

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 239 be amended to read as follows:

- 1 Page 2, line 21, delete "reassessed" and insert "**inspected**".
- 2 Page 2, line 22, after "cycle." insert "**Those parcels inspected**
- 3 **within the past five (5) years as a result of sales transactions are**
- 4 **not required to be reinspected in the year's scheduled group.**".
- 5 Page 2, line 23, delete "reassessment" and insert "**inspection**".
- 6 Page 2, line 25, after "parcels" delete ":" and insert "**each year:**".
- 7 Page 2, line 27, delete "that is being" and insert "**scheduled for**
- 8 **inspection that year;**".
- 9 Page 2, delete line 28.
- 10 Page 2, line 30, delete "reassessment" and insert "**inspection**".
- 11 Page 2, line 31, after "begins" delete "." and insert "**; and**
- 12 **(C) must be part of an annual reassessment plan that**
- 13 **includes the reassessment of all parcels in the county**
- 14 **through an annual adjustment procedure that maintains**
- 15 **value uniformity throughout the county in accordance with**
- 16 **section 4.5 of this chapter.**".
- 17 Page 2, line 33, delete "reassessed, the reassessment" and insert
- 18 "**inspected, as well as the balance of parcels not inspected that year,**
- 19 **reassessment by annual adjustment of value**".
- 20 Page 2, line 34, delete "in" and insert "**for**".
- 21 Page 2, line 34, delete "to be".
- 22 Page 2, line 37, delete "reassessing" and insert "**inspecting**".
- 23 Page 2, line 38, delete "A" and insert "**The**".
- 24 Page 2, line 38, delete "may" and insert "**shall**".
- 25 Page 2, line 39, after "parcels" insert "**in the county**".
- 26 Page 2, line 39, delete "reassessed in one (1) year." and insert
- 27 "**analyzed each year and their values adjusted as necessary to**
- 28 **maintain assessment uniformity throughout the county.**".
- 29 Page 2, line 41, delete "reassessed" and insert "**inspected**".
- 30 Page 3, line 5, delete "reassessment" and insert "**inspection**".
- 31 Page 3, line 7, after "2012." insert "**The reassessment of all parcels**

1 **in the county each year shall be in accordance with the annual**  
 2 **adjustment rules established by the department of local**  
 3 **government finance under section 4.5 of this chapter."**

4 Page 3, line 12, after "value" strike "in".

5 Page 3, line 13, strike "those years since a".

6 Page 3, line 13, strike "reassessment".

7 Page 3, line 13, delete "under a county's".

8 Page 3, line 14, delete "reassessment plan for the".

9 Page 3, line 14, strike "property last took effect." and insert "**under**  
 10 **a county's reassessment plan.**".

11 Page 3, line 17, after "thereafter" insert ".".

12 Page 3, line 17, strike "that is not a year in which a reassessment".

13 Page 3, line 17, delete "under the".

14 Page 3, line 18, delete "county's reassessment plan for the property".

15 Page 3, line 18, strike "becomes effective".

16 Page 52, between lines 25 and 26, begin a new paragraph and insert:  
 17 "SECTION 37. IC 6-1.1-20-3.1, AS AMENDED BY  
 18 P.L.182-2009(ss), SECTION 143, IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.1. (a) This section  
 20 applies only to the following:

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

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

27 (A) is a controlled project;

28 (B) will be used for any combination of kindergarten through  
 29 grade 8;

30 (C) will not be used for any combination of grade 9 through  
 31 grade 12; and

32 (D) will not cost more than ten million dollars (\$10,000,000).

33 (3) A high school building or other school building for academic  
 34 instruction that:

35 (A) is a controlled project;

36 (B) will be used for any combination of grade 9 through grade  
 37 12;

38 (C) will not be used for any combination of kindergarten  
 39 through grade 8; and

40 (D) will not cost more than twenty million dollars  
 41 (\$20,000,000).

42 (4) Any other controlled project that:

43 (A) is not a controlled project described in subdivision (1), (2),  
 44 or (3); and

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

47 (i) Twelve million dollars (\$12,000,000).

- 1 (ii) An amount equal to one percent (1%) of the total gross  
 2 assessed value of property within the political subdivision  
 3 on the last assessment date, if that amount is at least one  
 4 million dollars (\$1,000,000).
- 5 (b) A political subdivision may not impose property taxes to pay  
 6 debt service on bonds or lease rentals on a lease for a controlled project  
 7 without completing the following procedures:
- 8 (1) The proper officers of a political subdivision shall:
- 9 (A) publish notice in accordance with IC 5-3-1; and  
 10 (B) send notice by first class mail to **the circuit court clerk**  
 11 **and to** any organization that delivers to the officers, before  
 12 January 1 of that year, an annual written request for such  
 13 notices;
- 14 of any meeting to consider adoption of a resolution or an  
 15 ordinance making a preliminary determination to issue bonds or  
 16 enter into a lease and shall conduct a public hearing on a  
 17 preliminary determination before adoption of the resolution or  
 18 ordinance.
- 19 (2) When the proper officers of a political subdivision make a  
 20 preliminary determination to issue bonds or enter into a lease for  
 21 a controlled project, the officers shall give notice of the  
 22 preliminary determination by:
- 23 (A) publication in accordance with IC 5-3-1; and  
 24 (B) first class mail to **the circuit court clerk and to the**  
 25 **organizations** described in subdivision (1)(B).
- 26 (3) A notice under subdivision (2) of the preliminary  
 27 determination of the political subdivision to issue bonds or enter  
 28 into a lease for a controlled project must include the following  
 29 information:
- 30 (A) The maximum term of the bonds or lease.  
 31 (B) The maximum principal amount of the bonds or the  
 32 maximum lease rental for the lease.  
 33 (C) The estimated interest rates that will be paid and the total  
 34 interest costs associated with the bonds or lease.  
 35 (D) The purpose of the bonds or lease.  
 36 (E) A statement that any owners of real property within the  
 37 political subdivision or registered voters residing within the  
 38 political subdivision who want to initiate a petition and  
 39 remonstrance process against the proposed debt service or  
 40 lease payments must file a petition that complies with  
 41 subdivisions (4) and (5) not later than thirty (30) days after  
 42 publication in accordance with IC 5-3-1.  
 43 (F) With respect to bonds issued or a lease entered into to  
 44 open:
- 45 (i) a new school facility; or  
 46 (ii) an existing facility that has not been used for at least  
 47 three (3) years and that is being reopened to provide

- 1 additional classroom space;  
 2 the estimated costs the school corporation expects to incur  
 3 annually to operate the facility.
- 4 (G) A statement of whether the school corporation expects to  
 5 appeal for a new facility adjustment (as defined in  
 6 IC 20-45-1-16 before January 1, 2009) for an increased  
 7 maximum permissible tuition support levy to pay the estimated  
 8 costs described in clause (F).
- 9 (H) The political subdivision's current debt service levy and  
 10 rate and the estimated increase to the political subdivision's  
 11 debt service levy and rate that will result if the political  
 12 subdivision issues the bonds or enters into the lease.
- 13 (4) After notice is given, a petition requesting the application of  
 14 a petition and remonstrance process may be filed by the lesser of:  
 15 (A) one hundred (100) persons who are either owners of real  
 16 property within the political subdivision or registered voters  
 17 residing within the political subdivision; or  
 18 (B) five percent (5%) of the registered voters residing within  
 19 the political subdivision.
- 20 (5) The state board of accounts shall design and, upon request by  
 21 the county voter registration office, deliver to the county voter  
 22 registration office or the county voter registration office's  
 23 designated printer the petition forms to be used solely in the  
 24 petition process described in this section. The county voter  
 25 registration office shall issue to an owner or owners of real  
 26 property within the political subdivision or a registered voter  
 27 residing within the political subdivision the number of petition  
 28 forms requested by the owner or owners or the registered voter.  
 29 Each form must be accompanied by instructions detailing the  
 30 requirements that:  
 31 (A) the carrier and signers must be owners of real property or  
 32 registered voters;  
 33 (B) the carrier must be a signatory on at least one (1) petition;  
 34 (C) after the signatures have been collected, the carrier must  
 35 swear or affirm before a notary public that the carrier  
 36 witnessed each signature; and  
 37 (D) govern the closing date for the petition period.
- 38 Persons requesting forms may be required to identify themselves  
 39 as owners of real property or registered voters and may be  
 40 allowed to pick up additional copies to distribute to other property  
 41 owners or registered voters. Each person signing a petition must  
 42 indicate whether the person is signing the petition as a registered  
 43 voter within the political subdivision or is signing the petition as  
 44 the owner of real property within the political subdivision. A  
 45 person who signs a petition as a registered voter must indicate the  
 46 address at which the person is registered to vote. A person who  
 47 signs a petition as a real property owner must indicate the address

- 1 of the real property owned by the person in the political  
2 subdivision.
- 3 (6) Each petition must be verified under oath by at least one (1)  
4 qualified petitioner in a manner prescribed by the state board of  
5 accounts before the petition is filed with the county voter  
6 registration office under subdivision (7).
- 7 (7) Each petition must be filed with the county voter registration  
8 office not more than thirty (30) days after publication under  
9 subdivision (2) of the notice of the preliminary determination.
- 10 (8) The county voter registration office shall determine whether  
11 each person who signed the petition is a registered voter. The  
12 county voter registration office shall not more than fifteen (15)  
13 business days after receiving a petition forward a copy of the  
14 petition to the county auditor. Not more than ten (10) business  
15 days after receiving the copy of the petition, the county auditor  
16 shall provide to the county voter registration office a statement  
17 verifying:
- 18 (A) whether a person who signed the petition as a registered  
19 voter but is not a registered voter, as determined by the county  
20 voter registration office, is the owner of real property in the  
21 political subdivision; and
- 22 (B) whether a person who signed the petition as an owner of  
23 real property within the political subdivision does in fact own  
24 real property within the political subdivision.
- 25 (9) The county voter registration office shall not more than ten  
26 (10) business days after receiving the statement from the county  
27 auditor under subdivision (8) make the final determination of the  
28 number of petitioners that are registered voters in the political  
29 subdivision and, based on the statement provided by the county  
30 auditor, the number of petitioners that own real property within  
31 the political subdivision. Whenever the name of an individual  
32 who signs a petition form as a registered voter contains a minor  
33 variation from the name of the registered voter as set forth in the  
34 records of the county voter registration office, the signature is  
35 presumed to be valid, and there is a presumption that the  
36 individual is entitled to sign the petition under this section. Except  
37 as otherwise provided in this chapter, in determining whether an  
38 individual is a registered voter, the county voter registration office  
39 shall apply the requirements and procedures used under IC 3 to  
40 determine whether a person is a registered voter for purposes of  
41 voting in an election governed by IC 3. However, an individual is  
42 not required to comply with the provisions concerning providing  
43 proof of identification to be considered a registered voter for  
44 purposes of this chapter. A person is entitled to sign a petition  
45 only one (1) time in a particular petition and remonstrance  
46 process under this chapter, regardless of whether the person owns  
47 more than one (1) parcel of real property within the subdivision

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

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

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

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

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

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

29 SECTION 38. IC 6-1.1-20-3.2, AS AMENDED BY  
 30 P.L.182-2009(ss), SECTION 144, IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.2. (a) This section  
 32 applies only to controlled projects described in section 3.1(a) of this  
 33 chapter.

34 (b) If a sufficient petition requesting the application of a petition and  
 35 remonstrance process has been filed as set forth in section 3.1 of this  
 36 chapter, a political subdivision may not impose property taxes to pay  
 37 debt service on bonds or lease rentals on a lease for a controlled project  
 38 without completing the following procedures:

39 (1) The proper officers of the political subdivision shall give  
 40 notice of the applicability of the petition and remonstrance  
 41 process by:

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

43 (B) first class mail to **the circuit court clerk and to the**  
 44 organizations described in section 3.1(b)(1)(B) of this chapter.

45 A notice under this subdivision must include a statement that any  
 46 owners of real property within the political subdivision or  
 47 registered voters residing within the political subdivision who

1 want to petition in favor of or remonstrate against the proposed  
 2 debt service or lease payments must file petitions and  
 3 remonstrances in compliance with subdivisions (2) through (4)  
 4 not earlier than thirty (30) days or later than sixty (60) days after  
 5 publication in accordance with IC 5-3-1.

6 (2) Not earlier than thirty (30) days or later than sixty (60) days  
 7 after the notice under subdivision (1) is given:

8 (A) petitions (described in subdivision (3)) in favor of the  
 9 bonds or lease; and

10 (B) remonstrances (described in subdivision (3)) against the  
 11 bonds or lease;

12 may be filed by an owner or owners of real property within the  
 13 political subdivision or a registered voter residing within the  
 14 political subdivision. Each signature on a petition must be dated,  
 15 and the date of signature may not be before the date on which the  
 16 petition and remonstrance forms may be issued under subdivision  
 17 (3). A petition described in clause (A) or a remonstrance  
 18 described in clause (B) must be verified in compliance with  
 19 subdivision (4) before the petition or remonstrance is filed with  
 20 the county voter registration office under subdivision (4).

21 (3) The state board of accounts shall design and, upon request by  
 22 the county voter registration office, deliver to the county voter  
 23 registration office or the county voter registration office's  
 24 designated printer the petition and remonstrance forms to be used  
 25 solely in the petition and remonstrance process described in this  
 26 section. The county voter registration office shall issue to an  
 27 owner or owners of real property within the political subdivision  
 28 or a registered voter residing within the political subdivision the  
 29 number of petition or remonstrance forms requested by the owner  
 30 or owners or the registered voter. Each form must be  
 31 accompanied by instructions detailing the requirements that:

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

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

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

38 (D) govern the closing date for the petition and remonstrance  
 39 period; and

40 (E) apply to the carrier under section 10 of this chapter.

41 Persons requesting forms may be required to identify themselves  
 42 as owners of real property or registered voters and may be  
 43 allowed to pick up additional copies to distribute to other property  
 44 owners or registered voters. Each person signing a petition or  
 45 remonstrance must indicate whether the person is signing the  
 46 petition or remonstrance as a registered voter within the political  
 47 subdivision or is signing the petition or remonstrance as the

1 owner of real property within the political subdivision. A person  
2 who signs a petition or remonstrance as a registered voter must  
3 indicate the address at which the person is registered to vote. A  
4 person who signs a petition or remonstrance as a real property  
5 owner must indicate the address of the real property owned by the  
6 person in the political subdivision. The county voter registration  
7 office may not issue a petition or remonstrance form earlier than  
8 twenty-nine (29) days after the notice is given under subdivision  
9 (1). The county voter registration office shall certify the date of  
10 issuance on each petition or remonstrance form that is distributed  
11 under this subdivision.

12 (4) The petitions and remonstrances must be verified in the  
13 manner prescribed by the state board of accounts and filed with  
14 the county voter registration office within the sixty (60) day  
15 period described in subdivision (2) in the manner set forth in  
16 section 3.1 of this chapter relating to requests for a petition and  
17 remonstrance process.

18 (5) The county voter registration office shall determine whether  
19 each person who signed the petition or remonstrance is a  
20 registered voter. The county voter registration office shall not  
21 more than fifteen (15) business days after receiving a petition or  
22 remonstrance forward a copy of the petition or remonstrance to  
23 the county auditor. Not more than ten (10) business days after  
24 receiving the copy of the petition or remonstrance, the county  
25 auditor shall provide to the county voter registration office a  
26 statement verifying:

27 (A) whether a person who signed the petition or remonstrance  
28 as a registered voter but is not a registered voter, as  
29 determined by the county voter registration office, is the owner  
30 of real property in the political subdivision; and

31 (B) whether a person who signed the petition or remonstrance  
32 as an owner of real property within the political subdivision  
33 does in fact own real property within the political subdivision.

34 (6) The county voter registration office shall not more than ten  
35 (10) business days after receiving the statement from the county  
36 auditor under subdivision (5) make the final determination of:

37 (A) the number of registered voters in the political subdivision  
38 that signed a petition and, based on the statement provided by  
39 the county auditor, the number of owners of real property  
40 within the political subdivision that signed a petition; and

41 (B) the number of registered voters in the political subdivision  
42 that signed a remonstrance and, based on the statement  
43 provided by the county auditor, the number of owners of real  
44 property within the political subdivision that signed a  
45 remonstrance.

46 Whenever the name of an individual who signs a petition or  
47 remonstrance as a registered voter contains a minor variation from



1 the name of the registered voter as set forth in the records of the  
2 county voter registration office, the signature is presumed to be  
3 valid, and there is a presumption that the individual is entitled to  
4 sign the petition or remonstrance under this section. Except as  
5 otherwise provided in this chapter, in determining whether an  
6 individual is a registered voter, the county voter registration office  
7 shall apply the requirements and procedures used under IC 3 to  
8 determine whether a person is a registered voter for purposes of  
9 voting in an election governed by IC 3. However, an individual is  
10 not required to comply with the provisions concerning providing  
11 proof of identification to be considered a registered voter for  
12 purposes of this chapter. A person is entitled to sign a petition or  
13 remonstrance only one (1) time in a particular petition and  
14 remonstrance process under this chapter, regardless of whether  
15 the person owns more than one (1) parcel of real property within  
16 the subdivision and regardless of whether the person is both a  
17 registered voter in the political subdivision and the owner of real  
18 property within the political subdivision. Notwithstanding any  
19 other provision of this section, if a petition or remonstrance is  
20 presented to the county voter registration office within forty-five  
21 (45) days before an election, the county voter registration office  
22 may defer acting on the petition or remonstrance, and the time  
23 requirements under this section for action by the county voter  
24 registration office do not begin to run until five (5) days after the  
25 date of the election.

26 (7) The county voter registration office must file a certificate and  
27 the petition or remonstrance with the body of the political  
28 subdivision charged with issuing bonds or entering into leases  
29 within thirty-five (35) business days of the filing of a petition or  
30 remonstrance under subdivision (4), whichever applies,  
31 containing ten thousand (10,000) signatures or less. The county  
32 voter registration office may take an additional five (5) days to  
33 review and certify the petition or remonstrance for each additional  
34 five thousand (5,000) signatures up to a maximum of sixty (60)  
35 days. The certificate must state the number of petitioners and  
36 remonstrators that are owners of real property within the political  
37 subdivision and the number of petitioners who are registered  
38 voters residing within the political subdivision.

39 (8) If a greater number of persons who are either owners of real  
40 property within the political subdivision or registered voters  
41 residing within the political subdivision sign a remonstrance than  
42 the number that signed a petition, the bonds petitioned for may  
43 not be issued or the lease petitioned for may not be entered into.  
44 The proper officers of the political subdivision may not make a  
45 preliminary determination to issue bonds or enter into a lease for  
46 the controlled project defeated by the petition and remonstrance  
47 process under this section or any other controlled project that is

1 not substantially different within one (1) year after the date of the  
 2 county voter registration office's certificate under subdivision (7).  
 3 Withdrawal of a petition carries the same consequences as a  
 4 defeat of the petition.

5 (9) After a political subdivision has gone through the petition and  
 6 remonstrance process set forth in this section, the political  
 7 subdivision is not required to follow any other remonstrance or  
 8 objection procedures under any other law (including section 5 of  
 9 this chapter) relating to bonds or leases designed to protect  
 10 owners of real property within the political subdivision from the  
 11 imposition of property taxes to pay debt service or lease rentals.  
 12 However, the political subdivision must still receive the approval  
 13 of the department of local government finance if required by:

14 (A) IC 6-1.1-18.5-8; or

15 (B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

16 SECTION 39. IC 6-1.1-20-3.5, AS AMENDED BY  
 17 P.L.182-2009(ss), SECTION 145, IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.5. (a) This section  
 19 applies only to a controlled project that meets the following conditions:

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

22 (A) An elementary school building, middle school building, or  
 23 other school building for academic instruction that:

24 (i) will be used for any combination of kindergarten through  
 25 grade 8;

26 (ii) will not be used for any combination of grade 9 through  
 27 grade 12; and

28 (iii) will cost more than ten million dollars (\$10,000,000).

29 (B) A high school building or other school building for  
 30 academic instruction that:

31 (i) will be used for any combination of grade 9 through  
 32 grade 12;

33 (ii) will not be used for any combination of kindergarten  
 34 through grade 8; and

35 (iii) will cost more than twenty million dollars  
 36 (\$20,000,000).

37 (C) Any other controlled project that:

38 (i) is not a controlled project described in clause (A) or (B);  
 39 and

40 (ii) will cost the political subdivision more than the lesser of  
 41 twelve million dollars (\$12,000,000) or an amount equal to  
 42 one percent (1%) of the total gross assessed value of  
 43 property within the political subdivision on the last  
 44 assessment date (if that amount is at least one million dollars  
 45 (\$1,000,000)).

46 (2) The proper officers of the political subdivision make a  
 47 preliminary determination after June 30, 2008, in the manner

1 described in subsection (b) to issue bonds or enter into a lease for  
2 the controlled project.

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

6 (1) The proper officers of a political subdivision shall publish  
7 notice in accordance with IC 5-3-1 and send notice by first class  
8 mail to **the circuit court clerk and to** any organization that  
9 delivers to the officers, before January 1 of that year, an annual  
10 written request for notices of any meeting to consider the adoption  
11 of an ordinance or a resolution making a preliminary  
12 determination to issue bonds or enter into a lease and shall  
13 conduct a public hearing on the preliminary determination before  
14 adoption of the ordinance or resolution. The political subdivision  
15 must make the following information available to the public at the  
16 public hearing on the preliminary determination, in addition to  
17 any other information required by law:

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

22 (B) The result of:

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

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

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

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

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

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

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

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

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

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

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

46 (E) A statement that the proposed debt service or lease  
47 payments must be approved in an election on a local public

- 1 question held under section 3.6 of this chapter.  
 2 (F) With respect to bonds issued or a lease entered into to  
 3 open:  
 4 (i) a new school facility; or  
 5 (ii) an existing facility that has not been used for at least  
 6 three (3) years and that is being reopened to provide  
 7 additional classroom space;  
 8 the estimated costs the school corporation expects to annually  
 9 incur to operate the facility.  
 10 (G) The political subdivision's current debt service levy and  
 11 rate and the estimated increase to the political subdivision's  
 12 debt service levy and rate that will result if the political  
 13 subdivision issues the bonds or enters into the lease.  
 14 (H) The information specified in subdivision (1)(A) through  
 15 (1)(B).  
 16 (4) After notice is given, a petition requesting the application of  
 17 the local public question process under section 3.6 of this chapter  
 18 may be filed by the lesser of:  
 19 (A) one hundred (100) persons who are either owners of real  
 20 property within the political subdivision or registered voters  
 21 residing within the political subdivision; or  
 22 (B) five percent (5%) of the registered voters residing within  
 23 the political subdivision.  
 24 (5) The state board of accounts shall design and, upon request by  
 25 the county voter registration office, deliver to the county voter  
 26 registration office or the county voter registration office's  
 27 designated printer the petition forms to be used solely in the  
 28 petition process described in this section. The county voter  
 29 registration office shall issue to an owner or owners of real  
 30 property within the political subdivision or a registered voter  
 31 residing within the political subdivision the number of petition  
 32 forms requested by the owner or owners or the registered voter.  
 33 Each form must be accompanied by instructions detailing the  
 34 requirements that:  
 35 (A) the carrier and signers must be owners of real property or  
 36 registered voters;  
 37 (B) the carrier must be a signatory on at least one (1) petition;  
 38 (C) after the signatures have been collected, the carrier must  
 39 swear or affirm before a notary public that the carrier  
 40 witnessed each signature; and  
 41 (D) govern the closing date for the petition period.  
 42 Persons requesting forms may be required to identify themselves  
 43 as owners of real property or registered voters and may be  
 44 allowed to pick up additional copies to distribute to other property  
 45 owners or registered voters. Each person signing a petition must  
 46 indicate whether the person is signing the petition as a registered  
 47 voter within the political subdivision or is signing the petition as

1 the owner of real property within the political subdivision. A  
2 person who signs a petition as a registered voter must indicate the  
3 address at which the person is registered to vote. A person who  
4 signs a petition as a real property owner must indicate the address  
5 of the real property owned by the person in the political  
6 subdivision.

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

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

14 (8) The county voter registration office shall determine whether  
15 each person who signed the petition is a registered voter.  
16 However, after the county voter registration office has determined  
17 that at least one hundred twenty-five (125) persons who signed  
18 the petition are registered voters within the political subdivision,  
19 the county voter registration office is not required to verify  
20 whether the remaining persons who signed the petition are  
21 registered voters. If the county voter registration office does not  
22 determine that at least one hundred twenty-five (125) persons who  
23 signed the petition are registered voters, the county voter  
24 registration office, not more than fifteen (15) business days after  
25 receiving a petition, shall forward a copy of the petition to the  
26 county auditor. Not more than ten (10) business days after  
27 receiving the copy of the petition, the county auditor shall provide  
28 to the county voter registration office a statement verifying:

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

33 (B) whether a person who signed the petition as an owner of  
34 real property within the political subdivision does in fact own  
35 real property within the political subdivision.

36 (9) The county voter registration office, not more than ten (10)  
37 business days after determining that at least one hundred  
38 twenty-five (125) persons who signed the petition are registered  
39 voters or after receiving the statement from the county auditor  
40 under subdivision (8) (as applicable), shall make the final  
41 determination of whether a sufficient number of persons have  
42 signed the petition. Whenever the name of an individual who  
43 signs a petition form as a registered voter contains a minor  
44 variation from the name of the registered voter as set forth in the  
45 records of the county voter registration office, the signature is  
46 presumed to be valid, and there is a presumption that the  
47 individual is entitled to sign the petition under this section. Except

1 as otherwise provided in this chapter, in determining whether a  
 2 individual is a registered voter, the county voter registration office  
 3 shall apply the requirements and procedures used under IC 3 to  
 4 determine whether a person is a registered voter for purposes of  
 5 voting in an election governed by IC 3. However, an individual is  
 6 not required to comply with the provisions concerning providing  
 7 proof of identification to be considered a registered voter for  
 8 purposes of this chapter. A person is entitled to sign a petition  
 9 only one (1) time in a particular referendum process under this  
 10 chapter, regardless of whether the person owns more than one (1)  
 11 parcel of real property within the political subdivision and  
 12 regardless of whether the person is both a registered voter in the  
 13 political subdivision and the owner of real property within the  
 14 political subdivision. Notwithstanding any other provision of this  
 15 section, if a petition is presented to the county voter registration  
 16 office within forty-five (45) days before an election, the county  
 17 voter registration office may defer acting on the petition, and the  
 18 time requirements under this section for action by the county  
 19 voter registration office do not begin to run until five (5) days  
 20 after the date of the election.

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

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

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

29 within thirty-five (35) business days of the filing of the petition  
 30 requesting the referendum process. The certificate must state the  
 31 number of petitioners who are owners of real property within the  
 32 political subdivision and the number of petitioners who are  
 33 registered voters residing within the political subdivision.

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

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

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

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

45 Page 66, between lines 9 and 10, begin a new paragraph and insert:

46 "SECTION 52. IC 20-46-1-14, AS AMENDED BY P.L.146-2008,

47 SECTION 499, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The referendum shall be  
 2 held in the next primary ~~or election~~, general election, **or municipal**  
 3 **election** in which all the registered voters who are residents of the  
 4 appellant school corporation are entitled to vote after certification of  
 5 the question under IC 3-10-9-3. **The certification of the question**  
 6 **must occur not later than noon:**

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

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

12 However, if the referendum would be held at a primary or general  
 13 election more than six (6) months after certification by the county fiscal  
 14 body; the referendum shall be held at a special election to be conducted  
 15 not less than ninety (90) days after the question is certified to the  
 16 circuit court clerk or clerks by the county fiscal body: **a primary**  
 17 **election, general election, or municipal election will not be held**  
 18 **during the first year in which the public question is eligible to be**  
 19 **placed on the ballot under this chapter and if the appellant school**  
 20 **corporation requests the public question to be placed on the ballot**  
 21 **at a special election, the public question shall be placed on the**  
 22 **ballot at a special election to be held on the first Tuesday after the**  
 23 **first Monday in May or November of the year. The certification**  
 24 **must occur not later than noon sixty (60) days before a special**  
 25 **election to be held in May (if the special election is to be held in**  
 26 **May) or noon on August 1 (if the special election is to be held in**  
 27 **November).**

28 (b) The school corporation shall advise each affected county  
 29 election board of the date on which the school corporation desires that  
 30 the referendum be held; and, if practicable, the referendum shall be  
 31 held on the day specified by the school corporation.

32 (c) The referendum shall be held under the direction of the county  
 33 election board, which shall take all steps necessary to carry out the  
 34 referendum.

35 (d) If a primary election, general election, or special election is held  
 36 during the sixty (60) days preceding or following the special election  
 37 described in this section and is held in an election district that includes  
 38 some, but not all, of the school corporation, the county election board  
 39 may also adopt orders to specify when the registration period for the  
 40 elections cease and resume under IC 3-7-13-10.

41 (e) Not less than ten (10) days before the date on which the  
 42 referendum is to be held, the county election board shall cause notice  
 43 of the question that is to be voted upon at the referendum to be  
 44 published in accordance with IC 5-3-1.

45 (f) (b) If the referendum is not conducted at a primary ~~or election~~,  
 46 general election, **or municipal election**, the appellant school  
 47 corporation in which the referendum is to be held shall pay all the costs

- 1 of holding the referendum."
- 2 Page 115, line 23, delete "operated" and insert "**owned, occupied,**
- 3 **and used**".
- 4 Page 115, line 23, after "entity" delete ";" and insert "**(as described**
- 5 **in IC 23)**".
- 6 Renumber all SECTIONS consecutively.  
(Reference is to SB 239 as printed January 29, 2010.)

---

Senator HERSHMAN