



January 24, 2022

HOUSE BILL No. 1260

DIGEST OF HB 1260 (Updated January 20, 2022 8:40 pm - DI 134)

Citations Affected: IC 4-12; IC 6-1.1; IC 8-22; IC 20-46; IC 33-34; IC 33-37; IC 36-1; IC 36-7; IC 36-8; IC 36-9; noncode.

Synopsis: Department of local government finance. Makes changes to requirements for federal economic stimulus funds. Requires the budget agency to augment from the state general fund the amount appropriated for the secretary of state's administration fund, by an amount not to exceed \$3,200,000, the amount necessary to meet the secretary of state's obligation for election security consultant services. Requires the budget agency, if the office of management and budget determines funds appropriated for the career accelerator fund is an ineligible use of funds under the American Rescue Plan Act, to augment from the state general fund the amount appropriated for the career accelerator fund by an amount not to exceed \$10,000,000. Allows the budget agency to augment and appropriate amounts appropriated for local law enforcement training grants. Provides that certain churches are not required to file a personal property tax return. Provides that a county assessor shall provide electronic access to property record cards on the county's official Internet web site. Requires the department of local government finance to notify a company if any of the company's property that was previously assessed by the department of local government finance will instead be assessed by the township assessor, or the county assessor if there is not a township assessor for the township. Provides that the authority of a property tax assessment board of appeals (county board) is not limited to review the ongoing eligibility of a property for an exemption. Provides timing clarifications for property tax deductions for taxpayers who are over age 65 or who
(Continued next page)

Effective: Upon passage; July 1, 2022; January 1, 2023.

Leonard, Heine

January 10, 2022, read first time and referred to Committee on Ways and Means.
January 24, 2022, amended, reported — Do Pass.

HB 1260—LS 6580/DI 134



Digest Continued

are disabled veterans, and for the over age 65 circuit breaker credit. Provides that the assessor shall provide a report to the county auditor describing any physical improvements to the property. Defines the term "taxpayer" for purposes of the procedures for review and appeal of assessments and corrections of errors. Provides that in an appeal, an assessment as last determined by an assessing official or the county board is presumed to equal a property's true tax value until rebutted by evidence presented by the parties. Provides that a county auditor shall submit a certified statement to the department of local government finance (DLGF) not later than September 1 in a manner prescribed by the DLGF. Specifies certain dates with regard to the adjustment of maximum tax rates after a reassessment or annual adjustment. For reports filed by county boards with the DLGF, changes the requirement for the total number of "notices" to be filed to the total number of "appeals" to be filed. Requires additional information to be filed in such reports. Provides that the term "tax representative" does not include an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted temporary admission to the Indiana bar in order to represent a party before the property tax assessment board of appeals or the DLGF. Provides that the DLGF may not review certain written complaints if such a complaint is related to a matter that is under appeal. Provides that for certain airport development zones and allocation areas established after June 30, 2024, "residential property" refers to the assessed value of property that is allocated to the 1% homestead land and improvement categories in the county tax and billing software system, along with the residential assessed value as defined for purposes of calculating the rate for the local income tax property tax relief credit designated for residential property. Provides formulas for school corporations that propose to impose property taxes under a referendum tax levy. Provides that the property tax rate imposed under the provision for the public safety officers survivors' health coverage cumulative fund is exempt from the adjustment of maximum tax rates after reassessment or annual adjustment. Removes the sunset provision on the \$1 pro bono legal service fee. Allows a county surveyor to send relocation requirements for a proposed regulated drain by either registered mail or certified mail (current law requires the relocation requirements be sent by registered mail). Repeals various property tax provisions.

HB 1260—LS 6580/DI 134



January 24, 2022

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

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

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

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

HOUSE BILL No. 1260

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

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

1 SECTION 1. IC 4-12-1-18, AS AMENDED BY P.L.165-2021,
2 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 18. Except **for allotment stipulations** provided
4 in IC 4-12-18, federal funds received by an instrumentality are
5 appropriated for purposes specified by the federal government **and the**
6 **general assembly, if that body elects to appropriate federal funds,**
7 subject to allotment by the budget agency. The provisions of this
8 chapter and other laws concerning the acceptance, disbursement,
9 review, and approval of grants, loans, and gifts made by the federal
10 government or any other source to the state or its agencies apply to
11 instrumentalities.

12 SECTION 2. IC 4-12-18-4, AS ADDED BY P.L.64-2021,
13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2022]: Sec. 4. (a) ~~There is created the economic stimulus~~
15 ~~fund. Within the economic stimulus fund~~ The auditor of state shall

HB 1260—LS 6580/DI 134



1 create a **one (1) or more** separate ~~account~~ **economic stimulus funds**
 2 for each separate federal stimulus legislation enacted. All discretionary
 3 funds received by the state must be deposited in ~~the a~~ corresponding
 4 ~~account within the~~ economic stimulus fund unless prohibited by federal
 5 law.

6 (b) ~~The economic stimulus fund is~~ **Economic stimulus funds are**
 7 separate from the state general fund and all other state funds and
 8 accounts.

9 (c) **For purposes of SECTION 26 of P.L.165-2021, "deposit"**
 10 **means to comply with the purposes, eligible uses, and stipulations**
 11 **of the statutory fund referenced unless federal law or regulations**
 12 **conflict with the statutory fund purposes, eligible uses, and**
 13 **stipulations.**

14 SECTION 3. IC 4-12-18-5, AS ADDED BY P.L.64-2021,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2022]: Sec. 5. Discretionary funds deposited into ~~the an~~
 17 economic stimulus fund during a period in which the general assembly
 18 is convened in a regular session, an emergency session under
 19 IC 2-2.1-1.2, or a special session may not be allotted or expended
 20 unless appropriated by the general assembly or reviewed by the budget
 21 committee. **Appropriations made by the general assembly do not**
 22 **revert until the end of the biennium in which they are**
 23 **appropriated.**

24 SECTION 4. IC 4-12-18-6, AS ADDED BY P.L.64-2021,
 25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 6. Before discretionary funds deposited into ~~the~~
 27 **an** economic stimulus fund during a period in which the general
 28 assembly is not convened in a regular session, an emergency session
 29 under IC 2-2.1-1.2, or a special session may be allotted to or expended
 30 by a state agency or instrumentality, the allotment or expenditure must
 31 be reviewed by the budget committee. **Money is considered**
 32 **continuously appropriated for the period of the federal award after**
 33 **budget committee review.**

34 SECTION 5. IC 6-1.1-3-7, AS AMENDED BY P.L.108-2019,
 35 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JANUARY 1, 2023]: Sec. 7. (a) Except as provided in
 37 subsections (b), ~~and~~ (c), **and (f)**, a taxpayer shall, on or before the filing
 38 date of each year, file a personal property return with:

- 39 (1) the assessor of each township in which the taxpayer's personal
 40 property is subject to assessment;
 41 (2) the county assessor if there is no township assessor for a
 42 township in which the taxpayer's personal property is subject to



- 1 assessment; or
 2 (3) after 2020, the personal property online submission portal
 3 developed and maintained by the department under section 26 of
 4 this chapter.
- 5 (b) The township assessor or county assessor may grant a taxpayer
 6 an extension of not more than thirty (30) days to file the taxpayer's
 7 return if:
- 8 (1) the taxpayer submits a written or an electronic application for
 9 an extension prior to the filing date; and
 10 (2) the taxpayer is prevented from filing a timely return because
 11 of sickness, absence from the county, or any other good and
 12 sufficient reason.
- 13 (c) If a taxpayer:
- 14 (1) has personal property subject to assessment in more than one
 15 (1) township in a county; or
 16 (2) has personal property that is subject to assessment and that is
 17 located in two (2) or more taxing districts within the same
 18 township;
- 19 the taxpayer shall file a single return with the county assessor and
 20 attach a schedule listing, by township, all the taxpayer's personal
 21 property and the property's assessed value. The taxpayer shall provide
 22 the county assessor with the information necessary for the county
 23 assessor to allocate the assessed value of the taxpayer's personal
 24 property among the townships listed on the return and among taxing
 25 districts, including the street address, the township, and the location of
 26 the property. The taxpayer may, in the alternative, submit the taxpayer's
 27 personal property information and the property's assessed value
 28 through the personal property online submission portal developed
 29 under section 26 of this chapter.
- 30 (d) The county assessor shall provide to each affected township
 31 assessor (if any) in the county all information filed by a taxpayer under
 32 subsection (c) that affects the township.
- 33 (e) The county assessor may refuse to accept a personal property tax
 34 return that does not comply with subsection (c). For purposes of
 35 IC 6-1.1-37-7, a return to which subsection (c) applies is filed on the
 36 date it is filed with the county assessor with the schedule required by
 37 subsection (c) attached.
- 38 **(f) This subsection applies to a church that:**
 39 **(1) has filed a personal property tax return under this section**
 40 **for each of the five (5) years preceding a particular year; and**
 41 **(2) on each of the returns described in subdivision (1) has not**
 42 **owed any tax liability due to exemptions under IC 6-1.1 for**



1 **which the church has been deemed eligible.**
 2 **Notwithstanding any other law, a church is not required to file a**
 3 **personal property tax return for a year under this section unless**
 4 **there is a change in ownership of any personal property included**
 5 **on a return described in subdivision (1), or any other change that**
 6 **results in the personal property no longer being eligible for an**
 7 **exemption under IC 6-1.1, or the church would otherwise be liable**
 8 **for property tax imposed on personal property owned by the**
 9 **church.**

10 SECTION 6. IC 6-1.1-4-4.4 IS REPEALED [EFFECTIVE UPON
 11 PASSAGE]. Sec. 4.4. (a) This section applies to an assessment under
 12 section 4.2 or 4.5 of this chapter or another law:

13 (b) If the assessor changes the underlying parcel characteristics,
 14 including age, grade, or condition, of a property, from the previous
 15 year's assessment date, the assessor shall document:

16 (1) each change; and

17 (2) the reason that each change was made.

18 In any appeal of the assessment, the assessor has the burden of proving
 19 that each change was valid:

20 SECTION 7. IC 6-1.1-4-25, AS AMENDED BY P.L.159-2020,
 21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2022]: Sec. 25. (a) Each township assessor and each county
 23 assessor shall keep the assessor's reassessment data and records current
 24 by securing the necessary field data and by making changes in the
 25 assessed value of real property as changes occur in the use of the real
 26 property. The township or county assessor's records shall at all times
 27 show the assessed value of real property in accordance with this
 28 chapter. The township assessor shall ensure that the county assessor
 29 has full access to the assessment records maintained by the township
 30 assessor.

31 (b) The county assessor shall:

32 (1) maintain an electronic data file of:

33 (A) the parcel characteristics and parcel assessments of all
 34 parcels; and

35 (B) the personal property return characteristics and
 36 assessments by return;

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

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

41 (A) the legislative services agency; and

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



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

3 ~~(3)~~ **(4)** before September 1 of each year, transmit the data in the
 4 file with respect to the assessment date of that year to the
 5 department of local government finance.

6 (c) The appropriate county officer, as designated by the county
 7 executive, shall:

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

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

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

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

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

23 (2) Resubmit the data in the form and manner required under
 24 subsection (b) or (c) upon request of the legislative services
 25 agency, the department of local government finance, or the
 26 geographic information office of the office of technology, as
 27 applicable, if data previously submitted under subsection (b) or
 28 (c) does not comply with the requirements of subsection (b) or (c),
 29 as determined by the legislative services agency, the department
 30 of local government finance, or the geographic information office
 31 of the office of technology, as applicable.

32 An electronic data file maintained for a particular assessment date may
 33 not be overwritten with data for a subsequent assessment date until a
 34 copy of an electronic data file that preserves the data for the particular
 35 assessment date is archived in the manner prescribed by the office of
 36 technology established by IC 4-13.1-2-1 and approved by the
 37 legislative services agency.

38 SECTION 8. IC 6-1.1-8-25.5 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2022]: **Sec. 25.5. The department of local**
 41 **government finance shall notify a company subject to taxation**
 42 **under this chapter if any of the company's property that was**



1 **previously assessed by the department of local government finance**
 2 **under this chapter will instead be assessed by the township**
 3 **assessor, or the county assessor if there is not a township assessor**
 4 **for the township, under this chapter.**

5 SECTION 9. IC 6-1.1-11-4, AS AMENDED BY P.L.159-2020,
 6 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 4. (a) The exemption application referred to
 8 in section 3 of this chapter is not required if the exempt property is
 9 owned by the United States, the state, an agency of this state, or a
 10 political subdivision (as defined in IC 36-1-2-13). However, this
 11 subsection applies only when the property is used, and in the case of
 12 real property occupied, by the owner.

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

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

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

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

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

22 (1) the exempt property is:

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

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

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

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

32 (2) the exemption application referred to in section 3 or 3.5 of this
 33 chapter was filed properly at least once for a religious use under
 34 IC 6-1.1-10-21, an educational, literary, scientific, religious, or
 35 charitable use under IC 6-1.1-10-16, or use by a fraternity or
 36 sorority under IC 6-1.1-10-24; and

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

40 (e) If, after an assessment date, an exempt property is transferred or
 41 its use is changed resulting in its ineligibility for an exemption under
 42 IC 6-1.1-10, the county assessor shall terminate the exemption for the



1 next assessment date. However, if the property remains eligible for an
 2 exemption under IC 6-1.1-10 following the transfer or change in use,
 3 the exemption shall be left in place for that assessment date. For the
 4 following assessment date, the person that obtained the exemption or
 5 the current owner of the property, as applicable, shall, under section 3
 6 of this chapter and except as provided in this section, file a certified
 7 application in duplicate with the county assessor of the county in which
 8 the property that is the subject of the exemption is located. In all cases,
 9 the person that obtained the exemption or the current owner of the
 10 property shall notify the county assessor for the county where the
 11 tangible property is located of the change in ownership or use in the
 12 year that the change occurs. The notice must be in the form prescribed
 13 by the department of local government finance.

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

28 **(g) This section shall not be construed to limit the authority of**
 29 **the county property tax assessment board of appeals to review the**
 30 **ongoing eligibility of a property for an exemption. A county**
 31 **property tax assessment board of appeals shall disapprove an**
 32 **exemption application in any year following the initial approval of**
 33 **the application if the property is not eligible for an exemption.**

34 SECTION 10. IC 6-1.1-12-1, AS AMENDED BY P.L.255-2017,
 35 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2022]: Sec. 1. (a) The following definitions apply throughout
 37 this section:

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

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

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

41 (ii) a manufactured home that is not assessed as real
 42 property; and



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



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

5 (e) The person must:

6 (1) own the real property, mobile home, or manufactured home;
 7 or

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

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

11 SECTION 11. IC 6-1.1-12-9, AS AMENDED BY P.L.159-2020,
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2022]: Sec. 9. (a) An individual may obtain a deduction from
 14 the assessed value of the individual's real property, or mobile home or
 15 manufactured home which is not assessed as real property, if:

16 (1) the individual is at least sixty-five (65) years of age on or
 17 before December 31 of the calendar year preceding the year in
 18 which the deduction is claimed;

19 (2) for assessment dates before January 1, 2020, the combined
 20 adjusted gross income (as defined in Section 62 of the Internal
 21 Revenue Code) of:

22 (A) the individual and the individual's spouse; or

23 (B) the individual and all other individuals with whom:

24 (i) the individual shares ownership; or

25 (ii) the individual is purchasing the property under a
 26 contract;

27 as joint tenants or tenants in common;

28 for the calendar year preceding the year in which the deduction is
 29 claimed did not exceed twenty-five thousand dollars (\$25,000);

30 (3) for assessment dates after December 31, 2019:

31 (A) the individual had, in the case of an individual who filed
 32 a single return, adjusted gross income (as defined in Section
 33 62 of the Internal Revenue Code) not exceeding thirty
 34 thousand dollars (\$30,000);

35 (B) the individual had, in the case of an individual who filed
 36 a joint income tax return with the individual's spouse,
 37 combined adjusted gross income (as defined in Section 62 of
 38 the Internal Revenue Code) not exceeding forty thousand
 39 dollars (\$40,000); or

40 (C) the combined adjusted gross income (as defined in Section
 41 62 of the Internal Revenue Code) of the individual and all
 42 other individuals with whom:



- 1 (i) the individual shares ownership; or
 2 (ii) the individual is purchasing the property under a
 3 contract;
 4 as joint tenants or tenants in common did not exceed forty
 5 thousand dollars (\$40,000);
 6 for the calendar year preceding by two (2) years the calendar year
 7 in which the property taxes are first due and payable;
 8 (4) the individual has owned the real property, mobile home, or
 9 manufactured home for at least one (1) year before claiming the
 10 deduction; or the individual has been buying the real property,
 11 mobile home, or manufactured home under a contract that
 12 provides that the individual is to pay the property taxes on the real
 13 property, mobile home, or manufactured home for at least one (1)
 14 year before claiming the deduction, and the contract or a
 15 memorandum of the contract is recorded in the county recorder's
 16 office;
 17 (5) for assessment dates:
 18 (A) before January 1, 2020, the individual and any individuals
 19 covered by subdivision (2)(B) reside on the real property,
 20 mobile home, or manufactured home; or
 21 (B) after December 31, 2019, the individual and any
 22 individuals covered by subdivision (3)(C) reside on the real
 23 property, mobile home, or manufactured home;
 24 (6) except as provided in subsection (i), the assessed value of the
 25 real property, mobile home, or manufactured home does not
 26 exceed two hundred thousand dollars (\$200,000).
 27 (7) the individual receives no other property tax deduction for the
 28 year in which the deduction is claimed, except the deductions
 29 provided by sections 1, 37, (for assessment dates after February
 30 28, 2008) 37.5, and 38 of this chapter; and
 31 (8) the person:
 32 (A) owns the real property, mobile home, or manufactured
 33 home; or
 34 (B) is buying the real property, mobile home, or manufactured
 35 home under contract;
 36 on the date the statement required by section 10.1 of this chapter
 37 is filed.
 38 (b) Except as provided in subsection (h), in the case of real property,
 39 an individual's deduction under this section equals the lesser of:
 40 (1) one-half (1/2) of the assessed value of the real property; or
 41 (2) fourteen thousand dollars (\$14,000).
 42 (c) Except as provided in subsection (h) and section 40.5 of this



1 chapter, in the case of a mobile home that is not assessed as real
 2 property or a manufactured home which is not assessed as real
 3 property, an individual's deduction under this section equals the lesser
 4 of:

- 5 (1) one-half (1/2) of the assessed value of the mobile home or
- 6 manufactured home; or
- 7 (2) fourteen thousand dollars (\$14,000).

8 (d) An individual may not be denied the deduction provided under
 9 this section because the individual is absent from the real property,
 10 mobile home, or manufactured home while in a nursing home or
 11 hospital.

12 (e) For purposes of this section, if real property, a mobile home, or
 13 a manufactured home is owned by:

- 14 (1) tenants by the entirety;
- 15 (2) joint tenants; or
- 16 (3) tenants in common;

17 only one (1) deduction may be allowed. However, the age requirement
 18 is satisfied if any one (1) of the tenants is at least sixty-five (65) years
 19 of age.

20 (f) A surviving spouse is entitled to the deduction provided by this
 21 section if:

- 22 (1) the surviving spouse is at least sixty (60) years of age on or
- 23 before December 31 of the calendar year preceding the year in
- 24 which the deduction is claimed;
- 25 (2) the surviving spouse's deceased husband or wife was at least
- 26 sixty-five (65) years of age at the time of a death;
- 27 (3) the surviving spouse has not remarried; and
- 28 (4) the surviving spouse satisfies the requirements prescribed in
- 29 subsection (a)(2) through (a)(8).

30 (g) An individual who has sold real property to another person
 31 under a contract that provides that the contract buyer is to pay the
 32 property taxes on the real property may not claim the deduction
 33 provided under this section against that real property.

34 (h) In the case of tenants covered by subsection (a)(2)(B) or
 35 (a)(3)(C), if all of the tenants are not at least sixty-five (65) years of
 36 age, the deduction allowed under this section shall be reduced by an
 37 amount equal to the deduction multiplied by a fraction. The numerator
 38 of the fraction is the number of tenants who are not at least sixty-five
 39 (65) years of age, and the denominator is the total number of tenants.

40 (i) For purposes of determining the assessed value of the real
 41 property, mobile home, or manufactured home under subsection (a)(6)
 42 for an individual who has received a deduction under this section in a



1 particular previous year, increases in assessed value that occur after
2 the later of:

3 (1) December 31, 2019; or

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

12 SECTION 12. IC 6-1.1-12-14, AS AMENDED BY P.L.159-2020,
13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2022]: Sec. 14. (a) Except as provided in subsection (c) and
15 except as provided in section 40.5 of this chapter, an individual may
16 have the sum of fourteen thousand dollars (\$14,000) deducted from the
17 assessed value of the real property, mobile home not assessed as real
18 property, or manufactured home not assessed as real property that the
19 individual owns (or the real property, mobile home not assessed as real
20 property, or manufactured home not assessed as real property that the
21 individual is buying under a contract that provides that the individual
22 is to pay property taxes on the real property, mobile home, or
23 manufactured home if the contract or a memorandum of the contract is
24 recorded in the county recorder's office) if:

25 (1) the individual served in the military or naval forces of the
26 United States for at least ninety (90) days;

27 (2) the individual received an honorable discharge;

28 (3) the individual either:

29 (A) has a total disability; or

30 (B) is at least sixty-two (62) years old and has a disability of at
31 least ten percent (10%);

32 (4) the individual's disability is evidenced by:

33 (A) a pension certificate or an award of compensation issued
34 by the United States Department of Veterans Affairs; or

35 (B) a certificate of eligibility issued to the individual by the
36 Indiana department of veterans' affairs after the Indiana
37 department of veterans' affairs has determined that the
38 individual's disability qualifies the individual to receive a
39 deduction under this section; and

40 (5) the individual:

41 (A) owns the real property, mobile home, or manufactured
42 home; or



- 1 (B) is buying the real property, mobile home, or manufactured
 2 home under contract;
 3 on the date the statement required by section 15 of this chapter is
 4 filed.
- 5 (b) Except as provided in subsections (c) and (d), the surviving
 6 spouse of an individual may receive the deduction provided by this
 7 section if:
- 8 (1) the individual satisfied the requirements of subsection (a)(1)
 9 through (a)(4) at the time of death; or
 10 (2) the individual:
 11 (A) was killed in action;
 12 (B) died while serving on active duty in the military or naval
 13 forces of the United States; or
 14 (C) died while performing inactive duty training in the military
 15 or naval forces of the United States; and
 16 the surviving spouse satisfies the requirement of subsection (a)(5) at
 17 the time the deduction statement is filed. The surviving spouse is
 18 entitled to the deduction regardless of whether the property for which
 19 the deduction is claimed was owned by the deceased veteran or the
 20 surviving spouse before the deceased veteran's death.
- 21 (c) Except as provided in subsection (f), no one is entitled to the
 22 deduction provided by this section if the assessed value of the
 23 individual's Indiana real property, Indiana mobile home not assessed as
 24 real property, and Indiana manufactured home not assessed as real
 25 property, as shown by the tax duplicate, exceeds the assessed value
 26 limit specified in subsection (d).
- 27 (d) Except as provided in subsection (f), for the:
 28 (1) January 1, 2017, January 1, 2018, and January 1, 2019,
 29 assessment dates, the assessed value limit for purposes of
 30 subsection (c) is one hundred seventy-five thousand dollars
 31 (\$175,000); and
 32 (2) January 1, 2020, assessment date and for each assessment date
 33 thereafter, the assessed value limit for purposes of subsection (c)
 34 is two hundred thousand dollars (\$200,000).
- 35 (e) An individual who has sold real property, a mobile home not
 36 assessed as real property, or a manufactured home not assessed as real
 37 property to another person under a contract that provides that the
 38 contract buyer is to pay the property taxes on the real property, mobile
 39 home, or manufactured home may not claim the deduction provided
 40 under this section against that real property, mobile home, or
 41 manufactured home.
- 42 (f) For purposes of determining the assessed value of the real



1 property, mobile home, or manufactured home under subsection (d) for
 2 an individual who has received a deduction under this section in a
 3 **particular previous** year, increases in assessed value that occur after
 4 the later of:

5 (1) December 31, 2019; or

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

14 SECTION 13. IC 6-1.1-15-0.8 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2022]: **Sec. 0.8. As used in this chapter,**
 17 **"taxpayer" means:**

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

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

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

24 SECTION 14. IC 6-1.1-15-17.1 IS REPEALED [EFFECTIVE
 25 UPON PASSAGE]. ~~Sec. 17.1. In the case of a change occurring after~~
 26 ~~February 28, 2015, in the classification of real property:~~

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

30 (2) ~~the county assessor or township assessor making the change~~
 31 ~~in the classification has the burden of proving that the change in~~
 32 ~~the classification is correct in any review or appeal under this~~
 33 ~~chapter and in any appeals taken to the Indiana board of tax~~
 34 ~~review or to the Indiana tax court.~~

35 SECTION 15. IC 6-1.1-15-17.2 IS REPEALED [EFFECTIVE
 36 UPON PASSAGE]. ~~Sec. 17.2: (a) Except as provided in subsection (d),~~
 37 ~~this section applies to any review or appeal of an assessment under this~~
 38 ~~chapter if the assessment that is the subject of the review or appeal is~~
 39 ~~an increase of more than five percent (5%) over the assessment for the~~
 40 ~~same property for the prior tax year. In calculating the change in the~~
 41 ~~assessment for purposes of this section, the assessment to be used for~~
 42 ~~the prior tax year is the original assessment for that prior tax year or, if~~



1 applicable; the assessment for that prior tax year:

- 2 (1) as last corrected by an assessing official;
 3 (2) as stipulated or settled by the taxpayer and the assessing
 4 official; or
 5 (3) as determined by the reviewing authority.

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

- 17 (1) as last corrected by an assessing official;
 18 (2) as stipulated or settled by the taxpayer and the assessing
 19 official; or
 20 (3) as determined by the reviewing authority.

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

- 23 (1) substantial renovations or new improvements;
 24 (2) zoning; or
 25 (3) uses;

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

27 (d) This subsection applies to real property for which the gross
 28 assessed value of the real property was reduced by the assessing
 29 official or reviewing authority in an appeal conducted under
 30 IC 6-1.1-15. However, this subsection does not apply for an assessment
 31 date if the real property was valued using the income capitalization
 32 approach in the appeal. If the gross assessed value of real property for
 33 an assessment date that follows the latest assessment date that was the
 34 subject of an appeal described in this subsection is increased above the
 35 gross assessed value of the real property for the latest assessment date
 36 covered by the appeal, regardless of the amount of the increase, the
 37 county assessor or township assessor (if any) making the assessment
 38 has the burden of proving that the assessment is correct.

39 SECTION 16. IC 6-1.1-15-18 IS REPEALED [EFFECTIVE UPON
 40 PASSAGE]. Sec. 18: (a) This section applies to an appeal to which this
 41 chapter applies, including any review by the board of tax review or the
 42 tax court.



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

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

5 (1) in a proceeding concerning residential property, introduce
6 evidence of the assessments of comparable properties located in
7 the same taxing district or within two (2) miles of a boundary of
8 the taxing district; and

9 (2) in a proceeding concerning property that is not residential
10 property, introduce evidence of the assessments of any relevant,
11 comparable property.

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

17 SECTION 17. IC 6-1.1-15-20 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a) In an appeal under this**
20 **chapter, except as provided in subsection (b), the assessment as last**
21 **determined by an assessing official or the county board is**
22 **presumed to equal the property's true tax value until rebutted by**
23 **evidence presented by the parties.**

24 (b) If a property's assessment increased more than five percent
25 (5%) over the property's assessment for the prior tax year, then
26 the assessment is no longer presumed to equal the property's true
27 tax value, and the assessing official has the burden to present
28 probative evidence sufficient to substantiate the true tax value.

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

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

32 (2) as stipulated or settled by the taxpayer and the assessing
33 official; or

34 (3) as determined by a reviewing authority.

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

37 (1) substantial renovations or new improvements;

38 (2) zoning; or

39 (3) uses;

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

41 (e) Both parties in an appeal under this chapter may present
42 evidence of the true tax value of the property, seeking to decrease



1 or increase the assessment.

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

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

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

20 SECTION 18. IC 6-1.1-17-1, AS AMENDED BY P.L.184-2016,
 21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2022]: Sec. 1. (a) On or before August 1 of each year, the
 23 county auditor shall submit a certified statement of the assessed value
 24 for the ensuing year to the department of local government finance in
 25 the manner prescribed by the department.

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

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

38 (d) ~~Except as provided in subsection (e);~~ Before the county auditor
 39 makes an amendment under subsection (c), the county auditor must
 40 provide an opportunity for public comment on the proposed
 41 amendment at a public hearing. The county auditor must give notice of
 42 the hearing under IC 5-3-1. If the county auditor makes the amendment



1 as a result of information provided to the county auditor by an assessor,
 2 the county auditor shall give notice of the public hearing to the
 3 assessor.

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

6 (1) the amendment under subsection (e) is proposed to correct a
 7 mathematical error made in the determination of the amount of
 8 assessed valuation included in the earlier certified statement;

9 (2) the amendment under subsection (e) is proposed to add to the
 10 amount of assessed valuation included in the earlier certified
 11 statement assessed valuation of omitted property discovered after
 12 the county auditor sent the earlier certified statement; or

13 (3) the county auditor determines that the amendment under
 14 subsection (e) will not result in an increase in the tax rate or tax
 15 rates of the political subdivision;

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

22 SECTION 19. IC 6-1.1-18-12, AS AMENDED BY P.L.86-2018,
 23 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2022]: Sec. 12. (a) For purposes of this section, "maximum
 25 rate" refers to the maximum:

26 (1) property tax rate or rates; or

27 (2) special benefits tax rate or rates;

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

29 (b) The maximum rate for taxes first due and payable after 2003 is
 30 the maximum rate that would have been determined under subsection
 31 (e) for taxes first due and payable in 2003 if subsection (e) had applied
 32 for taxes first due and payable in 2003.

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

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

37 (2) a reassessment under a county's reassessment plan prepared
 38 under IC 6-1.1-4-4.2.

39 (d) The statutes to which subsection (a) refers are:

40 (1) IC 8-10-5-17 **(for taxes due and payable before January 1,**
 41 **2023);**

42 (2) IC 8-22-3-11;



- 1 (3) IC 8-22-3-25 (for taxes due and payable before January 1,
2 **2023**);
3 (4) IC 12-29-1-1;
4 (5) IC 12-29-1-2;
5 (6) IC 12-29-1-3;
6 (7) IC 12-29-3-6;
7 (8) IC 13-21-3-12;
8 (9) IC 13-21-3-15;
9 (10) IC 14-27-6-30;
10 (11) IC 14-33-7-3;
11 (12) IC 14-33-21-5 (for taxes due and payable before January
12 **1, 2023**);
13 (13) IC 15-14-7-4;
14 (14) IC 15-14-9-1;
15 (15) IC 15-14-9-2;
16 (16) IC 16-20-2-18;
17 (17) IC 16-20-4-27;
18 (18) IC 16-20-7-2;
19 (19) IC 16-22-14;
20 (20) IC 16-23-1-29;
21 (21) IC 16-23-3-6;
22 (22) IC 16-23-4-2;
23 (23) IC 16-23-5-6;
24 (24) IC 16-23-7-2;
25 (25) IC 16-23-8-2;
26 (26) IC 16-23-9-2;
27 (27) IC 16-41-15-5;
28 (28) IC 16-41-33-4;
29 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);
30 (30) IC 20-46-6-5 (before its repeal on January 1, 2019);
31 (31) IC 20-49-2-10;
32 (32) IC 36-1-19-1;
33 (33) IC 23-14-66-2;
34 (34) IC 23-14-67-3;
35 (35) IC 36-7-13-4;
36 (36) IC 36-7-14-28;
37 (37) IC 36-7-15.1-16;
38 (38) IC 36-8-19-8.5 (for taxes due and payable before January
39 **1, 2023**);
40 (39) IC 36-9-6.1-2;
41 (40) IC 36-9-17.5-4 (for taxes due and payable before January
42 **1, 2023**);



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



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



1 under STEP SIX of the following formula is equal to or greater
2 than one and two-hundredths (1.02):

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

5 STEP TWO: Compute separately, for each of the calendar
6 years determined in STEP ONE, the quotient (rounded to the
7 nearest ten-thousandth (0.0001)) of the sum of the civil taxing
8 unit's total assessed value of all taxable property and:

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

13 (ii) for a particular calendar year after 2006, the total
14 assessed value of property tax deductions that applied in the
15 unit under IC 6-1.1-12-42 in 2006 plus for a particular
16 calendar year after 2009, the total assessed value of property
17 tax deductions that applied in the unit under
18 IC 6-1.1-12-37.5 in 2008;

19 divided by the sum determined under this STEP for the
20 calendar year immediately preceding the particular calendar
21 year.

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

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

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

32 (ii) for a particular calendar year after 2006, the total
33 assessed value of property tax deductions that applied in all
34 counties under IC 6-1.1-12-42 in 2006 plus for a particular
35 calendar year after 2009, the total assessed value of property
36 tax deductions that applied in the unit under
37 IC 6-1.1-12-37.5 in 2008;

38 divided by the sum determined under this STEP for the
39 calendar year immediately preceding the particular calendar
40 year.

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



- 1 STEP SIX: Divide the STEP THREE amount by the STEP
2 FIVE amount.
- 3 The civil taxing unit may increase its levy by a percentage not
4 greater than the percentage by which the STEP THREE amount
5 exceeds the percentage by which the civil taxing unit may
6 increase its levy under section 3 or 25 of this chapter, as
7 applicable, based on the maximum levy growth quotient
8 determined under section 2 of this chapter.
- 9 (3) A levy increase may be granted under this subdivision only for
10 property taxes first due and payable after December 31, 2008.
11 Permission to a civil taxing unit to increase its levy in excess of
12 the limitations established under section 3 or 25 of this chapter,
13 as applicable, if the civil taxing unit cannot carry out its
14 governmental functions for an ensuing calendar year under the
15 levy limitations imposed by section 3 or 25 of this chapter, as
16 applicable, due to a natural disaster, an accident, or another
17 unanticipated emergency.
- 18 (b) The department of local government finance shall increase the
19 maximum permissible ad valorem property tax levy under section 3 of
20 this chapter for the city of Goshen for 2012 and thereafter by an
21 amount equal to the greater of zero (0) or the result of:
- 22 (1) the city's total pension costs in 2009 for the 1925 police
23 pension fund (IC 36-8-6) and the 1937 firefighters' pension fund
24 (IC 36-8-7); minus
- 25 (2) the sum of:
- 26 (A) the total amount of state funds received in 2009 by the city
27 and used to pay benefits to members of the 1925 police
28 pension fund (IC 36-8-6) or the 1937 firefighters' pension fund
29 (IC 36-8-7); plus
- 30 (B) any previous permanent increases to the city's levy that
31 were authorized to account for the transfer to the state of the
32 responsibility to pay benefits to members of the 1925 police
33 pension fund (IC 36-8-6) and the 1937 firefighters' pension
34 fund (IC 36-8-7).
- 35 SECTION 21. IC 6-1.1-20-3.6, AS AMENDED BY P.L.38-2021,
36 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2022]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
38 of this chapter, this section applies only to a controlled project
39 described in section 3.5(a) of this chapter.
- 40 (b) If a sufficient petition requesting the application of the local
41 public question process has been filed as set forth in section 3.5 of this
42 chapter, a political subdivision may not impose property taxes to pay



1 debt service on bonds or lease rentals on a lease for a controlled project
 2 unless the political subdivision's proposed debt service or lease rental
 3 is approved in an election on a local public question held under this
 4 section.

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

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

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



1 review.

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

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

- 31 (1) seventy-four (74) days before a primary election if the public
 32 question is to be placed on the primary or municipal primary
 33 election ballot; or
 34 (2) August 1 if the public question is to be placed on the general
 35 or municipal election ballot.

36 Subject to the certification requirements and deadlines under this
 37 subsection and except as provided in subsection (j), the public question
 38 shall be placed on the ballot at the next primary election, general
 39 election or municipal election in which all voters of the political
 40 subdivision are entitled to vote. However, if a primary election, general
 41 election, or municipal election will not be held during the first year in
 42 which the public question is eligible to be placed on the ballot under



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

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

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

19 (2) The department of local government finance.

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

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

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

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

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

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

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

38 (j) A political subdivision may not divide a controlled project in
 39 order to avoid the requirements of this section and section 3.5 of this
 40 chapter. A person that owns property within a political subdivision or
 41 a person that is a registered voter residing within a political subdivision
 42 may file a petition with the department of local government finance



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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

42 (1) five hundred (500) persons who are either owners of property



1 within the political subdivision or registered voters residing
 2 within the political subdivision; or
 3 (2) five percent (5%) of the registered voters residing within the
 4 political subdivision;
 5 the limit under subsection (h)(2)(B) applies to the holding of a second
 6 public question by the political subdivision and the limit under
 7 subsection (h)(2)(A) does not apply to the holding of a second public
 8 question by the political subdivision.
 9 (n) At the request of a political subdivision that proposes to impose
 10 property taxes to pay debt service on bonds or lease rentals on a lease
 11 for a controlled project, the county auditor of a county in which the
 12 political subdivision is located shall determine the estimated average
 13 percentage of property tax increase on a homestead to be paid to the
 14 political subdivision that must be included in the public question under
 15 subsection (c) as follows:
 16 STEP ONE: Determine the average assessed value of a homestead
 17 located within the political subdivision.
 18 STEP TWO: For purposes of determining the net assessed value
 19 of the average homestead located within the political subdivision,
 20 subtract:
 21 (A) an amount for the homestead standard deduction under
 22 IC 6-1.1-12-37 as if the homestead described in STEP ONE
 23 was eligible for the deduction; and
 24 (B) an amount for the supplemental homestead deduction
 25 under IC 6-1.1-12-37.5 as if the homestead described in STEP
 26 ONE was eligible for the deduction;
 27 from the result of STEP ONE.
 28 STEP THREE: Divide the result of STEP TWO by one hundred
 29 (100).
 30 STEP FOUR: Determine the overall average tax rate per one
 31 hundred dollars (\$100) of assessed valuation for the current year
 32 imposed on property located within the political subdivision.
 33 STEP FIVE: For purposes of determining net property tax liability
 34 of the average homestead located within the political subdivision:
 35 (A) multiply the result of STEP THREE by the result of STEP
 36 FOUR; and
 37 (B) as appropriate, apply any currently applicable county
 38 property tax credit rates and the credit for excessive property
 39 taxes under IC 6-1.1-20.6-7.5(a)(1).
 40 STEP SIX: Determine the amount of the political subdivision's
 41 part of the result determined in STEP FIVE.
 42 STEP SEVEN: Determine the estimated tax rate that will be



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



1 government finance, and provide the certification to the political
 2 subdivision that proposes to impose property taxes. The political
 3 subdivision shall provide the certification to the county election board
 4 and include the estimated average percentages in the language of the
 5 public question at the time the language of the public question is
 6 submitted to the county election board for approval as described in
 7 subsection (c).

8 SECTION 22. IC 6-1.1-20.6-8.5, AS AMENDED BY P.L.159-2020,
 9 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]: Sec. 8.5. (a) This section applies to an individual who:

11 (1) qualified for a standard deduction granted under
 12 IC 6-1.1-12-37 for the individual's homestead property in the
 13 immediately preceding calendar year (or was married at the time
 14 of death to a deceased spouse who qualified for a standard
 15 deduction granted under IC 6-1.1-12-37 for the individual's
 16 homestead property in the immediately preceding calendar year);

17 (2) qualifies for a standard deduction granted under
 18 IC 6-1.1-12-37 for the same homestead property in the current
 19 calendar year;

20 (3) is or will be at least sixty-five (65) years of age on or before
 21 December 31 of the calendar year immediately preceding the
 22 current calendar year; and

23 (4) had:

24 (A) in the case of an individual who filed a single return,
 25 adjusted gross income (as defined in Section 62 of the Internal
 26 Revenue Code) not exceeding thirty thousand dollars
 27 (\$30,000); or

28 (B) in the case of an individual who filed a joint income tax
 29 return with the individual's spouse, combined adjusted gross
 30 income (as defined in Section 62 of the Internal Revenue
 31 Code) not exceeding forty thousand dollars (\$40,000);

32 for the calendar year preceding by two (2) years the calendar year
 33 in which property taxes are first due and payable.

34 (b) Except as provided in subsection (g), this section does not apply
 35 if:

36 (1) for an individual who received a credit under this section
 37 before January 1, 2020, the gross assessed value of the homestead
 38 on the assessment date for which property taxes are imposed is at
 39 least two hundred thousand dollars (\$200,000); or

40 (2) for an individual who initially applies for a credit under this
 41 section after December 31, 2019, the assessed value of the
 42 individual's Indiana real property is at least two hundred thousand



- 1 dollars (\$200,000).
- 2 (c) An individual is entitled to an additional credit under this section
- 3 for property taxes first due and payable for a calendar year on a
- 4 homestead if:
- 5 (1) the individual and the homestead qualify for the credit under
- 6 subsection (a) for the calendar year;
- 7 (2) the homestead is not disqualified for the credit under
- 8 subsection (b) for the calendar year; and
- 9 (3) the filing requirements under subsection (e) are met.
- 10 (d) The amount of the credit is equal to the greater of zero (0) or the
- 11 result of:
- 12 (1) the property tax liability first due and payable on the
- 13 homestead property for the calendar year; minus
- 14 (2) the result of:
- 15 (A) the property tax liability first due and payable on the
- 16 qualified homestead property for the immediately preceding
- 17 year after the application of the credit granted under this
- 18 section for that year; multiplied by
- 19 (B) one and two hundredths (1.02).
- 20 However, property tax liability imposed on any improvements to or
- 21 expansion of the homestead property after the assessment date for
- 22 which property tax liability described in subdivision (2) was imposed
- 23 shall not be considered in determining the credit granted under this
- 24 section in the current calendar year.
- 25 (e) Applications for a credit under this section shall be filed in the
- 26 manner provided for an application for a deduction under
- 27 IC 6-1.1-12-9. However, an individual who remains eligible for the
- 28 credit in the following year is not required to file a statement to apply
- 29 for the credit in the following year. An individual who receives a credit
- 30 under this section in a particular year and who becomes ineligible for
- 31 the credit in the following year shall notify the auditor of the county in
- 32 which the homestead is located of the individual's ineligibility not later
- 33 than sixty (60) days after the individual becomes ineligible.
- 34 (f) The auditor of each county shall, in a particular year, apply a
- 35 credit provided under this section to each individual who received the
- 36 credit in the preceding year unless the auditor determines that the
- 37 individual is no longer eligible for the credit.
- 38 (g) For purposes of determining the:
- 39 (1) assessed value of the homestead on the assessment date for
- 40 which property taxes are imposed under subsection (b)(1); or
- 41 (2) assessed value of the individual's Indiana real property under
- 42 subsection (b)(2);



1 for an individual who has received a credit under this section in a
 2 ~~particular previous~~ year, increases in assessed value that occur after
 3 the later of December 31, 2019, or the first year that the individual has
 4 received the credit are not considered unless the increase in assessed
 5 value is attributable to ~~physical improvements to the property:~~
 6 **substantial renovation or new improvements. Where there is an**
 7 **increase in assessed value for purposes of the credit under this**
 8 **section, the assessor shall provide a report to the county auditor**
 9 **describing the substantial renovation or new improvements, if any,**
 10 **that were made to the property prior to the increase in assessed**
 11 **value.**

12 SECTION 23. IC 6-1.1-28-12, AS AMENDED BY P.L.121-2019,
 13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2022]: Sec. 12. (a) This section applies beginning January 1,
 15 2016.

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

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

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



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

29 The report may not include any confidential information.

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

35 SECTION 24. IC 6-1.1-35.7-2, AS AMENDED BY P.L.232-2017,
 36 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2022]: Sec. 2. As used in this chapter, "tax representative"
 38 means a person who represents another person at a proceeding before
 39 the property tax assessment board of appeals or the department. The
 40 term does not include:

- 41 (1) the owner of the property (or person liable for the taxes under
- 42 IC 6-1.1-2-4) that is the subject of the appeal;



- 1 (2) an individual who is appointed as provided in
 2 IC 6-1.1-15-17.3(e) to represent the owner of the property
 3 concerning the appeal;
 4 (3) a permanent full-time employee of the owner of the property
 5 (or person liable for the taxes under IC 6-1.1-2-4) who is the
 6 subject of the appeal;
 7 (4) a representative of a local unit of government appearing on
 8 behalf of the unit;
 9 (5) a certified public accountant, when the certified public
 10 accountant is representing a client in a matter that relates only to
 11 personal property taxation; or
 12 (6) an attorney who is a member in good standing of the Indiana
 13 bar or any person who is a member in good standing of any other
 14 state bar and who has been granted ~~leave by the department to~~
 15 ~~appear pro hac vice.~~ **temporary admission to the Indiana bar**
 16 **in order to represent a party before the property tax**
 17 **assessment board of appeals or the department.**
- 18 SECTION 25. IC 6-1.1-35.7-4, AS AMENDED BY P.L.178-2021,
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2022]: Sec. 4. (a) A township assessor, a county assessor, an
 21 employee of the township assessor or county assessor, or an appraiser:
 22 (1) must be competent to perform a particular assessment;
 23 (2) must acquire the necessary competency to perform the
 24 assessment; or
 25 (3) shall contract with an appraiser who demonstrates competency
 26 to do the assessment.
- 27 (b) If a taxpayer has reason to believe that the township assessor, the
 28 county assessor, an employee of the township assessor or county
 29 assessor, or an appraiser has violated subsection (a) or section 3 of this
 30 chapter, the taxpayer may submit a written complaint to the
 31 department. The department shall respond in writing to the complaint
 32 within thirty (30) days.
- 33 **(c) The department may not review a written complaint**
 34 **submitted under subsection (b) if the complaint is related to a**
 35 **matter that is under appeal.**
- 36 ~~(c)~~ **(d)** The department may revoke the certification of a township
 37 assessor, a county assessor, an employee of the township assessor or
 38 county assessor, or an appraiser under 50 IAC 15 for gross
 39 incompetence in the performance of an assessment.
- 40 ~~(d)~~ **(e)** An individual whose certification is revoked by the
 41 department under subsection ~~(c)~~ **(d)** may appeal the department's
 42 decision to the certification appeal board established under subsection



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

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

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

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

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

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

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

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

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

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

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

30 SECTION 26. IC 8-22-2-18.5, AS AMENDED BY P.L.61-2012,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2022]: Sec. 18.5. (a) The board may negotiate terms and
 33 borrow money from any source for the payment of the costs of airport
 34 capital improvements, including the acquisition of real property or
 35 construction or improvement of revenue producing buildings or
 36 facilities located on an airport and owned and operated by the eligible
 37 entity, subject to the following requirements:

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

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



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

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

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

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

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

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

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

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

42 (b) A resolution adopted under section 5 of this chapter and



1 confirmed under section 6 of this chapter must include a provision with
2 respect to the allocation and distribution of property taxes for the
3 purposes and in the manner provided in this section.

4 (c) The allocation provision must:

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

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

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

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

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

16 (B) the base assessed value;

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

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

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

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

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



- 1 to the payment of principal and interest on bonds issued by an
 2 eligible entity to pay for qualified airport development projects in
 3 the airport development zone or serving the airport development
 4 zone.
- 5 (3) The commission may determine that a part of the tax proceeds
 6 shall be allocated to a project fund and used to pay expenses
 7 incurred by the commission for a qualified airport development
 8 project that is in the airport development zone or is serving the
 9 airport development zone.
- 10 (4) Except as provided in subsection (f), all remaining tax
 11 proceeds after allocations are made under subdivisions (1), (2),
 12 and (3) shall be allocated to a project fund and dedicated to the
 13 reimbursement of expenditures made by the commission for a
 14 qualified airport development project that is in the airport
 15 development zone or is serving the airport development zone.
- 16 (f) Before July 15 of each year, the commission shall do the
 17 following:
- 18 (1) Determine the amount, if any, by which tax proceeds allocated
 19 to the project fund in subsection (e)(3) in the following year will
 20 exceed the amount necessary to satisfy amounts required under
 21 subsection (e).
- 22 (2) Provide a written notice to the county auditor and the officers
 23 who are authorized to fix budgets, tax rates, and tax levies under
 24 IC 6-1.1-17-5 for each of the other taxing units that is wholly or
 25 partly located within the allocation area. The notice must:
- 26 (A) state the amount, if any, of excess tax proceeds that the
 27 commission has determined may be allocated to the respective
 28 taxing units in the manner prescribed in subsection (d)(1); or
 29 (B) state that the commission has determined that there are no
 30 excess tax proceeds that may be allocated to the respective
 31 taxing units in the manner prescribed in subsection (d)(1).
- 32 The county auditor shall allocate to the respective taxing units the
 33 amount, if any, of excess tax proceeds determined by the
 34 commission.
- 35 (g) When money in the debt service fund and in the project fund is
 36 sufficient to pay all outstanding principal and interest (to the earliest
 37 date on which the obligations can be redeemed) on revenue bonds
 38 issued by the board of aviation commissioners or airport authority for
 39 the financing of qualified airport development projects, all lease rentals
 40 payable on leases of qualified airport development projects, and all
 41 costs and expenditures associated with all qualified airport
 42 development projects, money in the debt service fund and in the project



1 fund in excess of those amounts shall be paid to the respective taxing
2 units in the manner prescribed by subsection (d)(1).

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

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

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

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

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

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

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

38 SECTION 28. IC 20-46-1-8, AS AMENDED BY P.L.136-2021,
39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2022]: Sec. 8. (a) Subject to subsections (c), (d), and (e) and
41 this chapter, the governing body of a school corporation may adopt a
42 resolution to place a referendum under this chapter on the ballot for any



- 1 of the following purposes:
- 2 (1) The governing body of the school corporation determines that
- 3 it cannot, in a calendar year, carry out its public educational duty
- 4 unless it imposes a referendum tax levy under this chapter.
- 5 (2) The governing body of the school corporation determines that
- 6 a referendum tax levy under this chapter should be imposed to
- 7 replace property tax revenue that the school corporation will not
- 8 receive because of the application of the credit under
- 9 IC 6-1.1-20.6.
- 10 (3) The governing body makes the determination required under
- 11 subdivision (1) or (2) and determines to share a portion of the
- 12 referendum proceeds with a charter school, excluding a virtual
- 13 charter school, in the manner prescribed in subsection (d).
- 14 (b) The governing body of the school corporation shall certify a
- 15 copy of the resolution to place a referendum on the ballot to the
- 16 following:
- 17 (1) The department of local government finance, including:
- 18 (A) the language for the question required by section 10 of this
- 19 chapter, or in the case of a resolution to extend a referendum
- 20 levy certified to the department of local government finance
- 21 after March 15, 2016, section 10.1 of this chapter; and
- 22 (B) a copy of the revenue spending plan adopted under
- 23 subsection (e).
- 24 The language of the public question must include the estimated
- 25 average percentage increases certified by the county auditor under
- 26 section 10(e) **or 10.1(f)** of this chapter, **as applicable**. The
- 27 governing body of the school corporation shall also provide the
- 28 county auditor's certification described in section 10(e) **or 10.1(f)**
- 29 of this chapter, **as applicable**. The department of local
- 30 government finance shall post the values certified by the county
- 31 auditor to the department's Internet web site. The department shall
- 32 review the language for compliance with section 10 or 10.1 of this
- 33 chapter, whichever is applicable, and either approve or reject the
- 34 language. The department shall send its decision to the governing
- 35 body of the school corporation not more than ten (10) days after
- 36 the resolution is submitted to the department. If the language is
- 37 approved, the governing body of the school corporation shall
- 38 certify a copy of the resolution, including the language for the
- 39 question and the department's approval.
- 40 (2) The county fiscal body of each county in which the school
- 41 corporation is located (for informational purposes only).
- 42 (3) The circuit court clerk of each county in which the school



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



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

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

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

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

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

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

30 from the result of STEP ONE.

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

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

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

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

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



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



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

5 SECTION 30. IC 20-46-1-10.1, AS AMENDED BY P.L.38-2021,
 6 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2022]: Sec. 10.1. (a) This section applies only to a referendum
 8 to allow a school corporation to extend a referendum levy.

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

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

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

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

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

41 **STEP TWO: For purposes of determining the net assessed**
 42 **value of the average homestead located within the school**



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



1 **STEP THREE: Determine the overall average tax rate per**
 2 **one hundred dollars (\$100) of assessed valuation for the first**
 3 **year in which the referendum levy was imposed on property**
 4 **located within the school corporation.**

5 **STEP FOUR: For purposes of determining net property tax**
 6 **liability of the average business property located within the**
 7 **school corporation:**

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

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

14 **STEP FIVE: Determine the amount of the school**
 15 **corporation's part of the result determined in STEP FOUR.**

16 **STEP SIX: Multiply:**

17 **(A) the result of STEP TWO; by**

18 **(B) the tax rate that will be imposed if the public question**
 19 **is approved by the voters.**

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

22 **(f) The county auditor shall certify the estimated average**
 23 **percentage of property tax increase on a homestead to be paid to**
 24 **the school corporation determined under subsection (d), and the**
 25 **estimated average percentage of property tax increase on a**
 26 **business property to be paid to the school corporation determined**
 27 **under subsection (e), in a manner prescribed by the department of**
 28 **local government finance, and provide the certification to the**
 29 **governing body of the school corporation that proposes to impose**
 30 **property taxes.**

31 SECTION 31. IC 20-46-9-6, AS AMENDED BY P.L.136-2021,
 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2022]: Sec. 6. (a) Subject to this chapter, the governing body
 34 of a school corporation may adopt a resolution to place a referendum
 35 under this chapter on the ballot if the governing body of the school
 36 corporation determines that a referendum levy should be imposed for
 37 measures to improve school safety as described in IC 20-40-20-6(a) or
 38 IC 20-40-20-6(b).

39 (b) A school corporation may, with the approval of the majority of
 40 members of the governing body, distribute a portion of the proceeds of
 41 a tax levy collected under this chapter that is deposited in the fund to
 42 a charter school, excluding a virtual charter school, that is located



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

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

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

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

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

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

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

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

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

41 (e) As part of the resolution described in subsection (a), the
42 governing body of the school corporation shall adopt a revenue



1 spending plan for the proposed referendum tax levy that includes:

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

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

13 SECTION 32. IC 20-46-9-9, AS AMENDED BY P.L.38-2021,
 14 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2022]: Sec. 9. (a) The question to be submitted to the voters
 16 in the referendum must read as follows:

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

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

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



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



1 imposed on property located within the school corporation.

2 STEP FOUR: For purposes of determining net property tax
3 liability of the average business property located within the school
4 corporation:

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

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

11 STEP FIVE: Determine the amount of the school corporation's
12 part of the result determined in STEP FOUR.

13 STEP SIX: Multiply:

14 (A) the result of STEP TWO; by

15 (B) the tax rate that will be imposed if the public question is
16 approved by the voters.

17 STEP SEVEN: Divide the result of STEP SIX by the result of
18 STEP FIVE, expressed as a percentage.

19 (d) The county auditor shall certify the estimated average
20 percentage of property tax increase on a homestead to be paid to the
21 school corporation determined under subsection (b), and the estimated
22 average percentage of property tax increase on a business property to
23 be paid to the school corporation determined under subsection (c), in
24 a manner prescribed by the department of local government finance,
25 and provide the certification to the governing body of the school
26 corporation that proposes to impose property taxes.

27 SECTION 33. IC 20-46-9-10, AS AMENDED BY P.L.38-2021,
28 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2022]: Sec. 10. (a) This section applies only to a referendum
30 to allow a school corporation to extend a referendum tax levy.

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

33 "Shall the school corporation continue to impose increased
34 property taxes paid to the school corporation by homeowners and
35 businesses for _____ (insert number of years) years immediately
36 following the holding of the referendum for the purpose of
37 funding _____ (insert short description of purposes)? The
38 property tax increase requested in this referendum was originally
39 approved by the voters in _____ (insert the year in which the
40 referendum tax levy was approved) and originally increased the
41 average property tax paid to the school corporation per year on a
42 residence within the school corporation by _____% (insert the



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

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

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

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

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

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

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

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

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

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

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

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



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



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

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

- 16 (1) A township docket fee of five dollars (\$5) plus forty-five
 17 percent (45%) of the infraction or ordinance violation costs fee
 18 under IC 33-37-4-2.
 19 (2) The bailiff's service of process by registered or certified mail
 20 fee of fifteen dollars (\$15) for each service.
 21 (3) The cost for the personal service of process by the bailiff or
 22 other process server of fifteen dollars (\$15) for each service.
 23 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
 24 to be taxed and charged in the circuit court.
 25 (5) A redocketing fee, if any, of five dollars (\$5).
 26 (6) A document storage fee under IC 33-37-5-20.
 27 (7) An automated record keeping fee under IC 33-37-5-21.
 28 (8) A late fee, if any, under IC 33-37-5-22.
 29 (9) A public defense administration fee under IC 33-37-5-21.2.
 30 (10) A judicial insurance adjustment fee under IC 33-37-5-25.
 31 (11) A judicial salaries fee under IC 33-37-5-26.
 32 (12) A court administration fee under IC 33-37-5-27.
 33 (13) ~~Before July 1, 2022,~~ A pro bono legal services fee under
 34 IC 33-37-5-31.

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

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

42 SECTION 35. IC 33-34-8-3, AS AMENDED BY P.L.165-2021,



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

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

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

18 (d) The court shall:

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

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

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

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

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

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

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

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

40 The remaining twenty-five percent (25%) of the judicial salaries fees
 41 described in subdivision (1)(E) shall be deposited monthly in the
 42 township general fund of the township in which the court is located.



1 The county auditor shall deposit fees distributed under subdivision (2)
2 into the clerk's record perpetuation fund under IC 33-37-5-2.

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

8 SECTION 36. IC 33-37-4-4, AS AMENDED BY P.L.39-2017,
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2022]: Sec. 4. (a) The clerk shall collect a civil costs fee of
11 one hundred dollars (\$100) from a party filing a civil action. This
12 subsection does not apply to the following civil actions:

- 13 (1) Proceedings to enforce a statute defining an infraction under
14 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 15 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
16 IC 34-4-32 before its repeal).
- 17 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 18 (4) Proceedings in paternity under IC 31-14.
- 19 (5) Proceedings in small claims court under IC 33-34.
- 20 (6) Proceedings in actions described in section 7 of this chapter.

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

- 24 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
25 IC 33-37-5-4).
- 26 (2) A support and maintenance fee (IC 33-37-5-6).
- 27 (3) A document storage fee (IC 33-37-5-20).
- 28 (4) An automated record keeping fee (IC 33-37-5-21).
- 29 (5) A public defense administration fee (IC 33-37-5-21.2).
- 30 (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- 31 (7) A judicial salaries fee (IC 33-37-5-26).
- 32 (8) A court administration fee (IC 33-37-5-27).
- 33 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- 34 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or
35 IC 33-37-5-28(b)(4)).
- 36 (11) For a mortgage foreclosure action, a mortgage foreclosure
37 counseling and education fee (IC 33-37-5-33) (before its
38 expiration on July 1, 2017).
- 39 (12) ~~Before July 1, 2022~~, A pro bono legal services fee
40 (IC 33-37-5-31).

41 SECTION 37. IC 33-37-4-6, AS AMENDED BY P.L.235-2017,
42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 6. (a) For each small claims action, the clerk shall
 2 collect the following fees:

3 (1) From the party filing the action:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 SECTION 38. IC 33-37-4-7, AS AMENDED BY P.L.194-2017,
 40 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2022]: Sec. 7. (a) Except as provided under subsection (c), the
 42 clerk shall collect from the party filing the action a probate costs fee of



1 one hundred twenty dollars (\$120) for each action filed under any of
 2 the following:

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

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

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

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

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

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

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

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

42 SECTION 40. IC 33-37-7-2, AS AMENDED BY P.L.165-2021,



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

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

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

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

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

- 41 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 42 interdiction, and correction fees collected under



- 1 IC 33-37-4-1(b)(5).
- 2 (2) Seventy-five percent (75%) of the alcohol and drug
3 countermeasures fees collected under IC 33-37-4-1(b)(6),
4 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 5 The county auditor shall deposit fees distributed by a clerk under this
6 subsection into the county drug free community fund established under
7 IC 5-2-11.
- 8 (d) The clerk of a circuit court shall distribute monthly to the county
9 auditor one hundred percent (100%) of the late payment fees collected
10 under IC 33-37-5-22. The county auditor shall deposit fees distributed
11 by a clerk under this subsection as follows:
- 12 (1) If directed to do so by an ordinance adopted by the county
13 fiscal body, the county auditor shall deposit forty percent (40%)
14 of the fees in the clerk's record perpetuation fund established
15 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
16 county general fund.
- 17 (2) If the county fiscal body has not adopted an ordinance
18 described in subdivision (1), the county auditor shall deposit all
19 the fees in the county general fund.
- 20 (e) The clerk of the circuit court shall distribute semiannually to the
21 auditor of state for deposit in the sexual assault victims assistance fund
22 established by IC 5-2-6-23(d) one hundred percent (100%) of the
23 sexual assault victims assistance fees collected under IC 33-37-5-23.
- 24 (f) The clerk of a circuit court shall distribute monthly to the county
25 auditor the following:
- 26 (1) One hundred percent (100%) of the support and maintenance
27 fees for cases designated as non-Title IV-D child support cases in
28 the Indiana support enforcement tracking system (ISETS) or the
29 successor statewide automated support enforcement system
30 collected under IC 33-37-5-6.
- 31 (2) The percentage share of the support and maintenance fees for
32 cases designated as Title IV-D child support cases in ISETS or the
33 successor statewide automated support enforcement system
34 collected under IC 33-37-5-6 that is reimbursable to the county at
35 the federal financial participation rate.
- 36 The county clerk shall distribute monthly to the department of child
37 services the percentage share of the support and maintenance fees for
38 cases designated as Title IV-D child support cases in ISETS, or the
39 successor statewide automated support enforcement system, collected
40 under IC 33-37-5-6 that is not reimbursable to the county at the
41 applicable federal financial participation rate.
- 42 (g) The clerk of a circuit court shall distribute monthly to the county



- 1 auditor the following:
- 2 (1) One hundred percent (100%) of the small claims service fee
- 3 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
- 4 the county general fund.
- 5 (2) One hundred percent (100%) of the small claims garnishee
- 6 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
- 7 deposit in the county general fund.
- 8 (3) Twenty-five percent (25%) of the safe schools fee collected
- 9 under IC 33-37-5-18 for deposit in the county general fund.
- 10 (h) This subsection does not apply to court administration fees
- 11 collected in small claims actions filed in a court described in IC 33-34.
- 12 The clerk of a circuit court shall semiannually distribute to the auditor
- 13 of state for deposit in the state general fund one hundred percent
- 14 (100%) of the following:
- 15 (1) The public defense administration fee collected under
- 16 IC 33-37-5-21.2.
- 17 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 18 (3) The DNA sample processing fees collected under
- 19 IC 33-37-5-26.2.
- 20 (4) The court administration fees collected under IC 33-37-5-27.
- 21 (5) The judicial insurance adjustment fee collected under
- 22 IC 33-37-5-25.
- 23 (i) The proceeds of the service fee collected under
- 24 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
- 25 follows:
- 26 (1) The clerk shall distribute one hundred percent (100%) of the
- 27 service fees collected in a circuit, superior, county, or probate
- 28 court to the county auditor for deposit in the county general fund.
- 29 (2) The clerk shall distribute one hundred percent (100%) of the
- 30 service fees collected in a city or town court to the city or town
- 31 fiscal officer for deposit in the city or town general fund.
- 32 (j) The proceeds of the garnishee service fee collected under
- 33 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
- 34 follows:
- 35 (1) The clerk shall distribute one hundred percent (100%) of the
- 36 garnishee service fees collected in a circuit, superior, county, or
- 37 probate court to the county auditor for deposit in the county
- 38 general fund.
- 39 (2) The clerk shall distribute one hundred percent (100%) of the
- 40 garnishee service fees collected in a city or town court to the city
- 41 or town fiscal officer for deposit in the city or town general fund.
- 42 (k) The clerk of the circuit court shall distribute semiannually to the



1 auditor of state for deposit in the home ownership education account
 2 established by IC 5-20-1-27 one hundred percent (100%) of the
 3 following:

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

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

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

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

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

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

32 SECTION 41. IC 33-37-7-8, AS AMENDED BY P.L.165-2021,
 33 SECTION 194, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The clerk of a city or town
 35 court shall distribute semiannually to the auditor of state as the state
 36 share for deposit in the homeowner protection unit account established
 37 by IC 4-6-12-9 one hundred percent (100%) of the automated record
 38 keeping fees collected under IC 33-37-5-21 with respect to actions
 39 resulting in the accused person entering into a pretrial diversion
 40 program agreement under IC 33-39-1-8 or a deferral program
 41 agreement under IC 34-28-5-1 and for deposit in the state general fund
 42 fifty-five percent (55%) of the amount of fees collected under the



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



- 1 IC 33-37-4-1(b)(5).
- 2 (2) Seventy-five percent (75%) of the alcohol and drug
3 countermeasures fees collected under IC 33-37-4-1(b)(6),
4 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 5 The county auditor shall deposit fees distributed by a clerk under this
6 subsection into the county drug free community fund established under
7 IC 5-2-11.
- 8 (f) The clerk of a city or town court shall distribute monthly to the
9 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
10 percent (100%) of the following:
- 11 (1) The late payment fees collected under IC 33-37-5-22.
12 (2) The small claims service fee collected under
13 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
14 (3) The small claims garnishee service fee collected under
15 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
16 (4) Twenty-five percent (25%) of the safe schools fee collected
17 under IC 33-37-5-18.
- 18 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
19 fees distributed by a clerk under this subsection in the city or town
20 general fund.
- 21 (g) The clerk of a city or town court shall semiannually distribute to
22 the auditor of state for deposit in the state general fund one hundred
23 percent (100%) of the following:
- 24 (1) The public defense administration fee collected under
25 IC 33-37-5-21.2.
26 (2) The DNA sample processing fees collected under
27 IC 33-37-5-26.2.
28 (3) The court administration fees collected under IC 33-37-5-27.
29 (4) The judicial insurance adjustment fee collected under
30 IC 33-37-5-25.
- 31 (h) The clerk of a city or town court shall semiannually distribute to
32 the auditor of state for deposit in the state general fund seventy-five
33 percent (75%) of the judicial salaries fee collected under
34 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
35 percent (25%) of the judicial salaries fee collected under
36 IC 33-37-5-26. The funds retained by the city or town shall be
37 prioritized to fund city or town court operations.
- 38 (i) The clerk of a city or town court shall distribute semiannually to
39 the auditor of state one hundred percent (100%) of the pro bono legal
40 services fees collected ~~before July 1, 2022,~~ under IC 33-37-5-31. The
41 auditor of state shall transfer semiannually the pro bono legal services
42 fees to the Indiana Bar Foundation (or a successor entity) as the entity



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

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

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

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

18 SECTION 42. IC 36-1-10-5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. Notwithstanding
 20 sections 6, 12, 16, and 17 of this chapter, the following procedure shall
 21 be followed whenever a lease does not contain an option to purchase:

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

25 ~~(2) (1) The lease must provide that the lease is subject to annual~~
 26 ~~appropriation by the appropriate fiscal body.~~

27 ~~(3) (2) The leasing agent must have a copy of the lease filed and~~
 28 ~~kept in a place available for public inspection.~~

29 A leasing agent may lease part of a structure.

30 SECTION 43. IC 36-1-10-16 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. (a) A political
 32 subdivision or agency owning a structure with respect to which its
 33 revenue bonds are outstanding may, to refinance those bonds, convey
 34 the structure to the lessor in fee simple and lease it from the lessor in
 35 accordance with this chapter. ~~subject to the approval of the department~~
 36 ~~of local government finance.~~

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

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

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



- 1 (3) the redemption premiums on all bonds subject to redemption
 2 before maturity.
 3 An amount not less than this sum shall be deposited in trust for the
 4 payment of the outstanding revenue bonds in a manner consistent with
 5 the ordinance or trust agreement under which the bonds were issued.
 6 The money deposited in the trust, and investment income from it, not
 7 required for the payment of the bonds, shall be applied to the payment
 8 of the obligations issued by the lessor for the acquisition of the
 9 structure, and to a corresponding reduction of rentals for the leasing
 10 agent.
- 11 (c) Each lease entered into under this section must include an option
 12 permitting the political subdivision or agency to purchase the structure
 13 at a price not exceeding the amount required to retire all outstanding
 14 obligations issued by the lessor to acquire the property covered by the
 15 lease. The lease and sale of a parking facility under this section does
 16 not preclude the lease of air rights.
- 17 SECTION 44. IC 36-7-14-22.7, AS ADDED BY P.L.169-2006,
 18 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2022]: Sec. 22.7. (a) The commission may dispose of real
 20 property to which section 22.5 of this chapter applies by following the
 21 procedure set forth in this section.
- 22 (b) The commission shall first have the property appraised by two
 23 (2) appraisers. The appraisers must be:
 24 (1) persons who are professionally engaged in making appraisals;
 25 (2) persons who are licensed under IC 25-34.1; or
 26 (3) employees of the political subdivision familiar with the value
 27 of the property.
 28 The appraisers shall make a joint appraisal of the property.
- 29 (c) The commission may:
 30 (1) negotiate a sale or transfer; and
 31 (2) dispose of the property;
 32 at a value that is not less than the appraised value determined under
 33 subsection (b).
- 34 (d) Disposal of real property under this ~~chapter~~ **section** is subject to
 35 the approval of the commission. The commission may not approve a
 36 disposal of property without conducting a public hearing after giving
 37 notice under IC 5-3-1.
- 38 (e) In addition to any other reason for disapproving a disposal of
 39 property under this section, the commission may disapprove a sale of
 40 a tract of residential property to any bidder who does not by affidavit
 41 declare that the bidder will reside on that property for at least one (1)
 42 year after the bidder obtains possession of the property.



1 SECTION 45. IC 36-7-14-39, AS AMENDED BY P.L.38-2021,
 2 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 39. (a) As used in this section:

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

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

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

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

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

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

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

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

33 (3) If:

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

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

40 the net assessed value of all the property as finally determined for
 41 the assessment date immediately preceding the effective date of
 42 the allocation provision adopted after June 30, 1997, as adjusted



- 1 under subsection (h).
 2 (4) Except as provided in subdivision (5), for all other allocation
 3 areas, the net assessed value of all the property as finally
 4 determined for the assessment date immediately preceding the
 5 effective date of the allocation provision of the declaratory
 6 resolution, as adjusted under subsection (h).
 7 (5) If an allocation area established in an economic development
 8 area before July 1, 1995, is expanded after June 30, 1995, the
 9 definition in subdivision (1) applies to the expanded part of the
 10 area added after June 30, 1995.
 11 (6) If an allocation area established in a redevelopment project
 12 area before July 1, 1997, is expanded after June 30, 1997, the
 13 definition in subdivision (2) applies to the expanded part of the
 14 area added after June 30, 1997.

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

28 (b) A declaratory resolution adopted under section 15 of this chapter
 29 on or before the allocation deadline determined under subsection (i)
 30 may include a provision with respect to the allocation and distribution
 31 of property taxes for the purposes and in the manner provided in this
 32 section. A declaratory resolution previously adopted may include an
 33 allocation provision by the amendment of that declaratory resolution on
 34 or before the allocation deadline determined under subsection (i) in
 35 accordance with the procedures required for its original adoption. A
 36 declaratory resolution or amendment that establishes an allocation
 37 provision must include a specific finding of fact, supported by
 38 evidence, that the adoption of the allocation provision will result in
 39 new property taxes in the area that would not have been generated but
 40 for the adoption of the allocation provision. For an allocation area
 41 established before July 1, 1995, the expiration date of any allocation
 42 provisions for the allocation area is June 30, 2025, or the last date of



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

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

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

35 (B) the base assessed value;

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

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



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

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

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

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

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

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

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

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

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

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

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



- 1 (3) years after the date on which the investments that are the
 2 basis for the increment financing are made.
- 3 (L) Pay the costs of carrying out an eligible efficiency project
 4 (as defined in IC 36-9-41-1.5) within the unit that established
 5 the redevelopment commission. However, property tax
 6 proceeds may be used under this clause to pay the costs of
 7 carrying out an eligible efficiency project only if those
 8 property tax proceeds exceed the amount necessary to do the
 9 following:
- 10 (i) Make, when due, any payments required under clauses
 11 (A) through (K), including any payments of principal and
 12 interest on bonds and other obligations payable under this
 13 subdivision, any payments of premiums under this
 14 subdivision on the redemption before maturity of bonds, and
 15 any payments on leases payable under this subdivision.
- 16 (ii) Make any reimbursements required under this
 17 subdivision.
- 18 (iii) Pay any expenses required under this subdivision.
- 19 (iv) Establish, augment, or restore any debt service reserve
 20 under this subdivision.
- 21 (M) Expend money and provide financial assistance as
 22 authorized in section 12.2(a)(27) of this chapter.
- 23 The allocation fund may not be used for operating expenses of the
 24 commission.
- 25 (4) Except as provided in subsection (g), before June 15 of each
 26 year, the commission shall do the following:
- 27 (A) Determine the amount, if any, by which the assessed value
 28 of the taxable property in the allocation area for the most
 29 recent assessment date minus the base assessed value, when
 30 multiplied by the estimated tax rate of the allocation area, will
 31 exceed the amount of assessed value needed to produce the
 32 property taxes necessary to make, when due, principal and
 33 interest payments on bonds described in subdivision (3), plus
 34 the amount necessary for other purposes described in
 35 subdivision (3).
- 36 (B) Provide a written notice to the county auditor, the fiscal
 37 body of the county or municipality that established the
 38 department of redevelopment, and the officers who are
 39 authorized to fix budgets, tax rates, and tax levies under
 40 IC 6-1.1-17-5 for each of the other taxing units that is wholly
 41 or partly located within the allocation area. The county auditor,
 42 upon receiving the notice, shall forward this notice (in an



1 electronic format) to the department of local government
2 finance not later than June 15 of each year. The notice must:

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

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

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

17 (C) If:

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

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

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

33 (5) Notwithstanding subdivision (4), in the case of an allocation
34 area that is established after June 30, 2019, and that is located in
35 a redevelopment project area described in section 25.1(c)(3)(C)
36 of this chapter, an economic development area described in
37 section 25.1(c)(3)(C) of this chapter, or an urban renewal project
38 area described in section 25.1(c)(3)(C) of this chapter, for each
39 year the allocation provision is in effect, if the amount of excess
40 assessed value determined by the commission under subdivision
41 (4)(A) is expected to generate more than two hundred percent
42 (200%) of:



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



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

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

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



1 (3) may decrease base assessed value only to the extent that
 2 assessed values in the allocation area have been decreased due to
 3 annual adjustments or the reassessment under the reassessment
 4 plan.

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

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

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

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

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

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

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

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

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

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

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



1 **tax relief credit designated for residential property under**
 2 **IC 6-3.6-5-6(d)(3).**

3 SECTION 46. IC 36-7-15.1-26, AS AMENDED BY P.L.156-2020,
 4 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2022]: Sec. 26. (a) As used in this section:

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

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

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

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

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

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

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

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

36 (3) If:

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

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



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

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

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

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

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

31 (b) A resolution adopted under section 8 of this chapter on or before
 32 the allocation deadline determined under subsection (i) may include a
 33 provision with respect to the allocation and distribution of property
 34 taxes for the purposes and in the manner provided in this section. A
 35 resolution previously adopted may include an allocation provision by
 36 the amendment of that resolution on or before the allocation deadline
 37 determined under subsection (i) in accordance with the procedures
 38 required for its original adoption. A declaratory resolution or
 39 amendment that establishes an allocation provision must include a
 40 specific finding of fact, supported by evidence, that the adoption of the
 41 allocation provision will result in new property taxes in the area that
 42 would not have been generated but for the adoption of the allocation



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

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

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

33 or

34 (B) the base assessed value;

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

37 (2) The excess of the proceeds of the property taxes imposed for
 38 the assessment date with respect to which the allocation and
 39 distribution is made that are attributable to taxes imposed after
 40 being approved by the voters in a referendum or local public
 41 question conducted after April 30, 2010, not otherwise included
 42 in subdivision (1) shall be allocated to and, when collected, paid



1 into the funds of the taxing unit for which the referendum or local
2 public question was conducted.

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

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

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

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

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

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

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

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

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

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

40 (i) in the allocation area; and

41 (ii) on a parcel of real property that has been classified as
42 industrial property under the rules of the department of local



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



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

6 The notice must:

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

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

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

20 (C) If:

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

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

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

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

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

42 (2) the base assessed value.



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

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

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

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

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

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



1 business activity in the enterprise zone or providing employment
 2 for enterprise zone residents in the enterprise zone. These loans
 3 and grants may be made to the following:

4 (A) Businesses operating in the enterprise zone.

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

7 (3) To provide funds to carry out other purposes specified in
 8 subsection (b)(3). However, where reference is made in
 9 subsection (b)(3) to the allocation area, the reference refers for
 10 purposes of payments from the special zone fund only to that part
 11 of the allocation area that is also located in the enterprise zone.

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

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

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

36 (2) Subject to subdivision (3), the initial allocation deadline and
 37 subsequent allocation deadlines are automatically extended in
 38 increments of five (5) years, so that allocation deadlines
 39 subsequent to the initial allocation deadline fall on December 31,
 40 2016, and December 31 of each fifth year thereafter.

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



- 1 a law that:
- 2 (A) terminates the automatic extension of allocation deadlines
- 3 under subdivision (2); and
- 4 (B) specifically designates a particular date as the final
- 5 allocation deadline.
- 6 (j) If the commission adopts a declaratory resolution or an
- 7 amendment to a declaratory resolution that contains an allocation
- 8 provision and the commission makes either of the filings required
- 9 under section 10(e) of this chapter after the first anniversary of the
- 10 effective date of the allocation provision, the auditor of the county in
- 11 which the unit is located shall compute the base assessed value for the
- 12 allocation area using the assessment date immediately preceding the
- 13 later of:
- 14 (1) the date on which the documents are filed with the county
- 15 auditor; or
- 16 (2) the date on which the documents are filed with the department
- 17 of local government finance.
- 18 **(k) For an allocation area established after June 30, 2024,**
- 19 **"residential property" refers to the assessed value of property that**
- 20 **is allocated to the one percent (1%) homestead land and**
- 21 **improvement categories in the county tax and billing software**
- 22 **system, along with the residential assessed value as defined for**
- 23 **purposes of calculating the rate for the local income tax property**
- 24 **tax relief credit designated for residential property under**
- 25 **IC 6-3.6-5-6(d)(3).**
- 26 SECTION 47. IC 36-7-15.1-53, AS AMENDED BY P.L.156-2020,
- 27 SECTION 141, IS AMENDED TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2022]: Sec. 53. (a) As used in this section:
- 29 "Allocation area" means that part of a redevelopment project area
- 30 to which an allocation provision of a resolution adopted under section
- 31 40 of this chapter refers for purposes of distribution and allocation of
- 32 property taxes.
- 33 "Base assessed value" means, subject to subsection (j):
- 34 (1) the net assessed value of all the property as finally determined
- 35 for the assessment date immediately preceding the effective date
- 36 of the allocation provision of the declaratory resolution, as
- 37 adjusted under subsection (h); plus
- 38 (2) to the extent that it is not included in subdivision (1), the net
- 39 assessed value of property that is assessed as residential property
- 40 under the rules of the department of local government finance, as
- 41 finally determined for the current assessment date.
- 42 Except as provided in section 55 of this chapter, "property taxes"



1 means taxes imposed under IC 6-1.1 on real property.

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

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

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

35 or

36 (B) the base assessed value;

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

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



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

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

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

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

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

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

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

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

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

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

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

42 (i) in the allocation area; and



1 (ii) on a parcel of real property that has been classified as
 2 industrial property under the rules of the department of local
 3 government finance.

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

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

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

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

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

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

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

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



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



1 based on the recommendations of the urban enterprise association, for
2 one (1) or more of the following purposes:

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

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

12 (A) Businesses operating in the enterprise zone.

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

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

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

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

HB 1260—LS 6580/DI 134



- 1 (1) The initial allocation deadline is December 31, 2011.
- 2 (2) Subject to subdivision (3), the initial allocation deadline and
- 3 subsequent allocation deadlines are automatically extended in
- 4 increments of five (5) years, so that allocation deadlines
- 5 subsequent to the initial allocation deadline fall on December 31,
- 6 2016, and December 31 of each fifth year thereafter.
- 7 (3) At least one (1) year before the date of an allocation deadline
- 8 determined under subdivision (2), the general assembly may enact
- 9 a law that:
 - 10 (A) terminates the automatic extension of allocation deadlines
 - 11 under subdivision (2); and
 - 12 (B) specifically designates a particular date as the final
 - 13 allocation deadline.
- 14 (j) If the commission adopts a declaratory resolution or an
- 15 amendment to a declaratory resolution that contains an allocation
- 16 provision and the commission makes either of the filings required
- 17 under section 10(e) of this chapter after the first anniversary of the
- 18 effective date of the allocation provision, the auditor of the county in
- 19 which the unit is located shall compute the base assessed value for the
- 20 allocation area using the assessment date immediately preceding the
- 21 later of:
 - 22 (1) the date on which the documents are filed with the county
 - 23 auditor; or
 - 24 (2) the date on which the documents are filed with the department
 - 25 of local government finance.
- 26 **(k) For an allocation area established after June 30, 2024,**
- 27 **"residential property" refers to the assessed value of property that**
- 28 **is allocated to the one percent (1%) homestead land and**
- 29 **improvement categories in the county tax and billing software**
- 30 **system, along with the residential assessed value as defined for**
- 31 **purposes of calculating the rate for the local income tax property**
- 32 **tax relief credit designated for residential property under**
- 33 **IC 6-3.6-5-6(d)(3).**
- 34 SECTION 48. IC 36-7-30-25, AS AMENDED BY P.L.156-2020,
- 35 SECTION 142, IS AMENDED TO READ AS FOLLOWS
- 36 [EFFECTIVE JULY 1, 2022]: Sec. 25. (a) The following definitions
- 37 apply throughout this section:
 - 38 (1) "Allocation area" means that part of a military base reuse area
 - 39 to which an allocation provision of a declaratory resolution
 - 40 adopted under section 10 of this chapter refers for purposes of
 - 41 distribution and allocation of property taxes.
 - 42 (2) "Base assessed value" means, subject to subsection (i):



- 1 (A) the net assessed value of all the property as finally
 2 determined for the assessment date immediately preceding the
 3 adoption date of the allocation provision of the declaratory
 4 resolution, as adjusted under subsection (h); plus
 5 (B) to the extent that it is not included in clause (A) or (C), the
 6 net assessed value of any and all parcels or classes of parcels
 7 identified as part of the base assessed value in the declaratory
 8 resolution or an amendment thereto, as finally determined for
 9 any subsequent assessment date; plus
 10 (C) to the extent that it is not included in clause (A) or (B), the
 11 net assessed value of property that is assessed as residential
 12 property under the rules of the department of local government
 13 finance, within the allocation area, as finally determined for
 14 the current assessment date.

15 Clause (C) applies only to allocation areas established in a
 16 military reuse area after June 30, 1997, and to the part of an
 17 allocation area that was established before June 30, 1997, and that
 18 is added to an existing allocation area after June 30, 1997.

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

21 (b) A declaratory resolution adopted under section 10 of this chapter
 22 before the date set forth in IC 36-7-14-39(b) pertaining to declaratory
 23 resolutions adopted under IC 36-7-14-15 may include a provision with
 24 respect to the allocation and distribution of property taxes for the
 25 purposes and in the manner provided in this section. A declaratory
 26 resolution previously adopted may include an allocation provision by
 27 the amendment of that declaratory resolution in accordance with the
 28 procedures set forth in section 13 of this chapter. The allocation
 29 provision may apply to all or part of the military base reuse area. The
 30 allocation provision must require that any property taxes subsequently
 31 levied by or for the benefit of any public body entitled to a distribution
 32 of property taxes on taxable property in the allocation area be allocated
 33 and distributed as follows:

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

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

39 (B) the base assessed value;
 40 shall be allocated to and, when collected, paid into the funds of
 41 the respective taxing units.

42 (2) The excess of the proceeds of the property taxes imposed for



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

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

14 (A) Pay the principal of and interest and redemption premium
 15 on any obligations incurred by the military base reuse district
 16 or any other entity for the purpose of financing or refinancing
 17 military base reuse activities in or directly serving or
 18 benefiting that allocation area.

19 (B) Establish, augment, or restore the debt service reserve for
 20 bonds payable solely or in part from allocated tax proceeds in
 21 that allocation area or from other revenues of the reuse
 22 authority, including lease rental revenues.

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

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

28 (E) Pay expenses incurred by the reuse authority, any other
 29 department of the unit, or a department of another
 30 governmental entity for local public improvements or
 31 structures that are in the allocation area or directly serving or
 32 benefiting the allocation area, including expenses for the
 33 operation and maintenance of these local public improvements
 34 or structures if the reuse authority determines those operation
 35 and maintenance expenses are necessary or desirable to carry
 36 out the purposes of this chapter.

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

40 (i) in the allocation area; and

41 (ii) on a parcel of real property that has been classified as
 42 industrial property under the rules of the department of local



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



1 allocation area that is annexed by a taxing unit after the effective date
2 of the allocation provision of the declaratory resolution is the lesser of:

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

5 (2) the base assessed value.

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

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

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

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

21 (2) the base assessed value.

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



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

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

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

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

41 (j) **For an allocation area established after June 30, 2024,**
 42 **"residential property" refers to the assessed value of property that**



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

7 SECTION 49. IC 36-7-30.5-30, AS AMENDED BY P.L.156-2020,
 8 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2022]: Sec. 30. (a) The following definitions
 10 apply throughout this section:

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

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

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

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

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

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

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



1 a distribution of property taxes on taxable property in the allocation
2 area be allocated and distributed as follows:

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

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

8 (B) the base assessed value;

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

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

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

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

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

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

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

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



1 following STEPS for each taxpayer in a taxing district (as
 2 defined in IC 6-1.1-1-20) that contains all or part of the
 3 allocation area:
 4 STEP ONE: Determine that part of the sum of the amounts
 5 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
 6 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
 7 IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to
 8 the taxing district.
 9 STEP TWO: Divide:
 10 (i) that part of each county's eligible property tax
 11 replacement amount (as defined in IC 6-1.1-21-2 (before its
 12 repeal)) for that year as determined under IC 6-1.1-21-4
 13 (before its repeal) that is attributable to the taxing district;
 14 by
 15 (ii) the STEP ONE sum.
 16 STEP THREE: Multiply:
 17 (i) the STEP TWO quotient; by
 18 (ii) the total amount of the taxpayer's taxes (as defined in
 19 IC 6-1.1-21-2 (before its repeal)) levied in the taxing district
 20 that have been allocated during that year to an allocation
 21 fund under this section.
 22 If not all the taxpayers in an allocation area receive the credit
 23 in full, each taxpayer in the allocation area is entitled to
 24 receive the same proportion of the credit. A taxpayer may not
 25 receive a credit under this section and a credit under section
 26 32 of this chapter (before its repeal) in the same year.
 27 (F) Pay expenses incurred by the development authority for
 28 local public improvements or structures that were in the
 29 allocation area or directly serving or benefiting the allocation
 30 area.
 31 (G) 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 not more than



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



1 respect to which the allocation and distribution is made; or
2 (2) the base assessed value.

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

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

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

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

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



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

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

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

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

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



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

5 SECTION 50. IC 36-8-8-14.2, AS ADDED BY P.L.159-2020,
 6 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2022]: Sec. 14.2. (a) This section applies to every unit that is
 8 an employer of one (1) or more individuals who are active members of
 9 the 1977 fund.

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

- 11 (1) a surviving spouse of a deceased member of the 1977 fund; or
 12 (2) a surviving natural child, stepchild, or adopted child of a
 13 deceased member of the 1977 fund;

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

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

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

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

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

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



1 cumulative fund was created. The department may not expend any
2 money transferred under this subsection until an appropriation is made,
3 and the department may not expend any money transferred under this
4 subsection for operating costs of the department.

5 SECTION 51. IC 36-9-27-48, AS AMENDED BY P.L.127-2017,
6 SECTION 339, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2022]: Sec. 48. (a) Whenever, in the
8 construction or reconstruction of a regulated drain, the county surveyor
9 determines that:

- 10 (1) the proposed drain will cross a pipeline, cable, or similar
11 equipment of a public utility; and
- 12 (2) the equipment will interfere with the proper operation of the
13 drain;

14 the county surveyor shall include in the county surveyor's plans the
15 relocation requirements of the equipment. The county surveyor shall,
16 by registered mail **or certified mail**, send a copy of the requirements
17 to the public utility owning the equipment.

18 (b) If requested by the public utility, the county surveyor shall meet
19 with the public utility at a time and place to be fixed by the county
20 surveyor and hear objections to the requirements. After the hearing, the
21 county surveyor may change the requirements as justice may require.

22 (c) If the board finds that the relocation of a pipeline, cable, or
23 similar equipment owned by a public utility is necessary in the
24 construction or reconstruction of a regulated drain, the cost of
25 relocation shall be paid by the public utility.

26 SECTION 52. [EFFECTIVE JULY 1, 2022] **(a) IC 6-1.1-12-9,**
27 **IC 6-1.1-12-14, and IC 6-1.1-20.6-8.5, all as amended by this act,**
28 **apply to taxable years beginning after December 31, 2022.**

29 **(b) This SECTION expires July 1, 2025.**

30 SECTION 53. [EFFECTIVE UPON PASSAGE] **(a) For the**
31 **biennium beginning July 1, 2021, and ending June 30, 2023, the**
32 **budget agency shall augment from the state general fund the**
33 **amount appropriated for the secretary of state's administration**
34 **fund by an amount not to exceed three million two hundred**
35 **thousand dollars (\$3,200,000), the amount necessary to meet the**
36 **secretary of state's obligation for election security consultant**
37 **services.**

38 **(b) For the biennium beginning July 1, 2021, and ending June**
39 **30, 2023, if the office of management and budget determines that**
40 **funds appropriated for the career accelerator fund in P.L.165-2021**
41 **are an ineligible use of funds under the United States Treasury's**
42 **guidance on the American Rescue Plan Act of 2021, then the**



1 budget agency shall augment from the state general fund the
2 amount appropriated for the career accelerator fund in
3 P.L.165-2021 by an amount not to exceed ten million dollars
4 (\$10,000,000).

5 (c) For the state fiscal year:
6 (1) beginning July 1, 2021, and ending June 30, 2022; and
7 (2) beginning July 1, 2022, and ending June 30, 2023;
8 the budget agency may augment from the state general fund as
9 necessary the amounts appropriated for local law enforcement
10 training grants in P.L.165-2021 by an amount not to exceed the
11 amount necessary to fully fund the grants awarded by the criminal
12 justice institute during each state fiscal year.

13 (d) This SECTION expires July 1, 2024.
14 SECTION 54. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1260, 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 4-12-1-18, AS AMENDED BY P.L.165-2021, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 18. Except **for allotment stipulations** provided in IC 4-12-1-18, federal funds received by an instrumentality are appropriated for purposes specified by the federal government **and the general assembly, if that body elects to appropriate federal funds**, subject to allotment by the budget agency. The provisions of this chapter and other laws concerning the acceptance, disbursement, review, and approval of grants, loans, and gifts made by the federal government or any other source to the state or its agencies apply to instrumentalities.

SECTION 2. IC 4-12-18-4, AS ADDED BY P.L.64-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) ~~There is created the economic stimulus fund. Within the economic stimulus fund~~ The auditor of state shall create a **one (1) or more separate account economic stimulus funds** for each separate federal stimulus legislation enacted. All discretionary funds received by the state must be deposited in ~~the a~~ corresponding ~~account within the~~ economic stimulus fund unless prohibited by federal law.

(b) ~~The economic stimulus fund is~~ **Economic stimulus funds are** separate from the state general fund and all other state funds and accounts.

(c) **For purposes of SECTION 26 of P.L.165-2021, "deposit" means to comply with the purposes, eligible uses, and stipulations of the statutory fund referenced unless federal law or regulations conflict with the statutory fund purposes, eligible uses, and stipulations.**

SECTION 3. IC 4-12-18-5, AS ADDED BY P.L.64-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. Discretionary funds deposited into ~~the an~~ economic stimulus fund during a period in which the general assembly is convened in a regular session, an emergency session under IC 2-2.1-1.2, or a special session may not be allotted or expended



unless appropriated by the general assembly or reviewed by the budget committee. **Appropriations made by the general assembly do not revert until the end of the biennium in which they are appropriated.**

SECTION 4. IC 4-12-18-6, AS ADDED BY P.L.64-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. Before discretionary funds deposited into ~~the~~ **an** economic stimulus fund during a period in which the general assembly is not convened in a regular session, an emergency session under IC 2-2.1-1.2, or a special session may be allotted to or expended by a state agency or instrumentality, the allotment or expenditure must be reviewed by the budget committee. **Money is considered continuously appropriated for the period of the federal award after budget committee review.**

SECTION 5. IC 6-1.1-3-7, AS AMENDED BY P.L.108-2019, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 7. (a) Except as provided in subsections (b), ~~and~~ (c), **and (f)**, a taxpayer shall, on or before the filing date of each year, file a personal property return with:

- (1) the assessor of each township in which the taxpayer's personal property is subject to assessment;
- (2) the county assessor if there is no township assessor for a township in which the taxpayer's personal property is subject to assessment; or
- (3) after 2020, the personal property online submission portal developed and maintained by the department under section 26 of this chapter.

(b) The township assessor or county assessor may grant a taxpayer an extension of not more than thirty (30) days to file the taxpayer's return if:

- (1) the taxpayer submits a written or an electronic application for an extension prior to the filing date; and
- (2) the taxpayer is prevented from filing a timely return because of sickness, absence from the county, or any other good and sufficient reason.

(c) If a taxpayer:

- (1) has personal property subject to assessment in more than one (1) township in a county; or
- (2) has personal property that is subject to assessment and that is located in two (2) or more taxing districts within the same township;

the taxpayer shall file a single return with the county assessor and



attach a schedule listing, by township, all the taxpayer's personal property and the property's assessed value. The taxpayer shall provide the county assessor with the information necessary for the county assessor to allocate the assessed value of the taxpayer's personal property among the townships listed on the return and among taxing districts, including the street address, the township, and the location of the property. The taxpayer may, in the alternative, submit the taxpayer's personal property information and the property's assessed value through the personal property online submission portal developed under section 26 of this chapter.

(d) The county assessor shall provide to each affected township assessor (if any) in the county all information filed by a taxpayer under subsection (c) that affects the township.

(e) The county assessor may refuse to accept a personal property tax return that does not comply with subsection (c). For purposes of IC 6-1.1-37-7, a return to which subsection (c) applies is filed on the date it is filed with the county assessor with the schedule required by subsection (c) attached.

(f) This subsection applies to a church that:

- (1) has filed a personal property tax return under this section for each of the five (5) years preceding a particular year; and**
- (2) on each of the returns described in subdivision (1) has not owed any tax liability due to exemptions under IC 6-1.1 for which the church has been deemed eligible.**

Notwithstanding any other law, a church is not required to file a personal property tax return for a year under this section unless there is a change in ownership of any personal property included on a return described in subdivision (1), or any other change that results in the personal property no longer being eligible for an exemption under IC 6-1.1, or the church would otherwise be liable for property tax imposed on personal property owned by the church."

Page 1, line 1, delete "JULY 1," and insert "UPON PASSAGE].".

Page 1, line 2, delete "2022].".

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-8-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 25.5. The department of local government finance shall notify a company subject to taxation under this chapter if any of the company's property that was previously assessed by the department of local government finance under this chapter will instead be assessed by the township



assessor, or the county assessor if there is not a township assessor for the township, under this chapter."

Page 3, line 16, delete "JULY 1, 2022]:" and insert "UPON PASSAGE]:".

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 11. IC 6-1.1-12-9, AS AMENDED BY P.L.159-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) An individual may obtain a deduction from the assessed value of the individual's real property, or mobile home or manufactured home which is not assessed as real property, if:

- (1) the individual is at least sixty-five (65) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;
- (2) for assessment dates before January 1, 2020, the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of:

- (A) the individual and the individual's spouse; or
- (B) the individual and all other individuals with whom:
 - (i) the individual shares ownership; or
 - (ii) the individual is purchasing the property under a contract;

as joint tenants or tenants in common;

for the calendar year preceding the year in which the deduction is claimed did not exceed twenty-five thousand dollars (\$25,000);

- (3) for assessment dates after December 31, 2019:
 - (A) the individual had, in the case of an individual who filed a single return, adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand dollars (\$30,000);
 - (B) the individual had, in the case of an individual who filed a joint income tax return with the individual's spouse, combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding forty thousand dollars (\$40,000); or
 - (C) the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of the individual and all other individuals with whom:
 - (i) the individual shares ownership; or
 - (ii) the individual is purchasing the property under a contract;
 as joint tenants or tenants in common did not exceed forty thousand dollars (\$40,000);



for the calendar year preceding by two (2) years the calendar year in which the property taxes are first due and payable;

(4) the individual has owned the real property, mobile home, or manufactured home for at least one (1) year before claiming the deduction; or the individual has been buying the real property, mobile home, or manufactured home under a contract that provides that the individual is to pay the property taxes on the real property, mobile home, or manufactured home for at least one (1) year before claiming the deduction, and the contract or a memorandum of the contract is recorded in the county recorder's office;

(5) for assessment dates:

(A) before January 1, 2020, the individual and any individuals covered by subdivision (2)(B) reside on the real property, mobile home, or manufactured home; or

(B) after December 31, 2019, the individual and any individuals covered by subdivision (3)(C) reside on the real property, mobile home, or manufactured home;

(6) except as provided in subsection (i), the assessed value of the real property, mobile home, or manufactured home does not exceed two hundred thousand dollars (\$200,000).

(7) the individual receives no other property tax deduction for the year in which the deduction is claimed, except the deductions provided by sections 1, 37, (for assessment dates after February 28, 2008) 37.5, and 38 of this chapter; and

(8) the person:

(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 10.1 of this chapter is filed.

(b) Except as provided in subsection (h), in the case of real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the real property; or

(2) fourteen thousand dollars (\$14,000).

(c) Except as provided in subsection (h) and section 40.5 of this chapter, in the case of a mobile home that is not assessed as real property or a manufactured home which is not assessed as real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the mobile home or



manufactured home; or

(2) fourteen thousand dollars (\$14,000).

(d) An individual may not be denied the deduction provided under this section because the individual is absent from the real property, mobile home, or manufactured home while in a nursing home or hospital.

(e) For purposes of this section, if real property, a mobile home, or a manufactured home is owned by:

(1) tenants by the entirety;

(2) joint tenants; or

(3) tenants in common;

only one (1) deduction may be allowed. However, the age requirement is satisfied if any one (1) of the tenants is at least sixty-five (65) years of age.

(f) A surviving spouse is entitled to the deduction provided by this section if:

(1) the surviving spouse is at least sixty (60) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;

(2) the surviving spouse's deceased husband or wife was at least sixty-five (65) years of age at the time of a death;

(3) the surviving spouse has not remarried; and

(4) the surviving spouse satisfies the requirements prescribed in subsection (a)(2) through (a)(8).

(g) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

(h) In the case of tenants covered by subsection (a)(2)(B) or (a)(3)(C), if all of the tenants are not at least sixty-five (65) years of age, the deduction allowed under this section shall be reduced by an amount equal to the deduction multiplied by a fraction. The numerator of the fraction is the number of tenants who are not at least sixty-five (65) years of age, and the denominator is the total number of tenants.

(i) For purposes of determining the assessed value of the real property, mobile home, or manufactured home under subsection (a)(6) for an individual who has received a deduction under this section in a **particular 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 physical improvements to the property: **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 12. IC 6-1.1-12-14, AS AMENDED BY P.L.159-2020, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. (a) Except as provided in subsection (c) and except as provided in section 40.5 of this chapter, an individual may have the sum of fourteen thousand dollars (\$14,000) deducted from the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual owns (or the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual is buying under a contract 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, assessment date and for each assessment date thereafter, the assessed value limit for purposes of subsection (c) is two hundred thousand dollars (\$200,000).

(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 **particular 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 ~~physical improvements to the property.~~ **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."**

Page 6, line 30, delete "JULY" and insert "UPON PASSAGE].".

Page 6, line 31, delete "1, 2022].".

Page 6, line 41, delete "JULY" and insert "UPON PASSAGE].".

Page 6, line 42, delete "1, 2022].".

Page 8, line 3, delete "JULY" and insert "UPON PASSAGE].".

Page 8, line 4, delete "1, 2022].".

Page 8, line 24, delete "JULY" and insert "UPON PASSAGE].".

Page 8, line 25, delete "1, 2022].".

Page 8, line 33, delete "value." and insert "**value, and the assessing official has the burden to present probative evidence sufficient to substantiate the true tax value."**

Page 23, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 25. IC 6-1.1-20.6-8.5, AS AMENDED BY P.L.159-2020, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8.5. (a) This section applies to an individual who:

- (1) qualified for a standard deduction granted under IC 6-1.1-12-37 for the individual's homestead property in the immediately preceding calendar year (or was married at the time of death to a deceased spouse who qualified for a standard deduction granted under IC 6-1.1-12-37 for the individual's homestead property in the immediately preceding calendar year);
- (2) qualifies for a standard deduction granted under IC 6-1.1-12-37 for the same homestead property in the current calendar year;
- (3) is or will be at least sixty-five (65) years of age on or before December 31 of the calendar year immediately preceding the current calendar year; and
- (4) had:
 - (A) in the case of an individual who filed a single return, adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand dollars (\$30,000); or
 - (B) in the case of an individual who filed a joint income tax



return with the individual's spouse, combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding forty thousand dollars (\$40,000); for the calendar year preceding by two (2) years the calendar year in which property taxes are first due and payable.

(b) Except as provided in subsection (g), this section does not apply if:

- (1) for an individual who received a credit under this section before January 1, 2020, the gross assessed value of the homestead on the assessment date for which property taxes are imposed is at least two hundred thousand dollars (\$200,000); or
- (2) for an individual who initially applies for a credit under this section after December 31, 2019, the assessed value of the individual's Indiana real property is at least two hundred thousand dollars (\$200,000).

(c) An individual is entitled to an additional credit under this section for property taxes first due and payable for a calendar year on a homestead if:

- (1) the individual and the homestead qualify for the credit under subsection (a) for the calendar year;
- (2) the homestead is not disqualified for the credit under subsection (b) for the calendar year; and
- (3) the filing requirements under subsection (e) are met.

(d) The amount of the credit is equal to the greater of zero (0) or the result of:

- (1) the property tax liability first due and payable on the homestead property for the calendar year; minus
- (2) the result of:
 - (A) the property tax liability first due and payable on the qualified homestead property for the immediately preceding year after the application of the credit granted under this section for that year; multiplied by
 - (B) one and two hundredths (1.02).

However, property tax liability imposed on any improvements to or expansion of the homestead property after the assessment date for which property tax liability described in subdivision (2) was imposed shall not be considered in determining the credit granted under this section in the current calendar year.

(e) Applications for a credit under this section shall be filed in the manner provided for an application for a deduction under IC 6-1.1-12-9. However, an individual who remains eligible for the credit in the following year is not required to file a statement to apply



for the credit in the following year. An individual who receives a credit under this section in a particular year and who becomes ineligible for the credit in the following year shall notify the auditor of the county in which the homestead is located of the individual's ineligibility not later than sixty (60) days after the individual becomes ineligible.

(f) The auditor of each county shall, in a particular year, apply a credit provided under this section to each individual who received the credit in the preceding year unless the auditor determines that the individual is no longer eligible for the credit.

(g) For purposes of determining the:

- (1) assessed value of the homestead on the assessment date for which property taxes are imposed under subsection (b)(1); or
- (2) assessed value of the individual's Indiana real property under subsection (b)(2);

for an individual who has received a credit under this section in a ~~particular~~ **previous** year, increases in assessed value that occur after the later of December 31, 2019, or the first year that the individual has received the credit are not considered unless the increase in assessed value is attributable to ~~physical improvements to the property:~~ **substantial renovation or new improvements. Where there is an increase in assessed value for purposes of the credit 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."**

Page 94, after line 5, begin a new paragraph and insert:

"SECTION 51. IC 36-9-27-48, AS AMENDED BY P.L.127-2017, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 48. (a) Whenever, in the construction or reconstruction of a regulated drain, the county surveyor determines that:

- (1) the proposed drain will cross a pipeline, cable, or similar equipment of a public utility; and
- (2) the equipment will interfere with the proper operation of the drain;

the county surveyor shall include in the county surveyor's plans the relocation requirements of the equipment. The county surveyor shall, by registered mail **or certified mail**, send a copy of the requirements to the public utility owning the equipment.

(b) If requested by the public utility, the county surveyor shall meet with the public utility at a time and place to be fixed by the county surveyor and hear objections to the requirements. After the hearing, the



county surveyor may change the requirements as justice may require.

(c) If the board finds that the relocation of a pipeline, cable, or similar equipment owned by a public utility is necessary in the construction or reconstruction of a regulated drain, the cost of relocation shall be paid by the public utility.

SECTION 52. [EFFECTIVE JULY 1, 2022] (a) IC 6-1.1-12-9, IC 6-1.1-12-14, and IC 6-1.1-20.6-8.5, all as amended by this act, apply to taxable years beginning after December 31, 2022.

(b) This SECTION expires July 1, 2025.

SECTION 53. [EFFECTIVE UPON PASSAGE] (a) For the biennium beginning July 1, 2021, and ending June 30, 2023, the budget agency shall augment from the state general fund the amount appropriated for the secretary of state's administration fund by an amount not to exceed three million two hundred thousand dollars (\$3,200,000), the amount necessary to meet the secretary of state's obligation for election security consultant services.

(b) For the biennium beginning July 1, 2021, and ending June 30, 2023, if the office of management and budget determines that funds appropriated for the career accelerator fund in P.L.165-2021 are an ineligible use of funds under the United States Treasury's guidance on the American Rescue Plan Act of 2021, then the budget agency shall augment from the state general fund the amount appropriated for the career accelerator fund in P.L.165-2021 by an amount not to exceed ten million dollars (\$10,000,000).

(c) For the state fiscal year:

(1) beginning July 1, 2021, and ending June 30, 2022; and

(2) beginning July 1, 2022, and ending June 30, 2023;

the budget agency may augment from the state general fund as necessary the amounts appropriated for local law enforcement training grants in P.L.165-2021 by an amount not to exceed the amount necessary to fully fund the grants awarded by the criminal justice institute during each state fiscal year.

(d) This SECTION expires July 1, 2024.



SECTION 54. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1260 as introduced).

BROWN T

Committee Vote: yeas 19, nays 0.

