires that a neighborhood association encompass a part of the
 38 geographic area included in or proposed to be included in a
 39 redevelopment project area, urban renewal area, or economic
 40 development area to qualify as an affected neighborhood association.

41 **(d) A commission is prohibited from removing a parcel of real**
 42 **property from an existing redevelopment project area or urban**



1 **renewal area or an existing tax increment financing district, as**
 2 **applicable under this chapter, and subsequently adding the same**
 3 **parcel of real property back into the redevelopment project area,**
 4 **urban renewal area, or tax increment financing district during the**
 5 **life of the redevelopment project area, urban renewal area, or tax**
 6 **increment financing district.**

7 SECTION 42. IC 36-7-30-13, AS AMENDED BY P.L.257-2019,
 8 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2024]: Sec. 13. (a) The reuse authority must
 10 conduct a public hearing before amending a resolution or plan for a
 11 military base reuse area. The reuse authority shall give notice of the
 12 hearing in accordance with IC 5-3-1. The notice must do the following:

- 13 (1) Set forth the substance of the proposed amendment.
- 14 (2) State the time and place where written remonstrances against
 15 the proposed amendment may be filed.
- 16 (3) Set forth the time and place of the hearing.
- 17 (4) State that the reuse authority will hear any person who has
 18 filed a written remonstrance during the filing period set forth in
 19 subdivision (2).

20 (b) For the purposes of this section, the consolidation of areas is not
 21 considered the enlargement of the boundaries of an area.

22 (c) If the reuse authority proposes to amend a resolution or plan, the
 23 military base reuse authority is not required to have evidence or make
 24 findings that were required for the establishment of the original
 25 military base reuse area. However, the reuse authority must make the
 26 following findings before approving the amendment:

- 27 (1) The amendment is reasonable and appropriate when
 28 considered in relation to the original resolution or plan and the
 29 purposes of this chapter.
- 30 (2) The resolution or plan, with the proposed amendment,
 31 conforms to the comprehensive plan for the unit.

32 (d) Notwithstanding subsections (a) and (c), if the resolution or plan
 33 is proposed to be amended in a way that enlarges the original
 34 boundaries of the area by more than twenty percent (20%), the reuse
 35 authority must use the procedure provided for the original
 36 establishment of areas and must comply with sections 10 through 12 of
 37 this chapter.

38 (e) At the hearing on the amendments, the reuse authority shall
 39 consider written remonstrances that are filed. The action of the reuse
 40 authority on the amendment is final and conclusive, except that an
 41 appeal of the reuse authority's action may be taken under section 14 of
 42 this chapter.



(f) If the reuse authority confirms, or modifies and confirms, the resolution and the resolution includes a provision establishing or amending an allocation provision under section 25 of this chapter, the reuse authority shall file a copy of the resolution with both the auditor of the county in which the proposed project is located and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, within thirty (30) days after the date on which the reuse authority takes final action on the resolution.

(g) A reuse authority is prohibited from removing a parcel of real property from an existing military base reuse area or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the military base reuse area or tax increment financing district during the life of the military base reuse area or tax increment financing district.

SECTION 43. IC 36-7-30.5-18, AS AMENDED BY P.L.257-2019, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) The development authority must conduct a public hearing before amending a resolution or plan for a military base development area. The development authority shall give notice of the hearing in accordance with IC 5-3-1. The notice must do the following:

- (1) Set forth the substance of the proposed amendment.
- (2) State the time and place where written remonstrances against the proposed amendment may be filed.
- (3) Set forth the date, time, and place of the hearing.
- (4) State that the development authority will hear any person who has filed a written remonstrance during the filing period set forth in subdivision (2).

(b) For the purposes of this section, the consolidation of areas is not considered the enlargement of the boundaries of an area.

(c) If the development authority proposes to amend a resolution or plan, the development authority is not required to have evidence or make findings that were required for the establishment of the original military base development area. However, the development authority must make the following findings before approving the amendment:

- (1) The amendment is reasonable and appropriate when considered in relation to the original resolution or plan and the purposes of this chapter.
- (2) The resolution or plan, with the proposed amendment, conforms to the comprehensive plan for an affected unit.



(d) Notwithstanding subsections (a) and (c), if the resolution or plan is proposed to be amended in a way that enlarges the original boundaries of the area by more than twenty percent (20%), the development authority must use the procedure provided for the original establishment of areas and must comply with sections 16 through 17 of this chapter.

(e) At the hearing on the amendments, the development authority shall consider written remonstrances that are filed. The action of the development authority on the amendment is final and conclusive, except that an appeal of the development authority's action may be taken under section 19 of this chapter.

(f) If the development authority confirms, or modifies and confirms, the resolution and the resolution includes a provision establishing or amending an allocation provision under section 30 of this chapter, the development authority shall file a copy of the resolution with both the auditor of the county in which the proposed project is located and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, within thirty (30) days after the date on which the development authority takes final action on the resolution.

(g) A development authority is prohibited from removing a parcel of real property from an existing military base development area or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the military base development area or tax increment financing district during the life of the military base development area or tax increment financing district.

SECTION 44. IC 36-7-32-15, AS AMENDED BY P.L.257-2019, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15. (a) Subject to the approval of the legislative body of the unit that established the redevelopment commission, the redevelopment commission may adopt a resolution designating a certified technology park as an allocation area for purposes of the allocation and distribution of property taxes.

(b) After adoption of the resolution under subsection (a), the redevelopment commission shall:

- (1) publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1; and
- (2) file the following information with each taxing unit that has authority to levy property taxes in the geographic area where the certified technology park is located:

(A) A copy of the notice required by subdivision (1).



(B) A statement disclosing the impact of the certified technology park, including the following:

(i) The estimated economic benefits and costs incurred by the certified technology park, as measured by increased employment and anticipated growth of real property assessed values.

(ii) The anticipated impact on tax revenues of each taxing unit.

The notice must state the general boundaries of the certified technology park and must state that written remonstrances may be filed with the redevelopment commission until the time designated for the hearing. The notice must also name the place, date, and time when the redevelopment commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed allocation area and will determine the public utility and benefit of the proposed allocation area. The commission shall file the information required by subdivision (2) with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date of the public hearing. All persons affected in any manner by the hearing, including all taxpayers within the taxing district of the redevelopment commission, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, adjournments, and orders of the redevelopment commission affecting the allocation area if the redevelopment commission gives the notice required by this section.

(c) At the hearing, which may be recessed and reconvened periodically, the redevelopment commission shall hear all persons interested in the proceedings and shall consider all written remonstrances and objections that have been filed. After considering the evidence presented, the redevelopment commission shall take final action determining the public utility and benefit of the proposed allocation area confirming, modifying and confirming, or rescinding the resolution. The final action taken by the redevelopment commission shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by section 16 of this chapter.

(d) If the redevelopment commission confirms, or modifies and confirms, the resolution, the redevelopment commission shall file a copy of the resolution with both the auditor of the county in which the certified technology park is located and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, within thirty (30) days after the date on which the redevelopment



1 commission takes final action on the resolution.

2 **(e) A redevelopment commission is prohibited from removing**
 3 **a parcel of real property from an existing certified technology park**
 4 **or an existing tax increment financing district, as applicable under**
 5 **this chapter, and subsequently adding the same parcel of real**
 6 **property back into the certified technology park or tax increment**
 7 **financing district during the life of the certified technology park or**
 8 **tax increment financing district.**

9 SECTION 45. IC 36-8-13-4, AS AMENDED BY P.L.236-2023,
 10 SECTION 203, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) Each township shall ~~annually~~
 12 establish either:

13 (1) a township firefighting and emergency services fund which is
 14 to be used by the township for the payment of costs attributable
 15 to providing fire protection or emergency services under the
 16 methods prescribed in section 3 of this chapter and for no other
 17 purposes; or

18 (2) two (2) separate funds consisting of:

19 (A) a township firefighting fund that is to be used by the
 20 township for the payment of costs attributable to providing fire
 21 protection under the methods prescribed in section 3 of this
 22 chapter and for no other purposes; and

23 (B) a township emergency services fund that is to be used by
 24 the township for the payment of costs attributable to providing
 25 emergency services under the methods prescribed in section 3
 26 of this chapter and for no other purposes.

27 The money in the funds described in either subdivision (1) or (2) may
 28 be paid out by the township executive with the consent of the township
 29 legislative body.

30 **(b) If a township transitions from a single township firefighting**
 31 **and emergency services fund under subsection (a)(1) to two (2)**
 32 **separate funds as allowed under subsection (a)(2), the township**
 33 **legislative body shall approve a transfer of the remaining cash**
 34 **balance in the township firefighting and emergency services fund**
 35 **to the two (2) new separate funds. As part of the transfer under**
 36 **this subsection, the legislative body shall determine the amounts of**
 37 **the remaining cash balance that will be attributable to the**
 38 **township firefighting fund and the township emergency services**
 39 **fund.**

40 ~~(b)~~ (c) Each township may levy, for each year, a tax for either:

41 (1) the township firefighting and emergency services fund
 42 described in subsection (a)(1); or



(2) both:

(A) the township firefighting fund; and

(B) the township emergency services fund;

described in subsection (a)(2).

Other than a township providing fire protection or emergency services or both to municipalities in the township under section 3(b) or 3(c) of this chapter, the tax levy is on all taxable real and personal property in the township outside the corporate boundaries of municipalities. Subject to the levy limitations contained in IC 6-1.1-18.5, the township firefighting and emergency services levy is to be in an amount sufficient to pay costs attributable to fire protection and emergency services that are not paid from other revenues available to the fund. If a township establishes a township firefighting fund and a township emergency services fund described in subdivision (2), the combined levies are to be an amount sufficient to pay costs attributable to fire protection and emergency services. However, fire protection services may be paid only from the township firefighting fund and emergency services may be paid only from the township emergency services fund, and each fund may pay costs attributable to the respective fund for services that are not paid from other revenues available to either applicable fund. The tax rate and levy for a levy described in this subsection shall be established in accordance with the procedures set forth in IC 6-1.1-17.

~~(c)~~ (d) In addition to the tax levy and service charges received under IC 36-8-12-13 and IC 36-8-12-16, the executive may accept donations to the township for the purpose of firefighting and other emergency services and shall place them in the township firefighting and emergency services fund established under subsection (a)(1), or if applicable, the township firefighting fund established under subsection (a)(2)(A) if the purpose of the donation is for firefighting, or in the township emergency services fund established under subsection (a)(2)(B) if the purpose of the donation is for emergency services, keeping an accurate record of the sums received. A person may also donate partial payment of any purchase of firefighting or other emergency services equipment made by the township.

~~(d)~~ (e) If a fire department serving a township dispatches fire apparatus or personnel to a building or premises in the township in response to:

(1) an alarm caused by improper installation or improper maintenance; or

(2) a drill or test, if the fire department is not previously notified that the alarm is a drill or test;



the township may impose a fee or service charge upon the owner of the property. However, if the owner of property that constitutes the owner's residence establishes that the alarm is under a maintenance contract with an alarm company and that the alarm company has been notified of the improper installation or maintenance of the alarm, the alarm company is liable for the payment of the fee or service charge.

~~(e)~~ **(f)** The amount of a fee or service charge imposed under subsection ~~(d)~~ **(e)** shall be determined by the township legislative body. All money received by the township from the fee or service charge must be deposited in the township's firefighting and emergency services fund or the township's firefighting fund.

SECTION 46. IC 36-8-13-4.7, AS AMENDED BY P.L.236-2023, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4.7. (a) For a township that elects to have the township provide fire protection and emergency services under section 3(c) of this chapter, the department of local government finance shall adjust the township's maximum permissible levy described in section ~~4(b)(1) or 4(b)(2)~~ **4(c)(1) or 4(c)(2)** of this chapter, as applicable, in the year following the year in which the change is elected, as determined under IC 6-1.1-18.5-3, to reflect the change from providing fire protection or emergency services under a contract between the municipality and the township to allowing the township to impose a property tax levy on the taxable property located within the corporate boundaries of each municipality. For the ensuing calendar year, the township's maximum permissible property tax levy described in section ~~4(b)(1)~~ **4(c)(1)** of this chapter, or the combined levies described in section ~~4(b)(2)~~ **4(c)(2)** of this chapter, which is considered a single levy for purposes of this section, shall be increased by the product of:

- (1) one and five-hundredths (1.05); multiplied by
- (2) the amount the township contracted or billed to receive, regardless of whether the amount was collected:
 - (A) in the year in which the change is elected; and
 - (B) as fire protection or emergency service payments from the municipalities or residents of the municipalities covered by the election under section 3(c) of this chapter.

The maximum permissible levy for a general fund or other fund of a municipality covered by the election under section 3(c) of this chapter shall be reduced for the ensuing calendar year to reflect the change to allowing the township to impose a property tax levy on the taxable property located within the corporate boundaries of the municipality. The total reduction in the maximum permissible levies for all electing



1 municipalities must equal the amount that the maximum permissible
 2 levy for the township described in section ~~4(b)(1)~~ **4(c)(1)** of this
 3 chapter or the combined levies described in section ~~4(b)(2)~~ **4(c)(2)** of
 4 this chapter, as applicable, is increased under this subsection for
 5 contracts or billings, regardless of whether the amount was collected,
 6 less the amount actually paid from sources other than property tax
 7 revenue.

8 (b) For purposes of determining a township's and each
 9 municipality's maximum permissible ad valorem property tax levy
 10 under IC 6-1.1-18.5-3 for years following the first year after the year in
 11 which the change is elected, a township's and each municipality's
 12 maximum permissible ad valorem property tax levy is the levy (or in
 13 the case of a township electing to establish levies described in section
 14 ~~4(b)(2)~~ **4(c)(2)** of this chapter, the combined levies) after the
 15 adjustment made under subsection (a).

16 (c) The township may use the amount of a maximum permissible
 17 property tax levy (or in the case of a township electing to establish
 18 levies described in section ~~4(b)(2)~~ **4(c)(2)** of this chapter, the combined
 19 levies) computed under this section in setting budgets and property tax
 20 levies for any year in which the election in section 3(c) of this chapter
 21 is in effect.

22 (d) Section 4.6 of this chapter does not apply to a property tax levy
 23 or a maximum property tax levy subject to this section.

24 **SECTION 47. [EFFECTIVE UPON PASSAGE] (a) As used in this**
 25 **SECTION, "public school" has the meaning set forth in**
 26 **IC 20-40-22-4.**

27 (b) Any balance in a public school's curricular materials
 28 account established under IC 20-40-22-9, as repealed by this act,
 29 shall be transferred to:

30 (1) in the case of a school maintained by a school corporation,
 31 the education fund of the school corporation that maintains
 32 the school; and

33 (2) in the case of a charter school, the education fund of the
 34 charter school, or, if the charter school does not have an
 35 education fund, the same fund into which state tuition support
 36 is deposited for the charter school;

37 on June 30, 2024.

38 (c) This SECTION expires July 1, 2024.

39 SECTION 48. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1120, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-4-44.5, AS ADDED BY P.L.249-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 44.5. (a) This section applies to a real property assessment:

(1) for the 2015 assessment date and assessment dates thereafter; and

(2) that includes land classified as residential excess land.

(b) A county assessor ~~may~~ **shall** apply throughout the county an influence factor to recognize the reduced acreage value of residential excess land. The influence factor may be applied on a per acre basis or based on acreage categories. The influence factor may not be used as an alternative to determining the value of farmland as provided in section 13 of this chapter.

(c) The influence factor required under subsection (b) must reduce the base land value of residential excess land by no less than fifty percent (50%).

(d) Notwithstanding subsection (c), the assessed value per acre of the residential excess land may not be less than the base rate of agricultural land (as defined in IC 6-1.1-20.6-0.5) unless a different classification of land with a lower assessed value per acre applies."

Page 3, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-12-37, AS AMENDED BY P.L.236-2023, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 37. (a) The following definitions apply throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual uses as the individual's residence, limited to a single house and a single garage, regardless of whether the single garage is attached to the single house or detached from the single house.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.



(2) "Homestead" means an individual's principal place of residence:

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract recorded in the county recorder's office, or evidenced by a memorandum of contract recorded in the county recorder's office under IC 36-2-11-20, that provides that the individual is to pay the property taxes on the residence, and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;

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

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

(C) that consists of a dwelling and includes up to one (1) acre of land immediately surrounding that dwelling, and any of the following improvements:

(i) Any number of decks, patios, gazebos, or pools.

(ii) One (1) additional building that is not part of the dwelling if the building is predominantly used for a residential purpose and is not used as an investment property or as a rental property.

(iii) One (1) additional residential yard structure other than a deck, patio, gazebo, or pool.

The term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

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

(1) the assessment date; or

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



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

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

- (1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or
- (2) for assessment dates:
 - (A) before January 1, 2023, forty-five thousand dollars (\$45,000); or
 - (B) after December 31, 2022, forty-eight thousand dollars (\$48,000).

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

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

- (1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;
- (2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;
- (3) the names of:
 - (A) the applicant and the applicant's spouse (if any):
 - (i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or
 - (ii) that they use as their legal names when they sign their



- names on legal documents;
- if the applicant is an individual; or
- (B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):
 - (i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or
 - (ii) that they use as their legal names when they sign their names on legal documents;
- if the applicant is not an individual; and
- (4) either:
 - (A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or
 - (B) if the applicant or the applicant's spouse (if any) does not have a Social Security number, any of the following for that individual:
 - (i) The last five (5) digits of the individual's driver's license number.
 - (ii) The last five (5) digits of the individual's state identification card number.
 - (iii) The last five (5) digits of a preparer tax identification number that is obtained by the individual through the Internal Revenue Service of the United States.
 - (iv) If the individual does not have a driver's license, a state identification card, or an Internal Revenue Service preparer tax identification number, the last five (5) digits of a control number that is on a document issued to the individual by the United States government.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. ~~To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed and dated in the immediately preceding calendar year and filed with the county~~



auditor on or before January 5 of the calendar year in which the property taxes are first due and payable:

(f) To obtain the deduction for a desired calendar year under this section in which property taxes are first due and payable, the individual desiring to claim the deduction must do the following as applicable:

(1) Complete, date, and file the certified statement described in subsection (e) on or before January 15 of the calendar year in which the property taxes are first due and payable.

(2) Satisfy any recording requirements on or before January 15 of the calendar year in which the property taxes are first due and payable for a homestead described in subsection (a)(2).

(f) (g) Except as provided in subsection ~~(k)~~; (l), if a person who is receiving, or seeks to receive, the deduction provided by this section in the person's name:

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

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

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

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

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

~~(g)~~ (h) The department of local government finance may adopt rules



or guidelines concerning the application for a deduction under this section.

~~(h)~~ **(i)** This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on the assessment date in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on the assessment date in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection ~~(k)~~, **(l)**, the county auditor may not grant an individual or a married couple a deduction under this section if:

- (1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and
- (2) the applications claim the deduction for different property.

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

~~(j)~~ **(k)** A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The county auditor may not deny an application filed under section 44 of this chapter because the applicant does not have a valid driver's license or state identification card with the address of the homestead property. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard



deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

~~(k)~~ **(l)** A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

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

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

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

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

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

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

~~(j)~~ **(m)** If:

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

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination as provided in IC 6-1.1-15. The county auditor shall



inform the property owner of the owner's right to appeal when the county auditor informs the property owner of the county auditor's determination under this subsection.

~~(m)~~ **(n)** An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

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

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

(2) on the assessment date:

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

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

(3) either:

(A) the individual files the certified statement required by subsection (e); or

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

An individual who satisfies the requirements of subdivisions (1) through (3) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6.

~~(n)~~ **(o)** This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property



taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

~~(o)~~ **(p)** This subsection:

- (1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and
- (2) does not apply to an individual described in subsection ~~(n)~~ **(o)**.

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

~~(p)~~ **(q)** For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

- (1) is serving on active duty in any branch of the armed forces of the United States;
- (2) was ordered to transfer to a location outside Indiana; and
- (3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

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



SECTION 4. IC 6-1.1-12-44, AS AMENDED BY P.L.236-2023, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 44. (a) A sales disclosure form under IC 6-1.1-5.5:

(1) that is submitted:

(A) as a paper form; or

(B) electronically;

on or before ~~December 31~~ **January 15** of a calendar year **in which property taxes are first due and payable** to the county assessor by or on behalf of the purchaser of a homestead (as defined in section 37 of this chapter) assessed as real property;

(2) that is accurate and complete;

(3) that is approved by the county assessor as eligible for filing with the county auditor; and

(4) that is filed:

(A) as a paper form; or

(B) electronically;

with the county auditor by or on behalf of the purchaser;

constitutes an application for the deductions provided by sections 26, 29, 33, 34, and 37 of this chapter with respect to property taxes first due and payable in the calendar year that immediately succeeds the calendar year referred to in subdivision (1). The county auditor may not deny an application for the deductions provided by section 37 of this chapter because the applicant does not have a valid driver's license or state identification card with the address of the homestead property.

(b) Except as provided in subsection (c), if:

(1) the county auditor receives in a calendar year a sales disclosure form that meets the requirements of subsection (a); and

(2) the homestead for which the sales disclosure form is submitted is otherwise eligible for a deduction referred to in subsection (a);

the county auditor shall apply the deduction to the homestead for property taxes first due and payable in the calendar year for which the homestead qualifies under subsection (a) and in any later year in which the homestead remains eligible for the deduction.

(c) Subsection (b) does not apply if the county auditor, after receiving a sales disclosure form from or on behalf of a purchaser under subsection (a)(4), determines that the homestead is ineligible for the deduction.

SECTION 5. IC 6-1.1-17-3.1, AS ADDED BY P.L.239-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This section:

(1) applies only to an operating referendum tax levy under



IC 20-46-1 approved by the voters before January 1, 2023, that is imposed by a school corporation for taxes first due and payable in 2024 **and subsequent years; and**

(2) does not apply to an operating referendum tax levy under IC 20-46-1 approved by the voters after December 31, 2022, ~~and before January 1, 2024~~, that is imposed by a school corporation for taxes first due and payable in 2024 **or subsequent years. and**
~~(3) does not apply to any other tax year.~~

(b) As used in this section, "ADM" has the meaning set forth in IC 20-43-1-6.

~~(b)~~ **(c)** Notwithstanding any increase in the assessed value of property from the previous assessment date, **for taxes first due and payable in 2024**, the total amount of operating referendum tax that may be levied by a school corporation may not exceed the lesser of:

- (1) the maximum operating referendum tax that could ~~be have been~~ levied by the school corporation **if the maximum referendum rate was imposed** for taxes first due and payable in 2023 multiplied by one and three-hundredths (1.03); or
- (2) the maximum operating referendum tax that could otherwise be levied by the school corporation for taxes first due and payable in 2024.

The tax rate for an operating referendum tax levy shall be decreased, if necessary, to comply with this limitation.

~~(c) This section expires July 1, 2025.~~

(d) Notwithstanding any increase in the assessed value of property from the previous assessment date, for taxes first due and payable in 2025 and subsequent years, the total amount of operating referendum tax that may be levied by a school corporation may not exceed the lesser of the following:

- (1) The maximum operating referendum tax that could have been levied by the school corporation if the maximum referendum rate was imposed for taxes first due and payable in the immediately preceding calendar year, as adjusted by this section, multiplied by the result determined under STEP SIX of the following formula:**

STEP ONE: Subtract:

- (i) the school corporation's spring count of ADM made in the calendar year preceding by five (5) years the calendar year in which the property taxes are first due and payable; from**
- (ii) the school corporation's spring count of ADM made in the immediately preceding calendar year.**



STEP TWO: Divide the STEP ONE result by four (4).

STEP THREE: Divide the STEP TWO result by the school corporation's spring count of ADM made in the calendar year preceding by five (5) years the calendar year in which the property taxes are first due and payable.

STEP FOUR: Add the STEP THREE result and one and three-hundredths (1.03).

STEP FIVE: Determine the greater of the STEP FOUR result or one (1).

STEP SIX: Determine the lesser of the STEP FIVE result or one and eight-hundredths (1.08).

(2) The maximum operating referendum tax that could otherwise be levied by the school corporation for taxes first due and payable in the current calendar year.

The tax rate for an operating referendum tax levy shall be decreased, if necessary, to comply with this limitation.

(e) The department of education shall provide to the department of local government finance each school corporation's applicable ADM counts as needed to make the determinations under this section."

Page 4, delete lines 1 through 25.

Page 5, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 7. IC 6-1.1-18.5-13, AS AMENDED BY P.L.174-2022, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

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

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

(B) One (1) or more of the immediately succeeding four (4)



calendar years.

(2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 or 25 of this chapter, as applicable, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than ~~one and two-hundredths (1.02)~~: **one and four-hundredths (1.04)**:

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

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

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

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

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

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

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 or 25 of this chapter, as applicable, based on the maximum levy growth quotient determined under section 2 of this chapter.

(3) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 or 25 of this chapter, as applicable, if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 or 25 of this chapter, as applicable, due to a natural disaster, an accident, or another unanticipated emergency.



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

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

(2) the sum of:

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

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

SECTION 8. IC 6-1.1-20-1.1, AS AMENDED BY P.L.236-2023, SECTION 35, AND AS AMENDED BY P.L.239-2023, SECTION 6, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 1.1. (a) As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

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

(A) debt service; or

(B) lease rentals;

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

(2) *Subject to subsection (b)*, a project that will not cost the political subdivision more than the lesser of the following:

(A) An amount equal to the following:

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

(ii) In the case of an ordinance or resolution adopted after



December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, five million dollars (\$5,000,000).

(iii) In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, an amount (as determined by the department of local government finance) equal to the result of the maximum levy growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the amount determined under this clause for the preceding calendar year.

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

(B) An amount equal to the following:

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

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

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

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

(5) A project that:

(A) is required by a court order holding that a federal law mandates the project; or

(B) is in response to a court order holding that:

(i) a federal law has been violated; and

(ii) the project is to address the deficiency or violation.

(6) A project that is in response to:

(A) a natural disaster;

(B) an accident; or

(C) an emergency;



in the political subdivision that makes a building or facility unavailable for its intended use.

(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:

(A) the bonds or lease for the project were issued or entered into before July 1, 2008; or

(B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.

(8) A project of the Little Calumet River basin development commission for which bonds are payable from special assessments collected under IC 14-13-2-18.6.

(9) A project for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation exclusively for or of:

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

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

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

(b) This subsection does not apply to a project for which a public hearing to issue bonds or enter into a lease has been conducted under IC 20-26-7-37 before July 1, 2023. If:

(1) a political subdivision's total debt service tax rate is more than forty cents (\$0.40) per one hundred dollars (\$100) of assessed value; and

(2) subsection (a)(1) and subsection (a)(3) through (a)(9) are not applicable;

the term includes any project to be financed by bonds or a lease, including a project that does not otherwise meet the threshold amount provided in subsection (a)(2). This subsection expires December 31, 2024. For purposes of this subsection, a political subdivision's total debt service tax rate does not include a tax rate imposed in a referendum debt service tax levy approved by voters.

SECTION 9. IC 6-1.1-20-3.1, AS AMENDED BY P.L.239-2023, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 3.1. (a) Subject to section 3.5(a)(1)(C) of this chapter, this section applies only to the following:

(1) A controlled project (as defined in section 1.1 of this chapter as in effect June 30, 2008) for which the proper officers of a political subdivision make a preliminary determination in the



manner described in subsection (b) before July 1, 2008.

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

- (A) is a controlled project;
- (B) will be used for any combination of kindergarten through grade 12; and
- (C) will not cost more than the lesser of the following:
 - (i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is ten million dollars (\$10,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the maximum levy growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the maximum levy growth quotient for the ensuing year under IC 6-1.1-18.5-2.
 - (ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one billion dollars (\$1,000,000,000), or ten million dollars (\$10,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one billion dollars (\$1,000,000,000).

(3) Any other controlled project that:

- (A) is not a controlled project described in subdivision (1) or



(2); and

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

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

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

(4) This subdivision does not apply to a project for which a public hearing to issue bonds or enter into a lease has been conducted under IC 20-26-7-37 before July 1, 2023. Any other controlled project if both of the following apply:

(A) The political subdivision's total debt service tax rate is more than forty cents (\$0.40) per one hundred dollars (\$100)



of assessed value, but less than eighty cents (\$0.80) per one hundred dollars (\$100) of assessed value.

(B) The controlled project is not otherwise described in section 3.5(a)(1) of this chapter.

~~This subdivision expires December 31, 2024. For purposes of this subdivision, a political subdivision's total debt service tax rate does not include a tax rate imposed in a referendum debt service tax levy approved by voters.~~

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

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

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

(B) The result of:

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

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

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

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



- (A) publication in accordance with IC 5-3-1; and
 - (B) first class mail to the circuit court clerk and to the organizations described in subdivision (1).
- (3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease for a controlled project must include the following information:
- (A) The maximum term of the bonds or lease.
 - (B) The maximum principal amount of the bonds or the maximum lease rental for the lease.
 - (C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
 - (D) The purpose of the bonds or lease.
 - (E) A statement that any owners of property within the political subdivision or registered voters residing within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.
 - (F) With respect to bonds issued or a lease entered into to open:
 - (i) a new school facility; or
 - (ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;
 the estimated costs the school corporation expects to incur annually to operate the facility.
 - (G) A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16 (repealed) before January 1, 2009) for an increased maximum permissible tuition support levy to pay the estimated costs described in clause (F).
 - (H) The following information:
 - (i) The political subdivision's current debt service levy and rate.
 - (ii) The estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.
 - (iii) The estimated amount of the political subdivision's debt service levy and rate that will result during the following ten (10) years if the political subdivision issues the bonds or



enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period on account of any outstanding bonds or lease obligations that will mature or terminate during that period.

(I) The information specified in subdivision (1)(A) through (1)(B).

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

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

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

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

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

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

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

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

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



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

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

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

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

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

(9) The county voter registration office, not more than ten (10) business days after determining that at least five hundred twenty-five (525) persons who signed the petition are registered voters or receiving the statement from the county auditor under subdivision (8), as applicable, shall make the final determination of the number of petitioners that are registered voters in the political subdivision and, based on the statement provided by the county auditor, the number of petitioners that own property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the



individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property, or a combination of those types of property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

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

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

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

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

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

(c) A political subdivision may not divide a controlled project in



order to avoid the requirements of this section and section 3.2 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision gives notice of the political subdivision's decision to issue bonds or enter into leases for a capital project that the person believes is the result of a division of a controlled project that is prohibited by this subsection. If the department of local government finance receives a petition under this subsection, the department shall not later than thirty (30) days after receiving the petition make a final determination on the issue of whether the political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter. If the department of local government finance determines that a political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter and the political subdivision continues to desire to proceed with the project, the political subdivision shall fulfill the requirements of this section and section 3.2 of this chapter, if applicable, regardless of the cost of the project in dispute. A political subdivision shall be considered to have divided a capital project in order to avoid the requirements of this section and section 3.2 of this chapter if the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. This subsection does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

SECTION 10. IC 6-1.1-20-3.5, AS AMENDED BY P.L.239-2023, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 3.5. (a) This section applies only to a controlled project that meets the following conditions:

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

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



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

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

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

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is twelve million dollars (\$12,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary



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

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

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

- (i) the cost of that controlled project; plus
- (ii) the costs of all other controlled projects for which the political subdivision has previously adopted within the preceding three hundred sixty-five (365) days an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for those other controlled projects;

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

(D) This clause does not apply to a project for which a public hearing to issue bonds or enter into a lease has been conducted under IC 20-26-7-37 before July 1, 2023. Except as provided in section 4.5 of this chapter, any other controlled project if the



political subdivision's total debt service tax rate is at least eighty cents (\$0.80) per one hundred dollars (\$100) of assessed value. ~~This clause expires December 31, 2024.~~ **For purposes of this clause, a political subdivision's total debt service tax rate does not include a tax rate imposed in a referendum debt service tax levy approved by voters.**

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

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

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

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

(B) The result of:

- (i) the sum of the political subdivision's outstanding long term debt plus the outstanding long term debt of other taxing units that include any of the territory of the political subdivision; divided by
- (ii) the net assessed value of taxable property within the political subdivision.

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

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



officers shall give notice of the preliminary determination by:

- (A) publication in accordance with IC 5-3-1; and
 - (B) first class mail to the circuit court clerk and to the organizations described in subdivision (1).
- (3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:
- (A) The maximum term of the bonds or lease.
 - (B) The maximum principal amount of the bonds or the maximum lease rental for the lease.
 - (C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
 - (D) The purpose of the bonds or lease.
 - (E) A statement that the proposed debt service or lease payments must be approved in an election on a local public question held under section 3.6 of this chapter.
 - (F) With respect to bonds issued or a lease entered into to open:
 - (i) a new school facility; or
 - (ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;
 the estimated costs the school corporation expects to annually incur to operate the facility.
 - (G) The following information:
 - (i) The political subdivision's current debt service levy and rate.
 - (ii) The estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.
 - (iii) The estimated amount of the political subdivision's debt service levy and rate that will result during the following ten (10) years if the political subdivision issues the bonds or enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period on account of any outstanding bonds or lease obligations that will mature or terminate during that period.
 - (H) The information specified in subdivision (1)(A) through (1)(B).
- (4) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. After notice is given, a petition requesting the application of the local



public question process under section 3.6 of this chapter may be filed by the lesser of:

- (A) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or
- (B) five percent (5%) of the registered voters residing within the political subdivision.

(5) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

- (A) the carrier and signers must be owners of property or registered voters;
- (B) the carrier must be a signatory on at least one (1) petition;
- (C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and
- (D) govern the closing date for the petition period.

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

(6) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts



before the petition is filed with the county voter registration office under subdivision (7).

(7) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least five hundred twenty-five (525) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least five hundred twenty-five (525) persons who signed the petition are registered voters, the county voter registration office, not more than fifteen (15) business days after receiving a petition, shall forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

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

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

(9) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. The county voter registration office, not more than ten (10) business days after determining that at least five hundred twenty-five (525) persons who signed the petition are registered voters or after receiving the statement from the county auditor under subdivision (8), as applicable, shall make the final determination of whether a sufficient number of persons have signed the petition. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter



registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular referendum process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property or a combination of those types of property within the political subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. The county voter registration office must file a certificate and each petition with:

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

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

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

(11) This subdivision does not apply to a controlled project described in subsection (a)(1)(D). ~~(before its expiration)~~. If a



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

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

- (1) a copy of the notice required by subsection (b)(2); and
- (2) any other information the county auditor requires to fulfill the county auditor's duties under section 3.6 of this chapter.

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

- (1) threat assessment of the buildings within the school corporation; or
- (2) school safety plan (as described in IC 20-26-18.2-2(b));

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

(e) In addition to the other procedures in this section, an ordinance or resolution making a preliminary determination to issue bonds or enter into leases that is considered for adoption must include a statement of:

- (1) the maximum annual debt service for the controlled project for each year in which the debt service will be paid; and
- (2) the schedule of the estimated annual tax levy and rate over a ten (10) year period;

factoring in changes that will occur to the debt service levy and tax rate during the period on account of any outstanding bonds or lease obligations that will mature or terminate during the period.

SECTION 11. IC 6-1.1-20-3.6, AS AMENDED BY P.L.239-2023, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.

(b) In the case of a controlled project:

- (1) described in section 3.5(a)(1)(A) through 3.5(a)(1)(C) of this



chapter, if a sufficient petition requesting the application of the local public question process has been filed as set forth in section 3.5 of this chapter; or

(2) described in section 3.5(a)(1)(D) of this chapter; ~~(before its expiration);~~

a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project unless the political subdivision's proposed debt service or lease rental is approved in an election on a local public question held under this section.

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

"Shall _____ (insert the name of the political subdivision) increase property taxes paid to the _____ (insert the type of taxing unit) by homeowners and businesses? If this public question is approved by the voters, the average property tax paid to the _____ (insert the type of taxing unit) per year on a residence would increase by _____% (insert the estimated average percentage of property tax increase paid to the political subdivision on a residence within the political subdivision as determined under subsection (n)) and the average property tax paid to the _____ (insert the type of taxing unit) per year on a business property would increase by _____% (insert the estimated average percentage of property tax increase paid to the political subdivision on a business property within the political subdivision as determined under subsection (o)). The political subdivision may issue bonds or enter into a lease to _____ (insert a brief description of the controlled project), which is estimated to cost _____ (insert the total cost of the project) over _____ (insert number of years to bond maturity or termination of lease) years. The most recent property tax referendum within the boundaries of the political subdivision for which this public question is being considered was proposed by _____ (insert name of political subdivision) in _____ (insert year of most recent property tax referendum) and _____ (insert whether the measure passed or failed).".

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



form approved by the county election board may differ from the language certified to the county election board by the county auditor. If the county election board approves the language of a public question under this subsection, the county election board shall submit the language and the certification of the county auditor described in subsection (p) to the department of local government finance for review.

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

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

- (1) seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or
- (2) August 1 if the public question is to be placed on the general or municipal election ballot.

Subject to the certification requirements and deadlines under this



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

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

- (1) The county auditor of each county in which the political subdivision is located.
- (2) The department of local government finance.

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

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

- (1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.
- (2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than:

- (A) except as provided in clause (B), seven hundred (700) days after the date of the public question; or
- (B) three hundred fifty (350) days after the date of the election, if a petition that meets the requirements of subsection (m) is submitted to the county auditor.

(i) IC 3, to the extent not inconsistent with this section, applies to an



election held under this section.

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

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



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

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

- (1) The cost per square foot of any buildings being constructed as part of the controlled project.
- (2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.
- (3) The maximum term of the bonds or lease.
- (4) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- (5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
- (6) The purpose of the bonds or lease.
- (7) In the case of a controlled project proposed by a school corporation:
 - (A) the current and proposed square footage of school building space per student;
 - (B) enrollment patterns within the school corporation; and
 - (C) the age and condition of the current school facilities.
- (m) If a majority of the eligible voters voting on the public question



vote in opposition to the public question, a petition may be submitted to the county auditor to request that the limit under subsection (h)(2)(B) apply to the holding of a subsequent public question by the political subdivision. If such a petition is submitted to the county auditor and is signed by the lesser of:

- (1) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or
- (2) five percent (5%) of the registered voters residing within the political subdivision;

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

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

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

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

- (A) an amount for the homestead standard deduction under IC 6-1.1-12-37 as if the homestead described in STEP ONE was eligible for the deduction; and
- (B) an amount for the supplemental homestead deduction under IC 6-1.1-12-37.5 as if the homestead described in STEP ONE was eligible for the deduction;

from the result of STEP ONE.

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

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

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

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



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

STEP SIX: Determine the amount of the political subdivision's part of the result determined in STEP FIVE.

STEP SEVEN: Determine the estimated tax rate that will be imposed if the public question is approved by the voters.

STEP EIGHT: Multiply the result of STEP SEVEN by the result of STEP THREE.

STEP NINE: Divide the result of STEP EIGHT by the result of STEP SIX, expressed as a percentage.

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

STEP ONE: Determine the average assessed value of business property located within the political subdivision.

STEP TWO: Divide the result of STEP ONE by one hundred (100).

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

STEP FOUR: For purposes of determining net property tax liability of the average business property located within the political subdivision:

(A) multiply the result of STEP TWO by the result of STEP THREE; and

(B) as appropriate, apply any currently applicable county property tax credit rates and the credit for excessive property taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage was three percent (3%).

STEP FIVE: Determine the amount of the political subdivision's part of the result determined in STEP FOUR.

STEP SIX: Determine the estimated tax rate that will be imposed if the public question is approved by the voters.

STEP SEVEN: Multiply the result of STEP TWO by the result of STEP SIX.

STEP EIGHT: Divide the result of STEP SEVEN by the result of STEP FIVE, expressed as a percentage.



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

SECTION 12. IC 6-1.1-20-4.5, AS ADDED BY P.L.239-2023, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 4.5. (a) As used in this section, "maintenance emergency" refers to a response to a condition that is not otherwise subject to the application of section 1.1(a)(6) of this chapter and includes:

- (1) repair of a boiler or chiller system;
- (2) roof repair;
- (3) storm damage repair; or
- (4) any other repair that the department determines is a maintenance emergency for which waiver of the application of section 3.5(a)(1)(D) of this chapter ~~(before its expiration)~~ is warranted.

(b) A political subdivision may submit a request to the department to waive the application of section 3.5(a)(1)(D) of this chapter, ~~(before its expiration)~~, if the proposed controlled project of the political subdivision is to address a maintenance emergency with respect to a building owned or leased by the political subdivision.

(c) The department shall require the political subdivision to submit any information that the department considers necessary to determine whether the condition that the political subdivision contends is a maintenance emergency.

(d) The department shall review a request and issue a determination not later than forty-five (45) days after the department receives a request under this section determining whether the condition that the political subdivision contends is a maintenance emergency is sufficient to waive the application of section 3.5(a)(1)(D) of this chapter. ~~(before its expiration)~~. If the department determines that the condition is a maintenance emergency then section 3.5(a)(1)(D) of this chapter



~~(before its expiration)~~ is waived and does not apply to the proposed controlled project.

(e) A waiver of the application of section 3.5(a)(1)(D) of this chapter ~~(before its expiration)~~ in accordance with this section may not be construed as a waiver of any other requirement of this chapter with respect to the proposed controlled project.

~~(f) This section expires December 31, 2024.~~

SECTION 13. IC 6-1.1-39-3, AS AMENDED BY P.L.257-2019, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The fiscal body shall publish notice of the adoption and substance of the ordinance in accordance with IC 5-3-1 after:

- (1) the adoption of the ordinance under section 2 of this chapter; and
- (2) the fiscal body receives preliminary certification from the Indiana economic development corporation under section 2.5 of this chapter that the proposed industrial development project qualifies as a qualified industrial development project and that there is a reasonable likelihood that a loan from the industrial development fund will be approved under IC 5-28-9-12.

The notice must state the general boundaries of the area designated as an economic development district and must state that written remonstrances may be filed with the fiscal body until the time designated for the hearing. The notice must also name the place, date, and time when the fiscal body will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed economic development district designation and will determine the public utility and benefit of the proposed economic development district designation. All persons affected in any manner by the hearing, including all taxpayers of the economic development district, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, adjournments, and orders of the fiscal body affecting the economic development district if the fiscal body gives the notice required by this section.

(b) A copy of the notice of the hearing shall be filed with the office of the unit's plan commission, board of zoning appeals, works board, park board, building commissioner, and any other departments, bodies, or officers of the unit having to do with unit planning, variances from zoning ordinances, land use, or the issuance of building permits.

(c) At the hearing, which may be recessed and reconvened from time to time, the fiscal body shall hear all persons interested in the proceedings and shall consider all written remonstrances and



objections that have been filed. After considering the evidence presented, the fiscal body shall take final action determining the public utility and benefit of the proposed economic development district designation and confirming, modifying and confirming, or rescinding the ordinance. The final action taken by the fiscal body shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by section 4 of this chapter.

(d) If the fiscal body confirms, or modifies and confirms, the ordinance, the fiscal body shall file a copy of the ordinance with both the auditor of the county in which the unit is located and the department, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, within thirty (30) days after the date on which the fiscal body takes final action on the ordinance.

(e) A fiscal body is prohibited from removing a parcel of real property from an existing economic development district or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the economic development district or tax increment financing district during the life of the economic development district or tax increment financing district.

SECTION 14. IC 6-1.1-39-5, AS AMENDED BY P.L.257-2019, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) A declaratory ordinance adopted under section 2 of this chapter and confirmed under section 3 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. The allocation provision must apply to the entire economic development district. The allocation provisions must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the economic development district be allocated and distributed as follows:

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

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

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units. However, if the effective date of the allocation provision of a declaratory ordinance is after March 1,



1985, and before January 1, 1986, and if an improvement to property was partially completed on March 1, 1985, the unit may provide in the declaratory ordinance that the taxes attributable to the assessed value of the property as finally determined for March 1, 1984, shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, part or all of the property tax proceeds in excess of those described in subdivision (1), as specified in the declaratory ordinance, shall be allocated to the unit for the economic development district and, when collected, paid into a special fund established by the unit for that economic development district that may be used only to pay the principal of and interest on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district. The amount not paid into the special fund shall be paid to the respective units in the manner prescribed by subdivision (1).

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

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

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the economic development district that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory ordinance is the lesser of:

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

(d) Notwithstanding any other law, each assessor shall, upon petition of the fiscal body, reassess the taxable property situated upon or in, or added to, the economic development district effective on the next assessment date after the petition.



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

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

(f) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each reassessment of a group of parcels under a reassessment plan prepared under IC 6-1.1-4-4.2 the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment on the property tax proceeds allocated to the district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1.

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

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

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

(h) As used in this section, "base assessed value" means, subject to subsection (i):

- (1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (f); plus
- (2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance,



within the economic development district, as finally determined for the current assessment date.

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

(i) If a fiscal body confirms, or modifies and confirms, an ordinance under section 3 of this chapter and the fiscal body makes either of the filings required under section 3(d) of this chapter after the first anniversary of the effective date of the allocation provision in the ordinance, the auditor of the county in which the unit is located shall compute the base assessed value for the allocation area using the assessment date immediately preceding the later of:

- (1) the date on which the documents are filed with the county auditor; or
- (2) the date on which the documents are filed with the department.

(j) A fiscal body is prohibited from removing a parcel of real property from an existing economic development district or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the economic development district or tax increment financing district during the life of the economic development district or tax increment financing district.

SECTION 15. IC 6-1.1-49-10, AS ADDED BY P.L.95-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 10. (a) If an individual who is receiving the credit provided by this chapter:

- (1) knows or should have known that the individual does not qualify for the credit under this chapter; or
- (2) changes the use of the individual's property so that part or all of the property no longer qualifies for the credit under this chapter;

the individual must file a certified statement with the county auditor, notifying the county auditor that subdivision (1) or (2) applies, not more than sixty (60) days after the date subdivision (1) or (2) first applies.

(b) An individual who fails to file the statement required by this section is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this section, plus a civil penalty equal to ten percent (10%) of the additional taxes due. The additional taxes owed plus the civil penalty become part of the property tax liability for purposes of this article.



(c) The civil penalty imposed under this section is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this section shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under ~~IC 6-1.1-12-37(i)~~ **IC 6-1.1-12-37(j)** and, to the extent there is money remaining, for any other purposes of the department.

SECTION 16. IC 8-22-3.5-6, AS AMENDED BY P.L.257-2019, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) After adoption of the resolution under section 5 of this chapter, the commission shall:

- (1) publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1; and
- (2) file the following information with each taxing unit that has authority to levy property taxes in the geographic area where the airport development zone is located:
 - (A) A copy of the notice required by subdivision (1).
 - (B) A statement disclosing the impact of the airport development zone, including the following:
 - (i) The estimated economic benefits and costs incurred by the airport development zone, as measured by increased employment and anticipated growth of real property assessed values.
 - (ii) The anticipated impact on tax revenues of each taxing unit.

The notice must state the general boundaries of the area designated as an airport development zone and must state that written remonstrances may be filed with the commission until the time designated for the hearing. The notice must also name the place, date, and time when the commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed airport development zone designation and will determine the public utility and benefit of the proposed airport development zone designation. The commission shall file the information required by subdivision (2) with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date of the public hearing. All persons affected in any manner by the hearing, including all taxpayers within the taxing district of the airport authority, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, adjournments, and orders of the commission affecting the airport



development zone if the commission gives the notice required by this section.

(b) At the hearing, which may be recessed and reconvened from time to time, the commission shall hear all persons interested in the proceedings and shall consider all written remonstrances and objections that have been filed. After considering the evidence presented, the commission shall take final action determining the public utility and benefit of the proposed airport development zone designation and confirming, modifying and confirming, or rescinding the resolution. The final action taken by the commission shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by section 7 of this chapter.

(c) If the commission confirms, or modifies and confirms, the resolution, the commission shall file a copy of the resolution with both the auditor of the county in which the airport development zone is located and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the airport development zone, within thirty (30) days after the date on which the commission takes final action on the resolution.

(d) A commission is prohibited from removing a parcel of real property from an existing airport development zone or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the airport development zone or tax increment financing district during the life of the airport development zone or tax increment financing district.

SECTION 17. IC 8-22-3.5-9, AS AMENDED BY P.L.174-2022, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) As used in this section, "base assessed value" means, subject to subsection (k):

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

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



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

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

(c) The allocation provision must:

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

(d) Except as otherwise provided in this section:

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

- (A) the assessed value of the tangible property for the assessment date with respect to which the allocation and distribution is made; or
- (B) the base assessed value;

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

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

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

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



shall be allocated to a debt service fund and dedicated to the payment of principal and interest on revenue bonds or a loan contract of the board of aviation commissioners or airport authority for a qualified airport development project, to the payment of leases for a qualified airport development project, or to the payment of principal and interest on bonds issued by an eligible entity to pay for qualified airport development projects in the airport development zone or serving the airport development zone.

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

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

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

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

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

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

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

(g) When money in the debt service fund and in the project fund is sufficient to pay all outstanding principal and interest (to the earliest date on which the obligations can be redeemed) on revenue bonds



issued by the board of aviation commissioners or airport authority for the financing of qualified airport development projects, all lease rentals payable on leases of qualified airport development projects, and all costs and expenditures associated with all qualified airport development projects, money in the debt service fund and in the project fund in excess of those amounts shall be paid to the respective taxing units in the manner prescribed by subsection (d)(1).

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

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

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

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

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

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

(l) For an airport development zone established after June 30, 2024, "residential property" refers to the assessed value of property that is allocated to the one percent (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 under IC 6-3.6-5-6(d)(3).

(m) A commission is prohibited from removing a parcel of real



property from an existing airport development zone or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the airport development zone or tax increment financing district during the life of the airport development zone or tax increment financing district.

SECTION 18. IC 20-26-12-1, AS AMENDED BY P.L.201-2023, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b) but notwithstanding any other law, each governing body of a school corporation and each organizer of a charter school shall purchase from a publisher, either individually or through a purchasing cooperative of school corporations, as applicable, the curricular materials selected by the proper local officials, and shall provide at no cost the curricular materials to each student enrolled in the school corporation or charter school. Curricular materials provided to a student under this section remain the property of the governing body of the school corporation or organizer of the charter school.

(b) This section does not prohibit a governing body of a school corporation or an organizer of a charter school from assessing and collecting a reasonable fee for lost or significantly damaged curricular materials in accordance with rules established by the state board under subsection (c). Fees collected under this subsection must be deposited in the: ~~separate curricular materials account established under IC 20-40-22-9 for~~

(1) education fund of the school corporation; or

(2) education fund of the charter school, or, if the charter school does not have an education fund, the same fund into which state tuition support is deposited for the charter school;

in which the student was enrolled at the time the fee was imposed.

(c) The state board shall adopt rules under IC 4-22-2, including emergency rules in the manner provided in IC 4-22-2-37.1, to implement this section.

SECTION 19. IC 20-26-12-2, AS AMENDED BY P.L.201-2023, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) A governing body or an organizer of a charter school may purchase from a publisher any curricular material selected by the proper local officials. The governing body or the organizer of a charter school may not rent the curricular materials to students enrolled in any public school.

(b) A governing body may rent curricular materials to students enrolled in any nonpublic school that is located within the attendance



unit served by the governing body. An organizer of a charter school may rent curricular materials to students enrolled in any nonpublic school.

(c) A governing body or an organizer of a charter school may negotiate the rental rate for the curricular materials rented to any nonpublic school under subsection (b).

(d) A governing body shall collect and deposit the amounts received from the rental of curricular materials to a nonpublic school into the ~~curricular materials account, in accordance with IC 20-40-22-9, in equal amounts for each public school of the school corporation:~~ **school corporation's education fund.**

(e) An organizer of a charter school shall deposit all money received from the rental of curricular materials to a nonpublic school into the charter school's ~~curricular materials account described in IC 20-40-22-9:~~ **education fund, or, if the charter school does not have an education fund, the same fund into which state tuition support is deposited for the charter school.**

(f) This section does not limit other laws.

SECTION 20. IC 20-28-9-28, AS AMENDED BY P.L.246-2023, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 28. (a) **Subject to subsection (g),** for each school year in a state fiscal year beginning after June 30, 2023, a school corporation shall expend an amount for teacher compensation that is not less than an amount equal to sixty-two percent (62%) of the state tuition support distributed to the school corporation during the state fiscal year. For purposes of determining whether a school corporation has complied with this requirement, the amount a school corporation expends for teacher compensation shall include the amount the school corporation expends for adjunct teachers, supplemental pay for teachers, stipends, and for participating in a special education cooperative or an interlocal agreement or consortium that is directly attributable to the compensation of teachers employed by the cooperative or interlocal agreement or consortium. Teacher benefits include all benefit categories collected by the department for Form 9 purposes.

(b) If a school corporation determines that the school corporation cannot comply with the requirement under subsection (a) for a particular school year, the school corporation shall apply for a waiver from the department.

(c) The waiver application must include an explanation of the financial challenges, with detailed data, that preclude the school corporation from meeting the requirement under subsection (a) and



describe the cost saving measures taken by the school corporation in attempting to meet the requirement in subsection (a). The waiver may also include an explanation of an innovative or efficient approach in delivering instruction that is responsible for the school corporation being unable to meet the requirement under subsection (a).

(d) If, after review, the department determines that the school corporation has exhausted all reasonable efforts in attempting to meet the requirement in subsection (a), the department may grant the school corporation a one (1) year exception from the requirement.

(e) A school corporation that receives a waiver under this section shall work with the department to develop a plan to identify additional cost saving measures and any other steps that may be taken to allow the school corporation to meet the requirement under subsection (a).

(f) A school corporation may not receive more than three (3) waivers under this section.

(g) For purposes of determining whether a school corporation has complied with the requirement in subsection (a), distributions from the curricular materials fund established by IC 20-40-22-5 that are deposited in a school corporation's education fund in a state fiscal year are not considered to be state tuition support distributed to the school corporation during the state fiscal year.

(g) (h) Before November 1, 2022, and before November 1 of each year thereafter, the department shall submit a report to the legislative council in an electronic format under IC 5-14-6 and the state budget committee that contains information as to:

- (1) the percent and amount that each school corporation expended and the statewide total expended for teacher compensation;
- (2) the percent and amount that each school corporation expended and statewide total expended for teacher benefits, including health, dental, life insurance, and pension benefits;
- (3) whether the school corporation met the requirement set forth in subsection (a); and
- (4) whether the school corporation received a waiver under subsection (d).

SECTION 21. IC 20-40-2-3, AS AMENDED BY P.L.244-2017, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. Distributions of:

- (1) tuition support; **and**
- (2) **money for curricular materials;**

shall be received in the education fund.

SECTION 22. IC 20-40-2-4, AS AMENDED BY P.L.201-2023, SECTION 182, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2024]: Sec. 4. Except as provided in IC 36-1-8-5.1 (school corporation rainy day fund), the education fund of the school corporation or, if applicable, a charter school, shall be used only to pay for expenses:

- (1) allocated to student instruction and learning under IC 20-42.5;
- and**

- (2) related to the cost of providing curricular materials.**

The fund may not be used to pay directly any expenses that are not allocated to student instruction and learning under IC 20-42.5, **are not expenses related to the cost of providing curricular materials**, or expenses permitted to be paid from the school corporation's or charter school's operations fund.

SECTION 23. IC 20-40-2-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 5.5. The department may take action, including the establishment of an account code, to track expenditures of money distributed for curricular materials.**

SECTION 24. IC 20-40-2-6, AS AMENDED BY P.L.201-2023, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) Each school corporation and, if applicable, charter school, shall make every reasonable effort to transfer not more than fifteen percent (15%) of the total revenue deposited in the school corporation's or, if applicable, charter school's, education fund from the school corporation's or, if applicable, charter school's, education fund to the school corporation's or, if applicable, charter school's, operations fund during a calendar year.

(b) Only after the transfer is authorized by the governing body in a public meeting with public notice, money in the education fund may be transferred to the operations fund to cover expenditures that are not allocated to student instruction and learning under IC 20-42.5 **or related to the cost of providing curricular materials**. The amount transferred from the education fund to the operations fund shall be reported by the school corporation or, if applicable, charter school, to the department. The transfers made during the:

- (1) first six (6) months of each state fiscal year shall be reported before January 31 of the following year; and
- (2) last six (6) months of each state fiscal year shall be reported before July 31 of that year.

(c) The report must include information as required by the department and in the form required by the department.

(d) The department must post the report submitted under subsection (b) on the department's website.



(e) Beginning in 2020, the department shall track for each school corporation or, if applicable, charter school, transfers from the school corporation's or, if applicable, charter school's, education fund to its operations fund for the preceding six (6) month period. Beginning in 2021, before March 1 of each year, the department shall compile an excessive education fund transfer list comprised of all school corporations or, if applicable, charter schools, that transferred more than fifteen percent (15%) of the total revenue deposited in the school corporation's or, if applicable, charter school's, education fund from the school corporation's or, if applicable, charter school's, education fund to the school corporation's or, if applicable, charter school's, operations fund during the immediately preceding calendar year. A school corporation or, if applicable, charter school, that is not included on the excessive education fund transfer list is considered to have met the education fund transfer target percentage for the immediately preceding calendar year.

SECTION 25. IC 20-40-2-7, AS ADDED BY P.L.244-2017, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) On January 1, 2019, the balance, as of December 31, 2018, in the school corporation's general fund shall be transferred to the education fund.

(b) Before March 1, 2019, the governing body of a school corporation may transfer to the school corporation's operations fund, from the amounts transferred from the school corporation's general fund under subsection (a), any amounts that are not allocated to student instruction and learning under IC 20-42.5 **or related to the cost of providing curricular materials**. A school corporation may make a transfer under this section only after complying with section 6 of this chapter, including the requirements for public notice and a public hearing.

SECTION 26. IC 20-40-22-9 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 9: Each public school shall establish a separate curricular materials account for the purpose of receiving distributions under this chapter; amounts received from the rental of curricular materials to nonpublic schools; and fees collected under IC 20-26-12-1(b) for lost or significantly damaged curricular materials. A public school that receives a distribution of money from the curricular materials fund under this chapter shall deposit the distributed amount in the public school's curricular materials account. Money in the account may be used only for the costs of curricular materials.~~

SECTION 27. IC 20-40-22-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2024]: **Sec. 10. (a) A school maintained by a school corporation that receives a distribution of money from the curricular materials fund under this chapter shall deposit the amount in the education fund of the school corporation that maintains the school. A charter school that receives a distribution of money from the curricular materials fund under this chapter shall deposit the amount in the charter school's education fund, or, if the charter school does not have an education fund, in the same fund into which state tuition support is deposited for the charter school.**

(b) Money received from the curricular materials fund under this chapter by a public school may be used only for the costs of curricular materials.

(c) The department may take action, including the establishment of an account code for the funds into which distributions are deposited under this section, to track expenditures of money distributed for curricular materials.

SECTION 28. IC 36-7-14-17.5, AS AMENDED BY P.L.146-2008, SECTION 729, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 17.5. (a)** In addition to the requirements of section 17 of this chapter, if the resolution or plan for an existing redevelopment project area is proposed to be amended in a way that changes:

- (1) parts of the area that are to be devoted to a public way, levee, sewerage, park, playground, or other public purposes;
 - (2) the proposed use of the land in the area; or
 - (3) requirements for rehabilitation, building requirements, proposed zoning, maximum densities, or similar requirements;
- the commission must, at least ten (10) days before the public hearing under section 17 of this chapter, send the notice required by section 17 of this chapter by first class mail to affected neighborhood associations.

(b) In addition to the requirements of section 17 of this chapter, if the resolution or plan for an existing redevelopment project area is proposed to be amended in a way that:

- (1) enlarges the boundaries of the area; or
- (2) adds one (1) or more parcels to the list of parcels to be acquired;

the commission must, at least ten (10) days before the public hearing under section 17 of this chapter, send the notice required by section 17 of this chapter by first class mail to affected neighborhood associations and to persons owning property that is in the proposed enlargement of the area or that is proposed to be added to the acquisition list. If the



enlargement of an area is proposed, notice must also be filed in accordance with section 17(b) of this chapter, and agencies and officers may not take actions prohibited by section 17(b) of this chapter in the proposed enlarged area.

(c) The commission may require that neighborhood associations register with the commission. The commission may adopt a rule that requires that a neighborhood association encompass a part of the geographic area included in or proposed to be included in a redevelopment project area, urban renewal area, or economic development area to qualify as an affected neighborhood association.

(d) A commission is prohibited from removing a parcel of real property from an existing redevelopment project area or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the redevelopment project area or tax increment financing district during the life of the redevelopment project area or tax increment financing district."

Page 16, between lines 13 and 14, begin a new paragraph and insert:
 "SECTION 30. IC 36-7-15.1-10.5, AS AMENDED BY P.L.146-2008, SECTION 748, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10.5. (a) In addition to the requirements of section 10 of this chapter, if the resolution or plan for an existing redevelopment project area or urban renewal area is proposed to be amended in a way that changes:

- (1) parts of the area that are to be devoted to a public way, levee, sewerage, park, playground, or other public purpose;
- (2) the proposed use of the land in the area; or
- (3) requirements for rehabilitation, building requirements, proposed zoning, maximum densities, or similar requirements;

the commission must, at least ten (10) days before the public hearing under section 10 of this chapter, send the notice required by section 10 of this chapter by first class mail to affected neighborhood associations.

(b) In addition to the requirements of section 10 of this chapter, if the resolution or plan for an existing redevelopment project area or urban renewal area is proposed to be amended in a way that:

- (1) enlarges the boundaries of the area; or
- (2) adds one (1) or more parcels to the list of parcels to be acquired;

the commission must, at least ten (10) days before the public hearing under section 10 of this chapter, send the notice required by section 10 of this chapter by first class mail to affected neighborhood associations and to persons owning property that is in the proposed enlargement of



the area or that is proposed to be added to the acquisition list. If the enlargement of an area is proposed, notice must also be filed in accordance with section 10(b) of this chapter, and agencies and officers may not take actions prohibited by section 10(b) in the proposed enlarged area.

(c) The commission may require that neighborhood associations register with the commission. The commission may adopt a rule that requires that a neighborhood association encompass a part of the geographic area included in or proposed to be included in a redevelopment project area, urban renewal area, or economic development area to qualify as an affected neighborhood association.

(d) A commission is prohibited from removing a parcel of real property from an existing redevelopment project area or urban renewal area or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the redevelopment project area, urban renewal area, or tax increment financing district during the life of the redevelopment project area, urban renewal area, or tax increment financing district.

SECTION 31. IC 36-7-30-13, AS AMENDED BY P.L.257-2019, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. (a) The reuse authority must conduct a public hearing before amending a resolution or plan for a military base reuse area. The reuse authority shall give notice of the hearing in accordance with IC 5-3-1. The notice must do the following:

- (1) Set forth the substance of the proposed amendment.
- (2) State the time and place where written remonstrances against the proposed amendment may be filed.
- (3) Set forth the time and place of the hearing.
- (4) State that the reuse authority will hear any person who has filed a written remonstrance during the filing period set forth in subdivision (2).

(b) For the purposes of this section, the consolidation of areas is not considered the enlargement of the boundaries of an area.

(c) If the reuse authority proposes to amend a resolution or plan, the military base reuse authority is not required to have evidence or make findings that were required for the establishment of the original military base reuse area. However, the reuse authority must make the following findings before approving the amendment:

- (1) The amendment is reasonable and appropriate when considered in relation to the original resolution or plan and the purposes of this chapter.



(2) The resolution or plan, with the proposed amendment, conforms to the comprehensive plan for the unit.

(d) Notwithstanding subsections (a) and (c), if the resolution or plan is proposed to be amended in a way that enlarges the original boundaries of the area by more than twenty percent (20%), the reuse authority must use the procedure provided for the original establishment of areas and must comply with sections 10 through 12 of this chapter.

(e) At the hearing on the amendments, the reuse authority shall consider written remonstrances that are filed. The action of the reuse authority on the amendment is final and conclusive, except that an appeal of the reuse authority's action may be taken under section 14 of this chapter.

(f) If the reuse authority confirms, or modifies and confirms, the resolution and the resolution includes a provision establishing or amending an allocation provision under section 25 of this chapter, the reuse authority shall file a copy of the resolution with both the auditor of the county in which the proposed project is located and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, within thirty (30) days after the date on which the reuse authority takes final action on the resolution.

(g) A reuse authority is prohibited from removing a parcel of real property from an existing military base reuse area or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the military base reuse area or tax increment financing district during the life of the military base reuse area or tax increment financing district.

SECTION 32. IC 36-7-30.5-18, AS AMENDED BY P.L.257-2019, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) The development authority must conduct a public hearing before amending a resolution or plan for a military base development area. The development authority shall give notice of the hearing in accordance with IC 5-3-1. The notice must do the following:

- (1) Set forth the substance of the proposed amendment.
- (2) State the time and place where written remonstrances against the proposed amendment may be filed.
- (3) Set forth the date, time, and place of the hearing.
- (4) State that the development authority will hear any person who has filed a written remonstrance during the filing period set forth



in subdivision (2).

(b) For the purposes of this section, the consolidation of areas is not considered the enlargement of the boundaries of an area.

(c) If the development authority proposes to amend a resolution or plan, the development authority is not required to have evidence or make findings that were required for the establishment of the original military base development area. However, the development authority must make the following findings before approving the amendment:

(1) The amendment is reasonable and appropriate when considered in relation to the original resolution or plan and the purposes of this chapter.

(2) The resolution or plan, with the proposed amendment, conforms to the comprehensive plan for an affected unit.

(d) Notwithstanding subsections (a) and (c), if the resolution or plan is proposed to be amended in a way that enlarges the original boundaries of the area by more than twenty percent (20%), the development authority must use the procedure provided for the original establishment of areas and must comply with sections 16 through 17 of this chapter.

(e) At the hearing on the amendments, the development authority shall consider written remonstrances that are filed. The action of the development authority on the amendment is final and conclusive, except that an appeal of the development authority's action may be taken under section 19 of this chapter.

(f) If the development authority confirms, or modifies and confirms, the resolution and the resolution includes a provision establishing or amending an allocation provision under section 30 of this chapter, the development authority shall file a copy of the resolution with both the auditor of the county in which the proposed project is located and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, within thirty (30) days after the date on which the development authority takes final action on the resolution.

(g) A development authority is prohibited from removing a parcel of real property from an existing military base development area or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the military base development area or tax increment financing district during the life of the military base development area or tax increment financing district.

SECTION 33. IC 36-7-32-15, AS AMENDED BY P.L.257-2019, SECTION 144, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2024]: Sec. 15. (a) Subject to the approval of the legislative body of the unit that established the redevelopment commission, the redevelopment commission may adopt a resolution designating a certified technology park as an allocation area for purposes of the allocation and distribution of property taxes.

(b) After adoption of the resolution under subsection (a), the redevelopment commission shall:

- (1) publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1; and
- (2) file the following information with each taxing unit that has authority to levy property taxes in the geographic area where the certified technology park is located:
 - (A) A copy of the notice required by subdivision (1).
 - (B) A statement disclosing the impact of the certified technology park, including the following:
 - (i) The estimated economic benefits and costs incurred by the certified technology park, as measured by increased employment and anticipated growth of real property assessed values.
 - (ii) The anticipated impact on tax revenues of each taxing unit.

The notice must state the general boundaries of the certified technology park and must state that written remonstrances may be filed with the redevelopment commission until the time designated for the hearing. The notice must also name the place, date, and time when the redevelopment commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed allocation area and will determine the public utility and benefit of the proposed allocation area. The commission shall file the information required by subdivision (2) with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date of the public hearing. All persons affected in any manner by the hearing, including all taxpayers within the taxing district of the redevelopment commission, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, adjournments, and orders of the redevelopment commission affecting the allocation area if the redevelopment commission gives the notice required by this section.

(c) At the hearing, which may be recessed and reconvened periodically, the redevelopment commission shall hear all persons interested in the proceedings and shall consider all written remonstrances and objections that have been filed. After considering



the evidence presented, the redevelopment commission shall take final action determining the public utility and benefit of the proposed allocation area confirming, modifying and confirming, or rescinding the resolution. The final action taken by the redevelopment commission shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by section 16 of this chapter.

(d) If the redevelopment commission confirms, or modifies and confirms, the resolution, the redevelopment commission shall file a copy of the resolution with both the auditor of the county in which the certified technology park is located and the department of local government finance, together with any supporting documents that are relevant to the computation of assessed values in the allocation area, within thirty (30) days after the date on which the redevelopment commission takes final action on the resolution.

(e) A redevelopment commission is prohibited from removing a parcel of real property from an existing certified technology park or an existing tax increment financing district, as applicable under this chapter, and subsequently adding the same parcel of real property back into the certified technology park or tax increment financing district during the life of the certified technology park or tax increment financing district."

Page 19, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 36. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "public school" has the meaning set forth in IC 20-40-22-4.

(b) Any balance in a public school's curricular materials account established under IC 20-40-22-9, as repealed by this act, shall be transferred to:

(1) in the case of a school maintained by a school corporation, the education fund of the school corporation that maintains the school; and

(2) in the case of a charter school, the education fund of the charter school, or, if the charter school does not have an education fund, the same fund into which state tuition support is deposited for the charter school;

on June 30, 2024.

(c) This SECTION expires July 1, 2024."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to HB 1120 as introduced.)

THOMPSON

Committee Vote: yeas 16, nays 8.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1120 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-12-10.1, AS AMENDED BY P.L.257-2019, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 10.1. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by section 9 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is located. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed, and dated, ~~in the immediately preceding calendar year~~ and filed with the county auditor on or before January ~~5~~ **15** of the calendar year in which the property taxes are first due and payable. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement referred to in subsection (a) shall be in affidavit form or require verification under penalties of perjury. The statement must be filed in duplicate if the applicant owns, or is buying under a contract, real property, a mobile home, or a manufactured home subject to assessment in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) the source and exact amount of gross income received by the individual and the individual's spouse during the preceding calendar year;
- (2) the description and assessed value of the real property, mobile home, or manufactured home;
- (3) the individual's full name and complete residence address;
- (4) the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on contract; and

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(5) any additional information which the department of local government finance may require.

(c) In order to substantiate the deduction statement, the applicant shall submit for inspection by the county auditor a copy of the applicant's and a copy of the applicant's spouse's income tax returns that were originally due in the calendar year immediately preceding the desired calendar year in which the property taxes are first due and payable and for which the applicant and the applicant's spouse desire to claim the deduction. If either was not required to file an income tax return, the applicant shall subscribe to that fact in the deduction statement.

SECTION 3. IC 6-1.1-12-12, AS AMENDED BY P.L.257-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 12. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the application must be completed, ~~and dated, in the immediately preceding calendar year~~ and filed with the county auditor on or before January ~~5~~ **15** of the calendar year in which the property taxes are first due and payable. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of the division of family resources or the division of disability and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home."

Page 4, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 5. IC 6-1.1-12-15, AS AMENDED BY P.L.156-2020, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2025]: Sec. 15. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by section 13 or 14 of this chapter must file a statement with the auditor of the county in which the individual resides. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed, ~~and dated, in the immediately preceding calendar year~~ and filed with the county auditor on or before January 5 15 of the calendar year in which the property taxes are first due and payable. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

- (1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;
- (2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or
- (3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section. If a deceased veteran's surviving spouse is claiming the deduction, the surviving spouse shall provide the documentation necessary to establish that at the time of death the deceased veteran satisfied the requirements of section 13(a)(1) through 13(a)(4) of this chapter, section 14(a)(1) through 14(a)(4) of this chapter, or section 14(b)(2) of this chapter, whichever applies.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 6. IC 6-1.1-12-17, AS AMENDED BY P.L.257-2019, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2025]: Sec. 17. Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, a surviving spouse who desires to claim the deduction provided by section 16 of this chapter must file a statement with the auditor of the county in which the surviving spouse resides. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed, ~~and dated, in the immediately preceding calendar year~~ and filed with the county auditor on or before January 5 ~~15~~ of the calendar year in which the property taxes are first due and payable. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain:

- (1) a sworn statement that the surviving spouse is entitled to the deduction; and
- (2) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property on a contract that provides that the individual is to pay property taxes on the real property.

In addition to the statement, the surviving spouse shall submit to the county auditor for the auditor's inspection a letter or certificate from the United States Department of Veterans Affairs establishing the service of the deceased spouse in the military or naval forces of the United States before November 12, 1918.

SECTION 7. IC 6-1.1-12-27.1, AS AMENDED BY P.L.257-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 27.1. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 26 or 26.1 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, manufactured home, or solar power device is subject to assessment. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the person must complete, ~~and date, the certified statement in the immediately preceding calendar year~~ and file the certified statement with the county auditor on or before January 5 ~~15~~ of the calendar year in which the property taxes are first due and payable. The person must:

- (1) own the real property, mobile home, or manufactured home or own the solar power device;
- (2) be buying the real property, mobile home, manufactured home, or solar power device under contract; or



- (3) be leasing the real property from the real property owner and be subject to assessment and property taxation with respect to the solar power device;

on the date the statement is filed under this section. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property, mobile home, manufactured home, or solar power device is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 8. IC 6-1.1-12-30, AS AMENDED BY P.L.257-2019, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 30. Except as provided in sections 36 and 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the person must complete, ~~and date, the statement in the immediately preceding calendar year~~ and file the statement with the county auditor on or before January 5 ~~15~~ of the calendar year in which the property taxes are first due and payable. The person must:

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

on the date the statement is filed under this section. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

SECTION 9. IC 6-1.1-12-35.5, AS AMENDED BY P.L.236-2023, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 35.5. (a) Except as provided in section 36 or 44 of this chapter and subject to section 45 of this chapter, a person who desires to claim the deduction provided by section 33 or 34 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance and proof of certification under subsection (b) with the auditor of the county in which the property for which the deduction is claimed is subject to



assessment. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the person must complete, ~~and date, the certified statement in the immediately preceding calendar year~~ and file the certified statement with the county auditor on or before January ~~5~~ **15** of the calendar year in which the property taxes are first due and payable. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

(b) The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 33 or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) If the department of environmental management receives an application for certification, the department shall determine whether the system or device qualifies for a deduction. If the department fails to make a determination under this subsection before December 31 of the year in which the application is received, the system or device is considered certified.

(d) A denial of a deduction claimed under section 33 or 34 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor county property tax assessment board of appeals, or department of local government finance.

(e) Notwithstanding any other law, if there is a change in ownership of real property, or a mobile home that is not assessed as real property:

(1) that is equipped with a geothermal energy heating or cooling device; and

(2) whose previous owner received a property tax deduction under section 34 of this chapter for the geothermal energy heating or cooling device prior to the change in ownership;

the new owner shall be eligible for the property tax deduction following the change in ownership and, in subsequent taxable years, shall not be required to obtain a determination of qualification from the department of environmental management under subsection (b) and shall not be



required to file a certified statement of qualification with the county auditor under subsection (a) to remain eligible for the property tax deduction."

Page 12, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 11. IC 6-1.1-12-38, AS AMENDED BY P.L.183-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 38. (a) A person is entitled to a deduction from the assessed value of the person's property in an amount equal to the difference between:

- (1) the assessed value of the person's property, including the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52; minus
- (2) the assessed value of the person's property, excluding the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52.

(b) To obtain the deduction under this section, a person must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is subject to assessment. In addition to the certified statement, the person must file a certification by the state chemist listing the improvements that were made to comply with the fertilizer storage rules adopted under IC 15-16-2-44 and the pesticide storage rules adopted by the state chemist under IC 15-16-4-52. Subject to section 45 of this chapter, the statement must be completed, ~~and dated, in the calendar year for which the person wishes to obtain the deduction, and the statement and certification must be~~ and filed with the county auditor on or before January 5 15 of the immediately succeeding calendar year. Upon the verification of the statement and certification by the assessor of the township in which the property is subject to assessment, or the county assessor if there is no township assessor for the township, the county auditor shall allow the deduction.

(c) The deduction provided by this section applies only if the person:

- (1) owns the property; or
- (2) is buying the property under contract;

on the assessment date for which the deduction applies."

Page 13, line 1, strike "that immediately succeeds the".

Page 13, line 2, strike "calendar year".



Page 13, between lines 18 and 19, begin a new paragraph and insert:
 "SECTION 13. IC 6-1.1-12-45, AS AMENDED BY P.L.174-2022,
 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JANUARY 1, 2025]: Sec. 45. (a) Subject to subsections (b) and (c), a
 deduction under this chapter applies for an assessment date and for the
 property taxes due and payable based on the assessment for that
 assessment date, regardless of whether with respect to the real property
 or mobile home or manufactured home not assessed as real property:

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

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

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

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

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

(2) one (1) or more contract purchasers under subsection (a)(2);
 file a statement under this chapter to claim the deduction.

(c) A deduction applies under subsection (a) for only one (1) year.
 The requirements of this chapter for filing a statement to apply for a
 deduction under this chapter apply to subsequent years. A person who
 fails to apply for a deduction or credit under this article by the
 deadlines prescribed by this article may not apply for the deduction or
 credit retroactively.

(d) If:

(1) a taxpayer wishes to claim a deduction under this chapter for
 a desired calendar year in which property taxes are first due and
 payable;

(2) the taxpayer files a statement under this chapter on or before
 January 5 15 of the calendar year in which the property taxes are
 first due and payable; and

(3) the eligibility criteria for the deduction are met;

the deduction applies for the desired calendar year in which the
 property taxes are first due and payable.

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

(f) Before a county auditor terminates a deduction under this article,
 the county auditor shall give to the person claiming the deduction
 written notice that states the county auditor's intention to terminate the
 deduction and the county auditor's reason for terminating the
 deduction. The county auditor may send the notice to the taxpayer



claiming the deduction by first class mail or by electronic mail. A notice issued under this subsection is not appealable under IC 6-1.1-15. However, after a deduction is terminated by a county auditor, the taxpayer may appeal the county auditor's action under IC 6-1.1-15.

SECTION 14. IC 6-1.1-12.6-3, AS AMENDED BY P.L.148-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 3. (a) A property owner that qualifies for the deduction under this chapter and that desires to receive the deduction **for a calendar** must complete and date a statement containing the information required by subsection (b) ~~in the calendar year for which the person desires to obtain the deduction~~ and file the statement with the county auditor on or before January ~~5~~ **15** of the immediately succeeding calendar year. The township assessor shall verify each statement filed under this section, and the county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury and must contain the following information:

- (1) The assessed value of the real property for which the person is claiming the deduction.
- (2) The full name and complete business address of the person claiming the deduction.
- (3) The complete address and a brief description of the real property for which the person is claiming the deduction.
- (4) The name of any other county in which the person has applied for a deduction under this chapter for that assessment date.
- (5) The complete address and a brief description of any other real property for which the person has applied for a deduction under this chapter for that assessment date.

SECTION 15. IC 6-1.1-12.8-4, AS AMENDED BY P.L.148-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 4. (a) A property owner that qualifies for the deduction under this chapter and that desires to receive the deduction **for a calendar year** must complete and date a statement containing the information required by subsection (b) ~~in the calendar year for which the person desires to obtain the deduction~~ and file the statement with the county auditor on or before January ~~5~~ **15** of the immediately succeeding calendar year. The township assessor, or the county assessor if there is no township assessor for the township, shall verify each statement filed under this section, and the county auditor shall:



(1) make the deductions; and
 (2) notify the county property tax assessment board of appeals of all deductions approved;
 under this section.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury and must contain the following information:

- (1) The assessed value of the real property for which the person is claiming the deduction.
- (2) The full name and complete business address of the person claiming the deduction.
- (3) The complete address and a brief description of the real property for which the person is claiming the deduction.
- (4) The name of any other county in which the person has applied for a deduction under this chapter for that assessment date.
- (5) The complete address and a brief description of any other real property for which the person has applied for a deduction under this chapter for that assessment date.
- (6) An affirmation by the owner that the owner is receiving not more than three (3) deductions under this chapter, including the deduction being applied for by the owner, either:
 - (A) as the owner of the residence in inventory; or
 - (B) as an owner that is part of an affiliated group.
- (7) An affirmation that the real property has not been leased and will not be leased for any purpose during the term of the deduction."

Page 13, line 27, after "IC 20-46-1" insert ":

- (A) approved by the voters during a time that the school corporation imposing the levy was designated as a distressed political subdivision; or**
- (B)".**

Page 13, line 31, delete "has the meaning set forth in" and insert **"refers to the school corporation's average daily membership used to determine the state tuition support distribution under IC 20-43. In the case of a school corporation that has entered into an agreement with one (1) or more charter schools to participate as an innovation network charter school under IC 20-25.7-5, the term includes the average daily membership of any innovation network charter school that is treated as a school operated by the school corporation when calculating the total amount of state tuition support to be distributed to the school corporation."**



Page 13, delete line 32.

Renumber all SECTIONS consecutively.

(Reference is to HB 1120 as printed January 25, 2024.)

THOMPSON

