

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1086

Citations Affected: Various citations throughout the Indiana Code.

Synopsis: State and local administration. Eliminates and reorganizes various state boards and commissions. Provides contract terms for certain SNG contracts. Provides for electronic signatures on public contracts. Transfers regulation of boxing, wrestling, and martial arts to the gaming commission. Reduces the tax from 5% to 3% of the gross receipts received from providing a professional public boxing, sparring, or unarmed combat match or exhibition for viewing in Indiana on a closed circuit telecast, pay per view telecast, or subscription television. Limits the tax to \$50,000 for each event. Provides that interest earned on the athletic commission fund be deposited in the state general fund. Provides that revenue from the tax must be deposited in the state general fund. Permits the budget agency to augment appropriations from the athletic commission fund to the gaming commission to regulate boxing, sparring, unarmed combat, and any other form of mixed martial arts. Provides that the gaming commission may waive the tax on complimentary admissions for actual attendance to a match or exhibition. Deletes the exemption for showings at a private residence. Makes changes in property tax assessment procedures, petition and remonstrance and referenda procedures, calculation of maximum permissible levies, and deductions, including changes in the method of calculating the solar heating and cooling equipment deduction and establishing a deduction for personal property used in a certified technology park. Requires notice of a decertification of a technology park to be sent to the department of local government and the department of state revenue. Requires payment of all delinquent taxes before platting land, consolidating parcels, or removing property from a tax sale list. Provides for the department of local government finance to review and make recommendations concerning the language of proposed public questions on controlled projects. Requires the board of tax review to provide dispute resolution and appeal filing guidance to property taxpayers. Makes changes in the administration of libraries. Makes changes in the gross retail and use tax related to implementation of the Streamlined Sales and Use Tax Agreement. Exempts sales to a city or town for a municipal golf course from sales taxation and certain aircraft brought into Indiana from use tax. Indicates that references in state law to the Internal Revenue Code refer to the version in effect on January 1, 2010. Restricts state net operating loss carrybacks. Changes certain electronic tax reporting procedures. Changes the deadline for adopting a local income tax. Permits a city or town to establish a cumulative capital improvement fund for any purpose. Corrects a technical conflict between laws. Makes changes to the eligibility criteria for admittance to the Indiana veterans' home. Indicates that interest on delinquent

assessments is calculated under the statute under which interest on delinquent property taxes is computed. Extends the period in which certain public bids may be received. Requires fiscal information on a proposed local reorganization to be publicly available and specifies when officials will be elected after a local reorganization. Changes from January 2 to January 1 the date certain local annexations, election boundary changes, and reorganizations take effect. Permits a third class city to reduce the number of members on its legislative body. Requires weed assessments and delinquent utility bill lien statements to be sent by certified mail, return receipt requested, or its equivalent. Corrects a reference to a budget deadline. Provides for an additional community revitalization enhancement district (CRED) in Delaware County. Makes changes to procedures related to economic improvement districts. Requires sellers of prepaid wireless services to remit fees to the department of state revenue. Repeals provisions related to boards and commissions that are reorganized. Grants additional time to certain property owners to file for a property tax exemption. Restricts previously enacted law governing late exemption applications to nonprofit entities. Establishes an interim study committee on economic development and provides for the preparation of certain corrective legislation. Specifies the ballot language for the submission of the proposed amendment to the Constitution of the State of Indiana concerning circuit breakers and other property tax matters. Provides a procedure to correct an error in the certified Indianapolis Public Schools capital project fund levy rate for 2010. **(This conference committee report deletes various provisions from the Senate passed version of EHB 1086, including provisions replacing the general reassessment process with a rolling assessment of property. Adds various provisions, including the following: (1) Eliminates and reorganizes various state boards and commissions. (2) Changes the law governing prepaid wireless services. (3) Provides for the department of local government finance to review and make recommendations concerning the language of proposed public questions on controlled projects. (4) Transfer of regulation of boxing, wrestling, and martial arts to the gaming commission. Reduces the tax from 5% to 3% of the gross receipts received from providing a professional public boxing, sparring, or unarmed combat match or exhibition for viewing in Indiana on a closed circuit telecast, pay per view telecast, or subscription television. Limits the tax to \$50,000 for each event. Provides that interest earned on the athletic commission fund be deposited in the state general fund. Provides that revenue from the tax must be deposited in the state general fund. Permits the budget agency to augment appropriations from the athletic commission fund to the gaming commission to regulate boxing, sparring, unarmed combat, and any other form of mixed martial arts. Provides that the gaming commission may waive the tax on complimentary admissions for actual attendance to a match or exhibition. Deletes the exemption for showings at a private residence. (5) Permits cities and towns to establish a cumulative capital improvement fund for any purpose. (6) Makes changes to the eligibility criteria for admittance to the Indiana veterans' home. (7) Extends the period in which certain public bids may be received. (8) Requires fiscal information on a proposed local reorganization to be publically available and specifies when officials will be elected after a local reorganization. (9) Changes from January 2 to January 1 the date certain local annexations, election boundary changes, and reorganizations take effect. (10) Permits a third class city to reduce the number of members on its legislative body. (11) Requires weed assessments and delinquent utility bill lien statements to be sent by certified mail, return receipt requested, or its equivalent. (12) Makes changes to procedures related to economic improvement districts. (13) Requires sellers of prepaid wireless services to remit fees to the department of state revenue. (14) Exempts certain aircraft brought into Indiana from use tax. (15) Requires a county election board to submit the proposed language to be placed on the ballot in a controlled project referendum to the department of local government finance for review and approval. (16) Requires the notice of a decertification of a technology park to be sent to the department of state revenue in addition to sending the notice to the department of local government. (17) Requires assessors to document changes in the underlying characteristics used to assess a property. (18) Provides a procedure to correct an error in the certified Indianapolis Public Schools capital project fund levy rate for 2010.)**

Effective: Upon passage; January 1, 2006 (retroactive); July 1, 2007 (retroactive); January 1,

2008 (retroactive); January 1, 2009 (retroactive); June 30, 2009 (retroactive); November 6, 2009 (retroactive); January 1, 2010 (retroactive); March 1, 2010 (retroactive); July 1, 2010; January 1, 2011; July 1, 2011.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1086 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 2-5-29-1.5 IS ADDED TO THE INDIANA CODE
3 AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2010]: **Sec. 1.5. As used in this chapter, "fund" refers to the**
5 **youth advisory council fund established by section 7.5 of this**
6 **chapter.**
7 SECTION 2. IC 2-5-29-1.6 IS ADDED TO THE INDIANA CODE
8 AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2010]: **Sec. 1.6. As used in this chapter, "office" refers to the**
10 **office of the state superintendent of public instruction.**
11 SECTION 3. IC 2-5-29-3, AS ADDED BY P.L.69-2008, SECTION
12 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
13 2010]: Sec. 3. (a) The council consists of the following **twenty-two**
14 **(22)** members, who must be at least ~~fourteen (14)~~ **sixteen (16)** years of
15 age and not more than ~~eighteen (18)~~ **twenty (20)** years of age at the
16 time of appointment:
17 (1) Five (5) members appointed by the president pro tempore of
18 the senate.
19 (2) Five (5) members appointed by the minority leader of the
20 senate.
21 (3) Five (5) members appointed by the speaker of the house of
22 representatives.

1 (4) Five (5) members appointed by the minority leader of the
2 house of representatives.

3 (5) Two (2) members appointed by the governor.

4 (b) The members of the council shall be selected so as to give
5 representation to the various geographical areas of Indiana.

6 (c) The members of the council shall annually elect a chairperson
7 of the council from among the members.

8 (d) Members of the council shall serve for a two (2) year term and
9 may be reappointed.

10 (e) **The appointing authority may remove an appointed member**
11 **of the council for cause. Cause includes the failure to attend at least**
12 **two (2) meetings within a one (1) year period.**

13 SECTION 4. IC 2-5-29-3.6 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2010]: **Sec. 3.6. (a) This section applies to a student who attends**
16 **either a public school or a nonpublic school.**

17 (b) **Attending a meeting of the council as a member is a lawful**
18 **excuse for a student to be absent from school, when verified by a**
19 **certificate of the state superintendent of public instruction. A**
20 **student excused from school attendance under this section may not**
21 **be recorded as being absent on any date for which the excuse is**
22 **operative and may not be penalized by the school in any manner.**

23 SECTION 5. IC 2-5-29-6, AS ADDED BY P.L.69-2008, SECTION
24 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
25 2010]: **Sec. 6. (a) The state superintendent of public instruction**
26 **Indiana bar foundation's center for civic education** shall supervise
27 the activities of the council.

28 (b) ~~The department of education~~ **Indiana bar foundation's center**
29 **for civic education** shall staff the council.

30 SECTION 6. IC 2-5-29-7.5 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2010]: **Sec. 7.5. (a) The youth advisory council fund is established**
33 **as a dedicated fund to be administered by the office. The fund**
34 **consists of:**

35 (1) **appropriations made to the fund by the general assembly;**
36 **and**

37 (2) **grants, gifts, and donations intended for deposit in the**
38 **fund.**

39 (b) **Expenses of administering the fund shall be paid from**
40 **money in the fund.**

41 (c) **The treasurer of state shall invest the money in the fund not**
42 **currently needed to meet the obligations of the fund in the same**
43 **manner as other public money may be invested. Interest that**
44 **accrues from these investments shall be deposited in the fund.**

45 (d) **Money in the fund at the end of a fiscal year does not revert**
46 **to the state general fund.**

47 (e) **Money in the fund is available, with the approval of the**
48 **budget agency, to augment and supplement the funds appropriated**
49 **to the department of education to implement this chapter.**

50 SECTION 7. IC 4-4-11.6-30 IS ADDED TO THE INDIANA CODE
51 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: **Sec. 30. (a) To carry out this chapter, the**
 2 **authority may enter into a contract to sell SNG to third parties**
 3 **with the net effect of the proceeds and costs of those sales to be**
 4 **reflected in the line item on customers' bills as required by section**
 5 **19(c) of this chapter.**

6 **(b) The following apply if the authority enters into a contract**
 7 **under subsection (a):**

8 **(1) The contract between the authority and a producer of**
 9 **SNG for the sale and purchase of SNG must be a purchase**
 10 **contract and is subject to all the requirements of this chapter.**

11 **(2) Contracts for services the authority determines are**
 12 **necessary and appropriate to effectuate SNG sales and the**
 13 **related transportation and delivery of SNG, including**
 14 **contracts authorizing third parties to act as the authority's**
 15 **agent in selling the SNG, must be related contracts.**

16 **(3) Contracts between the authority and regulated energy**
 17 **utilities for the crediting and charging of the proceeds and**
 18 **costs to all retail end use customers, including the billing and**
 19 **collecting of any net costs, must be management contracts**
 20 **subject to section 22 of this chapter.**

21 **(c) The:**

22 **(1) proceeds of the sales of SNG;**

23 **(2) costs of purchasing, transporting, and delivering the SNG;**

24 **(3) authority's administrative costs;**

25 **(4) costs incurred in carrying out this section by an agent of**
 26 **the authority; and**

27 **(5) costs associated with supplying working capital,**
 28 **maintaining financial reserves, and allowing defaults by SNG**
 29 **purchasers or retail end use customers;**

30 **shall be allocated to the retail end use customers of each regulated**
 31 **energy utility based on the proportion of the amount of gas**
 32 **delivered by the regulated energy utility to the total amount of gas**
 33 **delivered by all regulated energy utilities in the immediately**
 34 **preceding calendar year. The commission shall determine a just**
 35 **and reasonable method for allocating the credits and charges to the**
 36 **retail end use customers. The mechanism and processes the**
 37 **authority uses to calculate the costs must be capable of audit and**
 38 **verification.**

39 **(d) The obligation of the authority to pay for SNG or for any**
 40 **services under a contract entered into under this chapter is limited**
 41 **to the funds available in the account plus any other amount**
 42 **recoverable by the authority through a provision included in a**
 43 **contract under this section. An obligation under this section is not**
 44 **supported by the full faith and credit of the state.**

45 **SECTION 8. IC 4-13-2-14.1 IS AMENDED TO READ AS**
 46 **FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14.1. (a) A contract to**
 47 **which a state agency is a party must be approved by the following**
 48 **persons:**

49 **(1) The commissioner of the Indiana department of**
 50 **administration.**

51 **(2) The director of the budget agency. The director of the budget**

- 1 agency is not required to approve a contract:
- 2 (A) for supplies under IC 5-22, unless the budget agency is
- 3 required to approve the contract under rules or written policies
- 4 adopted under IC 5-22; or
- 5 (B) for public works under IC 4-13.6, if the estimated cost of
- 6 the contract is less than one hundred thousand dollars
- 7 (\$100,000).
- 8 (3) The attorney general, as required by section 14.3 of this
- 9 chapter.
- 10 (b) Each of the persons listed in subsection (a) may delegate to
- 11 another person the responsibility to approve contracts under this
- 12 section. The delegation must be in writing and must be filed with the
- 13 Indiana department of administration.
- 14 (c) The Indiana department of administration may adopt rules under
- 15 IC 4-22-2 to provide for electronic approval of contracts. **Electronic**
- 16 **approval may include obtaining the equivalent of a signature from**
- 17 **all contracting parties using an electronic method that does not**
- 18 **comply with IC 5-24 (the electronic digital signature act), so long**
- 19 **as the method allows the party to read the terms of the contract**
- 20 **and to manifest the party's agreement to the contract by clicking**
- 21 **on an "ok", an "agree", or a similarly labeled button or allows the**
- 22 **party to not agree to the contract by clicking on a "cancel", "don't**
- 23 **agree", "close window", or similarly labeled button.** Rules adopted
- 24 under this subsection must provide for the following:
- 25 (1) Security to prevent unauthorized access to the approval
- 26 process.
- 27 (2) The ability to convert electronic approvals into a medium
- 28 allowing persons inspecting or copying contract records to know
- 29 when approval has been given.
- 30 The rules adopted under this subsection may include any other
- 31 provisions the department considers necessary.
- 32 (d) The Indiana department of administration shall maintain a file
- 33 of information concerning contracts and leases to which a state agency
- 34 is a party.
- 35 SECTION 9. IC 4-22-2-37.1, AS AMENDED BY P.L.131-2009,
- 36 SECTION 1, AS AMENDED BY P.L.160-2009, SECTION 1, AND
- 37 AS AMENDED BY P.L.177-2009, SECTION 1, IS CORRECTED
- 38 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 39 2010]: Sec. 37.1. (a) This section applies to a rulemaking action
- 40 resulting in any of the following rules:
- 41 (1) An order adopted by the commissioner of the Indiana
- 42 department of transportation under IC 9-20-1-3(d) or
- 43 IC 9-21-4-7(a) and designated by the commissioner as an
- 44 emergency rule.
- 45 (2) An action taken by the director of the department of natural
- 46 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 47 (3) An emergency temporary standard adopted by the
- 48 occupational safety standards commission under
- 49 IC 22-8-1.1-16.1.
- 50 (4) An emergency rule adopted by the solid waste management
- 51 board under IC 13-22-2-3 and classifying a waste as hazardous.

- 1 (5) A rule, other than a rule described in subdivision (6), adopted
2 by the department of financial institutions under IC 24-4.5-6-107
3 and declared necessary to meet an emergency.
- 4 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
5 department of financial institutions and declared necessary to
6 meet an emergency under IC 24-4.5-6-107.
- 7 (7) A rule adopted by the Indiana utility regulatory commission to
8 address an emergency under IC 8-1-2-113.
- 9 (8) An emergency rule adopted by the state lottery commission
10 under IC 4-30-3-9.
- 11 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
12 executive board of the state department of health declares is
13 necessary to meet an emergency.
- 14 (10) An emergency rule adopted by the Indiana finance authority
15 under IC 8-21-12.
- 16 (11) An emergency rule adopted by the insurance commissioner
17 under IC 27-1-23-7.
- 18 (12) An emergency rule adopted by the Indiana horse racing
19 commission under IC 4-31-3-9.
- 20 (13) An emergency rule adopted by the air pollution control
21 board, the solid waste management board, or the water pollution
22 control board under IC 13-15-4-10(4) or to comply with a
23 deadline required by or other date provided by federal law,
24 provided:
 - 25 (A) the variance procedures are included in the rules; and
 - 26 (B) permits or licenses granted during the period the
27 emergency rule is in effect are reviewed after the emergency
28 rule expires.
- 29 (14) An emergency rule adopted by the Indiana election
30 commission under IC 3-6-4.1-14.
- 31 (15) An emergency rule adopted by the department of natural
32 resources under IC 14-10-2-5.
- 33 (16) An emergency rule adopted by the Indiana gaming
34 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
35 IC 4-33-4-14, **IC 4-33-22-12**, or IC 4-35-4-2.
- 36 (17) An emergency rule adopted by the alcohol and tobacco
37 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
38 IC 7.1-3-20-24.4.
- 39 (18) An emergency rule adopted by the department of financial
40 institutions under IC 28-15-11.
- 41 (19) An emergency rule adopted by the office of the secretary of
42 family and social services under IC 12-8-1-12.
- 43 (20) An emergency rule adopted by the office of the children's
44 health insurance program under IC 12-17.6-2-11.
- 45 (21) An emergency rule adopted by the office of Medicaid policy
46 and planning under IC 12-15-41-15.
- 47 (22) An emergency rule adopted by the Indiana state board of
48 animal health under IC 15-17-10-9.
- 49 (23) An emergency rule adopted by the board of directors of the
50 Indiana education savings authority under IC 21-9-4-7.
- 51 (24) An emergency rule adopted by the Indiana board of tax

- 1 review under IC 6-1.1-4-34 (repealed).
- 2 (25) An emergency rule adopted by the department of local
3 government finance under IC 6-1.1-4-33 (repealed).
- 4 (26) An emergency rule adopted by the boiler and pressure vessel
5 rules board under IC 22-13-2-8(c).
- 6 (27) An emergency rule adopted by the Indiana board of tax
7 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
8 adopted by the department of local government finance under
9 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 10 (28) An emergency rule adopted by the board of the Indiana
11 economic development corporation under IC 5-28-5-8.
- 12 (29) A rule adopted by the department of financial institutions
13 under IC 34-55-10-2.5.
- 14 (30) A rule adopted by the Indiana finance authority:
- 15 (A) under IC 8-15.5-7 approving user fees (as defined in
16 IC 8-15.5-2-10) provided for in a public-private agreement
17 under IC 8-15.5;
- 18 (B) under IC 8-15-2-17.2(a)(10):
- 19 (i) establishing enforcement procedures; and
- 20 (ii) making assessments for failure to pay required tolls;
- 21 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
22 establishing procedures for the implementation of the
23 collection of user fees by electronic or other nonmanual
24 means; or
- 25 (D) to make other changes to existing rules related to a toll
26 road project to accommodate the provisions of a public-private
27 agreement under IC 8-15.5.
- 28 (31) An emergency rule adopted by the board of the Indiana
29 health informatics corporation under IC 5-31-5-8.
- 30 ~~(32) An emergency rule adopted by the athletic commission under~~
31 ~~IC 25-9-1-4.5.~~
- 32 (32) An emergency rule adopted by the department of child
33 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or
34 IC 31-27-4-3.
- 35 ~~(32)~~ (33) An emergency rule adopted by the Indiana real estate
36 commission under IC 25-34.1-2-5(15).
- 37 (b) The following do not apply to rules described in subsection (a):
- 38 (1) Sections 24 through 36 of this chapter.
- 39 (2) IC 13-14-9.
- 40 (c) After a rule described in subsection (a) has been adopted by the
41 agency, the agency shall submit the rule to the publisher for the
42 assignment of a document control number. The agency shall submit the
43 rule in the form required by section 20 of this chapter and with the
44 documents required by section 21 of this chapter. The publisher shall
45 determine the format of the rule and other documents to be submitted
46 under this subsection.
- 47 (d) After the document control number has been assigned, the
48 agency shall submit the rule to the publisher for filing. The agency
49 shall submit the rule in the form required by section 20 of this chapter
50 and with the documents required by section 21 of this chapter. The
51 publisher shall determine the format of the rule and other documents

- 1 to be submitted under this subsection.
- 2 (e) Subject to section 39 of this chapter, the publisher shall:
- 3 (1) accept the rule for filing; and
- 4 (2) electronically record the date and time that the rule is
- 5 accepted.
- 6 (f) A rule described in subsection (a) takes effect on the latest of the
- 7 following dates:
- 8 (1) The effective date of the statute delegating authority to the
- 9 agency to adopt the rule.
- 10 (2) The date and time that the rule is accepted for filing under
- 11 subsection (e).
- 12 (3) The effective date stated by the adopting agency in the rule.
- 13 (4) The date of compliance with every requirement established by
- 14 law as a prerequisite to the adoption or effectiveness of the rule.
- 15 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,
- 16 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in
- 17 subsections (j), (k), and (l), a rule adopted under this section expires
- 18 not later than ninety (90) days after the rule is accepted for filing under
- 19 subsection (e). Except for a rule adopted under subsection (a)(13),
- 20 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting
- 21 another rule under this section, but only for one (1) extension period.
- 22 The extension period for a rule adopted under subsection (a)(28) may
- 23 not exceed the period for which the original rule was in effect. A rule
- 24 adopted under subsection (a)(13) may be extended for two (2)
- 25 extension periods. Subject to subsection (j), a rule adopted under
- 26 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited
- 27 number of extension periods. Except for a rule adopted under
- 28 subsection (a)(13), for a rule adopted under this section to be effective
- 29 after one (1) extension period, the rule must be adopted under:
- 30 (1) sections 24 through 36 of this chapter; or
- 31 (2) IC 13-14-9;
- 32 as applicable.
- 33 (h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires
- 34 on the earlier of the following dates:
- 35 (1) The expiration date stated by the adopting agency in the rule.
- 36 (2) The date that the rule is amended or repealed by a later rule
- 37 adopted under sections 24 through 36 of this chapter or this
- 38 section.
- 39 (i) This section may not be used to readopt a rule under IC 4-22-2.5.
- 40 (j) A rule described in subsection (a)(24) or (a)(25) expires not later
- 41 than January 1, 2006.
- 42 (k) A rule described in subsection (a)(28) expires on the expiration
- 43 date stated by the board of the Indiana economic development
- 44 corporation in the rule.
- 45 (l) A rule described in subsection (a)(30) expires on the expiration
- 46 date stated by the Indiana finance authority in the rule.
- 47 (m) A rule described in subsection (a)(5) or (a)(6) expires on the
- 48 date the department is next required to issue a rule under the statute
- 49 authorizing or requiring the rule.
- 50 SECTION 10. IC 4-31-6-8 IS AMENDED TO READ AS
- 51 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Applicants for a

1 license issued by the commission shall submit their fingerprints to the
 2 commission once. ~~every five (5) years.~~ Except as provided in
 3 subsection (d), the fingerprints shall be submitted as follows:

4 (1) The commission shall have fingerprints taken of an applicant
 5 for a license before approving the applicant for admission to the
 6 racing premises.

7 (2) Persons not appearing at the racing premises shall submit their
 8 fingerprints in the manner prescribed by the commission.

9 (b) Except as provided in subsection (d), fingerprints required by
 10 this section must be submitted on forms prescribed by the commission.

11 (c) The commission may forward to the Federal Bureau of
 12 Investigation or any other agency for processing all fingerprints
 13 submitted by license applicants. The commission shall maintain a file
 14 of fingerprints.

15 (d) The commission may accept the results of fingerprints taken
 16 within the preceding five (5) years and accepted by a racing body in
 17 another racing jurisdiction. The commission may require that
 18 acceptance of fingerprints under this subsection be dependent on the
 19 existence of a reciprocal agreement through which the state providing
 20 the fingerprints agrees to accept fingerprints from Indiana.

21 **(e) The commission shall coordinate with the state police**
 22 **department for the storage of fingerprints submitted under this**
 23 **section.**

24 SECTION 11. IC 4-33-22 IS ADDED TO THE INDIANA CODE
 25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2010]:

27 **Chapter 22. Boxing and Mixed Martial Arts**

28 **Sec. 1. As used in this chapter, "boxing" means the art of attack**
 29 **and defense with the fists, or feet in the case of kickboxing,**
 30 **practiced as a sport.**

31 **Sec. 2. As used in this chapter, "mixed martial arts" means the**
 32 **unarmed physical confrontation of persons involving the use,**
 33 **subject to limitations as established by the commission, of a**
 34 **combination of techniques from different disciplines of the martial**
 35 **arts, including grappling, kicking, and striking.**

36 **Sec. 3. As used in this chapter, "professional boxer" means a**
 37 **person who competes for money, teaches, pursues, or assists in the**
 38 **practice of boxing as a means to obtain a livelihood or pecuniary**
 39 **gain.**

40 **Sec. 4. As used in this chapter, "matchmaker" means a person**
 41 **who, under contract, agreement, or other arrangement with a**
 42 **boxer, acts as a booker, an agent, a booking agent, or a**
 43 **representative to secure:**

44 (1) an engagement; or

45 (2) a contract;

46 **for the boxer.**

47 **Sec. 5. As used in this chapter, "sparring" means combat in**
 48 **which participants intend to and actually:**

49 (1) inflict kicks, punches, and blows; and

50 (2) apply other techniques;

51 **that may reasonably be expected to inflict injury on an opponent**

1 in a contest, exhibition, or performance.

2 Sec. 6. (a) As used in this chapter, and except as provided in
3 section 18 of this chapter, "promoter" means the person primarily
4 responsible for organizing, promoting, and producing a
5 professional boxing or sparring, professional unarmed combat, or
6 professional wrestling match, contest, or exhibition.

7 (b) The term does not include a hotel, casino, resort, or other
8 commercial establishment hosting or sponsoring a professional
9 boxing or sparring, professional unarmed combat, or professional
10 wrestling match, contest, or exhibition, unless:

11 (1) the hotel, casino, resort, or other commercial
12 establishment is primarily responsible for organizing,
13 promoting, and producing the match, contest, or exhibition;
14 and

15 (2) there is no other person primarily responsible for
16 organizing, promoting, and producing the match, contest, or
17 exhibition.

18 Sec. 7. As used in this chapter, "unarmed combat" means the
19 practice, or any related practice, of mixed martial arts or martial
20 arts.

21 Sec. 8. As used in this chapter, "unarmed competitor" means a
22 person who engages in an unarmed combat match, contest,
23 exhibition, or performance.

24 Sec. 9. (a) As used in this chapter, "fund" refers to the athletic
25 fund created by this section.

26 (b) The athletic fund is created for purposes of administering
27 this chapter. The fund shall be administered by the Indiana gaming
28 commission.

29 (c) Expenses of administering the fund shall be paid from money
30 in the fund.

31 (d) The treasurer of state shall invest the money in the fund not
32 currently needed to meet the obligations of the fund in the same
33 manner as other public money may be invested. Interest that
34 accrues from these investments shall be deposited in the state
35 general fund.

36 (e) The fund consists of:

37 (1) appropriations made by the general assembly;

38 (2) fees collected under this chapter; and

39 (3) penalties collected under this chapter.

40 (f) An amount necessary to administer this chapter is
41 continually appropriated from the fund to the Indiana gaming
42 commission.

43 (g) If the balance in the fund at the end of a particular fiscal
44 year exceeds one hundred thousand dollars (\$100,000), the amount
45 that exceeds one hundred thousand dollars (\$100,000) reverts to
46 the state general fund.

47 Sec. 10. The commission shall ensure the:

48 (1) safety of participants in;

49 (2) fairness of; and

50 (3) integrity of;

51 sparring, boxing, and unarmed combat matches or exhibitions in

1 **Indiana.**

2 **Sec. 11. (a) The executive director of the commission may**
 3 **appoint and remove deputies for use by the commission. The**
 4 **commission shall, when the commission considers it advisable,**
 5 **direct a deputy to be present at any place where sparring, boxing,**
 6 **or unarmed combat matches or exhibitions are to be held under**
 7 **this chapter. The deputies shall ascertain the exact conditions**
 8 **surrounding the match or exhibition and make a written report of**
 9 **the conditions in the manner and form prescribed by the**
 10 **commission.**

11 **(b) The executive director of the commission may appoint and**
 12 **remove a secretary for the commission, who shall:**

- 13 **(1) keep a full and true record of all the commission's**
 14 **proceedings;**
 15 **(2) preserve at its general office all the commission's books,**
 16 **documents, and papers; and**
 17 **(3) prepare for service notices and other papers as may be**
 18 **required by the commission.**

19 **The executive director of the commission may employ only such**
 20 **clerical employees as are actually necessary and fix their salaries**
 21 **as provided by law.**

22 **(c) The executive director of the commission or a deputy**
 23 **appointed under subsection (a) may execute orders, subpoenas,**
 24 **continuances, and other legal documents on behalf of the**
 25 **commission.**

26 **(d) All expenses incurred in the administration of this chapter**
 27 **shall be paid from the fund upon appropriation being made for the**
 28 **expenses.**

29 **Sec. 12. (a) In accordance with IC 35-45-18-1(b), the commission**
 30 **may adopt rules under IC 4-22-2 to regulate the conduct of the**
 31 **following:**

- 32 **(1) Mixed martial arts.**
 33 **(2) Martial arts, including the following:**
 34 **(A) Jujutsu.**
 35 **(B) Karate.**
 36 **(C) Kickboxing.**
 37 **(D) Kung fu.**
 38 **(E) Tae kwon do.**
 39 **(F) Judo.**
 40 **(G) Sambo.**
 41 **(H) Pankration.**
 42 **(I) Shootwrestling.**
 43 **(3) Professional wrestling.**
 44 **(4) Boxing.**
 45 **(5) Sparring.**

46 **(b) The commission may adopt emergency rules under**
 47 **IC 4-22-2-37.1 if the commission determines that:**

- 48 **(1) the need for a rule is so immediate and substantial that the**
 49 **ordinary rulemaking procedures under IC 4-22-2 are**
 50 **inadequate to address the need; and**
 51 **(2) an emergency rule is likely to address the need.**

1 **Sec. 13. (a) Boxing, sparring, and unarmed combat matches or**
 2 **exhibitions, whether or not for prizes or purses, may be held in**
 3 **Indiana.**

4 **(b) The commission:**

5 **(1) has the sole direction, management, control, and**
 6 **jurisdiction over all boxing, sparring, and unarmed combat**
 7 **matches or exhibitions to be conducted, held, or given in**
 8 **Indiana; and**

9 **(2) may issue licenses for those matches or exhibitions.**

10 **(c) A boxing, sparring, or unarmed combat match or an**
 11 **exhibition that is:**

12 **(1) conducted by any school, college, or university within**
 13 **Indiana; or**

14 **(2) sanctioned by United States Amateur Boxing, Inc.;**

15 **is not subject to the provisions of this chapter requiring a license.**
 16 **The term "school, college, or university" does not include a school**
 17 **or other institution for the principal purpose of furnishing**
 18 **instruction in boxing, or other athletics.**

19 **(d) Except as provided under section 18 of this chapter, no**
 20 **boxing, sparring, or unarmed combat match or exhibition, except**
 21 **as provided in this chapter, may be held or conducted within**
 22 **Indiana except under a license and permit issued by the**
 23 **commission in accordance with this chapter and the rules adopted**
 24 **under this chapter.**

25 **Sec. 14. (a) The commission may:**

26 **(1) cause to be issued an annual license in writing for holding**
 27 **boxing, sparring, or unarmed combat matches or exhibitions**
 28 **to any person who is qualified under this chapter; and**

29 **(2) adopt rules to establish the qualifications of the applicants.**

30 **(b) In addition to a general license, a person must, before**
 31 **conducting any particular boxing, sparring, or unarmed combat**
 32 **match or exhibition where one (1) or more contests are to be held,**
 33 **obtain a permit from the commission.**

34 **(c) Annual licenses may be revoked or suspended by the**
 35 **commission upon hearing and proof that any holder of an annual**
 36 **license has violated this chapter or any rule or order of the**
 37 **commission.**

38 **(d) A person who knowingly, recklessly, or intentionally**
 39 **conducts a boxing, sparring, or unarmed combat match or**
 40 **exhibition without first obtaining a license or permit commits a**
 41 **Class B misdemeanor.**

42 **Sec. 15. (a) Applications for licenses or permits to conduct or**
 43 **participate in, either directly or indirectly, a boxing, sparring, or**
 44 **unarmed combat match or exhibition must be:**

45 **(1) made in writing upon forms prescribed by the commission**
 46 **and shall be addressed to and filed with the gaming**
 47 **commission; and**

48 **(2) verified by the applicant, if an individual, or by an officer**
 49 **of the club, corporation, or association in whose behalf the**
 50 **application is made.**

51 **(b) The application for a permit to conduct a particular boxing,**

1 sparring, or unarmed combat match or exhibition must, among
2 other things, state:

- 3 (1) the time and exact place at which the boxing, sparring, or
- 4 unarmed combat match or exhibition is proposed to be held;
- 5 (2) the names of the contestants who will participate and their
- 6 seconds;
- 7 (3) the seating capacity of the buildings or the hall in which
- 8 such exhibition is proposed to be held;
- 9 (4) the proposed admission charge;
- 10 (5) the amount of the compensation percentage of gate
- 11 receipts that is proposed to be paid to each of the participants;
- 12 (6) the name and address of the applicant;
- 13 (7) the names and addresses of all the officers if the applicant
- 14 is a club, a corporation, or an association; and
- 15 (8) the record of each contestant from a source approved by
- 16 the commission.

17 (c) The commission shall keep records of the names and
18 addresses of all persons receiving permits and licenses.

19 Sec. 16. (a) As used in this section, "applicant" means a person
20 applying for a promoter's license or permit.

21 (b) The commission shall require an applicant to provide:

- 22 (1) information, including fingerprints, that is needed to
- 23 facilitate access to criminal history information; and
- 24 (2) financial information, to the extent allowed by law.

25 (c) The state police department shall:

- 26 (1) provide assistance in obtaining criminal history
- 27 information of an applicant; and
- 28 (2) forward fingerprints submitted by an applicant to the
- 29 Federal Bureau of Investigation for the release of an
- 30 applicant's criminal history information for the purposes of
- 31 licensure under this chapter.

32 (d) The applicant shall pay any fees associated with the release
33 of the criminal history information of the applicant.

34 Sec. 17. All promoters, either corporations or natural persons,
35 physicians, referees, judges, timekeepers, matchmakers,
36 professional boxers, unarmed competitors, managers of
37 professional boxers or unarmed competitors, trainers and seconds,
38 shall be licensed as provided in this chapter, and such a
39 corporation or person may not be permitted to participate, either
40 directly or indirectly, in any such boxing, sparring, or unarmed
41 combat match or exhibition, or the holding thereof, unless the
42 corporation and all such persons have first procured licenses. A
43 contest conforming to the rules and requirements of this chapter
44 is not considered to be a prizefight.

45 Sec. 18. (a) As used in this section, "amateur mixed martial
46 arts" refers to mixed martial arts that is:

- 47 (1) performed for training purposes in a school or other
- 48 educational facility for no:
 - 49 (A) purse; or
 - 50 (B) prize with a value greater than one hundred dollars
 - 51 (\$100); or

1 (2) performed in a match, contest, exhibition, or performance
2 for no:

3 (A) purse; or

4 (B) prize with a value greater than one hundred dollars
5 (\$100).

6 (b) As used in this section, "promoter" means the person
7 primarily responsible for organizing, promoting, and producing an
8 amateur mixed martial arts match or exhibition. The term does not
9 include a hotel, casino, resort, or other commercial establishment
10 hosting or sponsoring an amateur mixed martial arts match unless:

11 (1) the hotel, casino, resort, or other commercial
12 establishment is primarily responsible for organizing,
13 promoting, and producing the match or exhibition; and

14 (2) there is no other person primarily responsible for
15 organizing, promoting, and producing the match or
16 exhibition.

17 (c) For amateur mixed martial arts matches or exhibitions, only:

18 (1) a body sanctioning the match or exhibition; and

19 (2) the promoter of the match or exhibition;

20 must procure licenses under this chapter. The commission shall
21 develop procedures and standards governing application for
22 licensure and license renewal of bodies sanctioning a match or
23 exhibition and promoters under this section. The commission shall
24 develop procedures for inspection and enforcement with respect to
25 licenses issued under this subsection.

26 (d) The commission shall adopt rules under IC 4-22-2 to license
27 sanctioning bodies and promoters required to be licensed under
28 this chapter.

29 (e) The commission shall adopt rules under IC 4-22-2 that apply
30 to each match or exhibition covered under this section and that
31 determine requirements for the following:

32 (1) The presence of a medical doctor licensed under
33 IC 25-22.5.

34 (2) The presence of an ambulance.

35 (3) Requirements for medical and life insurance to be carried
36 for each participant.

37 (4) The need for medical tests, including:

38 (A) tests for HIV;

39 (B) pregnancy tests for women participants; and

40 (C) screening tests for illegal drugs.

41 **Sec. 19.** A permit or license may not be issued to any person who
42 has not complied with this chapter or who, before the applications,
43 failed to obey a rule or order of the commission. In the case of a
44 club, corporation, or association, a license or permit may not be
45 issued to it if, before its application, any of its officers have violated
46 this chapter or any rule or order of the commission. A promoter,
47 physician, referee, judge, timekeeper, matchmaker, professional
48 boxer, unarmed competitor, manager of a professional boxer or
49 unarmed competitor, trainer, or second may not be licensed if the
50 person holds a federal gambling stamp. A license or permit when
51 issued must recite that the person to whom it is granted has

1 complied with this chapter and that a license or permit is not
2 transferable.

3 **Sec. 20.** The commission has full power and authority to limit
4 the number of boxing, sparring, or unarmed combat matches or
5 exhibitions to be held or given by any person, club, organization,
6 or corporation in any city or town in Indiana.

7 **Sec. 21. (a)** A person to whom a permit is issued may not:

- 8 (1) hold the match or exhibition at any other time or place;
9 (2) permit any other contestant to participate in the match or
10 exhibition;
11 (3) charge a greater rate or rates of admission; or
12 (4) pay a greater fee, compensation, or percentage to
13 contestants than that specified in the application filed before
14 the issuance of the permit.

15 **(b)** Notwithstanding subsection (a), in case of emergency the
16 commission may, upon application, allow a person to hold a
17 boxing, sparring, or unarmed combat match or exhibition
18 wherever and whenever it considers fit within the city in which the
19 person is located and substitute contestants or seconds as
20 circumstances may require.

21 **Sec. 22.** In case the commission refuses to grant a license or
22 permit to any applicant, the applicant, at the applicant's option, is
23 entitled to a hearing in the manner provided by this chapter, but
24 if the commission, before the refusal, after a hearing, makes a valid
25 finding that the applicant has been guilty of disobeying any rule or
26 order of the commission, or of any provision of this chapter, the
27 applicant is not entitled to a license or permit; and in case any
28 boxing, sparring, or unarmed combat match, or exhibition has
29 been conducted by any person, club, corporation, or association
30 under this chapter, the commission on its own motion, or on the
31 petition of any resident of Indiana, may conduct a hearing to
32 determine whether such person, club, corporation, or association
33 has disobeyed any rule or order of the commission or has been
34 guilty of any violation of this chapter.

35 **Sec. 23.** Any hearing by the commission must be in accordance
36 with IC 4-21.5-3.

37 **Sec. 24.** All buildings or structures used, or in any way to be
38 used for the purpose of holding or giving therein boxing, sparring,
39 or unarmed combat matches or exhibitions, must be properly
40 ventilated and provided with fire exits and fire escapes, if
41 necessary, and in all manner must conform to the laws, ordinances,
42 and regulations pertaining to buildings in the city or town where
43 situated.

44 **Sec. 25. (a)** A person shall not:

- 45 (1) permit any person less than eighteen (18) years of age to
46 participate in any boxing or sparring match or exhibition;
47 (2) permit any gambling on the result of, or on any
48 contingency in connection with, any boxing or sparring match
49 or exhibition conducted by it; or
50 (3) participate in or permit any sham or collusive boxing or
51 sparring match or exhibition.

1 **(b) A person who violates this section, in addition to any**
 2 **criminal penalty:**

3 **(1) shall have the person's license or permit revoked,**
 4 **suspended, or restricted by the commission;**

5 **(2) shall be placed on probation by the commission;**

6 **(3) shall pay a civil penalty imposed by the commission not to**
 7 **exceed one thousand dollars (\$1,000);**

8 **(4) is ineligible for a license or permit at any future time; or**

9 **(5) is subject to the imposition by the commission of any**
 10 **combination of the penalties set forth in subdivisions (1)**
 11 **through (4).**

12 **Sec. 26. (a) A person shall not:**

13 **(1) participate in any sham or collusive boxing or sparring**
 14 **match or exhibition where the match or exhibition is**
 15 **conducted by a licensed person; or**

16 **(2) being less than eighteen (18) years of age, participate in**
 17 **any boxing or sparring match or exhibition.**

18 **(b) For a first offense, in addition to the fine, a person who is a**
 19 **licensed contestant in Indiana and violates this section:**

20 **(1) shall have the person's license or permit revoked,**
 21 **suspended, or restricted by the commission;**

22 **(2) shall be placed on probation by the commission;**

23 **(3) shall pay a civil penalty imposed by the commission not to**
 24 **exceed one thousand dollars (\$1,000);**

25 **(4) is ineligible for a license or permit at any future time; or**

26 **(5) is subject to the imposition by the commission of any**
 27 **combination of the penalties set forth in subdivisions (1)**
 28 **through (4).**

29 **For a second offense, a licensed contestant who violates this section**
 30 **may be forever barred from receiving any license or permit or**
 31 **participating in any boxing or sparring match or exhibition in**
 32 **Indiana.**

33 **(c) A person who gambles on the result of, or on any**
 34 **contingency in connection with, any boxing or sparring match or**
 35 **exhibition and is convicted under IC 35-45-5 shall, in addition to**
 36 **any criminal penalty imposed, be penalized as provided in**
 37 **subsection (b).**

38 **Sec. 27. (a) Each contestant for boxing, sparring, or unarmed**
 39 **combat shall be examined within two (2) hours before entering the**
 40 **ring by a competent physician licensed under IC 25-22.5 appointed**
 41 **by the commission. The physician shall certify in writing that each**
 42 **contestant is physically fit to engage in the contest if the physician**
 43 **so determines, and the physician's certificate shall be delivered to**
 44 **the commission before the contest. The physician shall mail the**
 45 **report of examination to the commission within twenty-four (24)**
 46 **hours after the contest. Blank forms of physicians' reports shall be**
 47 **furnished to physicians by the commission, and questions on blank**
 48 **forms must be answered in full. No match, contest, or exhibition**
 49 **shall be held unless a licensed physician is in attendance. Any boxer**
 50 **or unarmed competitor who, in the opinion of the physician, is**
 51 **physically unfit to enter the match or exhibition shall be excused by**

1 the commission or its deputy. During the conduct of the match or
2 exhibition, the physician may observe the physical condition of the
3 boxers or unarmed competitors and if, in the opinion of the
4 physician, any contestant in any match or exhibition is physically
5 unfit to continue, the physician shall advise the referee.

6 (b) A boxing or sparring match or exhibition may not last more
7 than twelve (12) rounds, and each round may not last more than
8 three (3) minutes. There must not be less than a one (1) minute
9 intermission between each round. The commission may for any
10 bout or any class of contestants limit the number of rounds of the
11 bout within the maximum of twelve (12) rounds.

12 (c) Any contestant in a boxing or sparring match or an
13 exhibition must wear standard gloves, weighing at least eight (8)
14 ounces, and the gloves worn by each of the contestants must be
15 equal in weight.

16 (d) At each boxing, sparring, or unarmed combat match or
17 exhibition there must be in attendance, at the expense of the person
18 conducting the match or exhibition, a licensed referee who shall
19 direct and control the match or exhibition. Before starting each
20 contest, the referee shall ascertain from each contestant the name
21 of the contestant's chief second, and shall hold the chief second
22 responsible for the conduct of the chief second's assistant seconds
23 during the contest. The referee may declare forfeited a part or all
24 of any remuneration or purse belonging to the contestants, or one
25 (1) of them, if, in the referee's judgment, the contestant or
26 contestants are not honestly competing. Any forfeited amount shall
27 be paid into the fund.

28 (e) There must also be in attendance at the expense of the person
29 conducting the match or exhibition three (3) licensed judges who
30 shall, at the termination of each boxing, sparring, or unarmed
31 combat match or exhibition render their decisions as to the winner.

32 (f) A person who holds any boxing, sparring, or unarmed
33 combat match or exhibition in violation of this section commits a
34 Class A infraction.

35 (g) A physician who knowingly certifies falsely to the physical
36 condition of any contestant commits a Class B infraction.

37 **Sec. 28. (a)** A contestant may not participate in any boxing,
38 sparring, or unarmed combat match or exhibition unless registered
39 and licensed with the commission, which license must be renewed
40 biennially. The license fee and the renewal fee may not be less than
41 five dollars (\$5), paid at the time of the application for the license
42 or renewal.

43 (b) Any person who desires to be registered and licensed as a
44 contestant shall file an application in writing with the executive
45 director of the commission stating:

- 46 (1) the correct name of the applicant;
- 47 (2) the date and place of the applicant's birth;
- 48 (3) the place of the applicant's residence; and
- 49 (4) the applicant's employment, business, or occupation, if
50 any.

51 The application must be verified under oath of the applicant. An

1 application for a renewal license must be in similar form.

2 (c) No assumed or ring names shall be used in any application
3 nor in any advertisement of any contest, unless the ring or assumed
4 name has been registered with the commission with the correct
5 name of the applicant.

6 (d) Each application for license by a contestant or for a license
7 renewal must be accompanied by the certificate of a physician
8 residing within Indiana who is licensed as provided in this article
9 and has practiced in Indiana for not less than five (5) years,
10 certifying that the physician has made a thorough physical
11 examination of the applicant, and that the applicant is physically
12 fit and qualified to participate in boxing, sparring, or unarmed
13 combat matches or exhibitions.

14 Sec. 29. (a) The commission shall, upon proper application,
15 grant licenses to competent referees and judges whose
16 qualifications may be tested by the commission, and the
17 commission may revoke any such license granted to any referee or
18 judge upon cause as the commission finds sufficient. A referee's or
19 judge's license must be renewed biennially. No person shall be
20 permitted to act as referee or judge in Indiana without a license.

21 (b) The application for license as referee, or renewal thereof,
22 shall be accompanied by a fee established by the commission.

23 (c) The commission shall appoint, from among licensed officials,
24 all officials for all contests held under this chapter.

25 Sec. 30. The commission may declare any person who has been
26 convicted of an offense under IC 35-48 ineligible to participate in
27 any boxing, sparring, or unarmed combat match or exhibition, or
28 any other activity or event regulated by the commission,
29 notwithstanding that the person may hold a valid license issued by
30 the commission. The period of ineligibility shall be for not less than
31 six (6) months nor more than three (3) years, as determined by the
32 commission. If a convicted person is declared ineligible, the
33 commission shall suspend the person and declare the person
34 ineligible to participate in any boxing, sparring, or unarmed
35 combat match or exhibition, or any other activity or event
36 regulated by the commission, as soon as it discovers the conviction,
37 but the period of ineligibility shall commence from the actual date
38 of the conviction. During the period of ineligibility, the suspended
39 person may reapply to the commission for a license.

40 Sec. 31. (a) Any license under this chapter may be revoked or
41 suspended by the commission for reasons sufficient under this
42 chapter.

43 (b) If a person displays to the public credentials issued by the
44 commission that:

- 45 (1) have been revoked or suspended under this chapter; or
- 46 (2) have expired;

47 the commission may declare the person ineligible for a period to be
48 determined by the commission to participate in any boxing,
49 sparring, or unarmed combat match, exhibition, or other activity
50 regulated by the commission.

51 Sec. 32. (a) Every person, club, corporation, firm, or association

1 that may conduct any match or exhibition under this chapter shall
2 do the following within twenty-four (24) hours after the end of the
3 match or exhibition:

4 (1) Furnish to the commission, by mail, a written report duly
5 verified by that person or, if a club, corporation, firm, or
6 association, by one (1) of its officers, showing the amount of
7 the gross proceeds for the match or exhibition and other
8 related matters as the commission may prescribe.

9 (2) Pay a tax of five percent (5%) of the price from the sale of
10 each admission ticket to the match or exhibition, which price
11 is a separate and distinct charge and may not include any tax
12 imposed on and collected on account of the sale of the ticket.
13 Money derived from the tax shall be deposited in the fund.

14 (3) Pay all fees established by the commission necessary to
15 cover the administrative costs of its regulatory oversight
16 function.

17 The commission may waive the tax on the price of admission for
18 complimentary admissions.

19 (b) Before any license is granted for any boxing, sparring, or
20 unarmed combat match or exhibition in Indiana, a bond or other
21 instrument that provides financial recourse must be provided to
22 the commission. The instrument must be:

23 (1) in an amount determined by the commission;

24 (2) approved as to form and sufficiency of the sureties by the
25 commission;

26 (3) payable to the state; and

27 (4) conditioned for the payment of the tax imposed, the
28 officials and contestants, and compliance with this chapter
29 and the valid rules of the commission.

30 Sec. 33. Every promoter holding or showing any public boxing,
31 sparring, mixed martial arts, or unarmed combat match or
32 exhibition for viewing in Indiana on a closed circuit telecast, pay
33 per view telecast, or subscription television that is viewed by
34 subscribers who are not present at the venue shall furnish the
35 executive director of the commission a written report, under oath,
36 stating the amount of gross proceeds from the closed circuit
37 telecast, pay per view telecast, or subscription television viewing in
38 Indiana and any other matter as the commission may prescribe.
39 The promoter shall, within seventy-two (72) hours after the
40 determination of the outcome of the match or exhibition, pay a tax
41 of three percent (3%) of the gross receipts from the viewing of the
42 match or exhibition on a closed circuit telecast, pay per view
43 telecast, or subscription television. However, the tax may not
44 exceed fifty thousand dollars (\$50,000) for each event. Money
45 derived from the tax shall be placed in the state general fund. The
46 budget agency may augment appropriations from the fund to the
47 Indiana gaming commission to regulate boxing, sparring, unarmed
48 combat, and any other form of mixed martial arts.

49 Sec. 34. Whenever a report under section 32 or 33 of this
50 chapter is unsatisfactory to the state treasurer, the state treasurer
51 may examine or cause to be examined the books and records of the

1 person, club, corporation, or association and subpoena and
2 examine, under oath, that person or officers and other persons as
3 witnesses for the purpose of determining the total amount of the
4 gross receipts derived from any contest, and the amount of tax due,
5 under this chapter, which tax the state treasurer may upon
6 examination, fix and determine. In case of default in the payment
7 of any tax due, together with the expenses incurred in making the
8 examination for a period of twenty (20) days after written notice to
9 the delinquent person, club, corporation, or association of the
10 amount fixed by the state treasurer as delinquent, the person, club,
11 corporation, or association shall be disqualified from receiving any
12 new license or permit, and the attorney general shall institute suit
13 upon the bond filed under section 32 of this chapter, to recover the
14 tax and penalties imposed by this chapter. In addition to the tax
15 due from the delinquent person, club, corporation, or association,
16 a penalty in the sum of not more than one thousand dollars
17 (\$1,000) for each offense shall be recovered by the attorney general
18 for the state.

19 **Sec. 35.** The commission may appoint official representatives,
20 designated as inspectors, each of whom shall receive from the
21 commission a card authorizing the official representative to act as
22 an inspector wherever the commission may designate the official
23 representative to act. One (1) inspector or deputy shall:

- 24 (1) be present at all boxing, sparring, or unarmed combat
25 matches or exhibitions and ensure that the rules of the
26 commission and this chapter are strictly observed; and
27 (2) be present at the counting up of the gross receipts and
28 immediately mail to the commission the final box office
29 statement received by the inspector or deputy from the person
30 or officers of the club, corporation, or association conducting
31 the match or exhibition.

32 **Sec. 36.** The commission shall determine the weights and classes
33 of boxers and unarmed competitors and the rules and regulations
34 of boxing and unarmed combat.

35 **Sec. 37.** All tickets of admission to any boxing, sparring, or
36 unarmed combat match or exhibition must clearly show the
37 purchase price. Tickets shall not be sold for more than the price
38 printed on the tickets. It is unlawful for any person, club,
39 corporation, or association to admit to a contest a number of
40 people greater than the seating capacity of the place where the
41 contest is held.

42 **Sec. 38.** A contestant shall not be paid for services before the
43 contest, and the referee and judges must determine that if any
44 contestant did not give an honest exhibition of the contestant's skill,
45 the contestant's services shall not be paid for.

46 **Sec. 39.** All fees received by the executive director of the
47 commission on behalf of the commission under this chapter shall
48 be paid into the fund.

49 **Sec. 40.** A person who knowingly, recklessly, or intentionally
50 violates this chapter commits a Class B misdemeanor.

51 **Sec. 41.** The commission may adopt rules under IC 4-22-2 to

1 administer this chapter.

2 Sec. 42. A licensee shall comply with the standards established
3 by the commission. A practitioner is subject to the disciplinary
4 sanctions under section 43 of this chapter if, after a hearing, the
5 commission finds any of the following concerning the practitioner:

6 (1) Failure, without just cause, to observe the terms of any
7 contract required to be on file with the commission.

8 (2) Violation of any of the provisions of the statutes, rules, or
9 orders of the commission.

10 (3) Interference with the official duties of other licensees, the
11 commission, or any administrative officer or representative
12 of the commission.

13 (4) Gambling that is otherwise prohibited by law on the result
14 of any bout permitted by the commission.

15 (5) Noncompetitive boxing, sparring, or unarmed combat or
16 the solicitation of noncompetitive boxers or unarmed
17 competitors.

18 (6) Failure to appear at designated times and places as
19 required by the commission.

20 (7) Bribery or attempted bribery of any licensee, employee, or
21 member of the commission.

22 (8) Employing or knowingly cooperating in fraud or material
23 deception in order to obtain any license or permit issued by
24 the commission.

25 (9) Conviction for a crime that has a direct bearing on the
26 applicant's or licensee's ability to perform acts that require a
27 license or permit issued by the commission.

28 (10) Unlicensed or unpermitted participation in any activity
29 in Indiana for which a license or permit issued by the
30 commission is required.

31 (11) Participating, directly or indirectly, in any agreement to
32 circumvent any rules or ruling of the commission.

33 (12) Any activity that undermines the integrity of boxing,
34 sparring, or unarmed combat.

35 Sec. 43. (a) The commission may impose any of the following
36 sanctions, singly or in combination, if the commission finds that a
37 licensee is subject to disciplinary sanctions under section 42 of this
38 chapter:

39 (1) Permanently revoke a licensee's license.

40 (2) Suspend a licensee's license.

41 (3) Censure a licensee.

42 (4) Issue a letter of reprimand.

43 (5) Place a licensee on probation status and require the
44 licensee to:

45 (A) report regularly to the commission upon the matters
46 that are the basis of probation;

47 (B) limit the licensee's participation at boxing, sparring, or
48 unarmed combat events to those areas prescribed by the
49 commission; or

50 (C) perform any acts, including community restitution or
51 service without compensation, or refrain from performing

1 any acts, that the commission considers appropriate to the
2 public interest or to the rehabilitation or treatment of the
3 licensee.

4 (6) Assess a civil penalty against the licensee for not more
5 than one thousand dollars (\$1,000) for each violation listed in
6 section 42 of this chapter.

7 (7) Order a licensee to pay consumer restitution to a person
8 who suffered damages as a result of the conduct or omission
9 that was the basis for the disciplinary sanctions under this
10 chapter.

11 (b) When imposing a civil penalty under subsection (a)(6), the
12 commission shall consider a licensee's ability to pay the amount
13 assessed. If the licensee fails to pay the civil penalty within the time
14 specified by the commission, the commission may suspend the
15 licensee's license without additional proceedings. However, a
16 suspension may not be imposed if the sole basis for the suspension
17 is the licensee's inability to pay a civil penalty.

18 (c) The commission may withdraw or modify the probation
19 under subsection (a)(5) if the commission finds after a hearing that
20 the deficiency that required disciplinary action has been remedied
21 or that changed circumstances warrant a modification of the order.

22 Sec. 44. (a) The commission may summarily suspend a licensee's
23 license for ninety (90) days before a final adjudication or during
24 the appeals process if the commission finds that a licensee
25 represents a clear and immediate danger to the public's health,
26 safety, or property if the licensee is allowed to continue to
27 participate in boxing, sparring, or unarmed combat matches,
28 contests, or exhibitions. The summary suspension may be renewed
29 upon a hearing before the commission, and each renewal may be
30 for not more than ninety (90) days.

31 (b) Before the commission may summarily suspend a license
32 under this section, the commission shall make a reasonable attempt
33 to notify the licensee of:

34 (1) a hearing by the commission to suspend the licensee's
35 license; and

36 (2) information regarding the allegation against the licensee.

37 The commission shall also notify the licensee that the licensee may
38 provide a written or an oral statement to the commission on the
39 licensee's behalf before the commission issues an order for
40 summary suspension. A reasonable attempt to notify the licensee
41 is made if the commission attempts to notify the licensee by
42 telephone or facsimile at the last telephone number or facsimile
43 number of the licensee on file with the commission.

44 Sec. 45. The commission may reinstate a license that has been
45 suspended under this chapter if, after a hearing, the commission is
46 satisfied that the applicant is able to participate at a boxing,
47 sparring, or unarmed combat match, contest, or exhibition in a
48 professional manner and with reasonable skill. As a condition of
49 reinstatement, the commission may impose disciplinary or
50 corrective measures authorized under this chapter.

51 Sec. 46. The commission may not reinstate a license that has

1 **been revoked under this chapter. An individual whose license has**
 2 **been revoked under this chapter may not apply for a new license**
 3 **until seven (7) years after the date of revocation.**

4 **Sec. 47. A licensee may petition the commission to accept the**
 5 **surrender of the licensee's license instead of having a hearing**
 6 **before the commission. The licensee may not surrender the**
 7 **licensee's license without the written approval of the commission,**
 8 **and the commission may impose any conditions appropriate to the**
 9 **surrender or reinstatement of a surrendered license.**

10 **Sec. 48. A licensee who has been subjected to disciplinary**
 11 **sanctions may be required by the commission to pay the costs of**
 12 **the proceeding. The licensee's ability to pay shall be considered**
 13 **when costs are assessed. If the licensee fails to pay the costs, a**
 14 **suspension may not be imposed solely upon the licensee's inability**
 15 **to pay the amount assessed. These costs are limited to costs for the**
 16 **following:**

- 17 **(1) Court reporters.**
- 18 **(2) Transcripts.**
- 19 **(3) Certification of documents.**
- 20 **(4) Photo duplication.**
- 21 **(5) Witness attendance and mileage fees.**
- 22 **(6) Postage.**
- 23 **(7) Expert witnesses.**
- 24 **(8) Depositions.**
- 25 **(9) Notarizations.**
- 26 **(10) Administrative law judges.**

27 **Sec. 49. (a) The commission may refuse to issue a license or may**
 28 **issue a probationary license to an applicant for licensure if:**

29 **(1) the applicant has:**

- 30 **(A) been disciplined by a licensing entity of another state**
 31 **or jurisdiction; or**
- 32 **(B) committed an act that would have subjected the**
 33 **applicant to the disciplinary process if the applicant had**
 34 **been licensed in Indiana when the act occurred; and**

35 **(2) the violation for which the applicant was or could have**
 36 **been disciplined has a bearing on the applicant's ability to**
 37 **competently and professionally participate in a boxing,**
 38 **sparring, or unarmed combat match, contest, or exhibition in**
 39 **Indiana.**

40 **(b) The board may:**

- 41 **(1) refuse to issue a license; or**
- 42 **(2) issue a probationary license;**

43 **to an applicant for licensure if the applicant participated in a**
 44 **boxing, sparring, or unarmed combat match, contest, or exhibition**
 45 **in Indiana without a license in violation of the law.**

46 **(c) Whenever the commission issues a probationary license, the**
 47 **commission may require a licensee to do any of the following:**

- 48 **(1) Report regularly to the commission upon the matters that**
 49 **are the basis of the discipline of the other state or jurisdiction.**
- 50 **(2) Limit participation in a boxing, sparring, or unarmed**
 51 **combat match, contest, or exhibition to the areas prescribed**

1 **by the commission.**

2 **(3) Engage in community restitution or service without**
3 **compensation for the number of hours specified by the**
4 **commission.**

5 **(4) Perform or refrain from performing an act that the**
6 **commission considers appropriate to the public interest or to**
7 **the rehabilitation or treatment of the applicant.**

8 **(d) The commission shall remove any limitations placed on a**
9 **probationary license under this section if the commission finds**
10 **after a public hearing that the deficiency that required disciplinary**
11 **action has been remedied.**

12 SECTION 12. IC 6-1.1-1-8.8 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 8.8.**
15 **"Mobile home community" has the meaning set forth in**
16 **IC 16-41-27-5.**

17 SECTION 13. IC 6-1.1-4-4.4 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE UPON PASSAGE]: **Sec. 4.4. (a) This section applies to**
20 **an assessment under section 4 or 4.5 of this chapter or another law.**

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

24 **(1) each change; and**

25 **(2) the reason that each change was made.**

26 **In any appeal of the assessment, the assessor has the burden of**
27 **proving that each change was valid.**

28 SECTION 14. IC 6-1.1-4-4.6, AS ADDED BY P.L.182-2009(ss),
29 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2010]: **Sec. 4.6. (a) If a county assessor fails before July 2 of**
31 **a particular year for which an adjustment to the assessed value of**
32 **real property applies under section 4.5 of this chapter** to prepare
33 and deliver to the county auditor a complete detailed list of all of the
34 real property listed for taxation in the county as required by
35 IC 6-1.1-5-14 and at least one hundred eighty (180) days have elapsed
36 after the July 1 deadline specified in IC 6-1.1-5-14 for delivering the
37 list, the department of local government finance may develop annual
38 adjustment factors under this section for that year. In developing annual
39 adjustment factors under this section, the department of local
40 government finance shall use data in its possession that is obtained
41 from:

42 (1) the county assessor; or

43 (2) any of the sources listed in the rule, including county or state
44 sales data, government studies, ratio studies, cost and depreciation
45 tables, and other market analyses.

46 (b) Using the data described in subsection (a), the department of
47 local government finance shall propose to establish annual adjustment
48 factors for the affected tax districts for one (1) or more of the classes
49 of real property. The proposal may provide for the equalization of
50 annual adjustment factors in the affected township or county and in
51 adjacent areas. The department of local government finance shall issue

1 notice and provide opportunity for hearing in accordance with
2 IC 6-1.1-14-4 and IC 6-1.1-14-9, as applicable, before issuing final
3 annual adjustment factors.

4 (c) The annual adjustment factors finally determined by the
5 department of local government finance after the hearing required
6 under subsection (b) apply to the annual adjustment of real property
7 under section 4.5 of this chapter for:

8 (1) the assessment date; and

9 (2) the real property;

10 specified in the final determination of the department of local
11 government finance.

12 SECTION 15. IC 6-1.1-4-5 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) A petition
14 for the reassessment of a real property situated within a township may
15 be filed with the department of local government finance on or before
16 March 31st of any year which is not a general election year and in
17 which no general reassessment of real property is made. **A petition for
18 reassessment of real property applies only to the most recent real
19 property assessment date.**

20 (b) The petition for reassessment must be signed by not less than the
21 following percentage of all the owners of taxable real property who
22 reside in the township:

23 (1) fifteen percent (15%) for a township which does not contain
24 an incorporated city or town;

25 (2) five percent (5%) for a township containing all or part of an
26 incorporated city or town which has a population of five thousand
27 (5,000) or less;

28 (3) four percent (4%) for a township containing all or part of an
29 incorporated city which has a population of more than five
30 thousand (5,000) but not exceeding ten thousand (10,000);

31 (4) three percent (3%) for a township containing all or part of an
32 incorporated city which has a population of more than ten
33 thousand (10,000) but not exceeding fifty thousand (50,000);

34 (5) two percent (2%) for a township containing all or part of an
35 incorporated city which has a population of more than fifty
36 thousand (50,000) but not exceeding one hundred fifty thousand
37 (150,000); or

38 (6) one percent (1%) for a township containing all or part of an
39 incorporated city which has a population of more than one
40 hundred fifty thousand (150,000).

41 The signatures on the petition must be verified by the oath of one (1)
42 or more of the signers. ~~And~~, A certificate of the county auditor stating
43 that the signers constitute the required number of resident owners of
44 taxable real property of the township must accompany the petition.

45 **(c) Upon receipt of a petition under subsection (a), the
46 department of local government finance may order a reassessment
47 under section 9 of this chapter or conduct a reassessment under
48 section 31.5 of this chapter.**

49 SECTION 16. IC 6-1.1-4-13.6, AS AMENDED BY P.L.136-2009,
50 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
51 JANUARY 1, 2011]: Sec. 13.6. (a) The ~~township assessor, or the~~

1 county assessor if there is no township assessor for the township, shall
 2 determine the values of all classes of commercial, industrial, and
 3 residential land (including farm homesites) in the township or county
 4 using guidelines determined by the department of local government
 5 finance. Not later than ~~November~~ **July 1**, of the year preceding the year
 6 in which a general reassessment becomes effective, **2011, and every**
 7 **fourth year thereafter**, the assessor determining the values of land
 8 shall submit the values to the county property tax assessment board of
 9 appeals. ~~Not later than March 1~~ of the year in which a general
 10 reassessment becomes effective, the county property tax assessment
 11 board of appeals shall hold a public hearing in the county concerning
 12 those values. The property tax assessment board of appeals shall give
 13 notice of the hearing in accordance with IC 5-3-1.

14 (b) The county property tax assessment board of appeals shall
 15 review the values submitted under subsection (a) and may make any
 16 modifications it considers necessary to provide uniformity and equality.
 17 The county property tax assessment board of appeals shall coordinate
 18 the valuation of property adjacent to the boundaries of the county with
 19 the county property tax assessment boards of appeals of the adjacent
 20 counties using the procedures adopted by rule under IC 4-22-2 by the
 21 department of local government finance. If the county assessor fails to
 22 ~~submit~~ **determine** land values under subsection (a) ~~to the county~~
 23 property tax assessment board of appeals before ~~November~~ **the July 1**
 24 of the year before the date the general reassessment under section 4 of
 25 this chapter becomes effective, ~~deadline~~, the county property tax
 26 assessment board of appeals shall determine the values. If the county
 27 property tax assessment board of appeals fails to determine the values
 28 before the ~~general reassessment becomes~~ **land values become**
 29 effective, the department of local government finance shall determine
 30 the values.

31 (c) The county assessor shall notify all township assessors in the
 32 county (if any) of the values. ~~as modified by the county property tax~~
 33 ~~assessment board of appeals~~. Assessing officials shall use the values
 34 determined under this section.

35 (d) **A petition for the review of the land values determined by a**
 36 **county assessor under this section may be filed with the**
 37 **department of local government finance not later than forty-five**
 38 **(45) days after the county assessor makes the determination of the**
 39 **land values. The petition must be signed by at least the lesser of:**

- 40 (1) **one hundred (100) property owners in the county; or**
- 41 (2) **five percent (5%) of the property owners in the county.**

42 (e) **Upon receipt of a petition for review under subsection (d),**
 43 **the department of local government finance:**

- 44 (1) **shall review the land values determined by the county**
 45 **assessor; and**
 - 46 (2) **after a public hearing, shall:**
 - 47 (A) **approve;**
 - 48 (B) **modify; or**
 - 49 (C) **disapprove;**
- 50 **the land values.**

51 SECTION 17. IC 6-1.1-4-31, AS AMENDED BY P.L.146-2008,

1 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2011]: Sec. 31. (a) The department of local government
3 finance shall periodically check the conduct of:

- 4 (1) a general reassessment of property;
- 5 (2) work required to be performed by local officials under 50
6 IAC 21; and
- 7 (3) other property assessment activities in the county, as
8 determined by the department.

9 The department of local government finance may inform township
10 assessors (if any), county assessors, and the presidents of county
11 councils in writing if its check reveals that the general reassessment or
12 other property assessment activities are not being properly conducted,
13 work required to be performed by local officials under 50 IAC 21 is not
14 being properly conducted, or property assessments are not being
15 properly made.

16 (b) The failure of the department of local government finance to
17 inform local officials under subsection (a) shall not be construed as an
18 indication by the department that:

- 19 (1) the general reassessment or other property assessment
20 activities are being properly conducted;
- 21 (2) work required to be performed by local officials under 50
22 IAC 21 is being properly conducted; or
- 23 (3) property assessments are being properly made.

24 (c) If the department of local government finance:

- 25 (1) determines under subsection (a) that a general reassessment
26 or other assessment activities for a general reassessment year or
27 any other year are not being properly conducted; and
- 28 (2) informs:
 - 29 (A) the township assessor (if any) of each affected township;
 - 30 (B) the county assessor; and
 - 31 (C) the president of the county council;

32 in writing under subsection (a);

33 the department may order a state conducted assessment or reassessment
34 under section 31.5 of this chapter to begin not less than sixty (60) days
35 after the date of the notice under subdivision (2). ~~If the department
36 determines during the period between the date of the notice under
37 subdivision (2) and the proposed date for beginning the state conducted
38 assessment or reassessment that the general reassessment or other
39 assessment activities for the general reassessment are being properly
40 conducted, the department may rescind the order.~~

41 (d) If the department of local government finance:

- 42 (1) determines under subsection (a) that work required to be
43 performed by local officials under 50 IAC 21 is not being
44 properly conducted; and
- 45 (2) informs:
 - 46 (A) the township assessor of each affected township (if any);
 - 47 (B) the county assessor; and
 - 48 (C) the president of the county council;

49 in writing under subsection (a);

50 the department may conduct the work or contract to have the work
51 conducted to begin not less than sixty (60) days after the date of the

1 notice under subdivision (2). If the department determines during the
 2 period between the date of the notice under subdivision (2) and the
 3 proposed date for beginning the work or having the work conducted
 4 that work required to be performed by local officials under 50 IAC 21
 5 is being properly conducted, the department may rescind the order.

6 (e) If the department of local government finance contracts to have
 7 work conducted under subsection (d), the department shall forward the
 8 bill for the services to the county and the county shall pay the bill under
 9 the same procedures that apply to county payments of bills for
 10 assessment or reassessment services under section 31.5 of this chapter.

11 (f) A county council president who is informed by the department
 12 of local government finance under subsection (a) shall provide the
 13 information to the board of county commissioners. A board of county
 14 commissioners that receives information under this subsection may
 15 adopt an ordinance to do either or both of the following:

16 (1) Determine that:

- 17 (A) the information indicates that the county assessor has
 18 failed to perform adequately the duties of county assessor; and
 19 (B) by that failure the county assessor forfeits the office of
 20 county assessor and is subject to removal from office by an
 21 information filed under IC 34-17-2-1(b).

22 (2) Determine that:

- 23 (A) the information indicates that one (1) or more township
 24 assessors in the county have failed to perform adequately the
 25 duties of township assessor; and
 26 (B) by that failure the township assessor or township assessors
 27 forfeit the office of township assessor and are subject to
 28 removal from office by an information filed under
 29 IC 34-17-2-1(b).

30 (g) A city-county council that is informed by the department of local
 31 government finance under subsection (a) may adopt an ordinance
 32 making the determination or determinations referred to in subsection
 33 (f).

34 SECTION 18. IC 6-1.1-5-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. Except as provided
 36 in section 9 of this chapter, if any land is platted, the plat must be
 37 presented to the county auditor before it is recorded. **Subject to**
 38 **sections 5.5 and 9 of this chapter**, the county auditor shall enter the
 39 lots or parcels described in the plat on the tax lists in lieu of the land
 40 included in the plat.

41 SECTION 19. IC 6-1.1-5-5.5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5.5. (a) Before an
 43 owner records a transfer of an ownership interest in a parcel of real
 44 property that is created after the person became owner of the real
 45 property and is created either from a larger previously existing parcel
 46 or a combination of previously existing smaller parcels, the owner must
 47 submit, except as provided in section 9 of this chapter, the instrument
 48 transferring the real property to the county auditor to be entered for
 49 taxation.

50 (b) The county auditor, except as provided in section 9 of this
 51 chapter, shall endorse on the instrument "duly entered for taxation

1 subject to final acceptance for transfer" or another endorsement
2 authorized under section 4 of this chapter.

3 (c) A lien for and the duty to pay property taxes that are due and
4 owing is not released or otherwise extinguished if a county auditor
5 endorses an instrument of transfer under this section. Property taxes
6 that are due and owing on the affected parcel of property may be
7 collected as if the county auditor had not endorsed the instrument of
8 transfer.

9 (d) Except as provided in section 9 of this chapter, before the county
10 auditor may **enter or** transfer real property described in subsection (a)
11 on the last assessment list, **enter lots or parcels described in a plat**
12 **under section 3 of this chapter, consolidate parcels under section**
13 **16 of this chapter**, or apportion the assessed value of the real property
14 among the owners the owner must pay or otherwise satisfy all property
15 taxes for which the due date has passed as of the date of transfer on
16 each of the parcels of real property from which the **platted,**
17 **consolidated, or** transferred property is derived by paying the property
18 tax to the county treasurer of the county in which the real property is
19 located. The county auditor, **except as provided in subject to** section
20 9 of this chapter, may not apportion delinquent taxes described in this
21 subsection among the owners.

22 SECTION 20. IC 6-1.1-5-16 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2011] Sec. 16. **(a) An action under**
24 **this section is subject to section 5.5 of this chapter.**

25 **(b)** If an owner of existing contiguous parcels makes a written
26 request that includes a legal description of the existing contiguous
27 parcels sufficient for the assessing official to identify each parcel and
28 the area of all contiguous parcels, the assessing official shall
29 consolidate more than one (1) existing contiguous parcel into a single
30 parcel to the extent that the existing contiguous parcels are in a single
31 taxing district and the same section. For existing contiguous parcels in
32 more than one (1) taxing district or one (1) section, the assessing
33 official shall, upon written request by the owner, consolidate the
34 existing contiguous parcels in each taxing district and each section into
35 a single parcel. An assessing official shall consolidate more than one
36 (1) existing contiguous parcel into a single parcel if the assessing
37 official has knowledge that an improvement to the real property is
38 located on or otherwise significantly affects the parcels.

39 SECTION 21. IC 6-1.1-8.7-3, AS AMENDED BY P.L.219-2007,
40 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JANUARY 1, 2011]: Sec. 3. ~~(a) Before January 1, 2003, two hundred~~
42 ~~fifty (250) or more owners of real property in a township may petition~~
43 ~~the department to assess the real property of an industrial facility in the~~
44 ~~township for the 2004 assessment date:~~

45 ~~(b)~~ **(a)** Before January 1 of each year that a general reassessment
46 commences under IC 6-1.1-4-4, two hundred fifty (250) or more
47 owners of real property in a township may petition the department to
48 assess the real property of an industrial facility in the township for that
49 general reassessment.

50 ~~(c)~~ **(b)** An industrial company may at any time petition the
51 department to assess the real property of an industrial facility owned or

1 used by the company.

2 ~~(d)~~ (c) Before January 1 of any year, the county assessor of the
3 county in which an industrial facility is located may petition the
4 department to assess the real property of the industrial facility for the
5 assessment date in ~~that~~ **the following** year.

6 SECTION 22. IC 6-1.1-8.7-5, AS AMENDED BY P.L.219-2007,
7 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2011]: Sec. 5. (a) If the department determines to assess
9 an industrial facility pursuant to a petition filed under section ~~3(a)~~, **3(b)**
10 **or 3(c) or 3(d)** of this chapter, the department shall schedule the
11 assessment not later than six (6) months after receiving the petition.

12 (b) If the department determines to assess an industrial facility
13 pursuant to a petition filed under section ~~3(b)~~ **3(a)** of this chapter, the
14 department shall schedule the assessment not later than three (3)
15 months after the assessment date for which the petition was filed.

16 SECTION 23. IC 6-1.1-12-9, AS AMENDED BY SEA 222-2010,
17 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 9. (a) An individual may obtain a deduction
19 from the assessed value of the individual's real property, or mobile
20 home or manufactured home which is not assessed as real property, if:

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

24 (2) the combined adjusted gross income (as defined in Section 62
25 of the Internal Revenue Code) of:

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

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

28 (i) the individual shares ownership; or

29 (ii) the individual is purchasing the property under a
30 contract;

31 as joint tenants or tenants in common;

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

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

43 (4) the individual and any individuals covered by subdivision
44 (2)(B) reside on the real property, mobile home, or manufactured
45 home;

46 (5) the assessed value of the real property, mobile home, or
47 manufactured home does not exceed one hundred eighty-two
48 thousand four hundred thirty dollars (\$182,430);

49 (6) the individual receives no other property tax deduction for the
50 year in which the deduction is claimed, except the deductions
51 provided by sections 1, 37, **(for assessment dates after**

- 1 **February 28, 2008) 37.5**, and 38 of this chapter; and
 2 (7) the person:
 3 (A) owns the real property, mobile home, or manufactured
 4 home; or
 5 (B) is buying the real property, mobile home, or manufactured
 6 home under contract;
 7 on the date the statement required by section 10.1 of this chapter
 8 is filed.
 9 (b) Except as provided in subsection (h), in the case of real property,
 10 an individual's deduction under this section equals the lesser of:
 11 (1) one-half (1/2) of the assessed value of the real property; or
 12 (2) twelve thousand four hundred eighty dollars (\$12,480).
 13 (c) Except as provided in subsection (h) and section 40.5 of this
 14 chapter, in the case of a mobile home that is not assessed as real
 15 property or a manufactured home which is not assessed as real
 16 property, an individual's deduction under this section equals the lesser
 17 of:
 18 (1) one-half (1/2) of the assessed value of the mobile home or
 19 manufactured home; or
 20 (2) twelve thousand four hundred eighty dollars (\$12,480).
 21 (d) An individual may not be denied the deduction provided under
 22 this section because the individual is absent from the real property,
 23 mobile home, or manufactured home while in a nursing home or
 24 hospital.
 25 (e) For purposes of this section, if real property, a mobile home, or
 26 a manufactured home is owned by:
 27 (1) tenants by the entirety;
 28 (2) joint tenants; or
 29 (3) tenants in common;
 30 only one (1) deduction may be allowed. However, the age requirement
 31 is satisfied if any one (1) of the tenants is at least sixty-five (65) years
 32 of age.
 33 (f) A surviving spouse is entitled to the deduction provided by this
 34 section if:
 35 (1) the surviving spouse is at least sixty (60) years of age on or
 36 before December 31 of the calendar year preceding the year in
 37 which the deduction is claimed;
 38 (2) the surviving spouse's deceased husband or wife was at least
 39 sixty-five (65) years of age at the time of a death;
 40 (3) the surviving spouse has not remarried; and
 41 (4) the surviving spouse satisfies the requirements prescribed in
 42 subsection (a)(2) through (a)(7).
 43 (g) An individual who has sold real property to another person
 44 under a contract that provides that the contract buyer is to pay the
 45 property taxes on the real property may not claim the deduction
 46 provided under this section against that real property.
 47 (h) In the case of tenants covered by subsection (a)(2)(B), if all of
 48 the tenants are not at least sixty-five (65) years of age, the deduction
 49 allowed under this section shall be reduced by an amount equal to the
 50 deduction multiplied by a fraction. The numerator of the fraction is the
 51 number of tenants who are not at least sixty-five (65) years of age, and

1 the denominator is the total number of tenants.

2 SECTION 24. IC 6-1.1-12-24, AS AMENDED BY P.L.1-2009,
3 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 24. (a) A property owner who desires to
5 obtain the deduction provided by section 22 of this chapter must file a
6 certified deduction application, on forms prescribed by the department
7 of local government finance, with the auditor of the county in which the
8 property is located. The application may be filed in person or by mail.
9 If mailed, the mailing must be postmarked on or before the last day for
10 filing. Except as provided in subsection (b) and subject to section 45 of
11 this chapter, the application must be filed in the year in which the
12 addition to assessed valuation is made.

13 (b) If notice of the addition to assessed valuation for any year is not
14 given to the property owner before December 31 of that year, the
15 application required by this section may be filed not later than thirty
16 (30) days after the date such a notice is mailed to the property owner
17 at the address shown on the records of the township or county assessor.

18 (c) The application required by this section shall contain the
19 following information:

- 20 (1) The name of the property owner.
- 21 (2) A description of the property for which a deduction is claimed
22 in sufficient detail to afford identification.
- 23 (3) The assessed value of the improvements on the property
24 before rehabilitation.
- 25 (4) The increase in the assessed value of improvements resulting
26 from the rehabilitation.
- 27 (5) The amount of deduction claimed.

28 (d) A deduction application filed under this section is applicable for
29 the year in which the addition to assessed value is made and in the
30 immediate following four (4) years without any additional application
31 being filed.

32 (e) On verification of the correctness of an application by the
33 assessor of the township in which the property is located, or the county
34 assessor if there is no township assessor for the township, the county
35 auditor shall make the deduction.

36 SECTION 25. IC 6-1.1-12-26 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE MARCH 1, 2010 (RETROACTIVE)]: Sec.
38 26. (a) The owner of real property, or a mobile home which is not
39 assessed as real property, which is equipped with a solar energy heating
40 or cooling system may have deducted annually from the assessed value
41 of the real property or mobile home an amount which is equal to the
42 remainder of (1) the assessed value of the real property or mobile home
43 with the solar energy heating or cooling system included, minus (2) the
44 assessed value of the real property or mobile home without the system:
45 **out-of-pocket expenditures by the owner (or a previous owner) of**
46 **the real property or mobile home for:**

- 47 (1) the components; and
- 48 (2) the labor involved in installing the

49 (b) The department of local government finance shall promulgate
50 rules and regulations for determining the value of a solar energy
51 heating or cooling system. The rules and regulations must provide the

1 method of determining the value on the basis of:

2 (1) ~~the cost of the system~~ components;

3 that are unique to the system and that are needed to collect, store, or
4 distribute solar energy. ~~and~~

5 (2) any other factor that is a just and proper indicator of value.

6 **(b) The tangible property to which subsection (a) applies**
7 **includes a solar thermal air system and any solar energy heating**
8 **or cooling system used for:**

9 (1) domestic hot water or space heat, or both, including pool
10 heating; or

11 (2) preheating for an industrial process.

12 **(c) Subsection (a) does not apply to tangible property that would**
13 **not be subject to assessment and taxation under this article if this**
14 **section did not apply.**

15 **(d) For purposes of subsection (a), proof of out-of-pocket**
16 **expenditures may be demonstrated by invoices or other evidence**
17 **of a purchase and installation, as determined under rules or**
18 **guidelines prescribed by the department of local government**
19 **finance.**

20 SECTION 26. IC 6-1.1-12-27.1, AS AMENDED BY P.L.1-2009,
21 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 MARCH 1, 2010 (RETROACTIVE)]: Sec. 27.1. Except as provided in
23 sections 36 and 44 of this chapter and subject to section 45 of this
24 chapter, a person who desires to claim the deduction provided by
25 section 26 of this chapter must file a certified statement in duplicate,
26 on forms prescribed by the department of local government finance,
27 with the auditor of the county in which the real property or mobile
28 home is subject to assessment. With respect to real property, the person
29 must file the statement during the year for which the person desires to
30 obtain the deduction. **Except as provided in sections 36 and 44 of this**
31 **chapter and subject to section 45 of this chapter,** with respect to a
32 mobile home which is not assessed as real property, the person must
33 file the statement during the twelve (12) months before March 31 of
34 each year for which the person desires to obtain the deduction. The
35 person must:

36 (1) own the real property, mobile home, or manufactured home;
37 or

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

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

46 SECTION 27. IC 6-1.1-12-37, AS AMENDED BY
47 P.L.182-2009(ss), SECTION 110, IS AMENDED TO READ AS
48 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 37. (a) The following
49 definitions apply throughout this section:

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

51 (A) Residential real property improvements that an individual

- 1 uses as the individual's residence, including a house or garage.
 2 (B) A mobile home that is not assessed as real property that an
 3 individual uses as the individual's residence.
 4 (C) A manufactured home that is not assessed as real property
 5 that an individual uses as the individual's residence.
 6 (2) "Homestead" means an individual's principal place of
 7 residence:
 8 (A) that is located in Indiana;
 9 (B) that:
 10 (i) the individual owns;
 11 (ii) the individual is buying under a contract, recorded in the
 12 county recorder's office, that provides that the individual is
 13 to pay the property taxes on the residence;
 14 (iii) the individual is entitled to occupy as a
 15 tenant-stockholder (as defined in 26 U.S.C. 216) of a
 16 cooperative housing corporation (as defined in 26 U.S.C.
 17 216); or
 18 (iv) is a residence described in section 17.9 of this chapter
 19 that is owned by a trust if the individual is an individual
 20 described in section 17.9 of this chapter; and
 21 (C) that consists of a dwelling and the real estate, not
 22 exceeding one (1) acre, that immediately surrounds that
 23 dwelling.
 24 Except as provided in subsection (k), the term does not include
 25 property owned by a corporation, partnership, limited liability
 26 company, or other entity not described in this subdivision.
 27 (b) Each year a homestead is eligible for a standard deduction from
 28 the assessed value of the homestead for an assessment date. The
 29 deduction provided by this section applies to property taxes first due
 30 and payable for an assessment date only if an individual has an interest
 31 in the homestead described in subsection (a)(2)(B) on:
 32 (1) the assessment date; or
 33 (2) any date in the same year after an assessment date that a
 34 statement is filed under subsection (e) or section 44 of this
 35 chapter, if the property consists of real property.
 36 Subject to subsection (c), the auditor of the county shall record and
 37 make the deduction for the individual or entity qualifying for the
 38 deduction.
 39 (c) Except as provided in section 40.5 of this chapter, the total
 40 amount of the deduction that a person may receive under this section
 41 for a particular year is the lesser of:
 42 (1) sixty percent (60%) of the assessed value of the real property,
 43 mobile home not assessed as real property, or manufactured home
 44 not assessed as real property; or
 45 (2) forty-five thousand dollars (\$45,000).
 46 (d) A person who has sold real property, a mobile home not assessed
 47 as real property, or a manufactured home not assessed as real property
 48 to another person under a contract that provides that the contract buyer
 49 is to pay the property taxes on the real property, mobile home, or
 50 manufactured home may not claim the deduction provided under this
 51 section with respect to that real property, mobile home, or

1 manufactured home.

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

8 (1) the parcel number or key number of the property and the name
 9 of the city, town, or township in which the property is located;

10 (2) the name of any other location in which the applicant or the
 11 applicant's spouse owns, is buying, or has a beneficial interest in
 12 residential real property;

13 (3) the names of:

14 (A) the applicant and the applicant's spouse (if any):

15 (i) as the names appear in the records of the United States
 16 Social Security Administration for the purposes of the
 17 issuance of a Social Security card and Social Security
 18 number; or

19 (ii) that they use as their legal names when they sign their
 20 names on legal documents;

21 if the applicant is an individual; or

22 (B) each individual who qualifies property as a homestead
 23 under subsection (a)(2)(B) and the individual's spouse (if any):

24 (i) as the names appear in the records of the United States
 25 Social Security Administration for the purposes of the
 26 issuance of a Social Security card and Social Security
 27 number; or

28 (ii) that they use as their legal names when they sign their
 29 names on legal documents;

30 if the applicant is not an individual; and

31 (4) either:

32 (A) the last five (5) digits of the applicant's Social Security
 33 number and the last five (5) digits of the Social Security
 34 number of the applicant's spouse (if any); or

35 (B) if the applicant or the applicant's spouse (if any) do not
 36 have a Social Security number, any of the following for that
 37 individual:

38 (i) The last five (5) digits of the individual's driver's license
 39 number.

40 (ii) The last five (5) digits of the individual's state
 41 identification card number.

42 (iii) If the individual does not have a driver's license or a
 43 state identification card, the last five (5) digits of a control
 44 number that is on a document issued to the individual by the
 45 federal government and determined by the department of
 46 local government finance to be acceptable.

47 If a form or statement provided to the county auditor under this section,
 48 IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or
 49 part or all of the Social Security number of a party or other number
 50 described in subdivision (4)(B) of a party, the telephone number and
 51 the Social Security number or other number described in subdivision

1 (4)(B) included are confidential. The statement may be filed in person
 2 or by mail. If the statement is mailed, the mailing must be postmarked
 3 on or before the last day for filing. The statement applies for that first
 4 year and any succeeding year for which the deduction is allowed. With
 5 respect to real property, the statement must be completed and dated in
 6 the calendar year for which the person desires to obtain the deduction
 7 and filed with the county auditor on or before January 5 of the
 8 immediately succeeding calendar year. With respect to a mobile home
 9 that is not assessed as real property, the person must file the statement
 10 during the twelve (12) months before March 31 of the year for which
 11 the person desires to obtain the deduction.

12 (f) If an individual who is receiving the deduction provided by this
 13 section or who otherwise qualifies property for a deduction under this
 14 section:

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

18 (2) is no longer eligible for a deduction under this section on
 19 another parcel of property because:

20 (A) the individual would otherwise receive the benefit of more
 21 than one (1) deduction under this chapter; or

22 (B) the individual maintains the individual's principal place of
 23 residence with another individual who receives a deduction
 24 under this section;

25 the individual must file a certified statement with the auditor of the
 26 county, notifying the auditor of the change of use, not more than sixty
 27 (60) days after the date of that change. An individual who fails to file
 28 the statement required by this subsection is liable for any additional
 29 taxes that would have been due on the property if the individual had
 30 filed the statement as required by this subsection plus a civil penalty
 31 equal to ten percent (10%) of the additional taxes due. The civil penalty
 32 imposed under this subsection is in addition to any interest and
 33 penalties for a delinquent payment that might otherwise be due. One
 34 percent (1%) of the total civil penalty collected under this subsection
 35 shall be transferred by the county to the department of local
 36 government finance for use by the department in establishing and
 37 maintaining the homestead property data base under subsection (i) and,
 38 to the extent there is money remaining, for any other purposes of the
 39 department. This amount becomes part of the property tax liability for
 40 purposes of this article.

41 (g) The department of local government finance shall adopt rules or
 42 guidelines concerning the application for a deduction under this
 43 section.

44 (h) This subsection does not apply to property in the first year for
 45 which a deduction is claimed under this section if the sole reason that
 46 a deduction is claimed on other property is that the individual or
 47 married couple maintained a principal residence at the other property
 48 on March 1 in the same year in which an application for a deduction is
 49 filed under this section or, if the application is for a homestead that is
 50 assessed as personal property, on March 1 in the immediately
 51 preceding year and the individual or married couple is moving the

1 individual's or married couple's principal residence to the property that
 2 is the subject of the application. The county auditor may not grant an
 3 individual or a married couple a deduction under this section if:

4 (1) the individual or married couple, for the same year, claims the
 5 deduction on two (2) or more different applications for the
 6 deduction; and

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

8 (i) The department of local government finance shall provide secure
 9 access to county auditors to a homestead property data base that
 10 includes access to the homestead owner's name and the numbers
 11 required from the homestead owner under subsection (e)(4) for the sole
 12 purpose of verifying whether an owner is wrongly claiming a deduction
 13 under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or
 14 IC 6-3.5.

15 (j) The department of local government finance shall work with
 16 county auditors to develop procedures to determine whether a property
 17 owner that is claiming a standard deduction or homestead credit is not
 18 eligible for the standard deduction or homestead credit because the
 19 property owner's principal place of residence is outside Indiana.

20 (k) As used in this section, "homestead" includes property that
 21 satisfies each of the following requirements:

22 (1) The property is located in Indiana and consists of a dwelling
 23 and the real estate, not exceeding one (1) acre, that immediately
 24 surrounds that dwelling.

25 (2) The property is the principal place of residence of an
 26 individual.

27 (3) The property is owned by an entity that is not described in
 28 subsection (a)(2)(B).

29 (4) The individual residing on the property is a shareholder,
 30 partner, or member of the entity that owns the property.

31 (5) The property was eligible for the standard deduction under
 32 this section on March 1, 2009.

33 (l) If a county auditor terminates a deduction for property described
 34 in subsection (k) with respect to property taxes that are:

35 (1) imposed for an assessment date in 2009; and

36 (2) first due and payable in 2010;

37 on the grounds that the property is not owned by an entity described in
 38 subsection (a)(2)(B), the county auditor shall reinstate the deduction if
 39 the taxpayer provides proof that the property is eligible for the
 40 deduction in accordance with subsection (k) and that the individual
 41 residing on the property is not claiming the deduction for any other
 42 property.

43 **(m) For assessments dates after 2009, the term "homestead"**
 44 **includes:**

45 **(1) a deck or patio;**

46 **(2) a gazebo; or**

47 **(3) another residential yard structure, as defined in rules**
 48 **adopted by the department of local government finance (other**
 49 **than a swimming pool);**

50 **that is assessed as real property and attached to the dwelling.**

51 SECTION 28. IC 6-1.1-12.7 IS ADDED TO THE INDIANA CODE

1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2010]:

3 **Chapter 12.7. Deduction for Personal Property Within a**
4 **Certified Technology Park**

5 **Sec. 1. As used in this chapter, "certified technology park"**
6 **refers to a certified technology park that is:**

- 7 (1) established under IC 36-7-32; and
8 (2) certified as of the assessment date for which the deduction
9 under this chapter is claimed.

10 **Sec. 2. As used in this chapter, "high technology activity" has**
11 **the meaning set forth in IC 36-7-32-7.**

12 **Sec. 3. As used in this chapter, "qualified personal property"**
13 **means personal property that is:**

- 14 (1) assessed for the first time after December 31, 2010;
15 (2) located within a certified technology park;
16 (3) primarily used to conduct high technology activity; and
17 (4) not part of the assessed value for which a personal
18 property tax allocation has been made for the payment of the
19 principal of and interest on bonds or lease rentals under
20 IC 5-28-26, IC 6-1.1-39, IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5,
21 IC 36-7-15.1, IC 36-7-30, IC 36-7-30.5, or IC 36-7-32.

22 **The term does not include personal property that is used primarily**
23 **for routine administrative purposes such as office communications,**
24 **accounting, record keeping, and human resources.**

25 **Sec. 4. (a) A county fiscal body may adopt an ordinance**
26 **providing that a deduction applies to the assessed value of qualified**
27 **personal property located in the county. The deduction is equal to**
28 **one hundred percent (100%) of the assessed value of qualified**
29 **personal property located in the county for each calendar year**
30 **specified in the ordinance. An ordinance adopted under this section**
31 **must be adopted before January 1 of the first assessment year for**
32 **which a taxpayer may claim a deduction under the ordinance.**

33 **(b) An ordinance adopted under subsection (a) must specify the**
34 **number of assessment years that a deduction is allowed under this**
35 **chapter. However, a deduction may not be allowed for:**

- 36 (1) less than two (2) assessment years; or
37 (2) more than ten (10) assessment years.

38 **(c) The fiscal body shall send a certified copy of the ordinance**
39 **adopted under subsection (a) to the county assessor, the county**
40 **auditor, and the Indiana economic development corporation.**
41 **Subject to this chapter, the fiscal body's determination of the**
42 **number of years the deduction is allowed is final and may not be**
43 **changed.**

44 **(d) An ordinance adopted under subsection (a) may not allow a**
45 **deduction for qualified personal property installed after March 1,**
46 **2015.**

47 **Sec. 5. The Indiana economic development corporation shall**
48 **review an ordinance adopted under this chapter and determine**
49 **whether it is in the best interest of the development of the certified**
50 **technology park to permit the deduction. The Indiana economic**
51 **development corporation, after conducting a hearing, may approve**

1 the ordinance, approve the ordinance with modifications, or
 2 disapprove the ordinance. An owner of qualified personal property
 3 is eligible for a deduction under this chapter only to the extent
 4 permitted under an ordinance (as modified by the Indiana
 5 economic development corporation) that is approved under this
 6 section.

7 **Sec. 6. (a) To obtain the deduction under this chapter, an owner**
 8 **of qualified personal property must file a certified deduction**
 9 **schedule with the county assessor in which the qualified personal**
 10 **property is located. The department of local government finance**
 11 **shall prescribe the form of the schedule. A schedule must be filed**
 12 **for each year the deduction is being claimed.**

13 **(b) The schedule must be filed with:**

14 **(1) a timely personal property return under IC 6-1.1-3-7(a) or**
 15 **IC 6-1.1-3-7(b); or**

16 **(2) a timely amended personal property return under**
 17 **IC 6-1.1-3-7.5.**

18 **The county assessor shall forward to the county auditor a copy of**
 19 **each schedule filed.**

20 **(c) The schedule must contain at least the following information:**

21 **(1) The name of the owner of the qualified personal property.**

22 **(2) A description of the qualified personal property and the**
 23 **address of the real estate on which it is located.**

24 **(3) Documentation that the qualified personal property is**
 25 **located within a certified technology park.**

26 **(4) Documentation that the qualified personal property is**
 27 **primarily used to conduct high technology activity.**

28 **(d) The deduction applies to the qualified personal property**
 29 **claimed in a schedule. However, the county assessor may:**

30 **(1) review the schedule; and**

31 **(2) before the March 1 that next succeeds the assessment date**
 32 **for which the deduction is claimed, deny or alter the amount**
 33 **of the deduction.**

34 **If the county assessor does not deny the deduction, the county**
 35 **auditor shall apply the deduction in the amount claimed in the**
 36 **schedule or in the amount as altered by the county assessor. A**
 37 **county assessor who denies a deduction under this subsection or**
 38 **alters the amount of the deduction shall notify the person that**
 39 **claimed the deduction and the county auditor of the assessor's**
 40 **determination.**

41 **(e) A person may appeal a determination by the county assessor**
 42 **to deny or alter the amount of the deduction by requesting in**
 43 **writing, not more than forty-five (45) days after the county**
 44 **assessor gives the person notice of the determination, a meeting**
 45 **with the county assessor. An appeal initiated under this subsection**
 46 **must be processed and determined in the same manner that an**
 47 **appeal is processed and determined under IC 6-1.1-15. However,**
 48 **the county assessor may not participate in any action the county**
 49 **property tax assessment board of appeals takes with respect to an**
 50 **appeal of a determination by the county assessor.**

51 SECTION 29. IC 6-1.1-17-20, AS AMENDED BY

1 P.L.182-2009(ss), SECTION 124, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section
 3 applies to each governing body of a taxing unit that:

4 (1) is not comprised of a majority of officials who are elected to
 5 serve on the governing body; and

6 (2) either:

7 (A) is:

8 (i) a conservancy district subject to IC 14-33-9;

9 (ii) a solid waste management district subject to IC 13-21;

10 or

11 (iii) a fire protection district subject to IC 36-8-11-18; or

12 (B) has a percentage increase in the proposed budget for the
 13 taxing unit for the ensuing calendar year that is more than the
 14 result of:

15 (i) the assessed value growth quotient determined under
 16 IC 6-1.1-18.5-2 for the ensuing calendar year; minus

17 (ii) one (1).

18 For purposes of this section, an individual who qualifies to be
 19 appointed to a governing body or serves on a governing body because
 20 of the individual's status as an elected official of another taxing unit
 21 shall be treated as an official who was not elected to serve on the
 22 governing body.

23 (b) As used in this section, "taxing unit" has the meaning set forth
 24 in IC 6-1.1-1-21, except that the term does not include:

25 (1) a school corporation; or

26 (2) an entity whose tax levies are subject to review and
 27 modification by a city-county legislative body under IC 36-3-6-9.

28 (c) If:

29 (1) the assessed valuation of a taxing unit is entirely contained
 30 within a city or town; or

31 (2) the assessed valuation of a taxing unit is not entirely contained
 32 within a city or town but the taxing unit was originally established
 33 by the city or town;

34 the governing body shall submit its proposed budget and property tax
 35 levy to the city or town fiscal body. The proposed budget and levy shall
 36 be submitted at least thirty (30) days before the city or town fiscal body
 37 is required to hold budget approval hearings under this chapter.

38 **However, in the case of a public library that is subject to this**
 39 **section and is described in subdivision (2), the public library shall**
 40 **submit its proposed budget and property tax levy to the county**
 41 **fiscal body in the manner provided in subsection (d), rather than**
 42 **to the city or town fiscal body, if more than fifty percent (50%) of**
 43 **the parcels of real property within the jurisdiction of the public**
 44 **library are located outside the city or town.**

45 (d) If subsection (c) does not apply, the governing body of the taxing
 46 unit shall submit its proposed budget and property tax levy to the
 47 county fiscal body in the county where the taxing unit has the most
 48 assessed valuation. The proposed budget and levy shall be submitted
 49 at least thirty (30) days before the county fiscal body is required to hold
 50 budget approval hearings under this chapter.

51 (e) The fiscal body of the city, town, or county (whichever applies)

1 shall review each budget and proposed tax levy and adopt a final
2 budget and tax levy for the taxing unit. The fiscal body may reduce or
3 modify but not increase the proposed budget or tax levy.

4 (f) If a taxing unit fails to file the information required in subsection
5 (c) or (d), whichever applies, with the appropriate fiscal body by the
6 time prescribed by this section, the most recent annual appropriations
7 and annual tax levy of that taxing unit are continued for the ensuing
8 budget year.

9 (g) If the appropriate fiscal body fails to complete the requirements
10 of subsection (e) before the adoption deadline in section 5 of this
11 chapter for any taxing unit subject to this section, the most recent
12 annual appropriations and annual tax levy of the city, town, or county,
13 whichever applies, are continued for the ensuing budget year.

14 SECTION 30. IC 6-1.1-17-20.5, AS AMENDED BY
15 P.L.182-2009(ss), SECTION 125, IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) This
17 section applies to the governing body of a taxing unit unless a majority
18 of the governing body is comprised of officials who are elected to serve
19 on the governing body. For purposes of this section, an individual who
20 qualifies to be appointed to a governing body or serves on a governing
21 body because of the individual's status as an elected official of another
22 taxing unit shall be treated as an official who was not elected to serve
23 on the governing body.

24 (b) As used in this section, "taxing unit" has the meaning set forth
25 in IC 6-1.1-1-21, except that the term does not include:

26 (1) a school corporation; or

27 (2) an entity whose tax levies are subject to review and
28 modification by a city-county legislative body under IC 36-3-6-9.

29 (c) If:

30 (1) the assessed valuation of a taxing unit is entirely contained
31 within a city or town; or

32 (2) the assessed valuation of a taxing unit is not entirely contained
33 within a city or town but the taxing unit was originally established
34 by the city or town;

35 the governing body of the taxing unit may not issue bonds or enter into
36 a lease payable in whole or in part from property taxes unless it obtains
37 the approval of the city or town fiscal body.

38 **(d) However, in the case of a public library that is subject to this**
39 **section and is described in subsection (c), the public library may**
40 **not issue bonds or enter into a lease payable in whole or in part**
41 **from property taxes unless it obtains the approval of the county**
42 **fiscal body, rather than the city or town fiscal body, if more than**
43 **fifty percent (50%) of the parcels of real property within the**
44 **jurisdiction of the public library are located outside the city or**
45 **town. The requirement that the public library must obtain the**
46 **approval of the county fiscal body (rather than the city or town**
47 **fiscal body) if more than fifty percent (50%) of the parcels of real**
48 **property within the jurisdiction of the public library are located**
49 **outside the city or town does not apply to the issuance of bonds or**
50 **the execution of a lease:**

51 **(1) for which a decision or preliminary determination was**

1 **made under IC 6-1.1-20 before December 31, 2010; or**
 2 **(2) that is approved by the city or town fiscal body or the**
 3 **county fiscal body before December 31, 2010.**

4 ~~(d)~~ (e) This subsection applies to a taxing unit not described in
 5 subsection (c) **or (d)**. The governing body of the taxing unit may not
 6 issue bonds or enter into a lease payable in whole or in part from
 7 property taxes unless it obtains the approval of the county fiscal body
 8 in the county where the taxing unit has the most net assessed valuation.

9 SECTION 31. IC 6-1.1-18.5-1, AS AMENDED BY SEA 222-2010,
 10 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 1. As used in this chapter:

12 "Ad valorem property tax levy for an ensuing calendar year" means
 13 the total property taxes imposed by a civil taxing unit for current
 14 property taxes collectible in that ensuing calendar year.

15 "Adopting county" means any county in which the county adjusted
 16 gross income tax is in effect.

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

19 "Maximum permissible ad valorem property tax levy for the
 20 preceding calendar year" means the greater of:

21 (1) the remainder of:

22 (A) the civil taxing unit's maximum permissible ad valorem
 23 property tax levy for the calendar year immediately preceding
 24 the ensuing calendar year, as that levy was determined under
 25 section 3 of this chapter; minus

26 (B) one-half (1/2) of the remainder of:

27 (i) the civil taxing unit's maximum permissible ad valorem
 28 property tax levy referred to in clause (A); minus

29 (ii) the civil taxing unit's ad valorem property tax levy for
 30 the calendar year immediately preceding the ensuing
 31 calendar year referred to in subdivision (2); or

32 (2) the civil taxing unit's ad valorem property tax levy for the
 33 calendar year immediately preceding the ensuing calendar year,
 34 as that levy was determined by the department of local
 35 government finance in fixing the civil taxing unit's budget, levy,
 36 and rate for that preceding calendar year under IC 6-1.1-17, and
 37 after eliminating the effects of temporary excessive levy appeals
 38 and temporary adjustments made to the working maximum levy
 39 for the calendar year immediately preceding the ensuing calendar
 40 year, as determined by the department of local government
 41 finance.

42 **However, for the determination of the maximum permissible**
 43 **property tax levy for property taxes first due and payable after**
 44 **December 31, 2010, upon request by a civil taxing unit, the**
 45 **department of local government finance may make an adjustment**
 46 **to the civil taxing unit's maximum permissible ad valorem**
 47 **property tax levy for the ensuing calendar year if the civil taxing**
 48 **unit's actual levy was lower than the civil taxing unit's maximum**
 49 **permissible ad valorem property tax levy for the calendar year**
 50 **immediately preceding the ensuing calendar year because of the**
 51 **civil taxing unit's use of cash balances.**

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

6 SECTION 32. IC 6-1.1-18.5-10.5, AS AMENDED BY
 7 P.L.182-2009(ss), SECTION 129, IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) The ad
 9 valorem property tax levy limits imposed by section 3 of this chapter
 10 do not apply to ad valorem property taxes imposed by a civil taxing
 11 unit for fire protection services within a fire protection territory under
 12 IC 36-8-19, if the civil taxing unit is a participating unit in a fire
 13 protection territory established before August 1, 2001. For purposes of
 14 computing the ad valorem property tax levy limits imposed on a civil
 15 taxing unit by section 3 of this chapter on a civil taxing unit that is a
 16 participating unit in a fire protection territory, established before
 17 August 1, 2001, the civil taxing unit's ad valorem property tax levy for
 18 a particular calendar year does not include that part of the levy imposed
 19 under IC 36-8-19.

20 (b) ~~This subsection applies to a participating unit in a fire protection~~
 21 ~~territory established under IC 36-8-19 after July 31, 2001. The ad~~
 22 ~~valorem property tax levy limits imposed by section 3 of this chapter~~
 23 ~~do not apply to ad valorem property taxes imposed by a civil taxing~~
 24 ~~unit for fire protection services within a fire protection territory under~~
 25 ~~IC 36-8-19 for the three (3) calendar years in which the participating~~
 26 ~~unit levies a tax to support the territory. For purposes of computing the~~
 27 ~~ad valorem property tax levy limits imposed on a civil taxing unit by~~
 28 ~~section 3 of this chapter for the three (3) calendar years for which the~~
 29 ~~participating unit levies a tax to support the territory, the civil taxing~~
 30 ~~unit's ad valorem property tax levy for a particular calendar year does~~
 31 ~~not include that part of the levy imposed under IC 36-8-19.~~

32 (c) This subsection applies to property taxes first due and payable
 33 after December 31, 2008: Except as provided in subsection (d);
 34 notwithstanding subsections (a) and (b) or any other law; Any property
 35 taxes imposed by a civil taxing unit that are exempted by this section
 36 **subsection** from the ad valorem property tax levy limits imposed by
 37 section 3 of this chapter **and first due and payable after December**
 38 **31, 2008**, may not increase annually by a percentage greater than the
 39 result of:

- 40 (1) the assessed value growth quotient determined under section
- 41 2 of this chapter; minus
- 42 (2) one (1).

43 (d) The limits specified in subsection (c) do not apply to a civil
 44 taxing unit in the first year in which the civil taxing unit becomes a
 45 participating unit in a fire protection territory established under
 46 IC 36-8-19: In the first year in which A civil taxing unit becomes a
 47 participating unit in a fire protection territory, the civil taxing unit shall
 48 submit its proposed budget, proposed ad valorem property tax levy, and
 49 proposed property tax rate for the fire protection territory to the
 50 department of local government finance: (b) **The department of local**
 51 **government finance may, under this subsection, increase the**

1 **maximum permissible ad valorem property tax levy that would**
 2 **otherwise apply to a civil taxing unit under section 3 of this chapter**
 3 **to meet the civil taxing unit's obligations to a fire protection**
 4 **territory established under IC 36-8-19. To obtain an increase in the**
 5 **civil taxing unit's maximum permissible ad valorem property tax**
 6 **levy, a civil taxing unit shall submit a petition to the department of**
 7 **local government finance in the year immediately preceding the**
 8 **first year in which the civil taxing unit levies a tax to support the**
 9 **fire protection territory. The petition must be filed before the date**
 10 **specified in section 12(a)(1) of this chapter of that year.** The
 11 department of local government finance shall make a final
 12 determination of the civil taxing unit's budget, ad valorem property tax
 13 levy, and property tax rate for the fire protection territory for ~~that the~~
 14 **ensuing** calendar year. In making its determination under this
 15 subsection, the department of local government finance shall consider
 16 the amount that the civil taxing unit is obligated to provide to meet the
 17 expenses of operation and maintenance of the fire protection services
 18 within the territory, ~~plus a~~ **including the participating unit's**
 19 **reasonable share of an** operating balance ~~not to exceed twenty percent~~
 20 ~~(20%) of the budgeted expenses for the fire protection territory.~~ **The**
 21 **department of local government finance shall determine the entire**
 22 **amount of the allowable adjustment in the final determination. The**
 23 **department shall order the adjustment implemented in the**
 24 **amounts and over the number of years, not exceeding three (3),**
 25 **requested by the petitioning civil taxing unit.** However, the
 26 department of local government finance may not approve under this
 27 subsection a property tax levy greater than zero (0) if the civil taxing
 28 unit did not exist as of the March 1 assessment date for which the tax
 29 levy will be imposed. For purposes of applying **this** subsection ~~(c)~~ to
 30 the civil taxing unit's **maximum permissible ad valorem** property tax
 31 ~~levy for the fire protection territory~~ in subsequent calendar years, the
 32 department of local government finance may determine not to consider
 33 part or all of the part of the ~~first year~~ property tax levy imposed to
 34 establish ~~an~~ **the operating balance of the fire protection territory.**

35 SECTION 33. IC 6-1.1-20-3.1, AS AMENDED BY
 36 P.L.182-2009(ss), SECTION 143, IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.1. (a) This section
 38 applies only to the following:

- 39 (1) A controlled project (as defined in section 1.1 of this chapter
 40 as in effect June 30, 2008) for which the proper officers of a
 41 political subdivision make a preliminary determination in the
 42 manner described in subsection (b) before July 1, 2008.
 43 (2) An elementary school building, middle school building, or
 44 other school building for academic instruction that:
 45 (A) is a controlled project;
 46 (B) will be used for any combination of kindergarten through
 47 grade 8;
 48 (C) will not be used for any combination of grade 9 through
 49 grade 12; and
 50 (D) will not cost more than ten million dollars (\$10,000,000).
 51 (3) A high school building or other school building for academic

- 1 instruction that:
- 2 (A) is a controlled project;
- 3 (B) will be used for any combination of grade 9 through grade
- 4 12;
- 5 (C) will not be used for any combination of kindergarten
- 6 through grade 8; and
- 7 (D) will not cost more than twenty million dollars
- 8 (\$20,000,000).
- 9 (4) Any other controlled project that:
- 10 (A) is not a controlled project described in subdivision (1), (2),
- 11 or (3); and
- 12 (B) will not cost the political subdivision more than the lesser
- 13 of the following:
- 14 (i) Twelve million dollars (\$12,000,000).
- 15 (ii) An amount equal to one percent (1%) of the total gross
- 16 assessed value of property within the political subdivision
- 17 on the last assessment date, if that amount is at least one
- 18 million dollars (\$1,000,000).
- 19 (b) A political subdivision may not impose property taxes to pay
- 20 debt service on bonds or lease rentals on a lease for a controlled project
- 21 without completing the following procedures:
- 22 (1) The proper officers of a political subdivision shall:
- 23 (A) publish notice in accordance with IC 5-3-1; and
- 24 (B) send notice by first class mail to **the circuit court clerk**
- 25 **and to** any organization that delivers to the officers, before
- 26 January 1 of that year, an annual written request for such
- 27 notices;
- 28 of any meeting to consider adoption of a resolution or an
- 29 ordinance making a preliminary determination to issue bonds or
- 30 enter into a lease and shall conduct a public hearing on a
- 31 preliminary determination before adoption of the resolution or
- 32 ordinance.
- 33 (2) When the proper officers of a political subdivision make a
- 34 preliminary determination to issue bonds or enter into a lease for
- 35 a controlled project, the officers shall give notice of the
- 36 preliminary determination by:
- 37 (A) publication in accordance with IC 5-3-1; and
- 38 (B) first class mail to **the circuit court clerk and to the**
- 39 **organizations** described in subdivision (1)(B).
- 40 (3) A notice under subdivision (2) of the preliminary
- 41 determination of the political subdivision to issue bonds or enter
- 42 into a lease for a controlled project must include the following
- 43 information:
- 44 (A) The maximum term of the bonds or lease.
- 45 (B) The maximum principal amount of the bonds or the
- 46 maximum lease rental for the lease.
- 47 (C) The estimated interest rates that will be paid and the total
- 48 interest costs associated with the bonds or lease.
- 49 (D) The purpose of the bonds or lease.
- 50 (E) A statement that any owners of real property within the
- 51 political subdivision or registered voters residing within the

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

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

8 (i) a new school facility; or

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

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

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

19 (H) The political subdivision's current debt service levy and
 20 rate and the estimated increase to the political subdivision's
 21 debt service levy and rate that will result if the political
 22 subdivision issues the bonds or enters into the lease.

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

25 (A) one hundred (100) persons who are either owners of real
 26 property within the political subdivision or registered voters
 27 residing within the political subdivision; or

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

30 (5) The state board of accounts shall design and, upon request by
 31 the county voter registration office, deliver to the county voter
 32 registration office or the county voter registration office's
 33 designated printer the petition forms to be used solely in the
 34 petition process described in this section. The county voter
 35 registration office shall issue to an owner or owners of real
 36 property within the political subdivision or a registered voter
 37 residing within the political subdivision the number of petition
 38 forms requested by the owner or owners or the registered voter.
 39 Each form must be accompanied by instructions detailing the
 40 requirements that:

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

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

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

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

48 Persons requesting forms may be required to identify themselves
 49 as owners of real property or registered voters and may be
 50 allowed to pick up additional copies to distribute to other property
 51 owners or registered voters. Each person signing a petition must

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

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

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

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

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

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

31 (9) The county voter registration office shall not more than ten
32 (10) business days after receiving the statement from the county
33 auditor under subdivision (8) make the final determination of the
34 number of petitioners that are registered voters in the political
35 subdivision and, based on the statement provided by the county
36 auditor, the number of petitioners that own real property within
37 the political subdivision. Whenever the name of an individual
38 who signs a petition form as a registered voter contains a minor
39 variation from the name of the registered voter as set forth in the
40 records of the county voter registration office, the signature is
41 presumed to be valid, and there is a presumption that the
42 individual is entitled to sign the petition under this section. Except
43 as otherwise provided in this chapter, in determining whether an
44 individual is a registered voter, the county voter registration office
45 shall apply the requirements and procedures used under IC 3 to
46 determine whether a person is a registered voter for purposes of
47 voting in an election governed by IC 3. However, an individual is
48 not required to comply with the provisions concerning providing
49 proof of identification to be considered a registered voter for
50 purposes of this chapter. A person is entitled to sign a petition
51 only one (1) time in a particular petition and remonstrance

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

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

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

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

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

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

31 SECTION 34. IC 6-1.1-20-3.2, AS AMENDED BY
 32 P.L.182-2009(ss), SECTION 144, IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.2. (a) This section
 34 applies only to controlled projects described in section 3.1(a) of this
 35 chapter.

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

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

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

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

47 A notice under this subdivision must include a statement that any
 48 owners of real property within the political subdivision or
 49 registered voters residing within the political subdivision who
 50 want to petition in favor of or remonstrate against the proposed
 51 debt service or lease payments must file petitions and

1 remonstrances in compliance with subdivisions (2) through (4)
 2 not earlier than thirty (30) days or later than sixty (60) days after
 3 publication in accordance with IC 5-3-1.

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

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

8 (B) remonstrances (described in subdivision (3)) against the
 9 bonds or lease;

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

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

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

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

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

36 (D) govern the closing date for the petition and remonstrance
 37 period; and

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

39 Persons requesting forms may be required to identify themselves
 40 as owners of real property or registered voters and may be
 41 allowed to pick up additional copies to distribute to other property
 42 owners or registered voters. Each person signing a petition or
 43 remonstrance must indicate whether the person is signing the
 44 petition or remonstrance as a registered voter within the political
 45 subdivision or is signing the petition or remonstrance as the
 46 owner of real property within the political subdivision. A person
 47 who signs a petition or remonstrance as a registered voter must
 48 indicate the address at which the person is registered to vote. A
 49 person who signs a petition or remonstrance as a real property
 50 owner must indicate the address of the real property owned by the
 51 person in the political subdivision. The county voter registration

1 office may not issue a petition or remonstrance form earlier than
2 twenty-nine (29) days after the notice is given under subdivision
3 (1). The county voter registration office shall certify the date of
4 issuance on each petition or remonstrance form that is distributed
5 under this subdivision.

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

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

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

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

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

31 (A) the number of registered voters in the political subdivision
32 that signed a petition and, based on the statement provided by
33 the county auditor, the number of owners of real property
34 within the political subdivision that signed a petition; and

35 (B) the number of registered voters in the political subdivision
36 that signed a remonstrance and, based on the statement
37 provided by the county auditor, the number of owners of real
38 property within the political subdivision that signed a
39 remonstrance.

40 Whenever the name of an individual who signs a petition or
41 remonstrance as a registered voter contains a minor variation from
42 the name of the registered voter as set forth in the records of the
43 county voter registration office, the signature is presumed to be
44 valid, and there is a presumption that the individual is entitled to
45 sign the petition or remonstrance under this section. Except as
46 otherwise provided in this chapter, in determining whether an
47 individual is a registered voter, the county voter registration office
48 shall apply the requirements and procedures used under IC 3 to
49 determine whether a person is a registered voter for purposes of
50 voting in an election governed by IC 3. However, an individual is
51 not required to comply with the provisions concerning providing

1 proof of identification to be considered a registered voter for
2 purposes of this chapter. A person is entitled to sign a petition or
3 remonstrance only one (1) time in a particular petition and
4 remonstrance process under this chapter, regardless of whether
5 the person owns more than one (1) parcel of real property within
6 the subdivision and regardless of whether the person is both a
7 registered voter in the political subdivision and the owner of real
8 property within the political subdivision. Notwithstanding any
9 other provision of this section, if a petition or remonstrance is
10 presented to the county voter registration office within forty-five
11 (45) days before an election, the county voter registration office
12 may defer acting on the petition or remonstrance, and the time
13 requirements under this section for action by the county voter
14 registration office do not begin to run until five (5) days after the
15 date of the election.

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

29 (8) If a greater number of persons who are either owners of real
30 property within the political subdivision or registered voters
31 residing within the political subdivision sign a remonstrance than
32 the number that signed a petition, the bonds petitioned for may
33 not be issued or the lease petitioned for may not be entered into.
34 The proper officers of the political subdivision may not make a
35 preliminary determination to issue bonds or enter into a lease for
36 the controlled project defeated by the petition and remonstrance
37 process under this section or any other controlled project that is
38 not substantially different within one (1) year after the date of the
39 county voter registration office's certificate under subdivision (7).
40 Withdrawal of a petition carries the same consequences as a
41 defeat of the petition.

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

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

- 1 (B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.
 2 SECTION 35. IC 6-1.1-20-3.5, AS AMENDED BY SEA 401-2010,
 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2010]: Sec. 3.5. (a) This section applies only to a controlled
 5 project that meets the following conditions:
 6 (1) The controlled project is described in one (1) of the following
 7 categories:
 8 (A) An elementary school building, middle school building, or
 9 other school building for academic instruction that:
 10 (i) will be used for any combination of kindergarten through
 11 grade 8;
 12 (ii) will not be used for any combination of grade 9 through
 13 grade 12; and
 14 (iii) will cost more than ten million dollars (\$10,000,000).
 15 (B) A high school building or other school building for
 16 academic instruction that:
 17 (i) will be used for any combination of grade 9 through
 18 grade 12;
 19 (ii) will not be used for any combination of kindergarten
 20 through grade 8; and
 21 (iii) will cost more than twenty million dollars
 22 (\$20,000,000).
 23 (C) Any other controlled project that:
 24 (i) is not a controlled project described in clause (A) or (B);
 25 and
 26 (ii) will cost the political subdivision more than the lesser of
 27 twelve million dollars (\$12,000,000) or an amount equal to
 28 one percent (1%) of the total gross assessed value of
 29 property within the political subdivision on the last
 30 assessment date (if that amount is at least one million dollars
 31 (\$1,000,000)).
 32 (2) The proper officers of the political subdivision make a
 33 preliminary determination after June 30, 2008, in the manner
 34 described in subsection (b) to issue bonds or enter into a lease for
 35 the controlled project.
 36 (b) 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 a political subdivision shall publish
 40 notice in accordance with IC 5-3-1 and send notice by first class
 41 mail to **the circuit court clerk and to** any organization that
 42 delivers to the officers, before January 1 of that year, an annual
 43 written request for notices of any meeting to consider the adoption
 44 of an ordinance or a resolution making a preliminary
 45 determination to issue bonds or enter into a lease and shall
 46 conduct a public hearing on the preliminary determination before
 47 adoption of the ordinance or resolution. The political subdivision
 48 must make the following information available to the public at the
 49 public hearing on the preliminary determination, in addition to
 50 any other information required by law:
 51 (A) The result of the political subdivision's current and

- 1 projected annual debt service payments divided by the net
 2 assessed value of taxable property within the political
 3 subdivision.
- 4 (B) The result of:
- 5 (i) the sum of the political subdivision's outstanding long
 6 term debt plus the outstanding long term debt of other taxing
 7 units that include any of the territory of the political
 8 subdivision; divided by
- 9 (ii) the net assessed value of taxable property within the
 10 political subdivision.
- 11 (C) The information specified in subdivision (3)(A) through
 12 (3)(G).
- 13 (2) If the proper officers of a political subdivision make a
 14 preliminary determination to issue bonds or enter into a lease, the
 15 officers shall give notice of the preliminary determination by:
- 16 (A) publication in accordance with IC 5-3-1; and
- 17 (B) first class mail to **the circuit court clerk and to the**
 18 organizations described in subdivision (1).
- 19 (3) A notice under subdivision (2) of the preliminary
 20 determination of the political subdivision to issue bonds or enter
 21 into a lease must include the following information:
- 22 (A) The maximum term of the bonds or lease.
- 23 (B) The maximum principal amount of the bonds or the
 24 maximum lease rental for the lease.
- 25 (C) The estimated interest rates that will be paid and the total
 26 interest costs associated with the bonds or lease.
- 27 (D) The purpose of the bonds or lease.
- 28 (E) A statement that the proposed debt service or lease
 29 payments must be approved in an election on a local public
 30 question held under section 3.6 of this chapter.
- 31 (F) With respect to bonds issued or a lease entered into to
 32 open:
- 33 (i) a new school facility; or
- 34 (ii) an existing facility that has not been used for at least
 35 three (3) years and that is being reopened to provide
 36 additional classroom space;
- 37 the estimated costs the school corporation expects to annually
 38 incur to operate the facility.
- 39 (G) The political subdivision's current debt service levy and
 40 rate and the estimated increase to the political subdivision's
 41 debt service levy and rate that will result if the political
 42 subdivision issues the bonds or enters into the lease.
- 43 (H) The information specified in subdivision (1)(A) through
 44 (1)(B).
- 45 (4) After notice is given, a petition requesting the application of
 46 the local public question process under section 3.6 of this chapter
 47 may be filed by the lesser of:
- 48 (A) one hundred (100) persons who are either owners of
 49 property within the political subdivision or registered voters
 50 residing within the political subdivision; or
- 51 (B) five percent (5%) of the registered voters residing within

1 the political subdivision.

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

3 the county voter registration office, deliver to the county voter

4 registration office or the county voter registration office's

5 designated printer the petition forms to be used solely in the

6 petition process described in this section. The county voter

7 registration office shall issue to an owner or owners of property

8 within the political subdivision or a registered voter residing

9 within the political subdivision the number of petition forms

10 requested by the owner or owners or the registered voter. Each

11 form must be accompanied by instructions detailing the

12 requirements that:

13 (A) the carrier and signers must be owners of property or

14 registered voters;

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

16 (C) after the signatures have been collected, the carrier must

17 swear or affirm before a notary public that the carrier

18 witnessed each signature; and

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

20 Persons requesting forms may be required to identify themselves

21 as owners of property or registered voters and may be allowed to

22 pick up additional copies to distribute to other owners of property

23 or registered voters. Each person signing a petition must indicate

24 whether the person is signing the petition as a registered voter

25 within the political subdivision or is signing the petition as the

26 owner of property within the political subdivision. A person who

27 signs a petition as a registered voter must indicate the address at

28 which the person is registered to vote. A person who signs a

29 petition as an owner of property must indicate the address of the

30 property owned by the person in the political subdivision.

31 (6) Each petition must be verified under oath by at least one (1)

32 qualified petitioner in a manner prescribed by the state board of

33 accounts before the petition is filed with the county voter

34 registration office under subdivision (7).

35 (7) Each petition must be filed with the county voter registration

36 office not more than thirty (30) days after publication under

37 subdivision (2) of the notice of the preliminary determination.

38 (8) The county voter registration office shall determine whether

39 each person who signed the petition is a registered voter.

40 However, after the county voter registration office has determined

41 that at least one hundred twenty-five (125) persons who signed

42 the petition are registered voters within the political subdivision,

43 the county voter registration office is not required to verify

44 whether the remaining persons who signed the petition are

45 registered voters. If the county voter registration office does not

46 determine that at least one hundred twenty-five (125) persons who

47 signed the petition are registered voters, the county voter

48 registration office, not more than fifteen (15) business days after

49 receiving a petition, shall forward a copy of the petition to the

50 county auditor. Not more than ten (10) business days after

51 receiving the copy of the petition, the county auditor shall provide

1 to the county voter registration office a statement verifying:
2 (A) whether a person who signed the petition as a registered
3 voter but is not a registered voter, as determined by the county
4 voter registration office, is the owner of property in the
5 political subdivision; and
6 (B) whether a person who signed the petition as an owner of
7 property within the political subdivision does in fact own
8 property within the political subdivision.

9 (9) The county voter registration office, not more than ten (10)
10 business days after determining that at least one hundred
11 twenty-five (125) persons who signed the petition are registered
12 voters or after receiving the statement from the county auditor
13 under subdivision (8) (as applicable), shall make the final
14 determination of whether a sufficient number of persons have
15 signed the petition. Whenever the name of an individual who
16 signs a petition form as a registered voter contains a minor
17 variation from the name of the registered voter as set forth in the
18 records of the county voter registration office, the signature is
19 presumed to be valid, and there is a presumption that the
20 individual is entitled to sign the petition under this section. Except
21 as otherwise provided in this chapter, in determining whether an
22 individual is a registered voter, the county voter registration office
23 shall apply the requirements and procedures used under IC 3 to
24 determine whether a person is a registered voter for purposes of
25 voting in an election governed by IC 3. However, an individual is
26 not required to comply with the provisions concerning providing
27 proof of identification to be considered a registered voter for
28 purposes of this chapter. A person is entitled to sign a petition
29 only one (1) time in a particular referendum process under this
30 chapter, regardless of whether the person owns more than one (1)
31 parcel of real property, mobile home assessed as personal
32 property, or manufactured home assessed as personal property or
33 a combination of those types of property within the political
34 subdivision and regardless of whether the person is both a
35 registered voter in the political subdivision and the owner of
36 property within the political subdivision. Notwithstanding any
37 other provision of this section, if a petition is presented to the
38 county voter registration office within forty-five (45) days before
39 an election, the county voter registration office may defer acting
40 on the petition, and the time requirements under this section for
41 action by the county voter registration office do not begin to run
42 until five (5) days after the date of the election.

43 (10) The county voter registration office must file a certificate and
44 each petition with:
45 (A) the township trustee, if the political subdivision is a
46 township, who shall present the petition or petitions to the
47 township board; or
48 (B) the body that has the authority to authorize the issuance of
49 the bonds or the execution of a lease, if the political
50 subdivision is not a township;
51 within thirty-five (35) business days of the filing of the petition

1 requesting the referendum process. The certificate must state the
2 number of petitioners who are owners of property within the
3 political subdivision and the number of petitioners who are
4 registered voters residing within the political subdivision.

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

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

- 13 (1) a copy of the notice required by subsection (b)(2); and
- 14 (2) any other information the county auditor requires to fulfill the
15 county auditor's duties under section 3.6 of this chapter.

16 SECTION 36. IC 6-1.1-20-3.6, AS AMENDED BY
17 P.L.182-2009(ss), SECTION 146, IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.6. (a) Except as
19 provided in ~~section~~ **sections 3.7 and 3.8** of this chapter, this section
20 applies only to a controlled project described in section 3.5(a) of this
21 chapter.

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

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

32 "Shall _____ (insert the name of the political subdivision)
33 issue bonds or enter into a lease to finance _____ (insert
34 a brief description of the controlled project), which is estimated
35 to cost not more than _____ (insert the total cost of the project)
36 and is estimated to increase the property tax rate for debt service
37 by _____ (insert increase in tax rate as determined by the
38 department of local government finance)?"

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

46 **If the county election board approves the language of a public**
47 **question under this subsection after June 30, 2010, the county**
48 **election board shall submit the language to the department of local**
49 **government finance for review. The department of local**
50 **government finance shall review the language of the public**
51 **question to evaluate whether the description of the controlled**

1 **project is accurate and is not biased against either a vote in favor**
 2 **of the controlled project or a vote against the controlled project.**
 3 **The department of local government finance may recommend that**
 4 **the ballot language be used as submitted or recommend**
 5 **modifications to the ballot language as necessary to ensure that the**
 6 **description of the controlled project is accurate and is not biased.**
 7 **The department of local government finance shall send its**
 8 **recommendations to the county election board not more than ten**
 9 **(10) days after the language of the public question is submitted to**
 10 **the department for review. After reviewing the recommendations**
 11 **of the department of local government finance under this**
 12 **subsection, the county election board shall take final action to**
 13 **approve ballot language. The finally adopted ballot language may**
 14 **differ from the recommendations made by the department of local**
 15 **government finance.**

16 (d) The county auditor shall certify the **finally approved** public
 17 question described in subsection (c) under IC 3-10-9-3 to the county
 18 election board of each county in which the political subdivision is
 19 located. The certification must occur not later than noon:

20 (1) sixty (60) days before a primary election if the public question
 21 is to be placed on the primary or municipal primary election
 22 ballot; or

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

25 Subject to the certification requirements and deadlines under this
 26 subsection and except as provided in subsection (j), the public question
 27 shall be placed on the ballot at the next primary election, general
 28 election, or municipal election in which all voters of the political
 29 subdivision are entitled to vote. However, if a primary election, general
 30 election, or municipal election will not be held during the first year in
 31 which the public question is eligible to be placed on the ballot under
 32 this section and if the political subdivision requests the public question
 33 to be placed on the ballot at a special election, the public question shall
 34 be placed on the ballot at a special election to be held on the first
 35 Tuesday after the first Monday in May or November of the year. The
 36 certification must occur not later than noon sixty (60) days before a
 37 special election to be held in May (if the special election is to be held
 38 in May) or noon on August 1 (if the special election is to be held in
 39 November). However, in 2009, a political subdivision may hold a
 40 special election under this section on any date scheduled for the special
 41 election if notice of the special election was given before July 1, 2009,
 42 to the election division of the secretary of state's office as provided in
 43 IC 3-10-8-4. The fiscal body of the political subdivision that requests
 44 the special election shall pay the costs of holding the special election.
 45 The county election board shall give notice under IC 5-3-1 of a special
 46 election conducted under this subsection. A special election conducted
 47 under this subsection is under the direction of the county election
 48 board. The county election board shall take all steps necessary to carry
 49 out the special election.

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

- 1 (1) The county auditor of each county in which the political
2 subdivision is located.
- 3 (2) The department of local government finance.
- 4 (f) Subject to the requirements of IC 6-1.1-18.5-8, the political
5 subdivision may issue the proposed bonds or enter into the proposed
6 lease rental if a majority of the eligible voters voting on the public
7 question vote in favor of the public question.
- 8 (g) If a majority of the eligible voters voting on the public question
9 vote in opposition to the public question, both of the following apply:
- 10 (1) The political subdivision may not issue the proposed bonds or
11 enter into the proposed lease rental.
- 12 (2) Another public question under this section on the same or a
13 substantially similar project may not be submitted to the voters
14 earlier than one (1) year after the date of the election.
- 15 (h) IC 3, to the extent not inconsistent with this section, applies to
16 an election held under this section.
- 17 (i) A political subdivision may not artificially divide a capital
18 project into multiple capital projects in order to avoid the requirements
19 of this section and section 3.5 of this chapter.
- 20 (j) This subsection applies to a political subdivision for which a
21 petition requesting a public question has been submitted under section
22 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of
23 the political subdivision may adopt a resolution to withdraw a
24 controlled project from consideration in a public question. If the
25 legislative body provides a certified copy of the resolution to the county
26 auditor and the county election board not later than forty-nine (49) days
27 before the election at which the public question would be on the ballot,
28 the public question on the controlled project shall not be placed on the
29 ballot and the public question on the controlled project shall not be
30 held, regardless of whether the county auditor has certified the public
31 question to the county election board. If the withdrawal of a public
32 question under this subsection requires the county election board to
33 reprint ballots, the political subdivision withdrawing the public
34 question shall pay the costs of reprinting the ballots. If a political
35 subdivision withdraws a public question under this subsection that
36 would have been held at a special election and the county election
37 board has printed the ballots before the legislative body of the political
38 subdivision provides a certified copy of the withdrawal resolution to
39 the county auditor and the county election board, the political
40 subdivision withdrawing the public question shall pay the costs
41 incurred by the county in printing the ballots. If a public question on a
42 controlled project is withdrawn under this subsection, a public question
43 under this section on the same controlled project or a substantially
44 similar controlled project may not be submitted to the voters earlier
45 than one (1) year after the date the resolution withdrawing the public
46 question is adopted.
- 47 (k) If a public question regarding a controlled project is placed on
48 the ballot to be voted on at a public question under this section, the
49 political subdivision shall submit to the department of local
50 government finance, at least thirty (30) days before the election, the
51 following information regarding the proposed controlled project for

- 1 posting on the department's Internet web site:
- 2 (1) The cost per square foot of any buildings being constructed as
- 3 part of the controlled project.
- 4 (2) The effect that approval of the controlled project would have
- 5 on the political subdivision's property tax rate.
- 6 (3) The maximum term of the bonds or lease.
- 7 (4) The maximum principal amount of the bonds or the maximum
- 8 lease rental for the lease.
- 9 (5) The estimated interest rates that will be paid and the total
- 10 interest costs associated with the bonds or lease.
- 11 (6) The purpose of the bonds or lease.
- 12 (7) In the case of a controlled project proposed by a school
- 13 corporation:
- 14 (A) the current and proposed square footage of school building
- 15 space per student;
- 16 (B) enrollment patterns within the school corporation; and
- 17 (C) the age and condition of the current school facilities.
- 18 SECTION 37. IC 6-1.1-20-3.8 IS ADDED TO THE INDIANA
- 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 20 [EFFECTIVE UPON PASSAGE]: **Sec. 3.8. (a) This section applies to**
- 21 **the issuance of bonds or the entering into a lease for a controlled**
- 22 **project to which section 3.1 of this chapter applies.**
- 23 **(b) If the proper officers of a political subdivision make a**
- 24 **preliminary determination to issue bonds or enter into a lease**
- 25 **described in subsection (a), the fiscal body of the political**
- 26 **subdivision may adopt a resolution specifying that the local public**
- 27 **question process specified in section 3.6 of this chapter applies to**
- 28 **the issuance of the bonds or the execution of the lease instead of the**
- 29 **petition and remonstrance process under section 3.2 of this**
- 30 **chapter.**
- 31 **(c) The fiscal body must adopt a resolution under subsection (b)**
- 32 **not later than the date on which the political subdivision makes a**
- 33 **preliminary determination to issue bonds or enter into a lease as**
- 34 **described in subsection (a).**
- 35 **(d) The fiscal body must certify the resolution to the county**
- 36 **election board of each county in which the political subdivision is**
- 37 **located, and the county election board shall place the public**
- 38 **question on the ballot as provided in section 3.6 of this chapter.**
- 39 **(e) Except to the extent it is inconsistent with this section, section**
- 40 **3.6 of this chapter applies to a local public question placed on the**
- 41 **ballot under this section.**
- 42 SECTION 38. IC 6-1.1-20.6-8.5, AS AMENDED BY
- 43 P.L.182-2009(ss), SECTION 152, IS AMENDED TO READ AS
- 44 FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]:
- 45 Sec. 8.5. (a) This section applies to an individual who:
- 46 (1) qualified for a standard deduction granted under
- 47 IC 6-1.1-12-37 for the individual's homestead property in the
- 48 immediately preceding calendar year (or was married at the time
- 49 of death to a deceased spouse who qualified for a standard
- 50 deduction granted under IC 6-1.1-12-37 for the individual's
- 51 homestead property in the immediately preceding calendar year);

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

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

7 (4) had:

8 (A) in the case of an individual who filed a single return,
 9 adjusted gross income (as defined in Section 62 of the Internal
 10 Revenue Code) not exceeding thirty thousand dollars
 11 (\$30,000); or

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

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

18 (b) This section does not apply if the gross assessed value of the
 19 homestead on the assessment date for which property taxes are
 20 imposed is at least one hundred sixty thousand dollars (\$160,000).

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

24 (1) the individual and the homestead qualify for the credit under
 25 subsection (a) for the calendar year;

26 (2) the homestead is not disqualified for the credit under
 27 subsection (b) for the calendar year; and

28 (3) the filing requirements under subsection (e) are met.

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

31 (1) the property tax liability first due and payable on the
 32 homestead property for the calendar year; minus

33 (2) the result of:

34 (A) the property tax liability first due and payable on the
 35 qualified homestead property for the immediately preceding
 36 year **after the application of the credit granted under this**
 37 **section for that year;** multiplied by

38 (B) one and two hundredths (1.02).

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

44 (e) Applications for a credit under this section shall be filed in the
 45 manner provided for an application for a deduction under
 46 IC 6-1.1-12-9. However, an individual who remains eligible for the
 47 credit in the following year is not required to file a statement to apply
 48 for the credit in the following year. An individual who receives a credit
 49 under this section in a particular year and who becomes ineligible for
 50 the credit in the following year shall notify the auditor of the county in
 51 which the homestead is located of the individual's ineligibility not later

1 than sixty (60) days after the individual becomes ineligible.

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

6 SECTION 39. IC 6-1.1-24-1, AS AMENDED BY HEA 1183-2010,
7 SECTION 1, IS AMEND TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]: Sec. 1. (a) On or after January 1 of each calendar year
9 in which a tax sale will be held in a county and not later than fifty-one
10 (51) days after the first tax payment due date in that calendar year, the
11 county treasurer (or county executive, in the case of property described
12 in subdivision (2)) shall certify to the county auditor a list of real
13 property on which any of the following exist:

14 (1) In the case of real property other than real property described
15 in subdivision (2), any property taxes or special assessments
16 certified to the county auditor for collection by the county
17 treasurer from the prior year's spring installment or before are
18 delinquent as determined under IC 6-1.1-37-10.

19 (2) In the case of real property for which a county executive has
20 certified to the county auditor that the real property is:

21 (A) vacant; or

22 (B) abandoned;

23 any property taxes or special assessments from the prior year's fall
24 installment or before that are delinquent as determined under
25 IC 6-1.1-37-10. The county executive must make a certification
26 under this subdivision not later than sixty-one (61) days before
27 the earliest date on which application for judgment and order for
28 sale may be made.

29 (3) Any unpaid costs are due under section 2(b) of this chapter
30 from a prior tax sale.

31 (b) The county auditor shall maintain a list of all real property
32 eligible for sale. ~~Unless the taxpayer pays to the county treasurer the~~
33 ~~amounts in subsection (a);~~ **Except as provided in section 1.2 or**
34 **another provision of this chapter,** the taxpayer's property shall remain
35 on the list. The list must:

36 (1) describe the real property by parcel number and common
37 address, if any;

38 (2) for a tract or item of real property with a single owner,
39 indicate the name of the owner; and

40 (3) for a tract or item with multiple owners, indicate the name of
41 at least one (1) of the owners.

42 (c) Except as otherwise provided in this chapter, the real property
43 so listed is eligible for sale in the manner prescribed in this chapter.

44 (d) Not later than fifteen (15) days after the date of the county
45 treasurer's certification under subsection (a), the county auditor shall
46 mail by certified mail a copy of the list described in subsection (b) to
47 each mortgagee who requests from the county auditor by certified mail
48 a copy of the list. Failure of the county auditor to mail the list under
49 this subsection does not invalidate an otherwise valid sale.

50 SECTION 40. IC 6-1.1-24-1.2 IS AMENDED TO READ AS
51 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.2. (a) Except as

1 provided in subsection (c), a tract or an item of real property may not
 2 be removed from the list certified under section 1 of this chapter before
 3 the tax sale unless all:

4 (1) delinquent taxes **and** special assessments **due before the date**
 5 **the list on which the property appears was certified under**
 6 **section 1 of this chapter; and**

7 (2) penalties due on the delinquency, interest, and costs directly
 8 attributable to the tax sale;

9 have been paid in full.

10 (b) A county treasurer may accept partial payments of delinquent
 11 property taxes, assessments, penalties, interest, or costs under
 12 subsection (a) after the list of real property is certified under section 1
 13 of this chapter. **However a partial payment does not remove a tract**
 14 **or an item from the list certified under section 1 of this chapter**
 15 **unless the taxpayer complies with subsection (a) or (c) before the**
 16 **date of the tax sale.**

17 (c) The county auditor in a county having a population of more than
 18 four hundred thousand (400,000) but less than seven hundred thousand
 19 (700,000) may remove a tract or an item of real property from the list
 20 certified under section 1 of this chapter before the tax sale if the county
 21 treasurer and the taxpayer agree to a mutually satisfactory arrangement
 22 for the payment of the delinquent taxes.

23 (d) The county treasurer may remove the tract or item from the list
 24 certified under section 1 of this chapter if the arrangement described in
 25 subsection (c):

26 (1) is in writing;

27 (2) is signed by the taxpayer; and

28 (3) requires the taxpayer to pay the delinquent taxes in full within
 29 one (1) year of the date the agreement is signed.

30 (e) If the taxpayer fails to make a payment under the arrangement
 31 described in subsection (c), the county auditor shall immediately place
 32 the tract or item of real property on the list of real property eligible for
 33 sale at a tax sale.

34 (f) If the tract or item of real property subject to a payment
 35 arrangement is within the jurisdiction of a:

36 (1) city having a population of more than ninety thousand
 37 (90,000) but less than one hundred five thousand (105,000);

38 (2) city having a population of more than thirty-two thousand
 39 (32,000) but less than thirty-two thousand eight hundred (32,800);

40 or

41 (3) city having a population of more than seventy-five thousand
 42 (75,000) but less than ninety thousand (90,000);

43 the county auditor shall notify the mayor of the city of the arrangement.

44 SECTION 41. IC 6-1.5-3-4 IS ADDED TO THE INDIANA CODE
 45 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 46 1, 2010]: **Sec. 4. (a) As used in this section, "county board" means**
 47 **a county property tax assessment board of appeals.**

48 (b) **Upon request by a county assessor, an employee of the**
 49 **Indiana board may assist taxpayers and local officials in their**
 50 **attempts to voluntarily resolve disputes in which:**

51 (1) **a taxpayer has filed written notice to obtain a county**

1 **board's review of an action by a township or county official;**
 2 **and**
 3 **(2) the county board has not given written notice of its**
 4 **decision on the issues under review.**

5 **(c) If an Indiana board employee assists in attempts to**
 6 **voluntarily resolve a dispute as authorized in subsection (b), the**
 7 **employee may not:**

8 **(1) act as an administrative law judge on; or**
 9 **(2) participate in a decision relating to;**
 10 **a petition for review of the county board's action on that same**
 11 **dispute.**

12 **(d) Notwithstanding any other law, including IC 5-14-1.5, a**
 13 **conference attended by an Indiana board employee acting in the**
 14 **capacity described in subsection (b) is not required to be open to**
 15 **the public. Such a conference may be open to the public only if both**
 16 **the taxpayer and the township or county official from whose action**
 17 **the taxpayer sought review agree to open the conference to the**
 18 **public.**

19 **(e) Notwithstanding any other law, a conference attended by an**
 20 **Indiana board employee acting in the capacity described in**
 21 **subsection (b) is not a proceeding of the Indiana board, and the**
 22 **Indiana board is not required to keep a record of the conference.**

23 SECTION 42. IC 6-1.5-6-3 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2010]: **Sec. 3. (a) As used in this section, "county board" means**
 26 **a county property tax assessment board of appeals.**

27 **(b) The Indiana board may adopt rules under IC 4-22-2,**
 28 **including emergency rules under IC 4-22-2-37.1, to establish**
 29 **procedures for its employees to assist taxpayers and local officials**
 30 **in their attempts to informally resolve disputes in which:**

31 **(1) a taxpayer has filed written notice to obtain a county**
 32 **board's review of an action by a township or county official;**
 33 **and**
 34 **(2) the county board has not given written notice of its**
 35 **decision on the issues under review.**

36 SECTION 43. IC 6-2.5-1-5, AS AMENDED BY P.L.182-2009(ss),
 37 SECTION 174, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2010]: **Sec. 5. (a) Except as provided in**
 39 **subsection (b), "gross retail income" means the total amount of**
 40 **consideration, including cash, credit, property, and services, for which**
 41 **tangible personal property is sold, leased, or rented, valued in money,**
 42 **whether received in money or otherwise, without any deduction for:**

43 **(1) the seller's cost of the property sold;**
 44 **(2) the cost of materials used, labor or service cost, interest,**
 45 **losses, all costs of transportation to the seller, all taxes imposed**
 46 **on the seller, and any other expense of the seller;**
 47 **(3) charges by the seller for any services necessary to complete**
 48 **the sale, other than delivery and installation charges;**
 49 **(4) delivery charges; or**
 50 **(5) consideration received by the seller from a third party if:**
 51 **(A) the seller actually receives consideration from a party**

- 1 other than the purchaser and the consideration is directly
 2 related to a price reduction or discount on the sale;
 3 (B) the seller has an obligation to pass the price reduction or
 4 discount through to the purchaser;
 5 (C) the amount of the consideration attributable to the sale is
 6 fixed and determinable by the seller at the time of the sale of
 7 the item to the purchaser; and
 8 (D) the price reduction or discount is identified as a third party
 9 price reduction or discount on the invoice received by the
 10 purchaser or on a coupon, certificate, or other documentation
 11 presented by the purchaser.

12 For purposes of subdivision (4), delivery charges are charges by the
 13 seller for preparation and delivery of the property to a location
 14 designated by the purchaser of property, including but not limited to
 15 transportation, shipping, postage, handling, crating, and packing.

16 (b) "Gross retail income" does not include that part of the gross
 17 receipts attributable to:

- 18 (1) the value of any tangible personal property received in a like
 19 kind exchange in the retail transaction, if the value of the property
 20 given in exchange is separately stated on the invoice, bill of sale,
 21 or similar document given to the purchaser;
 22 (2) the receipts received in a retail transaction which constitute
 23 interest, finance charges, or insurance premiums on either a
 24 promissory note or an installment sales contract;
 25 (3) discounts, including cash, terms, or coupons that are not
 26 reimbursed by a third party that are allowed by a seller and taken
 27 by a purchaser on a sale;
 28 (4) interest, financing, and carrying charges from credit extended
 29 on the sale of personal property if the amount is separately stated
 30 on the invoice, bill of sale, or similar document given to the
 31 purchaser;
 32 (5) any taxes legally imposed directly on the consumer that are
 33 separately stated on the invoice, bill of sale, or similar document
 34 given to the purchaser; **or**
 35 (6) installation charges that are separately stated on the invoice,
 36 bill of sale, or similar document given to the purchaser; **or**
 37 **(7) telecommunications nonrecurring charges.**

38 (c) A public utility's or a power subsidiary's gross retail income
 39 includes all gross retail income received by the public utility or power
 40 subsidiary, including any minimum charge, flat charge, membership
 41 fee, or any other form of charge or billing.

42 SECTION 44. IC 6-2.5-1-14.5 IS ADDED TO THE INDIANA
 43 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2010]: **Sec. 14.5. "Computer software**
 45 **maintenance contract" means a contract that obligates a person to**
 46 **provide a customer with future updates or upgrades of computer**
 47 **software.**

48 SECTION 45. IC 6-2.5-1-27.2 IS ADDED TO THE INDIANA
 49 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 50 [EFFECTIVE JULY 1, 2010]: **Sec. 27.2. "Telecommunications**
 51 **nonrecurring charges" means an amount billed for installation,**

1 **connection, change, or initiation of a telecommunications service**
 2 **received by a customer.**

3 SECTION 46. IC 6-2.5-1-28.5 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2010]: **Sec. 28.5. "Transferred**
 6 **electronically" means obtained by a purchaser by means other**
 7 **than tangible storage media.**

8 SECTION 47. IC 6-2.5-2-2, AS AMENDED BY P.L.146-2008,
 9 SECTION 310, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The state gross retail tax is
 11 measured by the gross retail income received by a retail merchant in a
 12 retail unitary transaction and is imposed at the following rates:

STATE GROSS RETAIL TAX	GROSS RETAIL INCOME FROM THE RETAIL UNITARY TRANSACTION		
\$ 0		less than	\$0.08
\$ 0.01	at least \$ 0.08	but less than	\$0.21
\$ 0.02	at least \$ 0.21	but less than	\$0.36
\$ 0.03	at least \$ 0.36	but less than	\$0.51
\$ 0.04	at least \$ 0.51	but less than	\$0.64
\$ 0.05	at least \$ 0.64	but less than	\$0.79
\$ 0.06	at least \$ 0.79	but less than	\$0.93
\$ 0.07	at least \$ 0.93	but less than	\$1.07

25 **On a retail unitary transaction in which the gross retail income received**
 26 **by the retail merchant is one dollar and seven cents (\$1.07) or more;**
 27 **the state gross retail tax is seven percent (7%) of that gross retail**
 28 **income.**

29 (b) If the tax computed under subsection (a) **carried to the third**
 30 **decimal place** results in a fraction of one-half cent (\$0.005) or more;
 31 **the numeral in the third decimal place being greater than four (4),**
 32 **the amount of the tax shall be rounded to the next additional cent.**

33 SECTION 48. IC 6-2.5-4-16.4, AS ADDED BY P.L.1-2009,
 34 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2010]: Sec. 16.4. (a) As used in this section, "end user" does
 36 not include a person who receives by contract a product transferred
 37 electronically for further commercial broadcast, rebroadcast,
 38 transmission, retransmission, licensing, relicensing, distribution,
 39 redistribution, or exhibition of the product, in whole or in part, to
 40 another person or persons.

41 (b) A person is a retail merchant making a retail transaction when
 42 the person:

- 43 (1) electronically transfers specified digital products to an end
 44 user; and
- 45 (2) grants to the end user the right of permanent use of the
 46 specified digital products that is not conditioned upon continued
 47 payment by the purchaser.

48 (c) **The sale of a digital code that may be used to obtain a**
 49 **product transferred electronically shall be taxed in the same**
 50 **manner as the product transferred electronically. As used in this**
 51 **subsection, a digital code means a method that permits a purchaser**

1 **to obtain at a later date a product transferred electronically.**

2 SECTION 49. IC 6-2.5-4-17 IS ADDED TO THE INDIANA CODE
3 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2010]: **Sec. 17. A person is a retail merchant making a retail**
5 **transaction when the person enters into a computer software**
6 **maintenance contract to provide future updates or upgrades to**
7 **computer software.**

8 SECTION 50. IC 6-2.5-5-18, AS AMENDED BY P.L.182-2009(ss),
9 SECTION 178, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2010]: Sec. 18. (a) Sales of durable medical
11 equipment, **mobility enhancing equipment**, prosthetic devices,
12 artificial limbs, orthopedic devices, dental prosthetic devices,
13 eyeglasses, contact lenses, and other medical supplies and devices are
14 exempt from the state gross retail tax, if the sales are prescribed by a
15 person licensed to issue the prescription.

16 (b) Rentals of durable medical equipment, **mobility enhancing**
17 **equipment**, and other medical supplies and devices are exempt from
18 the state gross retail tax, if the rentals are prescribed by a person
19 licensed to issue the prescription.

20 (c) Sales of hearing aids are exempt from the state gross retail tax
21 if the hearing aids are fitted or dispensed by a person licensed or
22 registered for that purpose. In addition, sales of hearing aid parts,
23 attachments, or accessories are exempt from the state gross retail tax.
24 For purposes of this subsection, a hearing aid is a device which is worn
25 on the body and which is designed to aid, improve, or correct defective
26 human hearing.

27 (d) Sales of colostomy bags, ileostomy bags, and the medical
28 equipment, supplies, and devices used in conjunction with those bags
29 are exempt from the state gross retail tax.

30 (e) Sales of equipment and devices used to administer insulin are
31 exempt from the state gross retail tax.

32 (f) Sales of equipment and devices used to monitor blood glucose
33 level, including blood glucose meters and measuring strips, lancets,
34 and other similar diabetic supplies, are exempt from the state gross
35 retail tax, regardless of whether the equipment and devices are
36 prescribed.

37 SECTION 51. IC 6-2.5-5-20, AS AMENDED BY P.L.195-2005,
38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2010]: Sec. 20. (a) Sales of food and food ingredients for
40 human consumption are exempt from the state gross retail tax.

41 (b) For purposes of this section, the term "food and food ingredients
42 for human consumption" includes the following items if sold without
43 eating utensils provided by the seller:

44 (1) Food sold by a seller whose proper primary NAICS
45 classification is manufacturing in sector 311, except subsector
46 3118 (bakeries).

47 (2) Food sold in an unheated state by weight or volume as a single
48 item.

49 (3) Bakery items, including bread, rolls, buns, biscuits, bagels,
50 croissants, pastries, donuts, danish, cakes, tortes, pies, tarts,
51 muffins, bars, cookies, and tortillas.

1 (c) Except as otherwise provided by subsection (b), for purposes of
 2 this section, the term "food and food ingredients for human
 3 consumption" does not include:

- 4 (1) candy;
 5 (2) alcoholic beverages;
 6 (3) soft drinks;
 7 (4) food sold through a vending machine;
 8 (5) food sold in a heated state or heated by the seller;
 9 (6) two (2) or more food ingredients mixed or combined by the
 10 seller for sale as a single item (other than food that is only cut,
 11 repackaged, or pasteurized by the seller, and eggs, fish, meat,
 12 poultry, and foods containing these raw animal foods requiring
 13 cooking by the consumer as recommended by the federal Food
 14 and Drug Administration in chapter 3, subpart 3-401.11 of its
 15 Food Code so as to prevent food borne illnesses);
 16 (7) food sold with eating utensils provided by the seller, including
 17 plates, knives, forks, spoons, glasses, cups, napkins, or straws (for
 18 purposes of this subdivision, a plate does not include a container
 19 or packaging used to transport the food); or
 20 (8) tobacco; or
 21 **(9) dietary supplements.**

22 SECTION 52. IC 6-2.5-5-44 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2007 (RETROACTIVE)]: **Sec. 44. Transactions involving tangible
 25 personal property are exempt from the state gross retail tax if the
 26 property is acquired by a city or town for use in the operation of a
 27 municipal golf course.**

28 SECTION 53. IC 6-2.5-11-10, AS AMENDED BY
 29 P.L.182-2009(ss), SECTION 183, IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) A certified
 31 service provider is the agent of a seller, with whom the certified service
 32 provider has contracted, for the collection and remittance of sales and
 33 use taxes. As the seller's agent, the certified service provider is liable
 34 for sales and use tax due each member state on all sales transactions it
 35 processes for the seller except as set out in this section. A seller that
 36 contracts with a certified service provider is not liable to the state for
 37 sales or use tax due on transactions processed by the certified service
 38 provider unless the seller misrepresented the type of items it sells or
 39 committed fraud. In the absence of probable cause to believe that the
 40 seller has committed fraud or made a material misrepresentation, the
 41 seller is not subject to audit on the transactions processed by the
 42 certified service provider. A seller is subject to audit for transactions
 43 not processed by the certified service provider. The member states
 44 acting jointly may perform a system check of the seller and review the
 45 seller's procedures to determine if the certified service provider's
 46 system is functioning properly and the extent to which the seller's
 47 transactions are being processed by the certified service provider.

48 (b) A person that provides a certified automated system is
 49 responsible for the proper functioning of that system and is liable to the
 50 state for underpayments of tax attributable to errors in the functioning
 51 of the certified automated system. A seller that uses a certified

1 automated system remains responsible and is liable to the state for
2 reporting and remitting tax.

3 (c) A seller that has a proprietary system for determining the amount
4 of tax due on transactions and has signed an agreement establishing a
5 performance standard for that system is liable for the failure of the
6 system to meet the performance standard.

7 (d) A certified service provider or a seller using a certified
8 automated system that obtains a certification **or taxability matrix** from
9 the department is not liable for sales or use tax collection errors that
10 result from reliance on the department's certification **or taxability**
11 **matrix**. If the department determines that an item or transaction is
12 incorrectly classified as to the taxability of the item or transaction, the
13 department shall notify the certified service provider or the seller using
14 a certified automated system of the incorrect classification. The
15 certified service provider or the seller using a certified automated
16 system must revise the incorrect classification within ten (10) days
17 after receiving notice of the determination from the department. If the
18 classification error is not corrected within ten (10) days after receiving
19 the department's notice, the certified service provider or the seller using
20 a certified automated system is liable for failure to collect the correct
21 amount of sales or use tax due and owing.

22 (e) If at least thirty (30) days are not provided between the
23 enactment of a statute changing the rate set forth in IC 6-2.5-2-2 and
24 the effective date of the rate change, the department shall relieve the
25 seller of liability for failing to collect tax at the new rate if:

26 (1) the seller collected the tax at the immediately preceding
27 effective rate; and

28 (2) the seller's failure to collect at the current rate does not extend
29 beyond thirty (30) days after the effective date of the rate change.

30 A seller is not eligible for the relief provided for in this subsection if
31 the seller fraudulently fails to collect at the current rate or solicits
32 purchases based on the immediately preceding effective rate.

33 (f) The department shall allow any monetary allowances that are
34 provided by the member states to sellers or certified service providers
35 in exchange for collecting the sales and use taxes as provided in article
36 VI of the agreement.

37 SECTION 54. IC 6-3-1-11, AS AMENDED BY P.L.182-2009(ss),
38 SECTION 188, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 11. (a) The
40 term "Internal Revenue Code" means the Internal Revenue Code of
41 1986 of the United States as amended and in effect on ~~February 17,~~
42 ~~2009.~~ **January 1, 2010.**

43 (b) Whenever the Internal Revenue Code is mentioned in this
44 article, the particular provisions that are referred to, together with all
45 the other provisions of the Internal Revenue Code in effect on ~~February~~
46 ~~17, 2009,~~ **January 1, 2010**, that pertain to the provisions specifically
47 mentioned, shall be regarded as incorporated in this article by reference
48 and have the same force and effect as though fully set forth in this
49 article. To the extent the provisions apply to this article, regulations
50 adopted under Section 7805(a) of the Internal Revenue Code and in
51 effect on ~~February 17, 2009,~~ **January 1, 2010**, shall be regarded as

1 rules adopted by the department under this article, unless the
2 department adopts specific rules that supersede the regulation.

3 (c) An amendment to the Internal Revenue Code made by an act
4 passed by Congress before ~~February 17, 2009~~, **January 1, 2010**, that
5 is effective for any taxable year that began before January 1, ~~2009~~,
6 **2010**, and that affects:

- 7 (1) individual adjusted gross income (as defined in Section 62 of
8 the Internal Revenue Code);
- 9 (2) corporate taxable income (as defined in Section 63 of the
10 Internal Revenue Code);
- 11 (3) trust and estate taxable income (as defined in Section 641(b)
12 of the Internal Revenue Code);
- 13 (4) life insurance company taxable income (as defined in Section
14 801(b) of the Internal Revenue Code);
- 15 (5) mutual insurance company taxable income (as defined in
16 Section 821(b) of the Internal Revenue Code); or
- 17 (6) taxable income (as defined in Section 832 of the Internal
18 Revenue Code);

19 is also effective for that same taxable year for purposes of determining
20 adjusted gross income under section 3.5 of this chapter.

21 SECTION 55. IC 6-3-2-2.5, AS AMENDED BY P.L.182-2009(ss),
22 SECTION 192, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE NOVEMBER 6, 2009 (RETROACTIVE)]: Sec. 2.5. (a)
24 This section applies to a resident person.

25 (b) Resident persons are entitled to a net operating loss deduction.
26 The amount of the deduction taken in a taxable year may not exceed
27 the taxpayer's unused Indiana net operating losses carried back or
28 carried over to that year.

29 (c) An Indiana net operating loss equals the taxpayer's federal net
30 operating loss for a taxable year as calculated under Section 172 of the
31 Internal Revenue Code, adjusted for the modifications required by
32 IC 6-3-1-3.5.

33 (d) The following provisions apply for purposes of subsection (c):

- 34 (1) The modifications that are to be applied are those
35 modifications required under IC 6-3-1-3.5 for the same taxable
36 year in which each net operating loss was incurred.
- 37 (2) An Indiana net operating loss includes a net operating loss that
38 arises when the modifications required by IC 6-3-1-3.5 exceed the
39 taxpayer's federal adjusted gross income (as defined in Section 62
40 of the Internal Revenue Code) for the taxable year in which the
41 Indiana net operating loss is determined.

42 (e) Subject to the limitations contained in subsection (g), an Indiana
43 net operating loss carryback or carryover shall be available as a
44 deduction from the taxpayer's adjusted gross income (as defined in
45 IC 6-3-1-3.5) in the carryback or carryover year provided in subsection

46 (f).

47 (f) Carrybacks and carryovers shall be determined under this
48 subsection as follows:

- 49 (1) An Indiana net operating loss shall be an Indiana net operating
50 loss carryback to each of the carryback years preceding the
51 taxable year of the loss.

1 (2) An Indiana net operating loss shall be an Indiana net operating
 2 loss carryover to each of the carryover years following the taxable
 3 year of the loss.

4 (3) Carryback years shall be determined by reference to the
 5 number of years allowed for carrying back a net operating loss
 6 under Section 172(b) of the Internal Revenue Code. However,
 7 with respect to the carryback period for a net operating loss:

8 (A) for which ~~an eligible small business, as defined in Section~~
 9 ~~172(b)(1)(H)(iv) of the Internal Revenue Code; a taxpayer~~
 10 made an election to use five (5) years instead of two (2) years
 11 under Section 172(b)(1)(H) of the Internal Revenue Code, two
 12 (2) years shall be used instead of five (5) years; or

13 (B) that is a qualified disaster loss for which the taxpayer
 14 elected to have the net operating loss carryback period with
 15 respect to the loss year determined without regard to Section
 16 172(b)(1)(J) of the Internal Revenue Code, five (5) years shall
 17 be used.

18 (4) Carryover years shall be determined by reference to the
 19 number of years allowed for carrying over net operating losses
 20 under Section 172(b) of the Internal Revenue Code.

21 (5) A taxpayer who makes an election under Section 172(b)(3) of
 22 the Internal Revenue Code to relinquish the carryback period with
 23 respect to a net operating loss for any taxable year shall be
 24 considered to have also relinquished the carryback of the Indiana
 25 net operating loss for purposes of this section.

26 (g) The entire amount of the Indiana net operating loss for any
 27 taxable year shall be carried to the earliest of the taxable years to which
 28 (as determined under subsection (f)) the loss may be carried. The
 29 amount of the Indiana net operating loss remaining after the deduction
 30 is taken under this section in a taxable year may be carried back or
 31 carried over as provided in subsection (f). The amount of the Indiana
 32 net operating loss carried back or carried over from year to year shall
 33 be reduced to the extent that the Indiana net operating loss carryback
 34 or carryover is used by the taxpayer to obtain a deduction in a taxable
 35 year until the occurrence of the earlier of the following:

36 (1) The entire amount of the Indiana net operating loss has been
 37 used as a deduction.

38 (2) The Indiana net operating loss has been carried over to each
 39 of the carryover years provided by subsection (f).

40 SECTION 56. IC 6-3-2-2.6, AS AMENDED BY P.L.182-2009(ss),
 41 SECTION 193, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE NOVEMBER 6, 2009 (RETROACTIVE)]: Sec. 2.6. (a)
 43 This section applies to a corporation or a nonresident person.

44 (b) Corporations and nonresident persons are entitled to a net
 45 operating loss deduction. The amount of the deduction taken in a
 46 taxable year may not exceed the taxpayer's unused Indiana net
 47 operating losses carried back or carried over to that year.

48 (c) An Indiana net operating loss equals the taxpayer's federal net
 49 operating loss for a taxable year as calculated under Section 172 of the
 50 Internal Revenue Code, derived from sources within Indiana and
 51 adjusted for the modifications required by IC 6-3-1-3.5.

- 1 (d) The following provisions apply for purposes of subsection (c):
 2 (1) The modifications that are to be applied are those
 3 modifications required under IC 6-3-1-3.5 for the same taxable
 4 year in which each net operating loss was incurred.
 5 (2) The amount of the taxpayer's net operating loss that is derived
 6 from sources within Indiana shall be determined in the same
 7 manner that the amount of the taxpayer's adjusted income derived
 8 from sources within Indiana is determined under section 2 of this
 9 chapter for the same taxable year during which each loss was
 10 incurred.
 11 (3) An Indiana net operating loss includes a net operating loss that
 12 arises when the modifications required by IC 6-3-1-3.5 exceed the
 13 taxpayer's federal taxable income (as defined in Section 63 of the
 14 Internal Revenue Code), if the taxpayer is a corporation, or when
 15 the modifications required by IC 6-3-1-3.5 exceed the taxpayer's
 16 federal adjusted gross income (as defined by Section 62 of the
 17 Internal Revenue Code), if the taxpayer is a nonresident person,
 18 for the taxable year in which the Indiana net operating loss is
 19 determined.
- 20 (e) Subject to the limitations contained in subsection (g), an Indiana
 21 net operating loss carryback or carryover shall be available as a
 22 deduction from the taxpayer's adjusted gross income derived from
 23 sources within Indiana (as defined in section 2 of this chapter) in the
 24 carryback or carryover year provided in subsection (f).
- 25 (f) Carrybacks and carryovers shall be determined under this
 26 subsection as follows:
- 27 (1) An Indiana net operating loss shall be an Indiana net operating
 28 loss carryback to each of the carryback years preceding the
 29 taxable year of the loss.
 30 (2) An Indiana net operating loss shall be an Indiana net operating
 31 loss carryover to each of the carryover years following the taxable
 32 year of the loss.
 33 (3) Carryback years shall be determined by reference to the
 34 number of years allowed for carrying back a net operating loss
 35 under Section 172(b) of the Internal Revenue Code. However,
 36 with respect to the carryback period for a net operating loss:
 37 (A) for which ~~an eligible small business, as defined in Section~~
 38 ~~172(b)(1)(H)(iv) of the Internal Revenue Code, a taxpayer~~
 39 made an election to use five (5) years instead of two (2) years
 40 under Section 172(b)(1)(H) of the Internal Revenue Code, two
 41 (2) years shall be used instead of five (5) years; or
 42 (B) that is a qualified disaster loss for which the taxpayer
 43 elected to have the net operating loss carryback period with
 44 respect to the loss year determined without regard to Section
 45 172(b)(1)(J) of the Internal Revenue Code, five (5) years shall
 46 be used.
 47 (4) Carryover years shall be determined by reference to the
 48 number of years allowed for carrying over net operating losses
 49 under Section 172(b) of the Internal Revenue Code.
 50 (5) A taxpayer who makes an election under Section 172(b)(3) of
 51 the Internal Revenue Code to relinquish the carryback period with

1 respect to a net operating loss for any taxable year shall be
2 considered to have also relinquished the carryback of the Indiana
3 net operating loss for purposes of this section.

4 (g) The entire amount of the Indiana net operating loss for any
5 taxable year shall be carried to the earliest of the taxable years to which
6 (as determined under subsection (f)) the loss may be carried. The
7 amount of the Indiana net operating loss remaining after the deduction
8 is taken under this section in a taxable year may be carried back or
9 carried over as provided in subsection (f). The amount of the Indiana
10 net operating loss carried back or carried over from year to year shall
11 be reduced to the extent that the Indiana net operating loss carryback
12 or carryover is used by the taxpayer to obtain a deduction in a taxable
13 year until the occurrence of the earlier of the following:

- 14 (1) The entire amount of the Indiana net operating loss has been
15 used as a deduction.
16 (2) The Indiana net operating loss has been carried over to each
17 of the carryover years provided by subsection (f).

18 (h) An Indiana net operating loss deduction determined under this
19 section shall be allowed notwithstanding the fact that in the year the
20 taxpayer incurred the net operating loss the taxpayer was not subject to
21 the tax imposed under section 1 of this chapter because the taxpayer
22 was:

- 23 (1) a life insurance company (as defined in Section 816(a) of the
24 Internal Revenue Code); or
25 (2) an insurance company subject to tax under Section 831 of the
26 Internal Revenue Code.

27 (i) In the case of a life insurance company that claims an operations
28 loss deduction under Section 810 of the Internal Revenue Code, this
29 section shall be applied by:

- 30 (1) substituting the corresponding provisions of Section 810 of the
31 Internal Revenue Code in place of references to Section 172 of
32 the Internal Revenue Code; and
33 (2) substituting life insurance company taxable income (as
34 defined in Section 801 the Internal Revenue Code) in place of
35 references to taxable income (as defined in Section 63 of the
36 Internal Revenue Code).

37 (j) For purposes of an amended return filed to carry back an Indiana
38 net operating loss:

- 39 (1) the term "due date of the return", as used in IC 6-8.1-9-1(a)(1),
40 means the due date of the return for the taxable year in which the
41 net operating loss was incurred; and
42 (2) the term "date the payment was due", as used in
43 IC 6-8.1-9-2(c), means the due date of the return for the taxable
44 year in which the net operating loss was incurred.

45 SECTION 57. IC 6-3-4-16.5 IS ADDED TO THE INDIANA CODE
46 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
47 1, 2010]: **Sec. 16.5. (a) This section applies to:**

- 48 **(1) Form W-2 federal income tax withholding statements; and**
49 **(2) Form WH-3 annual withholding tax reports;**
50 **filed with the department after December 31, 2010.**
51 **(b) If an employer or any person or entity acting on behalf of an**

1 **employer files more than twenty-five (25) Form W-2 federal**
 2 **income tax withholding statements with the department in a**
 3 **calendar year, all Form W-2 federal income tax withholding**
 4 **statements and Form WH-3 annual withholding tax reports filed**
 5 **with the department in that calendar year by the employer or the**
 6 **person or entity acting on behalf of the employer must be filed in**
 7 **an electronic format specified by the department.**

8 SECTION 58. IC 6-3.1-13-10 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 10 Sec. 10. As used in this chapter, "taxpayer" means a person,
 11 corporation, partnership, or other entity that has any state tax liability
 12 **or that submits incremental income tax withholdings under**
 13 **IC 6-3-4-8.**

14 SECTION 59. IC 6-3.1-19-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) ~~Subject to~~
 16 **Except as provided in** section 5 **or 5.5** of this chapter, a taxpayer is
 17 entitled to a credit against the taxpayer's state and local tax liability for
 18 a taxable year if the taxpayer makes a qualified investment in that year.

19 (b) The amount of the credit to which a taxpayer is entitled is the
 20 qualified investment made by the taxpayer during the taxable year
 21 multiplied by twenty-five percent (25%).

22 (c) A taxpayer may assign any part of the credit to which the
 23 taxpayer is entitled under this chapter to a lessee of property
 24 redeveloped or rehabilitated under section 2 of this chapter. A credit
 25 that is assigned under this subsection remains subject to this chapter.

26 (d) An assignment under subsection (c) must be in writing and both
 27 the taxpayer and the lessee must report the assignment on their state tax
 28 return for the year in which the assignment is made, in the manner
 29 prescribed by the department. The taxpayer may not receive value in
 30 connection with the assignment under subsection (c) that exceeds the
 31 value of the part of the credit assigned.

32 (e) If a pass through entity is entitled to a credit under this chapter
 33 but does not have state and local tax liability against which the tax
 34 credit may be applied, a shareholder, partner, or member of the pass
 35 through entity is entitled to a tax credit equal to:

- 36 (1) the tax credit determined for the pass through entity for the
- 37 taxable year; multiplied by
- 38 (2) the percentage of the pass through entity's distributive income
- 39 to which the shareholder, partner, or member is entitled.

40 The credit provided under this subsection is in addition to a tax credit
 41 to which a shareholder, partner, or member of a pass through entity is
 42 otherwise entitled under this chapter. However, a pass through entity
 43 and an individual who is a shareholder, partner, or member of the pass
 44 through entity may not claim more than one (1) credit for the same
 45 investment.

46 (f) A taxpayer that is otherwise entitled to a credit under this chapter
 47 for a taxable year may claim the credit regardless of whether any
 48 income tax incremental amount or gross retail incremental amount has
 49 been:

- 50 (1) deposited in the incremental tax financing fund established for
- 51 the community revitalization enhancement district; or

1 (2) allocated to the district.

2 SECTION 60. IC 6-3.1-19-5.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) This section applies
5 only to investments made in a district designated for an area
6 described in:**

7 (1) IC 36-7-13-12(c)(1)(A); or

8 (2) IC 36-7-13-12(c)(1)(C).

9 (b) As used in this section, "advisory commission" means the
10 advisory commission on industrial development that designated the
11 districts described in subsection (a).

12 (c) A taxpayer is not entitled to a credit under this chapter for
13 an expenditure made in the district unless the advisory commission
14 selects the area to receive an allocation of the income tax
15 incremental amount and the gross retail incremental amount under
16 IC 36-7-13.

17 (d) After receiving notice of the advisory commission's selection
18 under IC 36-7-13-23, the budget agency shall inform the Indiana
19 economic development corporation and the department of which
20 district was selected by the advisory commission.

21 (e) The Indiana economic development corporation may not
22 approve a taxpayer's expenditures until after receiving notice of
23 the advisory commission's selection.

24 SECTION 61. IC 6-3.5-1.1-1.5 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) Notwithstanding any
27 other provision of this chapter, a power granted by this chapter to
28 adopt an ordinance to:**

29 (1) impose, increase, decrease, or rescind a tax or tax rate; or

30 (2) grant, increase, decrease, rescind, or change a homestead
31 credit or property tax replacement credit authorized under
32 this chapter;

33 may be exercised at any time in a year before November 1 of that
34 year.

35 (b) Notwithstanding any other provision of this chapter, an
36 ordinance authorized by this chapter that imposes or increases a
37 tax or a tax rate takes effect as follows:

38 (1) An ordinance adopted after December 31 of the
39 immediately preceding year and before October 1 of the
40 current year takes effect October 1 of the current year.

41 (2) An ordinance adopted after September 30 and before
42 October 16 of the current year takes effect November 1 of the
43 current year.

44 (3) An ordinance adopted after October 15 and before
45 November 1 of the current year takes effect December 1 of the
46 current year.

47 (c) Notwithstanding any other provision of this chapter, an
48 ordinance authorized by this chapter that decreases or rescinds a
49 tax or a tax rate takes effect as follows:

50 (1) An ordinance adopted after December 31 of the
51 immediately preceding year and before October 1 of the

1 **current year takes effect on the later of October 1 of the**
 2 **current year or the first day of the month in the current year**
 3 **as the month in which the last increase in the tax or tax rate**
 4 **occurred.**

5 **(2) An ordinance adopted after September 30 and before**
 6 **October 16 of the current year takes effect on the later of**
 7 **November 1 of the current year or the first day of the month**
 8 **in the current year as the month in which the last increase in**
 9 **the tax or tax rate occurred.**

10 **(3) An ordinance adopted after October 15 and before**
 11 **November 1 of the current year takes effect December 1 of the**
 12 **current year.**

13 **(d) Notwithstanding any other provision of this chapter, an**
 14 **ordinance authorized by this chapter that grants, increases,**
 15 **decreases, rescinds, or changes a homestead credit or property tax**
 16 **replacement credit authorized under this chapter takes effect for**
 17 **and applies to property taxes first due and payable in the year**
 18 **immediately following the year in which the ordinance is adopted.**

19 SECTION 62. IC 6-3.5-1.1-9, AS AMENDED BY
 20 P.L.182-2009(ss), SECTION 210, IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Revenue
 22 derived from the imposition of the county adjusted gross income tax
 23 shall, in the manner prescribed by this section, be distributed to the
 24 county that imposed it. The amount to be distributed to a county during
 25 an ensuing calendar year equals the amount of county adjusted gross
 26 income tax revenue that the budget agency determines has been:

27 (1) received from that county for a taxable year ending before the
 28 calendar year in which the determination is made; and

29 (2) reported on an annual return or amended return processed by
 30 the department in the state fiscal year ending before July 1 of the
 31 calendar year in which the determination is made;

32 as adjusted for refunds of county adjusted gross income tax made in the
 33 state fiscal year.

34 (b) Before August 2 of each calendar year, the budget agency shall
 35 certify to the county auditor of each adopting county the amount
 36 determined under subsection (a) plus the amount of interest in the
 37 county's account that has accrued and has not been included in a
 38 certification made in a preceding year. The amount certified is the
 39 county's "certified distribution" for the immediately succeeding
 40 calendar year. The amount certified shall be adjusted under subsections
 41 (c), (d), (e), (f), (g), and (h). The budget agency shall provide the
 42 county council with an informative summary of the calculations used
 43 to determine the certified distribution. The summary of calculations
 44 must include:

45 (1) the amount reported on individual income tax returns
 46 processed by the department during the previous fiscal year;

47 (2) adjustments for over distributions in prior years;

48 (3) adjustments for clerical or mathematical errors in prior years;

49 (4) adjustments for tax rate changes; and

50 (5) the amount of excess account balances to be distributed under

51 IC 6-3.5-1.1-21.1.

1 The budget agency shall also certify information concerning the part of
 2 the certified distribution that is attributable to a tax rate under section
 3 24, 25, or 26 of this chapter. This information must be certified to the
 4 county auditor, the department, and the department of local government
 5 finance not later than September 1 of each calendar year. The part of
 6 the certified distribution that is attributable to a tax rate under section
 7 24, 25, or 26 of this chapter may be used only as specified in those
 8 provisions.

9 (c) The budget agency shall certify an amount less than the amount
 10 determined under subsection (b) if the budget agency determines that
 11 the reduced distribution is necessary to offset overpayments made in a
 12 calendar year before the calendar year of the distribution. The budget
 13 agency may reduce the amount of the certified distribution over several
 14 calendar years so that any overpayments are offset over several years
 15 rather than in one (1) lump sum.

16 (d) The budget agency shall adjust the certified distribution of a
 17 county to correct for any clerical or mathematical errors made in any
 18 previous certification under this section. The budget agency may
 19 reduce the amount of the certified distribution over several calendar
 20 years so that any adjustment under this subsection is offset over several
 21 years rather than in one (1) lump sum.

22 (e) The budget agency shall adjust the certified distribution of a
 23 county to provide the county with the distribution required under
 24 section 10(b) of this chapter.

25 (f) This subsection applies to a county that

26 ~~(1) initially imposes, the county adjusted gross income increases,~~
 27 **decreases, or rescinds a tax or tax rate or**

28 ~~(2) increases the county adjusted income tax rate;~~

29 under this chapter **before November 1** in the same calendar year in
 30 which the budget agency makes a certification under this section. The
 31 budget agency shall adjust the certified distribution of a county to
 32 provide for a distribution in the immediately following calendar year
 33 and in each calendar year thereafter. The budget agency shall provide
 34 for a full transition to certification of distributions as provided in
 35 subsection (a)(1) through (a)(2) in the manner provided in subsection
 36 (c). **If the county imposes, increases, decreases, or rescinds a tax or**
 37 **tax rate under this chapter after the date for which a certification**
 38 **under subsection (b) is based, the budget agency shall adjust the**
 39 **certified distribution of the county after August 1 of the calendar**
 40 **year. The adjustment shall reflect any other adjustment required**
 41 **under subsections (c), (d), (e), (g), and (h). The adjusted**
 42 **certification shall be treated as the county's "certified distribution"**
 43 **for the immediately succeeding calendar year. The budget agency**
 44 **shall certify the adjusted certified distribution to the county**
 45 **auditor for the county and provide the county council with an**
 46 **informative summary of the calculations that revises the**
 47 **informative summary provided in subsection (b) and reflects the**
 48 **changes made in the adjustment.**

49 (g) The budget agency shall adjust the certified distribution of a
 50 county to provide the county with the distribution required under
 51 section 3.3 of this chapter beginning not later than the tenth month after

1 the month in which additional revenue from the tax authorized under
2 section 3.3 of this chapter is initially collected.

3 (h) This subsection applies in the year in which a county initially
4 imposes a tax rate under section 24 of this chapter. Notwithstanding
5 any other provision, the budget agency shall adjust the part of the
6 county's certified distribution that is attributable to the tax rate under
7 section 24 of this chapter to provide for a distribution in the
8 immediately following calendar year equal to the result of:

9 (1) the sum of the amounts determined under STEP ONE through
10 STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county
11 initially imposes a tax rate under section 24 of this chapter;
12 multiplied by

13 (2) two (2).

14 SECTION 63. IC 6-3.5-6-1.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) Notwithstanding any
17 other provision of this chapter, a power granted by this chapter to
18 adopt an ordinance to:**

19 (1) impose, increase, decrease, or rescind a tax or tax rate; or

20 (2) grant, increase, decrease, rescind, or change a homestead
21 credit or property tax replacement credit authorized under
22 this chapter;

23 may be exercised at any time in a year before November 1 of that
24 year.

25 (b) Notwithstanding any other provision of this chapter, an
26 ordinance authorized by this chapter that imposes or increases a
27 tax or a tax rate takes effect as follows:

28 (1) An ordinance adopted after December 31 of the
29 immediately preceding year and before October 1 of the
30 current year takes effect October 1 of the current year.

31 (2) An ordinance adopted after September 30 and before
32 October 16 of the current year takes effect November 1 of the
33 current year.

34 (3) An ordinance adopted after October 15 and before
35 November 1 of the current year takes effect December 1 of the
36 current year.

37 (c) Notwithstanding any other provision of this chapter, an
38 ordinance authorized by this chapter that decreases or rescinds a
39 tax or a tax rate takes effect as follows:

40 (1) An ordinance adopted after December 31 of the
41 immediately preceding year and before October 1 of the
42 current year takes effect on the later of October 1 of the
43 current year or the first day of the month in the current year
44 as the month in which the last increase in the tax or tax rate
45 occurred.

46 (2) An ordinance adopted after September 30 and before
47 October 16 of the current year takes effect on the later of
48 November 1 of the current year or the first day of the month
49 in the current year as the month in which the last increase in
50 the tax or tax rate occurred.

51 (3) An ordinance adopted after October 15 and before

1 **November 1 of the current year takes effect December 1 of the**
 2 **current year.**

3 **(d) Notwithstanding any other provision of this chapter, an**
 4 **ordinance authorized by this chapter that grants, increases,**
 5 **decreases, rescinds, or changes a homestead credit or property tax**
 6 **replacement credit authorized under this chapter takes effect for**
 7 **and applies to property taxes first due and payable in the year**
 8 **immediately following the year in which the ordinance is adopted.**

9 SECTION 64. IC 6-3.5-6-17, AS AMENDED BY P.L.182-2009(ss),
 10 SECTION 219, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Revenue derived from
 12 the imposition of the county option income tax shall, in the manner
 13 prescribed by this section, be distributed to the county that imposed it.
 14 The amount that is to be distributed to a county during an ensuing
 15 calendar year equals the amount of county option income tax revenue
 16 that the budget agency determines has been:

17 (1) received from that county for a taxable year ending in a
 18 calendar year preceding the calendar year in which the
 19 determination is made; and
 20 (2) reported on an annual return or amended return processed by
 21 the department in the state fiscal year ending before July 1 of the
 22 calendar year in which the determination is made;
 23 as adjusted (as determined after review of the recommendation of the
 24 budget agency) for refunds of county option income tax made in the
 25 state fiscal year.

26 (b) Before August 2 of each calendar year, the budget agency shall
 27 certify to the county auditor of each adopting county the amount
 28 determined under subsection (a) plus the amount of interest in the
 29 county's account that has accrued and has not been included in a
 30 certification made in a preceding year. The amount certified is the
 31 county's "certified distribution" for the immediately succeeding
 32 calendar year. The amount certified shall be adjusted, as necessary,
 33 under subsections (c), (d), (e), and (f). The budget agency shall provide
 34 the county council with an informative summary of the calculations
 35 used to determine the certified distribution. The summary of
 36 calculations must include:

37 (1) the amount reported on individual income tax returns
 38 processed by the department during the previous fiscal year;
 39 (2) adjustments for over distributions in prior years;
 40 (3) adjustments for clerical or mathematical errors in prior years;
 41 (4) adjustments for tax rate changes; and
 42 (5) the amount of excess account balances to be distributed under
 43 IC 6-3.5-6-17.3.

44 The budget agency shall also certify information concerning the part of
 45 the certified distribution that is attributable to a tax rate under section
 46 30, 31, or 32 of this chapter. This information must be certified to the
 47 county auditor and to the department of local government finance not
 48 later than September 1 of each calendar year. The part of the certified
 49 distribution that is attributable to a tax rate under section 30, 31, or 32
 50 of this chapter may be used only as specified in those provisions.

51 (c) The budget agency shall certify an amount less than the amount

1 determined under subsection (b) if the budget agency determines that
 2 the reduced distribution is necessary to offset overpayments made in a
 3 calendar year before the calendar year of the distribution. The budget
 4 agency may reduce the amount of the certified distribution over several
 5 calendar years so that any overpayments are offset over several years
 6 rather than in one (1) lump sum.

7 (d) The budget agency shall adjust the certified distribution of a
 8 county to correct for any clerical or mathematical errors made in any
 9 previous certification under this section. The budget agency may
 10 reduce the amount of the certified distribution over several calendar
 11 years so that any adjustment under this subsection is offset over several
 12 years rather than in one (1) lump sum.

13 (e) This subsection applies to a county that

14 ~~(1) initially imposed the county option income imposes,~~
 15 ~~increases, decreases, or rescinds a tax or tax rate or~~

16 ~~(2) increases the county option income tax rate;~~

17 under this chapter **before November 1** in the same calendar year in
 18 which the budget agency makes a certification under this section. The
 19 budget agency shall adjust the certified distribution of a county to
 20 provide for a distribution in the immediately following calendar year
 21 and in each calendar year thereafter. The budget agency shall provide
 22 for a full transition to certification of distributions as provided in
 23 subsection (a)(1) through (a)(2) in the manner provided in subsection
 24 (c). **If the county imposes, increases, decreases, or rescinds a tax or**
 25 **tax rate under this chapter after the date for which a certification**
 26 **under subsection (b) is based, the budget agency shall adjust the**
 27 **certified distribution of the county after August 1 of the calendar**
 28 **year. The adjustment shall reflect any other adjustment required**
 29 **under subsections (c), (d), and (f). The adjusted certification shall**
 30 **be treated as the county's "certified distribution" for the**
 31 **immediately succeeding calendar year. The budget agency shall**
 32 **certify the adjusted certified distribution to the county auditor for**
 33 **the county and provide the county council with an informative**
 34 **summary of the calculations that revises the informative summary**
 35 **provided in subsection (b) and reflects the changes made in the**
 36 **adjustment.**

37 (f) This subsection applies in the year a county initially imposes a
 38 tax rate under section 30 of this chapter. Notwithstanding any other
 39 provision, the budget agency shall adjust the part of the county's
 40 certified distribution that is attributable to the tax rate under section 30
 41 of this chapter to provide for a distribution in the immediately
 42 following calendar year equal to the result of:

43 (1) the sum of the amounts determined under STEP ONE through
 44 STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county
 45 initially imposes a tax rate under section 30 of this chapter;
 46 multiplied by

47 (2) the following:

48 (A) In a county containing a consolidated city, one and
 49 five-tenths (1.5).

50 (B) In a county other than a county containing a consolidated
 51 city, two (2).

1 (g) One-twelfth (1/12) of each adopting county's certified
 2 distribution for a calendar year shall be distributed from its account
 3 established under section 16 of this chapter to the appropriate county
 4 treasurer on the first day of each month of that calendar year.

5 (h) Upon receipt, each monthly payment of a county's certified
 6 distribution shall be allocated among, distributed to, and used by the
 7 civil taxing units of the county as provided in sections 18 and 19 of this
 8 chapter.

9 (i) All distributions from an account established under section 16 of
 10 this chapter shall be made by warrants issued by the auditor of state to
 11 the treasurer of state ordering the appropriate payments.

12 SECTION 65. IC 6-3.5-6-32, AS AMENDED BY P.L.146-2008,
 13 SECTION 343, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 32. (a) A
 15 county income tax council may impose a tax rate under this section to
 16 provide property tax relief to ~~political subdivisions~~ **taxpayers** in the
 17 county. A county income tax council is not required to impose any
 18 other tax before imposing a tax rate under this section.

19 (b) A tax rate under this section may be imposed in increments of
 20 five-hundredths of one percent (0.05%) determined by the county
 21 income tax council. A tax rate under this section may not exceed one
 22 percent (1%).

23 (c) A tax rate under this section is in addition to any other tax rates
 24 imposed under this chapter and does not affect the purposes for which
 25 other tax revenue under this chapter may be used.

26 (d) If a county income tax council adopts an ordinance to impose or
 27 increase a tax rate under this section, the county auditor shall send a
 28 certified copy of the ordinance to the department and the department
 29 of local government finance by certified mail.

30 (e) A tax rate under this section may be imposed, increased,
 31 decreased, or rescinded at the same time and in the same manner that
 32 the county income tax council may impose or increase a tax rate under
 33 section 30 of this chapter.

34 (f) Tax revenue attributable to a tax rate under this section may be
 35 used for any combination of the following purposes, as specified by
 36 ordinance of the county income tax council:

37 (1) The tax revenue may be used to provide local property tax
 38 replacement credits at a uniform rate to all taxpayers in the
 39 county. The local property tax replacement credits shall be treated
 40 for all purposes as property tax levies. The county auditor shall
 41 determine the local property tax replacement credit percentage for
 42 a particular year based on the amount of tax revenue that will be
 43 used under this subdivision to provide local property tax
 44 replacement credits in that year. A county income tax council may
 45 not adopt an ordinance determining that tax revenue shall be used
 46 under this subdivision to provide local property tax replacement
 47 credits at a uniform rate to all taxpayers in the county unless the
 48 county council has done the following:

49 (A) Made available to the public the county council's best
 50 estimate of the amount of property tax replacement credits to
 51 be provided under this subdivision to homesteads, other

1 residential property, commercial property, industrial property,
2 and agricultural property.

3 (B) Adopted a resolution or other statement acknowledging
4 that some taxpayers in the county that do not pay the tax rate
5 under this section will receive a property tax replacement
6 credit that is funded with tax revenue from the tax rate under
7 this section.

8 (2) The tax revenue may be used to uniformly increase (before
9 January 1, ~~2009~~ **2011**) or uniformly provide (after December 31,
10 ~~2008~~ **2010**) the homestead credit percentage in the county. The
11 homestead credits shall be treated for all purposes as property tax
12 levies. The homestead credits do not reduce the basis for
13 determining ~~the any~~ state homestead credit. ~~under IC 6-1.1-20.9~~
14 ~~(before its repeal)~~. The homestead credits shall be applied to the
15 net property taxes due on the homestead after the application of
16 all other assessed value deductions or property tax deductions and
17 credits that apply to the amount owed under IC 6-1.1. The
18 ~~department of local government finance~~ **county auditor** shall
19 determine the homestead credit percentage for a particular year
20 based on the amount of tax revenue that will be used under this
21 subdivision to provide homestead credits in that year.

22 (3) The tax revenue may be used to provide local property tax
23 replacement credits at a uniform rate for all qualified residential
24 property (as defined in IC 6-1.1-20.6-4 before January 1, 2009,
25 and as defined in section 1 of this chapter after December 31,
26 2008) in the county. The local property tax replacement credits
27 shall be treated for all purposes as property tax levies. The county
28 auditor shall determine the local property tax replacement credit
29 percentage for a particular year based on the amount of tax
30 revenue that will be used under this subdivision to provide local
31 property tax replacement credits in that year.

32 (4) This subdivision applies only to Lake County. The Lake
33 County council may adopt an ordinance providing that the tax
34 revenue from the tax rate under this section is used for any of the
35 following:

36 (A) To reduce all property tax levies imposed by the county by
37 the granting of property tax replacement credits against those
38 property tax levies.

39 (B) To provide local property tax replacement credits in Lake
40 County in the following manner:

41 (i) The tax revenue under this section that is collected from
42 taxpayers within a particular municipality in Lake County
43 (as determined by the department based on the department's
44 best estimate) shall be used only to provide a local property
45 tax credit against property taxes imposed by that
46 municipality.

47 (ii) The tax revenue under this section that is collected from
48 taxpayers within the unincorporated area of Lake County (as
49 determined by the department) shall be used only to provide
50 a local property tax credit against property taxes imposed by
51 the county. The local property tax credit for the

1 unincorporated area of Lake County shall be available only
 2 to those taxpayers within the unincorporated area of the
 3 county.

4 (C) To provide property tax credits in the following manner:

5 (i) Sixty percent (60%) of the tax revenue under this section
 6 shall be used as provided in clause (B).

7 (ii) Forty percent (40%) of the tax revenue under this section
 8 shall be used to provide property tax replacement credits
 9 against property tax levies of the county and each township
 10 and municipality in the county. The percentage of the tax
 11 revenue distributed under this item that shall be used as
 12 credits against the county's levies or against a particular
 13 township's or municipality's levies is equal to the percentage
 14 determined by dividing the population of the county,
 15 township, or municipality by the sum of the total population
 16 of the county, each township in the county, and each
 17 municipality in the county.

18 The Lake County council shall determine whether the credits
 19 under clause (A), (B), or (C) shall be provided to homesteads, to
 20 all qualified residential property, or to all taxpayers. The
 21 department of local government finance, with the assistance of the
 22 budget agency, shall certify to the county auditor and the fiscal
 23 body of the county and each township and municipality in the
 24 county the amount of property tax credits under this subdivision.
 25 Except as provided in subsection (g), the tax revenue under this
 26 section that is used to provide credits under this subdivision shall
 27 be treated for all purposes as property tax levies.

28 The county income tax council may ~~before October 1 of a year~~ adopt
 29 an ordinance changing the purposes for which tax revenue attributable
 30 to a tax rate under this section shall be used in the following year.

31 (g) The tax rate under this section shall not be considered for
 32 purposes of computing:

33 (1) the maximum income tax rate that may be imposed in a county
 34 under section 8 or 9 of this chapter or any other provision of this
 35 chapter;

36 (2) the maximum permissible property tax levy under STEP
 37 EIGHT of IC 6-1.1-18.5-3(b); or

38 (3) the credit under IC 6-1.1-20.6.

39 (h) Tax revenue under this section shall be treated as a part of the
 40 receiving civil taxing unit's or school corporation's property tax levy for
 41 that year for purposes of fixing the budget of the civil taxing unit or
 42 school corporation and for determining the distribution of taxes that are
 43 distributed on the basis of property tax levies. **To the extent the
 44 county auditor determines that there is income tax revenue
 45 remaining from the tax under this section after providing the
 46 property tax replacement, the excess shall be credited to a
 47 dedicated county account and may be used only for property tax
 48 replacement under this section in subsequent years.**

49 (i) The department of local government finance and the department
 50 of state revenue may take any actions necessary to carry out the
 51 purposes of this section.

1 (j) Notwithstanding any other provision, in Lake County the county
2 council (and not the county income tax council) is the entity authorized
3 to take actions concerning the tax rate under this section.

4 SECTION 66. IC 6-3.5-7-4.9 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: **Sec. 4.9. (a) Notwithstanding any
7 other provision of this chapter, a power granted by this chapter to
8 adopt an ordinance to:**

- 9 (1) impose, increase, decrease, or rescind a tax or tax rate; or
- 10 (2) grant, increase, decrease, rescind, or change a homestead
- 11 credit or property tax replacement credit authorized under
- 12 this chapter;

13 may be exercised at any time in a year before November 1 of that
14 year.

15 (b) Notwithstanding any other provision of this chapter, an
16 ordinance authorized by this chapter that imposes or increases a
17 tax or a tax rate takes effect as follows:

- 18 (1) An ordinance adopted after December 31 of the
- 19 immediately preceding year and before October 1 of the
- 20 current year takes effect October 1 of the current year.
- 21 (2) An ordinance adopted after September 30 and before
- 22 October 16 of the current year takes effect November 1 of the
- 23 current year.
- 24 (3) An ordinance adopted after October 15 and before
- 25 November 1 of the current year takes effect December 1 of the
- 26 current year.

27 (c) Notwithstanding any other provision of this chapter, an
28 ordinance authorized by this chapter that decreases or rescinds a
29 tax or a tax rate takes effect as follows:

- 30 (1) An ordinance adopted after December 31 of the
- 31 immediately preceding year and before October 1 of the
- 32 current year takes effect on the later of October 1 of the
- 33 current year or the first day of the month in the current year
- 34 as the month in which the last increase in the tax or tax rate
- 35 occurred.
- 36 (2) An ordinance adopted after September 30 and before
- 37 October 16 of the current year takes effect on the later of
- 38 November 1 of the current year or the first day of the month
- 39 in the current year as the month in which the last increase in
- 40 the tax or tax rate occurred.
- 41 (3) An ordinance adopted after October 15 and before
- 42 November 1 of the current year takes effect December 1 of the
- 43 current year.

44 (d) Notwithstanding any other provision of this chapter, an
45 ordinance authorized by this chapter that grants, increases,
46 decreases, rescinds, or changes a homestead credit or property tax
47 replacement credit authorized under this chapter takes effect for
48 and applies to property taxes first due and payable in the year
49 immediately following the year in which the ordinance is adopted.

50 SECTION 67. IC 6-3.5-7-11, AS AMENDED BY P.L.182-2009(ss),
51 SECTION 228, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Revenue derived from
2 the imposition of the county economic development income tax shall,
3 in the manner prescribed by this section, be distributed to the county
4 that imposed it.

5 (b) Before August 2 of each calendar year, the budget agency, shall
6 certify to the county auditor of each adopting county the sum of the
7 amount of county economic development income tax revenue that the
8 budget agency determines has been:

9 (1) received from that county for a taxable year ending before the
10 calendar year in which the determination is made; and

11 (2) reported on an annual return or amended return processed by
12 the department in the state fiscal year ending before July 1 of the
13 calendar year in which the determination is made;

14 as adjusted for refunds of county economic development income tax
15 made in the state fiscal year plus the amount of interest in the county's
16 account that has been accrued and has not been included in a
17 certification made in a preceding year. The amount certified is the
18 county's certified distribution, which shall be distributed on the dates
19 specified in section 16 of this chapter for the following calendar year.

20 (c) The amount certified under subsection (b) shall be adjusted
21 under subsections (d), (e), (f), (g), and (h). The budget agency shall
22 provide the county council with an informative summary of the
23 calculations used to determine the certified distribution. The summary
24 of calculations must include:

25 (1) the amount reported on individual income tax returns
26 processed by the department during the previous fiscal year;

27 (2) adjustments for over distributions in prior years;

28 (3) adjustments for clerical or mathematical errors in prior years;

29 (4) adjustments for tax rate changes; and

30 (5) the amount of excess account balances to be distributed under
31 IC 6-3.5-7-17.3.

32 (d) The budget agency shall certify an amount less than the amount
33 determined under subsection (b) if the budget agency determines that
34 the reduced distribution is necessary to offset overpayments made in a
35 calendar year before the calendar year of the distribution. The budget
36 agency may reduce the amount of the certified distribution over several
37 calendar years so that any overpayments are offset over several years
38 rather than in one (1) lump sum.

39 (e) The budget agency shall adjust the certified distribution of a
40 county to correct for any clerical or mathematical errors made in any
41 previous certification under this section. The budget agency may
42 reduce the amount of the certified distribution over several calendar
43 years so that any adjustment under this subsection is offset over several
44 years rather than in one (1) lump sum.

45 (f) The budget agency shall adjust the certified distribution of a
46 county to provide the county with the distribution required under
47 section 16(b) of this chapter.

48 (g) The budget agency shall adjust the certified distribution of a
49 county to provide the county with the amount of any tax increase
50 imposed under section 25 or 26 of this chapter to provide additional
51 homestead credits as provided in those provisions.

1 (h) This subsection applies to a county that
 2 ~~(1) initially imposed the county economic development income~~
 3 ~~imposes, increases, decreases, or rescinds a tax or tax rate or~~
 4 ~~(2) increases the county economic development income rate;~~
 5 under this chapter **before November 1** in the same calendar year in
 6 which the budget agency makes a certification under this section. The
 7 budget agency shall adjust the certified distribution of a county to
 8 provide for a distribution in the immediately following calendar year
 9 and in each calendar year thereafter. The budget agency shall provide
 10 for a full transition to certification of distributions as provided in
 11 subsection (b)(1) through (b)(2) in the manner provided in subsection
 12 (d). **If the county imposes, increases, decreases, or rescinds a tax or**
 13 **tax rate under this chapter after the date for which a certification**
 14 **under subsection (b) is based, the budget agency shall adjust the**
 15 **certified distribution of the county after August 1 of the calendar**
 16 **year. The adjustment shall reflect any other adjustment authorized**
 17 **under subsections (c), (d), (e), (f), and (g). The adjusted**
 18 **certification shall be treated as the county's certified distribution**
 19 **for the immediately succeeding calendar year. The budget agency**
 20 **shall certify the adjusted certified distribution to the county**
 21 **auditor for the county and provide the county council with an**
 22 **informative summary of the calculations that revises the**
 23 **informative summary provided in subsection (c) and reflects the**
 24 **changes made in the adjustment.**

25 SECTION 68. IC 6-6-6.5-25 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2010]: **Sec. 25. An aircraft may be registered under this chapter**
 28 **without the payment of the state use tax under IC 6-2.5-3 if:**

- 29 **(1) the aircraft was registered in another state as of January**
 30 **1, 2010, and any sales or use tax due in the registration state**
 31 **was paid and ownership of the aircraft has not changed after**
 32 **December 31, 2009;**
- 33 **(2) there is no outstanding tax liability in the registration state**
 34 **that directly relates to the aircraft; and**
- 35 **(3) an application for the registration of the aircraft under**
 36 **this chapter is filed after June 30, 2010, and before September**
 37 **30, 2010, and the registration fee under section 3 of this**
 38 **chapter and the aircraft excise tax under section 13 of this**
 39 **chapter are paid.**

40 SECTION 69. IC 6-7-1-31.1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.1. (a) The fiscal**
 42 **body of each city and the fiscal body of each town shall, by ordinance**
 43 **or resolution, establish a cumulative capital improvement fund for the**
 44 **city or town. Except as otherwise provided in subsection (c), the city or**
 45 **town may only use money in its cumulative capital improvement fund:**
 46 **to:**

- 47 **(1) to purchase land, easements, or rights-of-way;**
- 48 **(2) to purchase buildings;**
- 49 **(3) to construct or improve city owned property;**
- 50 **(4) to design, develop, purchase, lease, upgrade, maintain, or**
 51 **repair:**

- 1 (A) computer hardware;
 2 (B) computer software;
 3 (C) wiring and computer networks; and
 4 (D) communications access systems used to connect with
 5 computer networks or electronic gateways;
 6 (5) to pay for the services of full-time or part-time computer
 7 maintenance employees;
 8 (6) to conduct nonrecurring in-service technology training of unit
 9 employees;
 10 (7) to undertake Internet application development; ~~or~~
 11 (8) to retire general obligation bonds issued by the city or town
 12 for one (1) of the purposes stated in subdivision (1), (2), (3), (4),
 13 (5), or (6); **or**
 14 **(9) for any other governmental purpose for which money is**
 15 **appropriated by the fiscal body of the city or town.**

16 (b) The money in the city's or town's cumulative capital
 17 improvement fund does not revert to its general fund.

18 (c) A city or town may at any time, by ordinance or resolution,
 19 transfer to:

- 20 (1) its general fund; or
 21 (2) an authority established under IC 36-7-23;
 22 money derived under this chapter that has been deposited in the city's
 23 or town's cumulative capital improvement fund.

24 SECTION 70. IC 6-9-2-2, AS AMENDED BY P.L.223-2007,
 25 SECTION 6, AND AS AMENDED BY P.L.211-2007, SECTION 45,
 26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The revenue received by
 28 the county treasurer under this chapter shall be allocated to the Lake
 29 County convention and visitor bureau, Indiana University-Northwest,
 30 Purdue University-Calumet, municipal public safety departments,
 31 municipal physical and economic development divisions, and the cities
 32 and towns in the county as provided in this section. Subsections (b)
 33 through (g) do not apply to the distribution of revenue received under
 34 section 1 of this chapter from hotels, motels, inns, tourist camps, tourist
 35 cabins, and other lodgings or accommodations built or refurbished after
 36 June 30, 1993, that are located in the largest city of the county.

37 (b) The Lake County convention and visitor bureau shall establish
 38 a convention, tourism, and visitor promotion fund (referred to in this
 39 chapter as the "promotion fund"). The county treasurer shall transfer to
 40 the Lake County convention and visitor bureau for deposit in the
 41 promotion fund *thirty-five* ~~thirty-six~~ percent (35%) ~~(36%)~~ of the first
 42 one million two hundred ~~fifty~~ thousand dollars (~~\$1,200,000~~)
 43 ~~(\$1,250,000)~~ of revenue received from the tax imposed under this
 44 chapter in each year. The promotion fund consists of:

- 45 (1) money in the promotion fund on June 30, 2005;
 46 (2) revenue deposited in the promotion fund under this subsection
 47 after June 30, 2005; and
 48 (3) investment income earned on the promotion fund's assets.

49 Money in the *promotion fund bureau's funds* may be expended *only* to
 50 promote and encourage conventions, trade shows, special events,
 51 recreation, and visitors. ~~within the county.~~ Money may be paid from the

1 promotion fund by claim in the same manner as municipalities may pay
2 claims under IC 5-11-10-1.6.

3 (c) This subsection applies to the first one million two hundred ~~fifty~~
4 thousand dollars (\$1,200,000) ~~(\$1,250,000)~~ of revenue received from
5 the tax imposed under this chapter in each year. During each year, the
6 county treasurer shall transfer to Indiana University-Northwest
7 ~~forty-four~~ ~~forty-two~~ and ~~thirty-three~~ ~~seventy-seven~~ hundredths percent
8 (44.33%) ~~(42.77%)~~ of the revenue received under this chapter for that
9 year to be used as follows:

10 (1) Seventy-five percent (75%) of the revenue received under this
11 subsection may be used only for the university's medical
12 education programs.

13 (2) Twenty-five percent (25%) of the revenue received under this
14 subsection may be used only for the university's allied health
15 education programs.

16 ~~The amount for each year shall be transferred in four (4)~~
17 ~~approximately equal quarterly installments.~~

18 (d) This subsection applies to the first one million two hundred ~~fifty~~
19 thousand dollars (\$1,200,000) ~~(\$1,250,000)~~ of revenue received from
20 the tax imposed under this chapter in each year. During each year, the
21 county treasurer shall allocate among the cities and towns throughout
22 the county ~~nine and sixty-eight hundredths~~ percent (9%) ~~(9.68%)~~ of the
23 revenue received under this chapter for that year ~~The amount of each~~
24 ~~city's or town's allocation is~~ as follows:

25 (1) ~~Ten Nine~~ percent (10%) ~~(9%)~~ of the revenue covered by this
26 subsection shall be ~~transferred distributed~~ to cities having a
27 population of more than ninety thousand (90,000) but less than
28 one hundred five thousand (105,000).

29 (2) ~~Ten Nine~~ percent (10%) ~~(9%)~~ of the revenue covered by this
30 subsection shall be ~~transferred distributed~~ to cities having a
31 population of more than seventy-five thousand (75,000) but less
32 than ninety thousand (90,000).

33 (3) ~~Ten Nine~~ percent (10%) ~~(9%)~~ of the revenue covered by this
34 subsection shall be ~~transferred distributed~~ to cities having a
35 population of more than thirty-two thousand (32,000) but less
36 than thirty-two thousand eight hundred (32,800).

37 (4) ~~Seventy percent (70%)~~ of the ~~remaining~~ revenue covered by
38 ~~that must be allocated among the cities and towns located in the~~
39 ~~county under~~ this subsection shall be ~~transferred distributed~~ in
40 equal amounts to each town and each city not receiving a ~~transfer~~
41 ~~distribution~~ under subdivisions (1) through (3).

42 The money ~~transferred distributed~~ under this subsection may be used
43 only for ~~tourism and~~ economic development projects. The county
44 treasurer shall make the ~~transfers distributions~~ on or before December
45 1 of each year.

46 (e) This subsection applies to the first one million two hundred ~~fifty~~
47 thousand dollars (\$1,200,000) ~~(\$1,250,000)~~ of revenue received from
48 the tax imposed under this chapter in each year. During each year, the
49 county treasurer shall transfer to Purdue University-Calumet ~~nine eight~~
50 ~~and eighty-eight hundredths~~ percent (9%) ~~(8.88%)~~ of the revenue
51 received under this chapter for that year. The money received by

1 Purdue University-Calumet may be used by the university only for
2 nursing education programs.

3 (f) This subsection applies to the first one million two hundred ~~fifty~~
4 thousand dollars (~~\$1,200,000~~) (~~\$1,250,000~~) of revenue received from
5 the tax imposed under this chapter in each year. During each year, the
6 county treasurer shall transfer two and sixty-seven hundredths percent
7 (2.67%) of the revenue received under this chapter for that year to the
8 following cities:

9 (1) Fifty percent (50%) of the revenue covered by this subsection
10 shall be transferred to cities having a population of more than
11 ninety thousand (90,000) but less than one hundred five thousand
12 (105,000).

13 (2) Fifty percent (50%) of the revenue covered by this subsection
14 shall be transferred to cities having a population of more than
15 seventy-five thousand (75,000) but less than ninety thousand
16 (90,000).

17 Money transferred under this subsection may be used only for
18 convention facilities located within the city. In addition, the money may
19 be used only for facility marketing, sales, and public relations
20 programs. Money transferred under this subsection may not be used for
21 salaries, facility operating costs, or capital expenditures related to the
22 convention facilities. The county treasurer shall make the transfers on
23 or before December 1 of each year.

24 (g) This subsection applies to the revenue received from the tax
25 imposed under this chapter in each year that exceeds one million two
26 hundred ~~fifty~~ thousand dollars (~~\$1,200,000~~) (~~\$1,250,000~~). During each
27 year, the county treasurer shall distribute money in the promotion fund
28 as follows:

29 (1) Eighty-five percent (85%) of the revenue covered by this
30 subsection shall be deposited in the convention, tourism, and
31 visitor promotion fund. The money deposited in the fund under
32 this subdivision may be used only for the purposes for which
33 other money in the fund may be used.

34 (2) Five percent (5%) of the revenue covered by this subsection
35 shall be transferred to Purdue University-Calumet. The money
36 received by Purdue University-Calumet under this subdivision
37 may be used by the university only for nursing education
38 programs.

39 (3) Five percent (5%) of the revenue covered by this subsection
40 shall be transferred to Indiana University-Northwest. The money
41 received by Indiana University-Northwest under this subdivision
42 may be used only for the university's medical education programs.

43 (4) Five percent (5%) of the revenue covered by this subsection
44 shall be transferred to Indiana University-Northwest. The money
45 received by Indiana University-Northwest under this subdivision
46 may be used only for the university's allied health education
47 programs.

48 *(h) The county treasurer may estimate the amount that will be*
49 *received under this chapter for the year to determine the amount to be*
50 *transferred under this section.*

51 ~~(i)~~ (h) This subsection applies only to the distribution of revenue

1 received from the tax imposed under section 1 of this chapter from
 2 hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or
 3 accommodations built or refurbished after June 30, 1993, that are
 4 located in the largest city of the county. During each year, the county
 5 treasurer shall transfer:

6 (1) seventy-five percent (75%) of the revenues under this
 7 subsection to the department of public safety; and

8 (2) twenty-five percent (25%) of the revenues under this
 9 subsection to the division of physical and economic development;

10 of the largest city of the county.

11 ~~†~~ (i) The Lake County convention and visitor bureau shall assist
 12 the county treasurer, as needed, with the calculation of the amounts that
 13 must be deposited and transferred under this section.

14 SECTION 71. IC 10-13-3-38.5, AS AMENDED BY P.L.160-2009,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2010]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat.
 17 1115), the department may use an individual's fingerprints submitted
 18 by the individual for the following purposes:

19 (1) Determining the individual's suitability for employment with
 20 the state, or as an employee of a contractor of the state, in a
 21 position:

22 (A) that has a job description that includes contact with, care
 23 of, or supervision over a person less than eighteen (18) years
 24 of age;

25 (B) that has a job description that includes contact with, care
 26 of, or supervision over an endangered adult (as defined in
 27 IC 12-10-3-2), except the individual is not required to meet the
 28 standard for harmed or threatened with harm set forth in
 29 IC 12-10-3-2(a)(3);

30 (C) at a state institution managed by the office of the secretary
 31 of family and social services or state department of health;

32 (D) at the Indiana School for the Deaf established by
 33 IC 20-22-2-1;

34 (E) at the Indiana School for the Blind and Visually Impaired
 35 established by IC 20-21-2-1;

36 (F) at a juvenile detention facility;

37 (G) with the Indiana gaming commission under IC 4-33-3-16;

38 (H) with the department of financial institutions under
 39 IC 28-11-2-3; or

40 (I) that has a job description that includes access to or
 41 supervision over state financial or personnel data, including
 42 state warrants, banking codes, or payroll information
 43 pertaining to state employees.

44 (2) Identification in a request related to an application for a
 45 teacher's license submitted to the department of education
 46 established by IC 20-19-3-1.

47 (3) Use by the ~~state athletic gaming~~ **gaming** commission established
 48 under ~~IC 25-9-1-1~~ **IC 4-33-3-1** for licensure of a promoter (as
 49 defined in ~~IC 25-9-1-0.7~~ **IC 4-33-22-6**) under ~~IC 25-9-1-~~
 50 **IC 4-33-22.**

51 (4) Use by the Indiana board of pharmacy in determining the

1 individual's suitability for a position or employment with a
 2 wholesale drug distributor, as specified in IC 25-26-14-16(b),
 3 IC 25-26-14-16.5(b), IC 25-26-14-17.8(c), and IC 25-26-14-20.
 4 An applicant shall submit the fingerprints in an appropriate format or
 5 on forms provided for the employment or license application. The
 6 department shall charge each applicant the fee established under
 7 section 28 of this chapter and by federal authorities to defray the costs
 8 associated with a search for and classification of the applicant's
 9 fingerprints. The department may forward fingerprints submitted by an
 10 applicant to the Federal Bureau of Investigation or any other agency for
 11 processing. The state personnel department or the agency to which the
 12 applicant is applying for employment or a license may receive the
 13 results of all fingerprint investigations.

14 (b) An applicant who is an employee of the state may not be charged
 15 under subsection (a).

16 (c) Subsection (a)(1) does not apply to an employee of a contractor
 17 of the state if the contract involves the construction or repair of a
 18 capital project or other public works project of the state.

19 SECTION 72. IC 10-17-1-1.5 IS ADDED TO THE INDIANA
 20 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 21 **[EFFECTIVE JULY 1, 2010]: Sec. 1.5. As used in this chapter,**
 22 **"commission" refers to the Indiana veterans' affairs commission**
 23 **established by IC 10-17-13-4.**

24 SECTION 73. IC 10-17-1-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The Indiana
 26 department of veterans' affairs is established. The:

- 27 (1) department;
- 28 (2) ~~commission; of veterans' affairs;~~
- 29 (3) director of veterans' affairs;
- 30 (4) county and city officers; and
- 31 (5) assistants and employees of persons described in subdivisions
- 32 (1) through (4);

33 acting under the supervision of and under the rules of the department
 34 may act at the request of any veteran of the armed forces or a veteran's
 35 spouse, surviving spouse, or dependent as necessary or reasonably
 36 incident to obtaining or attempting to obtain for the person making the
 37 request any advantage, benefit, or compensation accruing, due, or
 38 believed to be accruing or due to the person under any law of the
 39 United States, Indiana, or any other state or government by reason of
 40 the service of the veteran in the armed forces of the United States.

41 (b) The:

- 42 (1) ~~veterans' affairs~~ commission shall supervise and control the
- 43 department; and
- 44 (2) director of veterans' affairs shall administer the department
- 45 under the commission's supervision and control;

46 as provided in this article.

47 (c) The domicile of the department is in Indianapolis. Suitable
 48 offices and quarters shall be provided in Indianapolis.

49 SECTION 74. IC 10-17-9-7, AS AMENDED BY P.L.21-2008,
 50 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 51 JULY 1, 2010]: Sec. 7. ~~(a) The following persons who are legal~~

1 residents of Indiana for at least three (3) years immediately preceding
 2 application for admission and who have a disability or are destitute are
 3 eligible for admission to the home:

4 (1) An honorably discharged member of the armed forces who has
 5 served with the United States in any of its wars.

6 (2) An honorably discharged member of the armed forces who has
 7 served in an authorized campaign of the United States and who
 8 has a service connected disability, as evidenced by a pension
 9 certificate or the award of compensation.

10 (3) The spouse of an honorably discharged member of the armed
 11 forces described in subdivision (1) or (2).

12 (4) The surviving spouse of an honorably discharged member of
 13 the armed forces described in subdivision (1) or (2).

14 (a) As used in this section, "eligible person" refers to either of
 15 the following:

16 (1) An honorably discharged member of the armed forces.

17 (2) The spouse or surviving spouse of an honorably
 18 discharged member of the armed forces.

19 (b) An eligible person who has a disability or is destitute is
 20 eligible for admission to the home if:

21 (1) the eligible person has been a resident of Indiana for at
 22 least one (1) year immediately preceding application for
 23 admission to the home; or

24 (2) in the case of an eligible person referred to in subsection
 25 (a)(1), the eligible person was a resident of Indiana when the
 26 eligible person enlisted in the armed forces.

27 (c) The Indiana department of veterans' affairs shall adopt rules
 28 concerning admission to the home.

29 (d) In adopting rules governing the admission, maintenance, and
 30 discharge of members of the home, the Indiana department of veterans'
 31 affairs may establish a fund called the veterans' home comfort and
 32 welfare fund. The director shall deposit all money collected from the
 33 members for the cost of their care and maintenance in the fund. The
 34 director shall expend this money in any manner that adds to the comfort
 35 and welfare of the members of the institutions.

36 (e) A part of the veterans' home comfort and welfare fund may
 37 be withdrawn and deposited in a special fund called the veterans' home
 38 building fund. The veterans' home building fund shall be used for the
 39 construction, maintenance, remodeling, or repair of buildings of the
 40 Indiana Veterans' home.

41 (f) Preference under this section may be given to a person who
 42 served in an Indiana military organization. Except in cases where the
 43 surviving spouse of a veteran marries another veteran, the benefits of
 44 this chapter extend only to a surviving spouse and the spouse of a
 45 veteran if the contract of marriage was entered into more than five (5)
 46 years before the date of death of the veteran. Except as otherwise
 47 provided by law, upon the death of a person in the home, money paid
 48 to the person or due to the person from a bank, a trust company, a
 49 corporation, or an individual becomes an asset of the person's estate
 50 and shall be distributed in the manner prescribed by the probate law of
 51 the state.

1 SECTION 75. IC 10-17-11-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. As used in this
 3 chapter, "commission" refers to the **Indiana** veterans' affairs
 4 commission established by ~~IC 10-17-1-3~~ **IC 10-17-13-4**.

5 SECTION 76. IC 10-17-12-3.5 IS ADDED TO THE INDIANA
 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2010]: **Sec. 3.5. As used in this chapter,**
 8 **"commission" refers to the Indiana veterans' affairs commission**
 9 **established by IC 10-17-13-4.**

10 SECTION 77. IC 10-17-12-8, AS AMENDED BY P.L.50-2009,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2010]: Sec. 8. (a) The military family relief fund is established
 13 to provide assistance with food, housing, utilities, medical services,
 14 basic transportation, child care, education, employment or workforce,
 15 and other essential family support expenses that have become difficult
 16 to afford for qualified service members or dependents of qualified
 17 service members.

18 (b) Except as provided in section 9 of this chapter, the ~~board~~
 19 **commission** shall expend the money in the fund exclusively to provide
 20 grants for assistance as described in subsection (a).

21 (c) A qualified service member or the qualified service member's
 22 dependent may be eligible to receive assistance from the fund for up to
 23 one (1) year after the earlier of the following:

24 (1) The date the qualified service member's active duty service
 25 ends.

26 (2) The date, as established by presidential proclamation or by
 27 law, of the cessation of the national conflict or war with respect
 28 to which the qualified service member is eligible to receive
 29 assistance under section 7.5(3)(B) of this chapter.

30 (d) The ~~board~~ **commission** shall administer the fund.

31 SECTION 78. IC 10-17-12-9, AS AMENDED BY P.L.50-2009,
 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2010]: Sec. 9. (a) The fund consists of the following:

34 (1) Appropriations made by the general assembly.

35 (2) Donations to the fund.

36 (3) Interest.

37 (4) Money transferred to the fund from other funds.

38 (5) Annual supplemental fees collected under IC 9-29-5-38.5.

39 (6) Money from any other source authorized or appropriated for
 40 the fund.

41 (b) The ~~board~~ **commission** shall transfer the money in the fund not
 42 currently needed to provide assistance or meet the obligations of the
 43 fund to the veterans' affairs trust fund established by IC 10-17-13-3.

44 (c) Money in the fund at the end of a state fiscal year does not revert
 45 to the state general fund or to any other fund.

46 (d) There is annually appropriated to the ~~board~~ **commission** for the
 47 purposes of this chapter all money in the fund not otherwise
 48 appropriated to the ~~board~~ **commission** for the purposes of this chapter.

49 SECTION 79. IC 10-17-12-10, AS AMENDED BY P.L.144-2007,
 50 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 51 JULY 1, 2010]: Sec. 10. The ~~board~~ **commission** may adopt rules under

1 IC 4-22-2 for the provision of grants under this chapter. The rules
2 adopted under this section must address the following:

- 3 (1) Uniform need determination procedures.
- 4 (2) Eligibility criteria.
- 5 (3) Application procedures.
- 6 (4) Selection procedures.
- 7 (5) Coordination with other assistance programs.
- 8 (6) Other areas in which the department determines that rules are
9 necessary to ensure the uniform administration of the grant
10 program under this chapter.

11 SECTION 80. IC 10-17-12-11, AS AMENDED BY P.L.144-2007,
12 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2010]: Sec. 11. The director or a member of the ~~board~~
14 **commission** may make a request to the general assembly for an
15 appropriation to the fund.

16 SECTION 81. IC 10-17-13-1.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. As used in this chapter,**
19 **"commission" refers to the Indiana veterans' affairs commission**
20 **established by section 4 of this chapter.**

21 SECTION 82. IC 10-17-13-4, AS ADDED BY P.L.144-2007,
22 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2010]: Sec. 4. The ~~military and veterans' benefits board~~
24 **Indiana veterans' affairs commission** is established.

25 SECTION 83. IC 10-17-13-5, AS ADDED BY P.L.144-2007,
26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2010]: Sec. 5. The ~~board~~ **commission** consists of the
28 following members:

- 29 (1) Seven (7) members appointed by the governor. The governor
30 shall consider the following when making appointments under
31 this subdivision:
 - 32 (A) Membership in:
 - 33 (i) a veterans association established under IC 10-18-6; or
 - 34 (ii) a veterans organization listed in IC 10-18-8-1.
 - 35 (B) Service in the armed forces of the United States (as
36 defined in IC 5-9-4-3) or the national guard (as defined in
37 IC 5-9-4-4).
 - 38 (C) Experience in education, including higher education,
39 vocational education, or adult education.
 - 40 (D) Experience in investment banking or finance.

41 The governor shall designate one (1) member appointed under
42 this subdivision to serve as chairperson of the ~~board~~ **commission**.

43 (2) The director of veterans' affairs appointed under IC 10-17-1-5
44 or the director's designee.

45 (3) The adjutant general of the military department of the state
46 appointed under IC 10-16-2-6 or the adjutant general's designee.

47 (4) Four (4) members of the general assembly appointed as
48 follows:

- 49 (A) Two (2) members of the senate, one (1) from each political
50 party, appointed by the president pro tempore of the senate
51 with advice from the minority leader of the senate.

1 (B) Two (2) members of the house of representatives, one (1)
 2 from each political party, appointed by the speaker of the
 3 house of representatives with advice from the minority leader
 4 of the house of representatives.

5 Members appointed under this subdivision are nonvoting,
 6 advisory members and must serve on a standing committee of the
 7 senate or house of representatives that has subject matter
 8 jurisdiction over military and veterans affairs.

9 SECTION 84. IC 10-17-13-6, AS ADDED BY P.L.144-2007,
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2010]: Sec. 6. The ~~board~~ **commission** shall meet at least
 12 quarterly at the call of the chairperson of the ~~board~~ **commission**.

13 SECTION 85. IC 10-17-13-7, AS ADDED BY P.L.144-2007,
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2010]: Sec. 7. Five (5) voting members of the ~~board~~
 16 **commission** constitute a quorum. The affirmative vote of five (5)
 17 members of the ~~board~~ **commission** is necessary for the ~~board~~
 18 **commission** to take action.

19 SECTION 86. IC 10-17-13-8, AS ADDED BY P.L.144-2007,
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2010]: Sec. 8. (a) The term of a ~~board~~ **commission** member
 22 begins on the later of the following:

23 (1) The day the term of the member whom the individual is
 24 appointed to succeed expires.

25 (2) The day the member is appointed.

26 (b) The term of a member expires on the later of the following:

27 (1) The day a successor is appointed.

28 (2) July 1 of the year following the year in which the member is
 29 appointed.

30 However, a member serves at the pleasure of the appointing authority.

31 (c) An appointing authority may reappoint a member for a new term.

32 (d) An appointing authority shall appoint an individual to fill a
 33 vacancy on the ~~board~~ **commission**.

34 SECTION 87. IC 10-17-13-9, AS ADDED BY P.L.144-2007,
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2010]: Sec. 9. (a) Each member of the ~~board~~ **commission** who
 37 is not a state employee is entitled to the minimum salary per diem
 38 provided by IC 4-10-11-2.1(b). The member is also entitled to
 39 reimbursement for traveling expenses as provided under IC 4-13-1-4
 40 and other expenses actually incurred in connection with the member's
 41 duties as provided in the state policies and procedures established by
 42 the Indiana department of administration and approved by the budget
 43 agency.

44 (b) Each member of the ~~board~~ **commission** who is a state employee
 45 but who is not a member of the general assembly is entitled to
 46 reimbursement for traveling expenses as provided under IC 4-13-1-4
 47 and other expenses actually incurred in connection with the member's
 48 duties as provided in the state policies and procedures established by
 49 the Indiana department of administration and approved by the budget
 50 agency.

1 (c) Each member of the **board commission** who is a member of the
 2 general assembly is entitled to receive the same per diem, mileage, and
 3 travel allowances paid to legislative members of interim study
 4 committees established by the legislative council. Per diem, mileage,
 5 and travel allowances paid under this subsection shall be paid from
 6 appropriations made to the legislative council or the legislative services
 7 agency.

8 **(d) The director of veterans' affairs appointed under**
 9 **IC 10-17-1-5 shall act as secretary of the commission and carry out**
 10 **the duties set forth in IC 10-17-1-6.**

11 SECTION 88. IC 10-17-13-10, AS AMENDED BY P.L.50-2009,
 12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2010]: Sec. 10. (a) The **board commission** shall manage and
 14 develop the fund and the assets of the fund.

15 (b) The **board commission** shall do the following:

16 **(1) Carry out the duties of the commission set forth in**
 17 **IC 10-17-1.**

18 ~~(1)~~ **(2)** Establish a policy for the investment of the assets of the
 19 fund. In establishing a policy under this subdivision, the **board**
 20 **commission** shall:

21 (A) establish adequate long term financial goals for the fund;
 22 and

23 (B) provide adequate funding for the military family relief
 24 fund established by IC 10-17-12-8 during a time of war or
 25 national conflict.

26 ~~(2)~~ **(3)** Acquire money for the fund through the solicitation of
 27 private or public donations and other revenue producing
 28 activities.

29 ~~(3)~~ **(4)** Perform other tasks consistent with prudent management
 30 and development of the fund.

31 SECTION 89. IC 10-17-13-11, AS ADDED BY P.L.144-2007,
 32 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2010]: Sec. 11. (a) Subject to the investment policy of the
 34 **board commission** established under section 10 of this chapter, the
 35 treasurer of state shall administer the fund and invest the money in the
 36 fund.

37 (b) The expenses of administering the fund and this chapter shall be
 38 paid from the fund.

39 (c) The treasurer of state shall invest the money in the fund not
 40 currently needed to meet the obligations of the fund in the same
 41 manner as other public trust funds are invested. Interest that accrues
 42 from these investments shall be deposited in the fund.

43 SECTION 90. IC 10-17-13-13, AS ADDED BY P.L.144-2007,
 44 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2010]: Sec. 13. Before October 1 of each year, the **board**
 46 **commission** shall report in an electronic format under IC 5-14-6 to the
 47 general assembly concerning the fund.

48 SECTION 91. IC 10-17-13-14, AS AMENDED BY P.L.50-2009,
 49 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 50 JULY 1, 2010]: Sec. 14. The **board commission** shall adopt rules under
 51 IC 4-22-2 to implement this chapter.

1 SECTION 92. IC 12-20-25-45 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 45. (a) Notwithstanding
 3 IC 6-3.5-6, after the termination of the controlled status of all
 4 townships located in a county as provided in section 41 of this chapter
 5 and if the county option income tax is imposed under this chapter, the
 6 county fiscal body may adopt an ordinance to:

7 (1) ~~increase the percentage grant a credit allowed~~ for homesteads
 8 **that are eligible for a standard deduction under**
 9 **IC 6-1.1-12-37** in the county; ~~under IC 6-1.1-20.9-2~~; or

10 (2) reduce the county option income tax rate for resident county
 11 taxpayers to a rate not less than the greater of:

12 (A) the minimum rate necessary to satisfy the requirements of
 13 section 43 of this chapter; or

14 (B) the minimum rate necessary to satisfy the requirements of
 15 sections 43 and 46(2) of this chapter if an ordinance is adopted
 16 under subdivision (1).

17 (b) A county fiscal body may not ~~increase the percentage grant a~~
 18 ~~credit allowed~~ for homesteads ~~in such a manner that more than eight~~
 19 ~~percent (8%) is added to exceeds~~ the percentage ~~established permitted~~
 20 ~~under IC 6-1.1-20.9-2(d)~~. **IC 6-3.5-6-13 for a county option income**
 21 **tax imposed under IC 6-3.5-6.**

22 (c) The increase in the homestead credit percentage must be uniform
 23 for all homesteads in a county.

24 (d) In an ordinance that increases the homestead credit percentage,
 25 the county fiscal body may provide for a series of increases or
 26 decreases to take place for each of a group of succeeding calendar
 27 years.

28 (e) An ordinance may be adopted under this section after January 1
 29 but before June 1 of a calendar year.

30 (f) An ordinance adopted under this section takes effect January 1
 31 of the next calendar year.

32 (g) An ordinance adopted under this section for a county is not
 33 applicable for a year if on January 1 of that year the county option
 34 income tax is not in effect.

35 SECTION 93. IC 12-20-25-46 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 46. After the
 37 termination of the controlled status of all townships located in a county
 38 as provided in section 41 of this chapter, if the county adjusted gross
 39 income tax or the county option income tax is imposed under this
 40 chapter, any revenues from the county adjusted gross income tax or the
 41 county option income tax imposed under this chapter shall be
 42 distributed in the following priority:

43 (1) To satisfy the requirements of section 43 of this chapter.

44 (2) If the county option income tax imposed under this chapter is
 45 in effect, to replace the amount, if any, of property tax revenue
 46 lost due to the allowance of ~~an increased a~~ homestead credit
 47 within the county **under an ordinance adopted under section 45**
 48 **of this chapter.**

49 (3) To be used as a certified distribution as provided in
 50 IC 6-3.5-1.1 or IC 6-3.5-6, whichever applies.

51 SECTION 94. IC 13-21-3-20 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a)
2 Notwithstanding this chapter, IC 13-21-5, and IC 13-21-13, **and except**
3 **as provided in subsection (b)**, unless the legislative body of a county
4 having a consolidated city elects by ordinance to participate in the
5 rules, ordinances, and governmental structures enacted or created
6 under this article, the management of solid waste activities and the
7 collection of fees on the disposal of solid waste in a final disposal
8 facility located in that county are exempt ~~until December 2, 2008~~, from
9 regulation or control under this article.

10 **(b) The exemption under subsection (a) does not apply to**
11 **IC 13-20-22-1.**

12 SECTION 95. IC 14-8-2-67, AS AMENDED BY P.L.120-2008,
13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2010]: Sec. 67. (a) "Department", except for purposes of
15 **IC 14-20-7 and IC 14-32**, refers to the department of natural resources.

16 **(b) "Department", for purposes of IC 14-20-7, refers to the**
17 **Indiana department of veterans' affairs established by**
18 **IC 10-17-1-2.**

19 ~~(b)~~ **(c)** "Department", for purposes of IC 14-32, refers to the Indiana
20 state department of agriculture established by IC 15-11-2-1.

21 SECTION 96. IC 14-33-10-3, AS AMENDED BY P.L.67-2006,
22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 3. (a) An assessment not paid in full shall be
24 paid in annual installments over the time commensurate with the term
25 of the bond issue or other financing determined by resolution adopted
26 by the board. Interest shall be charged on the unpaid balance at the
27 same rate per year as the ~~penalty interest~~ charged on delinquent
28 property tax payments under ~~IC 6-1.1-37-10(a)~~: **IC 6-1.1-37-9(b)**. All
29 payments of installments, interest, and penalties shall be entered on the
30 assessment roll in the office of the district.

31 (b) Upon payment in full of the assessment, including interest and
32 penalties, the board shall have the lien released and satisfied on the
33 records in the office of the recorder of the county in which the real
34 property assessed is located.

35 (c) The procedure for collecting assessments for maintenance and
36 operation is the same as for the original assessment, except that the
37 assessments may not be paid in installments.

38 SECTION 97. IC 20-46-1-10, AS ADDED BY P.L.2-2006,
39 SECTION 169, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE UPON PASSAGE]: Sec. 10. The question to be
41 submitted to the voters in the referendum must read as follows:

42 "For the __ (insert number) calendar year or years immediately
43 following the holding of the referendum, shall the school
44 corporation impose a property tax rate that does not exceed
45 _____ (insert amount) cents (\$0. __) (insert amount) on
46 each one hundred dollars (\$100) of assessed valuation and that is
47 in addition to **all other property tax levies imposed by the**
48 ~~school corporation's normal tuition support tax rate?":~~
49 **corporation?":**

50 SECTION 98. IC 20-46-1-14, AS AMENDED BY P.L.146-2008,
51 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~~
 48 ~~of holding the referendum.~~

49 SECTION 99. IC 20-49-4-7, AS ADDED BY P.L.2-2006,
 50 SECTION 172, IS AMENDED TO READ AS FOLLOWS
 51 [EFFECTIVE UPON PASSAGE]: Sec. 7. As used in this chapter,

1 "school building construction program" means the purchase, lease, or
 2 financing of land, the construction and equipping of school buildings,
 3 and the remodeling, repairing, or improving of school buildings by a
 4 school corporation:

- 5 (1) that sustained a loss from a disaster;
- 6 (2) whose adjusted assessed valuation (as determined under
 7 IC 6-1.1-34-8) per ADM is within the lowest forty percent (40%)
 8 of the assessed valuation per ADM when compared with all
 9 school corporation adjusted assessed valuation (as ~~determined~~
 10 **adjusted (if applicable)** under IC 6-1.1-34-8) per ADM; or
- 11 (3) with an advance under this chapter outstanding on July 1,
 12 1993, that bears interest of at least seven and one-half percent
 13 (7.5%).

14 The term does not include facilities used or to be used primarily for
 15 interscholastic or extracurricular activities.

16 SECTION 100. IC 25-1-2-6, AS AMENDED BY P.L.122-2009,
 17 SECTION 1, AND AS AMENDED BY P.L.160-2009, SECTION 4, IS
 18 CORRECTED AND AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section,
 20 "license" includes all occupational and professional licenses,
 21 registrations, permits, and certificates issued under the Indiana Code,
 22 and "licensee" includes all occupational and professional licensees,
 23 registrants, permittees, and certificate holders regulated under the
 24 Indiana Code.

25 (b) This section applies to the following entities that regulate
 26 occupations or professions under the Indiana Code:

- 27 (1) Indiana board of accountancy.
- 28 (2) Indiana grain buyers and warehouse licensing agency.
- 29 (3) Indiana auctioneer commission.
- 30 (4) Board of registration for architects and landscape architects.
- 31 (5) State board of barber examiners.
- 32 (6) State board of cosmetology examiners.
- 33 (7) Medical licensing board of Indiana.
- 34 (8) Secretary of state.
- 35 (9) State board of dentistry.
- 36 (10) State board of funeral and cemetery service.
- 37 (11) Worker's compensation board of Indiana.
- 38 (12) Indiana state board of health facility administrators.
- 39 (13) Committee of hearing aid dealer examiners.
- 40 (14) Indiana state board of nursing.
- 41 (15) Indiana optometry board.
- 42 (16) Indiana board of pharmacy.
- 43 (17) Indiana plumbing commission.
- 44 (18) Board of podiatric medicine.
- 45 (19) Private investigator and security guard licensing board.
- 46 (20) State board of registration for professional engineers.
- 47 (21) Board of environmental health specialists.
- 48 (22) State psychology board.
- 49 (23) Indiana real estate commission.
- 50 (24) Speech-language pathology and audiology board.
- 51 (25) Department of natural resources.

- 1 ~~(26)~~ State ~~boxing athletic~~ commission.
 2 ~~(27)~~ **(26)** Board of chiropractic examiners.
 3 ~~(28)~~ **(27)** Mining board.
 4 ~~(29)~~ **(28)** Indiana board of veterinary medical examiners.
 5 ~~(30)~~ **(29)** State department of health.
 6 ~~(31)~~ **(30)** Indiana physical therapy committee.
 7 ~~(32)~~ **(31)** Respiratory care committee.
 8 ~~(33)~~ **(32)** Occupational therapy committee.
 9 ~~(34)~~ **(33)** *Social worker, marriage and family therapist, and*
 10 ~~mental health counselor Behavioral health and human services~~
 11 ~~licensing~~ board.
 12 ~~(35)~~ **(34)** Real estate appraiser licensure and certification board.
 13 ~~(36)~~ **(35)** State board of registration for land surveyors.
 14 ~~(37)~~ **(36)** Physician assistant committee.
 15 ~~(38)~~ **(37)** Indiana dietitians certification board.
 16 ~~(39)~~ **(38)** Indiana hypnotist committee.
 17 ~~(40)~~ **(39)** Attorney general (only for the regulation of athlete
 18 agents).
 19 ~~(41)~~ **(40)** Manufactured home installer licensing board.
 20 ~~(42)~~ **(41)** Home inspectors licensing board.
 21 ~~(43)~~ **(42)** State board of massage therapy.
 22 ~~(44)~~ **(43)** Any other occupational or professional agency created
 23 after June 30, 1981.

24 (c) Notwithstanding any other law, the entities included in
 25 subsection (b) shall send a notice of the upcoming expiration of a
 26 license to each licensee at least sixty (60) days prior to the expiration
 27 of the license. The notice must inform the licensee of the need to renew
 28 and the requirement of payment of the renewal fee. If this notice of
 29 expiration is not sent by the entity, the licensee is not subject to a
 30 sanction for failure to renew if, once notice is received from the entity,
 31 the license is renewed within forty-five (45) days of the receipt of the
 32 notice.

33 SECTION 101. IC 25-1-7-1, AS AMENDED BY P.L.1-2009,
 34 SECTION 138, AS AMENDED BY P.L.122-2009, SECTION 5, AND
 35 AS AMENDED BY P.L.160-2009, SECTION 7, IS CORRECTED
 36 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 37 2010]: Sec. 1. As used in this chapter:

38 "Board" means the appropriate agency listed in the definition of
 39 regulated occupation in this section.

40 "Director" refers to the director of the division of consumer
 41 protection.

42 "Division" refers to the division of consumer protection, office of
 43 the attorney general.

44 "Licensee" means a person who is:

45 (1) licensed, certified, or registered by a board listed in this
 46 section; and

47 (2) the subject of a complaint filed with the division.

48 "Person" means an individual, a partnership, a limited liability
 49 company, or a corporation.

50 "Regulated occupation" means an occupation in which a person is

- 1 licensed, certified, or registered by one (1) of the following:
- 2 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 3 (2) Board of registration for architects and landscape architects
- 4 (IC 25-4-1-2).
- 5 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 6 (4) State board of barber examiners (IC 25-7-5-1).
- 7 ~~(5) State *boxing athletic* commission (IC 25-9-1).~~
- 8 ~~(6)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).
- 9 ~~(7)~~ **(6)** State board of cosmetology examiners (IC 25-8-3-1).
- 10 ~~(8)~~ **(7)** State board of dentistry (IC 25-14-1).
- 11 ~~(9)~~ **(8)** State board of funeral and cemetery service (IC 25-15-9).
- 12 ~~(10)~~ **(9)** State board of registration for professional engineers
- 13 (IC 25-31-1-3).
- 14 ~~(11)~~ **(10)** Indiana state board of health facility administrators
- 15 (IC 25-19-1).
- 16 ~~(12)~~ **(11)** Medical licensing board of Indiana (IC 25-22.5-2).
- 17 ~~(13)~~ **(12)** Indiana state board of nursing (IC 25-23-1).
- 18 ~~(14)~~ **(13)** Indiana optometry board (IC 25-24).
- 19 ~~(15)~~ **(14)** Indiana board of pharmacy (IC 25-26).
- 20 ~~(16)~~ **(15)** Indiana plumbing commission (IC 25-28.5-1-3).
- 21 ~~(17)~~ **(16)** Board of podiatric medicine (IC 25-29-2-1).
- 22 ~~(18)~~ **(17)** Board of environmental health specialists (IC 25-32-1).
- 23 ~~(19)~~ **(18)** State psychology board (IC 25-33).
- 24 ~~(20)~~ **(19)** Speech-language pathology and audiology board
- 25 (IC 25-35.6-2).
- 26 ~~(21)~~ **(20)** Indiana real estate commission (IC 25-34.1-2).
- 27 ~~(22)~~ **(21)** Indiana board of veterinary medical examiners
- 28 (IC 25-38.1).
- 29 ~~(23)~~ **(22)** Department of natural resources for purposes of
- 30 licensing water well drillers under IC 25-39-3.
- 31 ~~(24)~~ **(23)** Respiratory care committee (IC 25-34.5).
- 32 ~~(25)~~ **(24)** Private investigator and security guard licensing board
- 33 (IC 25-30-1-5.2).
- 34 ~~(26)~~ **(25)** Occupational therapy committee (IC 25-23.5).
- 35 ~~(27)~~ **(26)** *Social worker, marriage and family therapist, and*
- 36 *mental health counselor Behavioral health and human services*
- 37 *licensing* board (IC 25-23.6).
- 38 ~~(28)~~ **(27)** Real estate appraiser licensure and certification board
- 39 (IC 25-34.1-8).
- 40 ~~(29)~~ **(28)** State board of registration for land surveyors
- 41 (IC 25-21.5-2-1).
- 42 ~~(30)~~ **(29)** Physician assistant committee (IC 25-27.5).
- 43 ~~(31)~~ **(30)** Indiana athletic trainers board (IC 25-5.1-2-1).
- 44 ~~(32)~~ **(31)** Indiana dietitians certification board (IC 25-14.5-2-1).
- 45 ~~(33)~~ **(32)** Indiana hypnotist committee (IC 25-20.5-1-7).
- 46 ~~(34)~~ **(33)** Indiana physical therapy committee (IC 25-27).
- 47 ~~(35)~~ **(34)** Manufactured home installer licensing board
- 48 (IC 25-23.7).
- 49 ~~(36)~~ **(35)** Home inspectors licensing board (IC 25-20.2-3-1).
- 50 ~~(37)~~ **(36)** State department of health, for out-of-state mobile

- 1 health care entities.
- 2 ~~(38)~~ (37) State board of massage therapy (IC 25-21.8-2-1).
- 3 ~~(39)~~ (38) Any other occupational or professional agency created
- 4 after June 30, 1981.
- 5 SECTION 102. IC 25-1-8-1, AS AMENDED BY P.L.122-2009,
- 6 SECTION 6, AND AS AMENDED BY P.L.160-2009, SECTION 8, IS
- 7 CORRECTED AND AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this chapter, "board"
- 9 means any of the following:
- 10 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 11 (2) Board of registration for architects and landscape architects
- 12 (IC 25-4-1-2).
- 13 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 14 (4) State board of barber examiners (IC 25-7-5-1).
- 15 ~~(5) State boxing athletic commission (IC 25-9-1).~~
- 16 ~~(6)~~ (5) Board of chiropractic examiners (IC 25-10-1).
- 17 ~~(7)~~ (6) State board of cosmetology examiners (IC 25-8-3-1).
- 18 ~~(8)~~ (7) State board of dentistry (IC 25-14-1).
- 19 ~~(9)~~ (8) State board of funeral and cemetery service (IC 25-15).
- 20 ~~(10)~~ (9) State board of registration for professional engineers
- 21 (IC 25-31-1-3).
- 22 ~~(11)~~ (10) Indiana state board of health facility administrators
- 23 (IC 25-19-1).
- 24 ~~(12)~~ (11) Medical licensing board of Indiana (IC 25-22.5-2).
- 25 ~~(13)~~ (12) Mining board (IC 22-10-1.5-2).
- 26 ~~(14)~~ (13) Indiana state board of nursing (IC 25-23-1).
- 27 ~~(15)~~ (14) Indiana optometry board (IC 25-24).
- 28 ~~(16)~~ (15) Indiana board of pharmacy (IC 25-26).
- 29 ~~(17)~~ (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 30 ~~(18)~~ (17) Board of environmental health specialists (IC 25-32-1).
- 31 ~~(19)~~ (18) State psychology board (IC 25-33).
- 32 ~~(20)~~ (19) Speech-language pathology and audiology board
- 33 (IC 25-35.6-2).
- 34 ~~(21)~~ (20) Indiana real estate commission (IC 25-34.1-2-1).
- 35 ~~(22)~~ (21) Indiana board of veterinary medical examiners
- 36 (IC 25-38.1-2-1).
- 37 ~~(23)~~ (22) Department of insurance (IC 27-1).
- 38 ~~(24)~~ (23) State police department (IC 10-11-2-4), for purposes of
- 39 certifying polygraph examiners under IC 25-30-2.
- 40 ~~(25)~~ (24) Department of natural resources for purposes of
- 41 licensing water well drillers under IC 25-39-3.
- 42 ~~(26)~~ (25) Private investigator and security guard licensing board
- 43 (IC 25-30-1-5.2).
- 44 ~~(27)~~ (26) Occupational therapy committee (IC 25-23.5-2-1).
- 45 ~~(28)~~ (27) *Social worker, marriage and family therapist, and*
- 46 *mental health counselor Behavioral health and human services*
- 47 *licensing board (IC 25-23.6-2-1).*
- 48 ~~(29)~~ (28) Real estate appraiser licensure and certification board
- 49 (IC 25-34.1-8).
- 50 ~~(30)~~ (29) State board of registration for land surveyors

- 1 (IC 25-21.5-2-1).
 2 ~~(31)~~ **(30)** Physician assistant committee (IC 25-27.5).
 3 ~~(32)~~ **(31)** Indiana athletic trainers board (IC 25-5.1-2-1).
 4 ~~(33)~~ **(32)** Board of podiatric medicine (IC 25-29-2-1).
 5 ~~(34)~~ **(33)** Indiana dietitians certification board (IC 25-14.5-2-1).
 6 ~~(35)~~ **(34)** Indiana physical therapy committee (IC 25-27).
 7 ~~(36)~~ **(35)** Manufactured home installer licensing board
 8 (IC 25-23.7).
 9 ~~(37)~~ **(36)** Home inspectors licensing board (IC 25-20.2-3-1).
 10 ~~(38)~~ **(37)** State board of massage therapy (IC 25-21.8-2-1).
 11 ~~(39)~~ **(38)** Any other occupational or professional agency created
 12 after June 30, 1981.

13 SECTION 103. IC 25-1-11-1, AS AMENDED BY P.L.160-2009,
 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of
 16 the following:

- 17 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 18 (2) Board of registration for architects and landscape architects
 19 (IC 25-4-1-2).
 20 (3) Indiana auctioneer commission (IC 25-6.1-2).
 21 (4) State board of barber examiners (IC 25-7-5-1).
 22 ~~(5) State athletic commission (IC 25-9-1).~~
 23 ~~(6)~~ **(5)** State board of cosmetology examiners (IC 25-8-3-1).
 24 ~~(7)~~ **(6)** State board of registration of land surveyors
 25 (IC 25-21.5-2-1).
 26 ~~(8)~~ **(7)** State board of funeral and cemetery service (IC 25-15-9).
 27 ~~(9)~~ **(8)** State board of registration for professional engineers
 28 (IC 25-31-1-3).
 29 ~~(10)~~ **(9)** Indiana plumbing commission (IC 25-28.5-1-3).
 30 ~~(11)~~ **(10)** Indiana real estate commission (IC 25-34.1-2-1).
 31 ~~(12)~~ **(11)** Real estate appraiser licensure and certification board
 32 (IC 25-34.1-8).
 33 ~~(13)~~ **(12)** Private investigator and security guard licensing board
 34 (IC 25-30-1-5.2).
 35 ~~(14)~~ **(13)** Manufactured home installer licensing board
 36 (IC 25-23.7).
 37 ~~(15)~~ **(14)** Home inspectors licensing board (IC 25-20.2-3-1).
 38 ~~(16)~~ **(15)** State board of massage therapy (IC 25-21.8-2-1).

39 SECTION 104. IC 25-1-14-2, AS AMENDED BY P.L.160-2009,
 40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2010]: Sec. 2. (a) A member of a board, committee, or
 42 commission may participate in a meeting of the board, committee, or
 43 commission:

- 44 (1) except as provided in ~~subsections~~ **subsection (b), and (c)**; at
 45 which at least a quorum is physically present at the place where
 46 the meeting is conducted; and
 47 (2) by using a means of communication that permits:
 48 (A) all other members participating in the meeting; and
 49 (B) all members of the public physically present at the place
 50 where the meeting is conducted;

1 to simultaneously communicate with each other during the
2 meeting.

3 (b) A member of a board, committee, or commission may participate
4 in an emergency meeting of the board, committee, or commission to
5 consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by
6 using a means of communication that permits:

- 7 (1) all other members participating in the meeting; and
 - 8 (2) all members of the public physically present at the place
9 where the meeting is conducted;
- 10 to simultaneously communicate with each other during the meeting.

11 ~~(c) A member of the state athletic commission may participate in~~
12 ~~meetings of the commission to consider the final approval of a permit~~
13 ~~for a particular boxing, sparring, or unarmed combat match or~~
14 ~~exhibition under IC 25-9-1-6(b) by using a means of communication~~
15 ~~that permits:~~

- 16 ~~(1) all other members participating in the meeting; and~~
 - 17 ~~(2) all members of the public physically present at the place~~
18 ~~where the meeting is conducted;~~
- 19 to simultaneously communicate with each other during the meeting.

20 ~~(d) (c) A member who participates in a meeting under subsection~~
21 ~~(b): or (c):~~

- 22 (1) is considered to be present at the meeting;
- 23 (2) shall be counted for purposes of establishing a quorum; and
- 24 (3) may vote at the meeting.

25 SECTION 105. IC 34-30-2-14.6 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE UPON PASSAGE]: **Sec. 14.6. IC 5-14-3.5-3**
28 **(Concerning the state and state officials, officers, and employees**
29 **for posting certain confidential information).**

30 SECTION 106. IC 34-30-2-156.2 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2010]: **Sec. 156.2. IC 36-8-16.6-19**
33 **(Concerning sellers of prepaid wireless telecommunications service**
34 **for provision of 911 or wireless 911 service and lawful assistance**
35 **to law enforcement officers).**

36 SECTION 107. IC 35-45-18-1, AS AMENDED BY P.L.160-2009,
37 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2010]: Sec. 1. (a) As used in this chapter, "combative
39 fighting" (also known as "toughman fighting", "badman fighting", and
40 "extreme fighting") means a match, contest, or exhibition that involves
41 at least (2) contestants, with or without gloves or protective headgear,
42 in which the contestants:

- 43 (1) use their:
 - 44 (A) hands;
 - 45 (B) feet; or
 - 46 (C) both hands and feet;
 - 47 to strike each other; and
 - 48 (2) compete for a financial prize or any item of pecuniary value.
- 49 (b) The term does not include:
- 50 (1) a boxing, sparring, or unarmed combat match regulated under
51 ~~IC 25-9;~~ **IC 4-33-22;**

- 1 (2) mixed martial arts (as defined by ~~IC 25-9-1-0.3~~;
 2 **IC 4-33-22-2**);
 3 (3) martial arts, as regulated by the ~~state athletic gaming~~
 4 commission in rules adopted under ~~IC 25-9-1-4.5~~; **IC 4-33-22**;
 5 (4) professional wrestling, as regulated by the ~~state athletic~~
 6 **gaming** commission in rules adopted under ~~IC 25-9-1-4.5~~;
 7 **IC 4-33-22**; or
 8 (5) a match, contest, or game in which a fight breaks out among
 9 the participants as an unplanned, spontaneous event and not as an
 10 intended part of the match, contest, or game.

11 SECTION 108. IC 36-1-12-4, AS AMENDED BY P.L.169-2006,
 12 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2010]: Sec. 4. (a) This section applies whenever the cost of a
 14 public work project will be:

- 15 (1) at least seventy-five thousand dollars (\$75,000) in:
 16 (A) a consolidated city or second class city;
 17 (B) a county containing a consolidated city or second class
 18 city; or
 19 (C) a regional water or sewage district established under
 20 IC 13-26; or
 21 (2) at least fifty thousand dollars (\$50,000) in a political
 22 subdivision or an agency not described in subdivision (1).
 23 (b) The board must comply with the following procedure:
 24 (1) The board shall prepare general plans and specifications
 25 describing the kind of public work required, but shall avoid
 26 specifications which might unduly limit competition. If the
 27 project involves the resurfacing (as defined by IC 8-14-2-1) of a
 28 road, street, or bridge, the specifications must show how the
 29 weight or volume of the materials will be accurately measured
 30 and verified.
 31 (2) The board shall file the plans and specifications in a place
 32 reasonably accessible to the public, which shall be specified in the
 33 notice required by subdivision (3).
 34 (3) Upon the filing of the plans and specifications, the board shall
 35 publish notice in accordance with IC 5-3-1 calling for sealed
 36 proposals for the public work needed.
 37 (4) The notice must specify the place where the plans and
 38 specifications are on file and the date fixed for receiving bids.
 39 (5) The period of time between the date of the first publication
 40 and the date of receiving bids shall be governed by the size of the
 41 contemplated project in the discretion of the board. ~~but it~~ **The**
 42 **period of time between the date of the first publication and**
 43 **receiving bids** may not be more than:
 44 (A) six (6) weeks **if the estimated cost of the public works**
 45 **project is less than twenty-five million dollars**
 46 **(\$25,000,000); and**
 47 (B) **ten (10) weeks if the estimated cost of the public works**
 48 **project is at least twenty-five million dollars (\$25,000,000).**
 49 (6) If the cost of a project is one hundred thousand dollars
 50 (\$100,000) or more, the board shall require the bidder to submit
 51 a financial statement, a statement of experience, a proposed plan

1 or plans for performing the public work, and the equipment that
 2 the bidder has available for the performance of the public work.
 3 The statement shall be submitted on forms prescribed by the state
 4 board of accounts.

5 (7) The board may not require a bidder to submit a bid before the
 6 meeting at which bids are to be received. The meeting for
 7 receiving bids must be open to the public. All bids received shall
 8 be opened publicly and read aloud at the time and place
 9 designated and not before.

10 (8) Except as provided in subsection (c), the board shall:

11 (A) award the contract for public work or improvements to the
 12 lowest responsible and responsive bidder; or

13 (B) reject all bids submitted.

14 (9) If the board awards the contract to a bidder other than the
 15 lowest bidder, the board must state in the minutes or memoranda,
 16 at the time the award is made, the factors used to determine which
 17 bidder is the lowest responsible and responsive bidder and to
 18 justify the award. The board shall keep a copy of the minutes or
 19 memoranda available for public inspection.

20 (10) In determining whether a bidder is responsive, the board may
 21 consider the following factors:

22 (A) Whether the bidder has submitted a bid or quote that
 23 conforms in all material respects to the specifications.

24 (B) Whether the bidder has submitted a bid that complies
 25 specifically with the invitation to bid and the instructions to
 26 bidders.

27 (C) Whether the bidder has complied with all applicable
 28 statutes, ordinances, resolutions, or rules pertaining to the
 29 award of a public contract.

30 (11) In determining whether a bidder is a responsible bidder, the
 31 board may consider the following factors:

32 (A) The ability and capacity of the bidder to perform the work.

33 (B) The integrity, character, and reputation of the bidder.

34 (C) The competence and experience of the bidder.

35 (12) The board shall require the bidder to submit an affidavit:

36 (A) that the bidder has not entered into a combination or
 37 agreement:

38 (i) relative to the price to be bid by a person;

39 (ii) to prevent a person from bidding; or

40 (iii) to induce a person to refrain from bidding; and

41 (B) that the bidder's bid is made without reference to any other
 42 bid.

43 (c) Notwithstanding subsection (b)(8), a county may award sand,
 44 gravel, asphalt paving materials, or crushed stone contracts to more
 45 than one (1) responsible and responsive bidder if the specifications
 46 allow for bids to be based upon service to specific geographic areas and
 47 the contracts are awarded by geographic area. The geographic areas do
 48 not need to be described in the specifications.

49 SECTION 109. IC 36-1.5-4-5, AS ADDED BY P.L.186-2006,
 50 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 51 JANUARY 1, 2010 (RETROACTIVE)]: Sec. 5. (a) Except as provided

1 in subsection (b), a reorganization approved under this chapter takes
2 effect when all of the following have occurred:

3 (1) The later of:

4 (A) the date that a copy of a joint certification from the county
5 election board in each county in which reorganizing political
6 subdivisions are located that indicates that:

7 (i) the reorganization has been approved by the voters of
8 each reorganizing political subdivision; or

9 (ii) in the case of a reorganization described in section
10 1(a)(9) of this chapter, the reorganization has been approved
11 as set forth in section 32(b) of this chapter;

12 is recorded as required by section 31 of this chapter; or

13 (B) the date specified in the finally adopted plan of
14 reorganization.

15 (2) The appointed or elected officers of the reorganized political
16 subdivision are elected (as prescribed by section 36 of this
17 chapter) or appointed and qualified, if:

18 (A) the reorganized political subdivision is a new political
19 subdivision and reorganizing political subdivisions are not
20 being consolidated into one (1) of the reorganizing political
21 subdivisions;

22 (B) the reorganized political subdivision will have different
23 boundaries than any of the reorganizing political subdivisions;

24 (C) the reorganized political subdivision will have different
25 appointment or election districts than any of the reorganizing
26 political subdivisions; or

27 (D) the finally adopted plan of reorganization requires new
28 appointed or elected officers before the reorganization
29 becomes effective.

30 (b) A reorganization approved under this chapter may not take effect
31 during the year preceding a year in which a federal decennial census is
32 conducted. A consolidation that would otherwise take effect during the
33 year preceding a year in which a federal decennial census is conducted
34 takes effect January 2 1 of the year in which a federal decennial census
35 is conducted.

36 **(c) Notwithstanding subsection (b) as that subsection existed on**
37 **December 31, 2009, a reorganization that took effect January 2,**
38 **2010, because of the application of subsection (b), as that**
39 **subsection existed on December 31, 2009, is instead considered to**
40 **take effect January 1, 2010, without the adoption of an amended**
41 **reorganization plan.**

42 SECTION 110. IC 36-1.5-4-18, AS ADDED BY P.L.186-2006,
43 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
44 UPON PASSAGE]: Sec. 18. (a) A reorganization committee shall
45 prepare a comprehensive plan of reorganization for the reorganizing
46 political subdivisions. The plan of reorganization governs the actions,
47 duties, and powers of the reorganized political subdivision that are not
48 specified by law.

49 (b) The plan of reorganization must include at least the following:

50 (1) The name and a description of the reorganized political
51 subdivision that will succeed the reorganizing political

- 1 subdivisions.
- 2 (2) A description of the boundaries of the reorganized political
3 subdivision.
- 4 (3) Subject to section 40 of this chapter, a description of the
5 taxing areas in which taxes to retire obligations of the
6 reorganizing political subdivisions will be imposed.
- 7 (4) A description of the membership of the legislative body, fiscal
8 body, and executive of the reorganized political subdivision, a
9 description of the election districts or appointment districts from
10 which officers will be elected or appointed, and the manner in
11 which the membership of each elected or appointed office will be
12 elected or appointed.
- 13 (5) A description of the services to be offered by the reorganized
14 political subdivision and the service areas in which the services
15 will be offered.
- 16 (6) The disposition of the personnel, the agreements, the assets,
17 and, subject to section 40 of this chapter, the liabilities of the
18 reorganizing political subdivisions, including the terms and
19 conditions upon which the transfer of property and personnel will
20 be achieved.
- 21 (7) Any other matter that the:
- 22 (A) reorganization committee determines to be necessary or
23 appropriate; or
- 24 (B) legislative bodies of the reorganizing political subdivisions
25 require the reorganization committee;
26 to include in the plan of reorganization.
- 27 (8) In the case of a reorganization described in section 1(a)(9) of
28 this chapter, if the legislative bodies of the reorganizing political
29 subdivisions have specified that the vote on the public question
30 regarding the reorganization shall be conducted on a countywide
31 basis under section 30(b) of this chapter with a rejection
32 threshold, the reorganization committee shall include in the
33 reorganization plan a rejection threshold, specified as a
34 percentage, that applies for purposes of section 32(b) of this
35 chapter. The rejection threshold must be the same for each
36 municipality that is a party to the proposed reorganization and to
37 the county that is a party to the proposed reorganization.
- 38 (9) In the case of a reorganization described in section 1(a)(9) of
39 this chapter, the reorganization committee shall determine and
40 include in the reorganization plan the percentage of voters voting
41 on the public question regarding the proposed reorganization who
42 must vote, on a countywide basis, in favor of the proposed
43 reorganization for the public question to be approved. This
44 percentage is referred to in this chapter as the "countywide vote
45 approval percentage". The countywide vote approval percentage
46 must be greater than fifty percent (50%).
- 47 **(10) The statement required by subsection (e).**
- 48 (c) In the case of a reorganization described in section 1(a)(9) of this
49 chapter, the reorganization committee may not change the decision of
50 the legislative bodies of the reorganizing political subdivisions
51 regarding whether the vote on the public question regarding the

1 reorganization shall be conducted on a countywide basis without a
2 rejection threshold or with a rejection threshold.

3 (d) Upon completion of the plan of reorganization, the
4 reorganization committee shall present the plan of reorganization to the
5 legislative body of each of the reorganizing political subdivisions for
6 adoption. The initial plan of reorganization must be submitted to the
7 legislative body of each of the reorganizing political subdivisions not
8 later than one (1) year after the clerk of the last political subdivision
9 that adopts a reorganization resolution under this chapter has certified
10 the resolution to all of the political subdivisions named in the
11 resolution. **In the case of a plan of reorganization submitted to a
12 political subdivision by a reorganization committee after June 30,
13 2010, the political subdivision shall post a copy of the plan of
14 reorganization on an Internet web site maintained or authorized by
15 the political subdivision not more than thirty (30) days after
16 receiving the plan of reorganization from the reorganization
17 committee.**

18 (e) **A reorganization committee must include in the plan of
19 reorganization submitted to a political subdivision after June 30,
20 2010, a statement of:**

- 21 (1) **whether a fiscal impact analysis concerning the proposed
22 reorganization has been prepared or has not been prepared
23 by or on behalf of the reorganization committee; and
24 (2) whether a fiscal impact analysis concerning the proposed
25 reorganization has been made available or has not been made
26 available to the public by or on behalf of the reorganization
27 committee.**

28 SECTION 111. IC 36-1.5-4-27, AS ADDED BY P.L.186-2006,
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 27. After the county recorder of each county
31 in which reorganizing political subdivisions are located has notified the
32 county election board that a public question on a plan of reorganization
33 is eligible to be placed on the ballot, the county election board shall
34 place the public question on the ballot in accordance with IC 3-10-9 on
35 the first regularly scheduled **general election or municipal** election
36 **(excluding any primary elections)** that will occur in all of the
37 precincts of the reorganizing political subdivisions at least sixty (60)
38 days after the required notices are received.

39 SECTION 112. IC 36-1.5-4-36, AS ADDED BY P.L.186-2006,
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 36. (a) This section applies if section 5 of this
42 chapter requires an election for a reorganization to become effective.

43 (b) At the next:

- 44 (1) general election, if:
45 (A) the reorganized political subdivision is not a municipality
46 or a school corporation; **or**
47 (B) **the reorganized political subdivision results from a
48 reorganization including a county and at least one (1)
49 municipality;**
50 (2) municipal election, if the reorganized political subdivision is
51 a municipality; or

1 (3) primary or general election, as specified in an election plan
 2 adopted in substantially identical resolutions by the legislative
 3 body of each of the participating political subdivisions if the
 4 reorganized political subdivision is a school corporation;
 5 after the voters approve a reorganization, one (1) set of officers for the
 6 reorganized political subdivision having the combined population of
 7 the reorganizing political subdivisions shall be elected by the voters in
 8 the territory of the reorganized political subdivision as prescribed by
 9 statute.

10 (c) In the election described in subsection (b):

- 11 (1) one (1) member of the legislative body of the reorganized
 12 political subdivision shall be elected from each election district
 13 established by the reorganizing political subdivisions in
 14 substantially identical resolutions adopted by the legislative body
 15 of each of the reorganizing political subdivisions; and
 16 (2) the total number of at large members shall be elected as
 17 prescribed by statute for the reorganized political subdivision.

18 (d) If appointed officers are required in the reorganized political
 19 subdivision, one (1) set of appointed officers shall be appointed for the
 20 reorganized political subdivision. The appointments shall be made as
 21 required by statute for the reorganized political subdivision. Any
 22 statute requiring an appointed officer to reside in the political
 23 subdivision where the appointed officer resides shall be treated as
 24 permitting the appointed officer to reside in any part of the territory of
 25 the reorganized political subdivision.

26 SECTION 113. IC 36-2-1-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 28 Sec. 2. (a) If the resident voters in a specified territory in two (2) or
 29 more contiguous counties desire to change the boundaries of their
 30 respective counties, they may file a petition with the executives of their
 31 respective counties requesting that the territory be transferred. The
 32 petition must:

- 33 (1) be signed by at least the number of voters resident in the
 34 territory requested to be transferred required to place a candidate
 35 on the ballot under IC 3-8-6-3;
 36 (2) contain a clear, distinct description of the requested boundary
 37 change; and
 38 (3) not propose to decrease the area of any county below four
 39 hundred (400) square miles in compliance with Article 15,
 40 Section 7 of the Constitution of the State of Indiana.

41 (b) Whenever a petition under subsection (a) is filed with a county
 42 executive, the executive shall determine, at its first meeting after the
 43 petition is filed:

- 44 (1) whether the signatures on the petition are genuine; and
 45 (2) whether the petition complies with subsection (a).

46 (c) If the determinations under subsection (b) are affirmative, the
 47 executive shall certify the question to the county election board of each
 48 affected county. The county election boards shall jointly order a special
 49 election to be held, scheduling the election so that the election is held
 50 on the same date in each county interested in the change, but not later
 51 than thirty (30) days and not on the same date as a general election. The

1 election shall be conducted under IC 3-10-8-6. All voters of each
 2 interested county are entitled to vote on the question. The question
 3 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
 4 must state "Shall the boundaries of _____ County and
 5 _____ County change?".

6 (d) After an election under subsection (c), the clerk of each county
 7 shall make a certified copy of the election returns and not later than
 8 five (5) days after the election file the copy with the auditor of the
 9 county. The auditor shall, not later than five (5) days after the filing of
 10 the returns in the auditor's office, make a true and complete copy of the
 11 returns, certified under the auditor's hand and seal, and deposit the copy
 12 with the auditor of every other county interested in the change.

13 (e) After copies have been filed under subsection (d), the auditor of
 14 each county shall call a meeting of the executive of the county, which
 15 shall examine the returns. If a majority of the voters of each interested
 16 county voted in favor of change, the executive shall:

17 (1) enter an order declaring their boundaries to be changed as
 18 described in the petition; and

19 (2) if the county has received territory from the transfer, adopt
 20 revised descriptions of:

21 (A) county commissioner districts under IC 36-2-2-4; and

22 (B) county council districts under IC 36-2-3-4;

23 so that the transferred territory is assigned to at least one (1) county
 24 commissioner district and at least one (1) county council district.

25 (f) The executive of each county shall file a copy of the order
 26 described in subsection (e)(1) with:

27 (1) the office of the secretary of state; and

28 (2) the circuit court clerk of the county.

29 Except as provided in subsection (g), the transfer of territory becomes
 30 effective when the last county order is filed under this subsection.

31 (g) An order declaring county boundaries to be changed may not
 32 take effect during the year preceding a year in which a federal
 33 decennial census is conducted. An order that would otherwise take
 34 effect during the year preceding a year in which a federal decennial
 35 census is conducted takes effect January 21 of the year in which a
 36 federal decennial census is conducted.

37 (h) An election under this section may be held only once every three
 38 (3) years.

39 **(i) Notwithstanding subsection (g) as that subsection existed on**
 40 **December 31, 2009, a boundary change that took effect January 2,**
 41 **2010, because of the application of subsection (g), as that**
 42 **subsection existed on December 31, 2009, is instead considered to**
 43 **take effect January 1, 2010, without an amended order or any**
 44 **other additional action being required.**

45 SECTION 114. IC 36-3-2-7 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 47 Sec. 7. (a) This section governs the transfer of territory that is either:

48 (1) inside the corporate boundaries of the consolidated city and
 49 contiguous to an excluded city; or

50 (2) inside the corporate boundaries of an excluded city and
 51 contiguous to the consolidated city.

- 1 IC 36-4-3 does not apply to such a transfer.
- 2 (b) If the owners of land located in territory described in subsection
- 3 (a) want to have that territory transferred from one (1) municipality to
- 4 the other, they must file:
- 5 (1) a petition for annexation of that territory with the legislative
- 6 body of the contiguous municipality; and
- 7 (2) a petition for disannexation of that territory with the legislative
- 8 body of the municipality containing that territory.
- 9 Each petition must be signed by at least fifty-one percent (51%) of the
- 10 owners of land in the territory sought to be transferred. The territory
- 11 must be reasonably compact in configuration, and its boundaries must
- 12 generally follow streets or natural boundaries.
- 13 (c) Each legislative body shall, not later than sixty (60) days after a
- 14 petition is filed with it under subsection (b), either approve or
- 15 disapprove the petition, with the following results:
- 16 (1) Except as provided in subsection (g), if both legislative bodies
- 17 approve, the transfer of territory takes effect:
- 18 (A) on the effective date of the approval of the latter
- 19 legislative body to act; and
- 20 (B) when a copy of each transfer approval has been filed under
- 21 subsection (f).
- 22 (2) If the legislative body of the contiguous municipality
- 23 disapproves or fails to act within the prescribed period, the
- 24 proceedings are terminated.
- 25 (3) If the legislative body of the contiguous municipality approves
- 26 but the legislative body of the other municipality disapproves or
- 27 fails to act within the prescribed period, the proceedings are
- 28 terminated unless there is an appeal under subsection (d).
- 29 (d) In the case described by subsection (c)(3), the petitioners may,
- 30 not later than sixty (60) days after the disapproval or expiration of the
- 31 prescribed period, appeal to the circuit court. The appeal must allege
- 32 that the benefits to be derived by the petitioners from the transfer
- 33 outweigh the detriments to the municipality that has failed to approve,
- 34 which is defendant in the appeal.
- 35 (e) The court shall try an appeal under subsection (d) as other civil
- 36 actions, but without a jury. If the court determines that:
- 37 (1) the requirements of this section have been met; and
- 38 (2) the benefits to be derived by the petitioners outweigh the
- 39 detriments to the municipality;
- 40 it shall order the transfer of territory to take effect on the date its order
- 41 becomes final, subject to subsection (g), and shall file the order under
- 42 subsection (f). However, if the municipality, or a district of it, is
- 43 furnishing sanitary sewer service or municipal water service in the
- 44 territory, or otherwise has expended substantial sums for public
- 45 facilities (other than roads) specially benefiting the territory, the court
- 46 shall deny the transfer.
- 47 (f) A municipal legislative body that approves a transfer of territory
- 48 under subsection (c) or a court that approves a transfer under
- 49 subsection (e) shall file a copy of the approval or order, setting forth a
- 50 legal description of the territory to be transferred, with:
- 51 (1) the office of the secretary of state; and

1 (2) the circuit court clerk of each county in which the
2 municipality is located.

3 (g) A transfer of territory under this section may not take effect
4 during the year preceding a year in which a federal decennial census is
5 conducted. A transfer of territory that would otherwise take effect
6 during the year preceding a year in which a federal decennial census is
7 conducted takes effect January \pm 1 of the year in which a federal
8 decennial census is conducted.

9 (h) A petition for annexation or disannexation under this section
10 may not be filed with respect to land as to which a transfer of territory
11 has been disapproved or denied within the preceding three (3) years.

12 (i) The legislative body of a municipality annexing territory under
13 this section shall assign the territory to at least one (1) municipal
14 legislative body district under IC 36-3-4-3 or IC 36-4-6 not later than
15 thirty (30) days after the transfer of territory becomes effective under
16 this section.

17 **(j) Notwithstanding subsection (g) as that subsection existed on**
18 **December 31, 2009, a transfer of territory that took effect January**
19 **2, 2010, because of the application of subsection (g), as that**
20 **subsection existed on December 31, 2009, is instead considered to**
21 **take effect January 1, 2010, without any additional action being**
22 **required.**

23 SECTION 115. IC 36-4-2-9 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
25 Sec. 9. (a) Except as provided in subsection (c), a merger approved
26 under this chapter takes effect when:

27 (1) the officers of the new municipality are elected and qualified,
28 as prescribed by section 13 of this chapter; and

29 (2) a copy of the agreement under section 2 of this chapter or the
30 certified election results under section 7 of this chapter are filed
31 with:

32 (A) the office of the secretary of state; and

33 (B) the circuit court clerk of each county in which the
34 municipality is located.

35 (b) On the effective date of the merger, the merging municipalities
36 cease to exist and are merged into a single municipality of the class
37 created by the combined population of the merging municipalities. The
38 new municipality shall be governed by the laws applicable to that class.

39 (c) A merger approved under this chapter may not take effect during
40 the year preceding a year in which a federal decennial census is
41 conducted. A merger that would otherwise take effect during the year
42 preceding a year in which a federal decennial census is conducted takes
43 effect January \pm 1 of the year in which a federal decennial census is
44 conducted.

45 **(d) Notwithstanding subsection (c) as that subsection existed on**
46 **December 31, 2009, a merger that took effect January 2, 2010,**
47 **because of the application of subsection (c), as that subsection**
48 **existed on December 31, 2009, is instead considered to take effect**
49 **January 1, 2010, without any additional action being required.**

50 SECTION 116. IC 36-4-3-7 IS AMENDED TO READ AS
51 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

1 Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of
2 this chapter, it must be published in the manner prescribed by IC 5-3-1.
3 Except as provided in subsection (b), (c), or (f), in the absence of
4 remonstrance and appeal under section 11 or 15.5 of this chapter, the
5 ordinance takes effect at least ninety (90) days after its publication and
6 upon the filing required by section 22(a) of this chapter.

7 (b) An ordinance described in subsection (d) or adopted under
8 section 3, 4, 5, or 5.1 of this chapter may not take effect during the year
9 preceding a year in which a federal decennial census is conducted. An
10 ordinance that would otherwise take effect during the year preceding
11 a year in which a federal decennial census is conducted takes effect
12 January 2 1 of the year in which a federal decennial census is
13 conducted.

14 (c) Subsections (d) and (e) apply to fire protection districts that are
15 established after June 14, 1987.

16 (d) Except as provided in subsection (b), whenever a municipality
17 annexes territory, all or part of which lies within a fire protection
18 district (IC 36-8-11), the annexation ordinance (in the absence of
19 remonstrance and appeal under section 11 or 15.5 of this chapter) takes
20 effect the second January 1 that follows the date the ordinance is
21 adopted and upon the filing required by section 22(a) of this chapter.
22 The municipality shall:

23 (1) provide fire protection to that territory beginning the date the
24 ordinance is effective; and

25 (2) send written notice to the fire protection district of the date the
26 municipality will begin to provide fire protection to the annexed
27 territory within ten (10) days of the date the ordinance is adopted.

28 (e) If the fire protection district from which a municipality annexes
29 territory under subsection (d) is indebted or has outstanding unpaid
30 bonds or other obligations at the time the annexation is effective, the
31 municipality is liable for and shall pay that indebtedness in the same
32 ratio as the assessed valuation of the property in the annexed territory
33 (that is part of the fire protection district) bears to the assessed
34 valuation of all property in the fire protection district, as shown by the
35 most recent assessment for taxation before the annexation, unless the
36 assessed property within the municipality is already liable for the
37 indebtedness. The annexing municipality shall pay its indebtedness
38 under this section to the board of fire trustees. If the indebtedness
39 consists of outstanding unpaid bonds or notes of the fire protection
40 district, the payments to the board of fire trustees shall be made as the
41 principal or interest on the bonds or notes becomes due.

42 (f) This subsection applies to an annexation initiated by property
43 owners under section 5.1 of this chapter in which all property owners
44 within the area to be annexed petition the municipality to be annexed.
45 Subject to subsections (b) and (d), and in the absence of an appeal
46 under section 15.5 of this chapter, an annexation ordinance takes effect
47 at least thirty (30) days after its publication and upon the filing required
48 by section 22(a) of this chapter.

49 SECTION 117. IC 36-4-3-12 IS AMENDED TO READ AS
50 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
51 Sec. 12. (a) The circuit or superior court shall:

1 (1) on the date fixed under section 11 of this chapter, hear and
2 determine the remonstrance without a jury; and

3 (2) without delay, enter judgment on the question of the
4 annexation according to the evidence that either party may
5 introduce.

6 (b) If the court enters judgment in favor of the annexation, the
7 annexation may not take effect during the year preceding the year in
8 which a federal decennial census is conducted. An annexation that
9 would otherwise take effect during the year preceding a year in which
10 a federal decennial census is conducted takes effect January 1 of the
11 year in which a federal decennial census is conducted.

12 SECTION 118. IC 36-4-3-15.5 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
14 Sec. 15.5. (a) Except as provided in subsection (b), an owner of land
15 within one-half (1/2) mile of territory proposed to be annexed under
16 this chapter may, not later than sixty (60) days after the publication of
17 the annexation ordinance, appeal that annexation to a circuit court or
18 superior court of a county in which the annexed territory is located. The
19 complaint must state that the reason the annexation should not take
20 place is that the territory sought to be annexed is not contiguous to the
21 annexing municipality.

22 (b) This subsection applies to an annexation initiated by property
23 owners under section 5.1 of this chapter in which all property owners
24 within the area to be annexed petition the municipality to be annexed.
25 An owner of land within one-half (1/2) mile of the territory proposed
26 to be annexed under this chapter may, not later than thirty (30) days
27 after the publication of the annexation ordinance, appeal that
28 annexation to a circuit court or superior court of a county in which the
29 annexed territory is located. The complaint must state that the reason
30 the annexation should not take place is that the territory sought to be
31 annexed is not contiguous to the annexing municipality.

32 (c) Upon the determination of the court that the complaint is
33 sufficient, the judge shall fix a time for a hearing to be held not later
34 than sixty (60) days after the determination. Notice of the proceedings
35 shall be served by summons upon the proper officers of the annexing
36 municipality. The municipality shall become a defendant in the cause
37 and be required to appear and answer. The judge of the circuit or
38 superior court shall, upon the date fixed, proceed to hear and determine
39 the appeal without a jury, and shall, without delay, give judgment upon
40 the question of the annexation according to the evidence introduced by
41 the parties. If the evidence establishes that the territory sought to be
42 annexed is contiguous to the annexing municipality, the court shall
43 deny the appeal and dismiss the proceeding. If the evidence does not
44 establish the foregoing factor, the court shall issue an order to prevent
45 the proposed annexation from taking effect. The laws providing for
46 change of venue from the county do not apply, but changes of venue
47 from the judge may be had. Costs follow judgment. Pending the appeal,
48 and during the time within which the appeal may be taken, the territory
49 sought to be annexed is not a part of the annexing municipality.

50 (d) If the court enters a judgment in favor of the municipality, the
51 annexation may not take effect during the year preceding a year in

1 which a federal decennial census is conducted. An annexation that
 2 would otherwise take effect during the year preceding a year in which
 3 a federal decennial census is conducted takes effect January 21 of the
 4 year in which a federal decennial census is conducted.

5 SECTION 119. IC 36-4-3-19 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 7 Sec. 19. (a) If disannexation is ordered under this chapter by the works
 8 board of a municipality and no appeal is taken, the clerk of the
 9 municipality shall, without compensation and not later than ten (10)
 10 days after the order is made, make and certify a complete transcript of
 11 the disannexation proceedings to the auditor of each county in which
 12 the disannexed lots or lands lie and to the office of the secretary of
 13 state. The county auditor shall list those lots or lands appropriately for
 14 taxation. The proceedings of the works board shall not be certified to
 15 the county auditor or to the office of the secretary of state if an appeal
 16 to the circuit court has been taken.

17 (b) In all proceedings begun in or appealed to the circuit court, if
 18 vacation or disannexation is ordered, the clerk of the court shall
 19 immediately after the judgment of the court, or after a decision on
 20 appeal to the supreme court or court of appeals if the judgment on
 21 appeal is not reversed, certify the judgment of the circuit court, as
 22 affirmed or modified, to each of the following:

- 23 (1) The auditor of each county in which the lands or lots affected
- 24 lie, on receipt of one dollar (\$1) for the making and certifying of
- 25 the transcript from the petitioners for the disannexation.
- 26 (2) The office of the secretary of state.
- 27 (3) The circuit court clerk of each county in which the lands or
- 28 lots affected are located.
- 29 (4) The county election board of each county in which the lands
- 30 or lots affected are located.
- 31 (5) If a board of registration exists, the board of each county in
- 32 which the lands or lots affected are located.
- 33 (6) The office of census data established by IC 2-5-1.1-12.2.

34 (c) The county auditor shall forward a list of lots or lands
 35 disannexed under this section to the following:

- 36 (1) The county highway department of each county in which the
- 37 lands or lots affected are located.
- 38 (2) The county surveyor of each county in which the lands or lots
- 39 affected are located.
- 40 (3) Each plan commission, if any, that lost or gained jurisdiction
- 41 over the disannexed territory.
- 42 (4) The township trustee of each township that lost or gained
- 43 jurisdiction over the disannexed territory.
- 44 (5) The sheriff of each county in which the lands or lots affected
- 45 are located.
- 46 (6) The office of the secretary of state.
- 47 (7) The office of census data established by IC 2-5-1.1-12.2.

48 The county auditor may require the clerk of the municipality to furnish
 49 an adequate number of copies of the list of disannexed lots or lands or
 50 may charge the clerk a fee for photoreproduction of the list.

51 (d) A disannexation described by this section takes effect upon the

1 clerk of the municipality filing the order with:

- 2 (1) the county auditor of each county in which the annexed
3 territory is located; and
4 (2) the circuit court clerk, or if a board of registration exists, the
5 board of each county in which the annexed territory is located.

6 (e) The clerk of the municipality shall notify the office of the
7 secretary of state and the office of census data established by
8 IC 2-5-1.1-12.2 of the date a disannexation is effective under this
9 chapter.

10 (f) A disannexation order under this chapter may not take effect
11 during the year preceding a year in which a federal decennial census is
12 conducted. A disannexation order that would otherwise take effect
13 during the year preceding a year in which a federal decennial census is
14 conducted takes effect January 2 of the year in which a federal
15 decennial census is conducted.

16 SECTION 120. IC 36-4-3-23 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 23.**
19 **Notwithstanding sections 7, 12, 15.5, and 19 of this chapter, as**
20 **those sections existed on December 31, 2009, an annexation or**
21 **disannexation that took effect January 2, 2010, because of the**
22 **application of section 7(b), 12(b), 15.5(d), or 19(f) of this chapter,**
23 **as those sections existed on December 31, 2009, is instead**
24 **considered to take effect January 1, 2010, without the adoption of**
25 **an amended ordinance or the entry of an amended judgment or**
26 **order under this chapter.**

27 SECTION 121. IC 36-4-6-5, AS AMENDED BY P.L.230-2005,
28 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2010]: Sec. 5. (a) This section applies to third class cities
30 having a population of less than ten thousand (10,000). The legislative
31 body of such a city may, by ordinance adopted ~~before September 1,~~
32 ~~1982,~~ **after June 30, 2010, and during a year in which an election**
33 **of the legislative body will not occur,** decide to be governed by this
34 section instead of section 4 of this chapter. ~~If this ordinance is repeated~~
35 ~~after August 31, 1982, except as a part of a codification of ordinances~~
36 ~~that reenacts the ordinance under IC 36-1-5-6, then section 4 of this~~
37 ~~chapter again applies to the city. The legislative body districts~~
38 **created by an ordinance adopted under this subsection apply to the**
39 **first election of the legislative body held after the date the**
40 **ordinance is adopted.** The clerk of the legislative body shall send a
41 certified copy of any ordinance adopted under this subsection to the
42 secretary of the county election board.

43 (b) This subsection does not apply to a city with an ordinance
44 described by subsection (j). The legislative body shall adopt an
45 ordinance to divide the city into four (4) districts that:

- 46 (1) are composed of contiguous territory, except for territory that
47 is not contiguous to any other part of the city;
48 (2) are reasonably compact;
49 (3) do not cross precinct boundary lines except as provided in
50 subsection (c) or (d); and
51 (4) contain, as nearly as is possible, equal population.

1 (c) The boundary of a city legislative body district may cross a
2 precinct boundary line if:

3 (1) more than one (1) member of the legislative body elected from
4 the districts established under subsection (b) or (j) resides in one
5 (1) precinct established under IC 3-11-1.5 after the most recent
6 municipal election; and

7 (2) following the establishment of a legislative body district
8 whose boundary crosses a precinct boundary line, not more than
9 one (1) member of the legislative body elected from the districts
10 resides within the same city legislative body district.

11 (d) The boundary of a city legislative body district may cross a
12 precinct line if the districts would not otherwise contain, as nearly as
13 is possible, equal population.

14 (e) A city legislative body district with a boundary described by
15 subsection (c) or (d) may not cross a census block boundary line:

16 (1) except when following a precinct boundary line; or

17 (2) unless the city legislative body certifies in the ordinance that
18 the census block has no population, and is not likely to ever have
19 population.

20 (f) The legislative body may not adopt an ordinance dividing the city
21 into districts with boundaries described by subsection (c) or (d) unless
22 the clerk of the city mails a written notice to the circuit court clerk. The
23 notice must:

24 (1) state that the legislative body is considering the adoption of an
25 ordinance described by this subsection; and

26 (2) be mailed not later than ten (10) days before the legislative
27 body adopts the ordinance.

28 (g) The division under subsection (b) or (j) shall be made:

29 (1) during the second year after a year in which a federal
30 decennial census is conducted; and

31 (2) when required to assign annexed territory to a district.

32 This division may be made at any other time, subject to IC 3-11-1.5-32.

33 (h) This subsection does not apply to a city with an ordinance
34 described by subsection (j). The legislative body is composed of four
35 (4) members elected from the districts established under subsection (b)
36 and one (1) at-large member.

37 (i) This subsection does not apply to a city with an ordinance
38 described by subsection (j). Each voter may vote for one (1) candidate
39 for at-large membership and one (1) candidate from the district in
40 which the voter resides. The at-large candidate receiving the most votes
41 from the whole city and the district candidates receiving the most votes
42 from their respective districts are elected to the legislative body.

43 (j) A city may adopt an ordinance under this subsection to divide the
44 city into three (3) districts that:

45 (1) are composed of contiguous territory, except for territory that
46 is not contiguous to any other part of the city;

47 (2) are reasonably compact;

48 (3) do not cross precinct boundary lines, except as provided in
49 subsection (c) or (d); and

50 (4) contain, as nearly as is possible, equal population.

51 (k) This subsection applies to a city with an ordinance described by

1 subsection (j). The legislative body is composed of three (3) members
 2 elected from the districts established under subsection (j) and two (2)
 3 at-large members.

4 (l) This subsection applies to a city with an ordinance described by
 5 subsection (j). Each voter of the city may vote for two (2) candidates
 6 for at-large membership and one (1) candidate from the district in
 7 which the voter resides. The two (2) at-large candidates receiving the
 8 most votes from the whole city and the district candidates receiving the
 9 most votes from their respective districts are elected to the legislative
 10 body.

11 (m) This subsection applies to a city having a population of less than
 12 seven thousand (7,000). A legislative body of such a city that has, by
 13 resolution adopted before May 7, 1991, decided to continue an election
 14 process that permits each voter of the city to vote for one (1) candidate
 15 at large and one (1) candidate from each of its four (4) council districts
 16 may hold elections using that voting arrangement. The at-large
 17 candidate and the candidate from each district receiving the most votes
 18 from the whole city are elected to the legislative body. The districts
 19 established in cities adopting such a resolution may cross precinct
 20 boundary lines.

21 (n) A copy of the ordinance establishing districts under this section
 22 must be filed with the circuit court clerk of the county that contains the
 23 greatest population of the city not later than thirty (30) days after the
 24 ordinance is adopted.

25 (o) If any territory in the city is not included in one (1) of the
 26 districts established under this section, the territory is included in the
 27 district that:

- 28 (1) is contiguous to that territory; and
- 29 (2) contains the least population of all districts contiguous to that
 30 territory.

31 (p) If any territory in the city is included in more than one (1) of the
 32 districts established under this section, the territory is included in the
 33 district that:

- 34 (1) is one (1) of the districts in which the territory is described in
 35 the ordinance adopted under this section;
- 36 (2) is contiguous to that territory; and
- 37 (3) contains the least population of all districts contiguous to that
 38 territory.

39 SECTION 122. IC 36-4-7-11, AS AMENDED BY P.L.169-2006,
 40 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2010]: Sec. 11. If the city legislative body does not pass the
 42 ordinance required by section 7 of this chapter before ~~October~~ +
 43 **November 2** of each year, the most recent annual appropriations and
 44 annual tax levy are continued for the ensuing budget year.

45 SECTION 123. IC 36-5-1-10.1 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 47 Sec. 10.1. (a) Except as provided in subsection (g), if the county
 48 executive makes the findings required by section 8 of this chapter, it
 49 may adopt an ordinance incorporating the town. The ordinance must:

- 50 (1) provide that:
 51 (A) all members of the town legislative body are to be elected

- 1 at large (if the town would have a population of less than three
2 thousand five hundred (3,500); or
3 (B) divide the town into not less than three (3) nor more than
4 seven (7) districts; and
5 (2) direct the county election board to conduct an election in the
6 town on the date of the next general or municipal election to be
7 held in any precincts in the county.

8 An election conducted under this section must comply with IC 3
9 concerning town elections. If, on the date that an ordinance was
10 adopted under this section, absentee ballots for a general or municipal
11 election have been delivered under IC 3-11-4-15 for voters within a
12 precinct in the town, the election must be conducted on the date of the
13 next general or municipal election held in any precincts in the county
14 after the election for which absentee balloting is being conducted.
15 However, a primary election may not be conducted before an election
16 conducted under this section, regardless of the population of the town.

17 (b) Districts established by an ordinance adopted under this section
18 must comply with IC 3-11-1.5.

19 (c) If any territory in the town is not included in one (1) of the
20 districts established under this section, the territory is included in the
21 district that:

- 22 (1) is contiguous to that territory; and
23 (2) contains the least population of all districts contiguous to that
24 territory.

25 (d) If any territory in the town is included in more than one (1) of
26 the districts established under this section, the territory is included in
27 the district that:

- 28 (1) is one (1) of the districts in which the territory is described in
29 the ordinance adopted under this section;
30 (2) is contiguous to that territory; and
31 (3) contains the least population of all districts contiguous to that
32 territory.

33 (e) Except as provided in subsection (f), an ordinance adopted under
34 this section becomes effective when filed with:

- 35 (1) the office of the secretary of state; and
36 (2) the circuit court clerk of each county in which the town is
37 located.

38 (f) An ordinance incorporating a town under this section may not
39 take effect during the year preceding a year in which a federal
40 decennial census is conducted. An ordinance under this section that
41 would otherwise take effect during the year preceding a year in which
42 a federal decennial census is conducted takes effect January 2¹ of the
43 year in which a federal decennial census is conducted.

44 (g) Proceedings to incorporate a town across county boundaries
45 must have the approval of the county executive of each county that
46 contains a part of the proposed town. Each county that contains a part
47 of the proposed town must adopt identical ordinances providing for the
48 incorporation of the town.

49 **(h) Notwithstanding subsection (f) as that subsection existed on**
50 **December 31, 2009, an ordinance that took effect January 2, 2010,**
51 **because of the application of subsection (f), as that subsection**

1 **existed on December 31, 2009, is instead considered to take effect**
 2 **January 1, 2010, without the adoption of an ordinance or an**
 3 **amended ordinance or any other additional action being required.**

4 SECTION 124. IC 36-5-1-18 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 6 Sec. 18. (a) If at least two-thirds (2/3) of the votes cast in an election
 7 under section 16 of this chapter are affirmative, and at least four-fifths
 8 (4/5) of all the voters listed in the census voted in the election, the
 9 dissolution or change of name takes effect in the manner prescribed by
 10 this section.

11 (b) A change of name takes effect thirty (30) days after the filing of
 12 the statement required by section 17 of this chapter.

13 (c) Except as provided in subsection (d), a dissolution takes effect
 14 six (6) months after the filing of the statement required by section 17
 15 of this chapter. The property owned by the town after payment of debts
 16 and liabilities shall be disposed of in the manner chosen by a majority
 17 of the voters of the town at a special election for that purpose.
 18 Dissolution of a town does not affect the validity of a contract to which
 19 the town is a party.

20 (d) A dissolution under this chapter may not take effect during the
 21 year preceding a year in which a federal decennial census is conducted.
 22 A dissolution that would otherwise take effect during the year
 23 preceding a year in which a federal decennial census is conducted takes
 24 effect January 2¹ of the year in which a federal decennial census is
 25 conducted.

26 **(e) Notwithstanding subsection (d) as that subsection existed on**
 27 **December 31, 2009, a dissolution that took effect January 2, 2010,**
 28 **because of the application of subsection (d), as that subsection**
 29 **existed on December 31, 2009, is instead considered to take effect**
 30 **January 1, 2010, without any additional action being required.**

31 SECTION 125. IC 36-5-1.1-9 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 33 Sec. 9. (a) A person aggrieved by a decision made by the county
 34 executive under section 6 of this chapter may, within thirty (30) days,
 35 appeal that decision or result to the circuit court for the county
 36 containing more than fifty percent (50%) in assessed valuation of the
 37 land in the town. The appeal is instituted by giving written notice to the
 38 clerk of the circuit court and filing with the county executive a bond for
 39 five hundred dollars (\$500), with surety approved by the county
 40 executive. The bond must provide:

41 (1) that the appeal will be duly prosecuted; and

42 (2) that the appellants will pay all costs if the appeal is decided
 43 against them.

44 (b) When an appeal is instituted, the county executive shall file with
 45 the clerk of the circuit court a transcript of all proceedings in the case,
 46 together with all papers filed in the case. The county executive may not
 47 take further action in the case until the appeal is heard and determined.

48 (c) An appeal under this section shall be heard by the circuit court
 49 without a jury. Change of venue from the judge may be granted, but
 50 change of venue from the county may not be granted. If the court orders
 51 the dissolution to take place, the circuit court clerk shall, immediately

1 after the judgment of the court, certify the judgment of the circuit court
2 to:

- 3 (1) the clerk of the municipality;
- 4 (2) the circuit court clerk of any other county in which the town
5 is located; and
- 6 (3) the office of the secretary of state.

7 (d) Except as provided in subsection (e), the dissolution takes effect
8 sixty (60) days after the order is certified.

9 (e) A dissolution under this section may not take effect during the
10 year preceding a year in which a federal decennial census is conducted.
11 A dissolution under this section that would otherwise take effect during
12 the year preceding the year in which the federal decennial census is
13 conducted takes effect January 2 1 of the year in which a federal
14 decennial census is conducted.

15 **(f) Notwithstanding subsection (e) as that subsection existed on**
16 **December 31, 2009, a dissolution that took effect January 2, 2010,**
17 **because of the application of subsection (e), as that subsection**
18 **existed on December 31, 2009, is instead considered to take effect**
19 **January 1, 2010, without any additional action being required.**

20 SECTION 126. IC 36-5-1.1-10 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
22 Sec. 10. (a) If the county executive approves dissolution under section
23 6 of this chapter, the county executive shall adopt:

- 24 (1) an ordinance; or
- 25 (2) an order in a county having a consolidated city;

26 dissolving the town.

27 (b) Except as provided in subsection (e), a dissolution takes effect:

- 28 (1) at least sixty (60) days after the ordinance or order under
29 subsection (a) is adopted; and
- 30 (2) when the county auditor files a copy of the ordinance or order
31 with:

32 (A) the circuit court clerk of each county in which the town is
33 located; and

34 (B) the office of the secretary of state.

35 (c) The property owned by the town after payment of debts and
36 liabilities shall be disposed of by the county executive. Any proceeds
37 remaining shall be deposited in the county general fund. Dissolution of
38 a town does not affect the validity of a contract to which the town is a
39 party.

40 (d) After dissolution, the books and records of the town become the
41 property of the county executive for safekeeping.

42 (e) A dissolution under this section may not take effect during the
43 year preceding a year in which a federal decennial census is conducted.
44 A dissolution under this section that would otherwise take effect during
45 the year preceding a year in which a federal decennial census is
46 conducted takes effect January 2 1 of the year in which a federal
47 decennial census is conducted.

48 **(f) Notwithstanding subsection (e) as that subsection existed on**
49 **December 31, 2009, a dissolution that took effect January 2, 2010,**
50 **because of the application of subsection (e), as that subsection**
51 **existed on December 31, 2009, is instead considered to take effect**

1 **January 1, 2010, without any additional action being required.**

2 SECTION 127. IC 36-5-1.1-10.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

4 Sec. 10.5. (a) This section applies to the dissolution of an included
5 town.

6 (b) The town legislative body may adopt a resolution to consider
7 dissolution of the town under this section. The resolution must state the
8 following:

9 (1) That the town legislative body conduct a public hearing at a
10 stated date, place, and time concerning the dissolution of the
11 town.

12 (2) That the town legislative body will hear all statements
13 presented in favor of or in opposition to dissolution.

14 (3) That the town legislative body may adopt an ordinance to
15 dissolve the town at the conclusion of the public hearing.

16 (c) The town clerk shall publish a notice of the public hearing in
17 accordance with IC 5-3-1.

18 (d) The town legislative body may continue a public hearing under
19 this section. If a hearing is continued, the clerk is not required to
20 publish an additional notice under subsection (c).

21 (e) The town legislative body may adopt an ordinance following the
22 conclusion of the public hearing under subsection (b). The town clerk
23 shall file a copy of the ordinance with:

24 (1) the circuit court clerk of the county; and

25 (2) the office of the secretary of state.

26 (f) Except as provided in subsection (g), the ordinance dissolving
27 the town takes effect:

28 (1) at least sixty (60) days after adoption; and

29 (2) when the ordinance is filed under subsection (e).

30 (g) A dissolution under this section may not take effect during the
31 year preceding a year in which a federal decennial census is conducted.
32 A dissolution under this section that would otherwise take effect during
33 the year preceding a year in which the federal decennial census is
34 conducted takes effect January ~~2~~ **1** of the year in which a federal
35 decennial census is conducted.

36 (h) When an ordinance dissolving a town becomes effective:

37 (1) the territory included within the town when the ordinance was
38 adopted becomes a part of the consolidated city;

39 (2) the books and records of the town become the property of the
40 county executive;

41 (3) the property owned by the town after payment of debts and
42 liabilities shall be disposed of by the county executive; and

43 (4) the county executive shall deposit any proceeds remaining
44 after payment of debts and liabilities into the county general fund.

45 (i) The dissolution of a town under this section does not affect the
46 validity of a contract to which the town is a party.

47 **(j) Notwithstanding subsection (g) as that subsection existed on**
48 **December 31, 2009, a dissolution that took effect January 2, 2010,**
49 **because of the application of subsection (g), as that subsection**
50 **existed on December 31, 2009, is instead considered to take effect**
51 **January 1, 2010, without any additional action being required.**

1 SECTION 128. IC 36-5-1.1-10.6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 3 Sec. 10.6. (a) This section applies to included towns.

4 (b) The dissolution of a town under this section may be instituted by
 5 filing a petition with the county board of registration. The petition must
 6 be signed by at least the number of the registered voters of the town
 7 required to place a candidate on the ballot under IC 3-8-6-3. The
 8 petition must be filed not later than June 1 of a year in which a general
 9 or municipal election will be held.

10 (c) If a petition meets the criteria set forth in subsection (b), the
 11 county board of registration shall certify the public question to the
 12 county election board under IC 3-10-9-3. The county election board
 13 shall place the question of dissolution on the ballot provided for voters
 14 in the included town at the first general or municipal election following
 15 certification. The question shall be placed on the ballot in the form
 16 prescribed by IC 3-10-9-4 and must state "Shall the town of _____
 17 dissolve?".

18 (d) If the public question is approved by a majority of the voters
 19 voting on the question, the county election board shall file a copy of the
 20 certification prepared under IC 3-12-4-9 concerning the public question
 21 described by this section with the following:

- 22 (1) The circuit court clerk of the county.
- 23 (2) The office of the secretary of state.

24 (e) Except as provided in subsection (f), dissolution occurs:

- 25 (1) at least sixty (60) days after certification under IC 3-12-4-9;
- 26 and
- 27 (2) when the certification is filed under subsection (d).

28 (f) A dissolution under this section may not take effect during the
 29 year preceding a year in which a federal decennial census is conducted.
 30 A dissolution under this section that would otherwise take effect during
 31 the year preceding a year in which the federal decennial census is
 32 conducted takes effect January 2 1 of the year in which a federal
 33 decennial census is conducted.

34 (g) When a town is dissolved under this section:

- 35 (1) the territory included within the town when the ordinance was
- 36 adopted becomes a part of the consolidated city;
- 37 (2) the books and records of the town become the property of the
- 38 county executive;
- 39 (3) the property owned by the town after payment of debts and
- 40 liabilities shall be disposed of by the county executive; and
- 41 (4) the county executive shall deposit any proceeds remaining
- 42 after payment of debts and liabilities into the county general fund.

43 (h) The dissolution of a town under this section does not affect the
 44 validity of a contract to which the town is a party.

45 **(i) Notwithstanding subsection (f) as that subsection existed on**
 46 **December 31, 2009, a dissolution that took effect January 2, 2010,**
 47 **because of the application of subsection (f), as that subsection**
 48 **existed on December 31, 2009, is instead considered to take effect**
 49 **January 1, 2010, without any additional action being required.**

50 SECTION 129. IC 36-6-1-3 IS AMENDED TO READ AS
 51 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

1 Sec. 3. (a) When part of a township is owned by the state or the United
 2 States, devoted to a public use, and withdrawn from taxation for local
 3 purposes, and:

4 (1) less than eighteen (18) square miles of the township remains
 5 subject to taxation; or

6 (2) the township is divided into two (2) or more separate sections
 7 by the government owned part;

8 the county executive may issue an order to alter the boundaries of the
 9 township and adjoining townships on receipt of a petition signed by at
 10 least thirty-five percent (35%) of the resident freeholders of a part of
 11 the township adjoining another township.

12 (b) Except as provided in subsection (c), a boundary alteration under
 13 this section is effective when a copy of the order is filed with:

14 (1) the circuit court clerk; and

15 (2) the office of the secretary of state.

16 (c) A boundary alteration under this section may not take effect
 17 during the year preceding a year in which a federal decennial census is
 18 conducted. A boundary alteration that would otherwise take effect
 19 during the year preceding a year in which a federal decennial census is
 20 conducted takes effect January 2nd 1 of the year in which a federal
 21 decennial census is conducted.

22 **(d) Notwithstanding subsection (c) as that subsection existed on**
 23 **December 31, 2009, a boundary alteration that took effect January**
 24 **2, 2010, because of the application of subsection (c), as that**
 25 **subsection existed on December 31, 2009, is instead considered to**
 26 **take effect January 1, 2010, without any additional action being**
 27 **required.**

28 SECTION 130. IC 36-7-10.1-3 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The legislative
 30 body of a municipality or county may by ordinance require the owners
 31 of real property located within the municipality or the unincorporated
 32 area of the county to cut and remove weeds and other rank vegetation
 33 growing on the property. As used in this chapter, "weeds and other rank
 34 vegetation" does not include agricultural crops, such as hay and
 35 pasture.

36 (b) An ordinance adopted under subsection (a) must specify the
 37 following:

38 (1) The department of the municipality or county responsible for
 39 the administration of the ordinance.

40 (2) The definitions of weeds and rank vegetation.

41 (3) The height at which weeds or rank vegetation becomes a
 42 violation of the ordinance, specifying the appropriate heights for
 43 various types of weeds and rank vegetation.

44 (4) The procedure for issuing notice to the owner of real property
 45 of a violation of the ordinance.

46 (5) The procedure under which the municipality or county, or its
 47 contractors, may enter real property to abate a violation of the
 48 ordinance if the owner fails to abate the violation.

49 (6) The procedure for issuing a bill to the owner of real property
 50 for the costs incurred by the municipality or county in abating the
 51 violation, including administrative costs and removal costs. **The**

1 **cost of sending notice under subsection (c) is an**
 2 **administrative cost that may be billed to the owner under this**
 3 **subdivision.**

4 (7) The procedure for appealing a notice of violation or a bill
 5 issued under the ordinance.

6 **(c) An ordinance adopted under subsection (a) must provide**
 7 **that a notice sent to the property owner must be sent by certified**
 8 **mail, return receipt requested, or an equivalent service permitted**
 9 **under IC 1-1-7-1 to:**

10 **(1) the owner of record of real property with a single owner;**

11 **or**

12 **(2) at least one (1) of the owners of real property with multiple**
 13 **owners;**

14 **at the last address of the owner for the property as indicated in the**
 15 **records of the county auditor on the date of the notice.**

16 SECTION 131. IC 36-7-13-12, AS AMENDED BY P.L.199-2005,
 17 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 12. (a) If a municipal or county executive has
 19 submitted an application to an advisory commission on industrial
 20 development requesting that an area be designated as a district under
 21 this chapter and the advisory commission has compiled and prepared
 22 the information required under section 11 of this chapter concerning
 23 the area, the advisory commission may adopt a resolution designating
 24 the area as a district if it makes the findings described in subsection (b),
 25 (c), (d), or (e). In a county described in subsection (c), an advisory
 26 commission may designate more than one (1) district under subsection
 27 (c).

28 (b) For an area located in a county having a population of more than
 29 one hundred twenty thousand (120,000) but less than one hundred
 30 thirty thousand (130,000), an advisory commission may adopt a
 31 resolution designating a particular area as a district only after finding
 32 all of the following:

33 (1) The area contains a building or buildings:

34 (A) with at least one million (1,000,000) square feet of usable
 35 interior floor space; and

36 (B) that is or are vacant or will become vacant due to the
 37 relocation of an employer.

38 (2) At least one thousand (1,000) fewer persons are employed in
 39 the area than were employed in the area during the year that is ten
 40 (10) years previous to the current year.

41 (3) There are significant obstacles to redevelopment of the area
 42 due to any of the following problems:

43 (A) Obsolete or inefficient buildings.

44 (B) Aging infrastructure or inefficient utility services.

45 (C) Utility relocation requirements.

46 (D) Transportation or access problems.

47 (E) Topographical obstacles to redevelopment.

48 (F) Environmental contamination.

49 (4) The unit has expended, appropriated, pooled, set aside, or
 50 pledged at least one hundred thousand dollars (\$100,000) for
 51 purposes of addressing the redevelopment obstacles described in

- 1 subdivision (3).
 2 (5) The area is located in a county having a population of more
 3 than one hundred twenty thousand (120,000) but less than one
 4 hundred thirty thousand (130,000).
 5 (c) For a county having a population of more than one hundred
 6 eighteen thousand (118,000) but less than one hundred twenty
 7 thousand (120,000), an advisory commission may adopt a resolution
 8 designating not more than ~~two (2)~~ **three (3)** areas as districts. An
 9 advisory commission may designate an area as a district only after
 10 finding the following:
 11 (1) The area meets ~~either~~ **at least one (1)** of the following
 12 conditions:
 13 (A) **The area meets the following conditions:**
 14 (i) The area contains a building with at least seven hundred
 15 ninety thousand (790,000) square feet. ~~and~~
 16 (ii) At least eight hundred (800) fewer people are employed
 17 in the area than were employed in the area during the year
 18 that is fifteen (15) years previous to the current year.
 19 (iii) **The area is located in or is adjacent to an industrial**
 20 **park.**
 21 (B) **The area meets the following conditions:**
 22 (i) The area contains a building with at least three hundred
 23 eighty-six thousand (386,000) square feet. ~~and~~
 24 (ii) At least four hundred (400) fewer people are employed
 25 in the area than were employed in the area during the year
 26 that is fifteen (15) years previous to the current year.
 27 (iii) **The area is located in or is adjacent to an industrial**
 28 **park.**
 29 (C) **The area meets the following conditions:**
 30 (i) **The area contains a building with at least one million**
 31 **(1,000,000) square feet.**
 32 (ii) **At least seven hundred (700) fewer people are**
 33 **employed in the area than were employed in the area on**
 34 **January 1, 2008.**
 35 ~~(2) The area is located in or is adjacent to an industrial park.~~
 36 ~~(3) (2)~~ **(2)** There are significant obstacles to redevelopment of the
 37 area due to any of the following problems:
 38 (A) Obsolete or inefficient buildings.
 39 (B) Aging infrastructure or inefficient utility services.
 40 (C) Utility relocation requirements.
 41 (D) Transportation or access problems.
 42 (E) Topographical obstacles to redevelopment.
 43 (F) Environmental contamination.
 44 ~~(4) (3)~~ **(3)** The area is located in a county having a population of
 45 more than one hundred eighteen thousand (118,000) but less than
 46 one hundred twenty thousand (120,000).
 47 (d) For an area located in a county having a population of more than
 48 two hundred thousand (200,000) but less than three hundred thousand
 49 (300,000), an advisory commission may adopt a resolution designating
 50 a particular area as a district only after finding all of the following:
 51 (1) The area contains a building or buildings:

- 1 (A) with at least one million five hundred thousand
 2 (1,500,000) square feet of usable interior floor space; and
 3 (B) that is or are vacant or will become vacant.
- 4 (2) At least eighteen thousand (18,000) fewer persons are
 5 employed in the area at the time of application than were
 6 employed in the area before the time of application.
- 7 (3) There are significant obstacles to redevelopment of the area
 8 due to any of the following problems:
 9 (A) Obsolete or inefficient buildings.
 10 (B) Aging infrastructure or inefficient utility services.
 11 (C) Utility relocation requirements.
 12 (D) Transportation or access problems.
 13 (E) Topographical obstacles to redevelopment.
 14 (F) Environmental contamination.
- 15 (4) The unit has expended, appropriated, pooled, set aside, or
 16 pledged at least one hundred thousand dollars (\$100,000) for
 17 purposes of addressing the redevelopment obstacles described in
 18 subdivision (3).
- 19 (5) The area is located in a county having a population of more
 20 than two hundred thousand (200,000) but less than three hundred
 21 thousand (300,000).
- 22 (e) For an area located in a county having a population of more than
 23 three hundred thousand (300,000) but less than four hundred thousand
 24 (400,000), an advisory commission may adopt a resolution designating
 25 a particular area as a district only after finding all of the following:
 26 (1) The area contains a building or buildings:
 27 (A) with at least eight hundred thousand (800,000) gross
 28 square feet; and
 29 (B) having leasable floor space, at least fifty percent (50%) of
 30 which is or will become vacant.
- 31 (2) There are significant obstacles to redevelopment of the area
 32 due to any of the following problems:
 33 (A) Obsolete or inefficient buildings as evidenced by a decline
 34 of at least seventy-five percent (75%) in their assessed
 35 valuation during the preceding ten (10) years.
 36 (B) Transportation or access problems.
 37 (C) Environmental contamination.
- 38 (3) At least four hundred (400) fewer persons are employed in the
 39 area than were employed in the area during the year that is fifteen
 40 (15) years previous to the current year.
- 41 (4) The area has been designated as an economic development
 42 target area under IC 6-1.1-12.1-7.
- 43 (5) The unit has appropriated, pooled, set aside, or pledged at
 44 least two hundred fifty thousand dollars (\$250,000) for purposes
 45 of addressing the redevelopment obstacles described in
 46 subdivision (2).
- 47 (6) The area is located in a county having a population of more
 48 than three hundred thousand (300,000) but less than four hundred
 49 thousand (400,000).
- 50 (f) The advisory commission, or the county or municipal legislative
 51 body, in the case of a district designated under section 10.5 of this

1 chapter, shall designate the duration of the district. However, a district
2 must terminate not later than fifteen (15) years after the income tax
3 incremental amount or gross retail incremental amount is first allocated
4 to the district.

5 (g) Upon adoption of a resolution designating a district, the advisory
6 commission shall:

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

9 (2) file the following information with each taxing unit in the
10 county where the district is located:

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

12 (B) A statement disclosing the impact of the district, including
13 the following:

14 (i) The estimated economic benefits and costs incurred by
15 the district, as measured by increased employment and
16 anticipated growth of property assessed values.

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

19 The notice must state the general boundaries of the district.

20 (h) Upon completion of the actions required by subsection (g), the
21 advisory commission shall submit the resolution to the budget
22 committee for review and recommendation to the budget agency. If the
23 budget agency fails to take action on a resolution designating a district
24 within one hundred twenty (120) days after the date that the resolution
25 is submitted to the budget committee, the designation of the district by
26 the resolution is considered approved.

27 (i) When considering a resolution, the budget committee and the
28 budget agency must make the following findings:

29 (1) The area to be designated as a district meets the conditions
30 necessary for designation as a district.

31 (2) The designation of the district will benefit the people of
32 Indiana by protecting or increasing state and local tax bases and
33 tax revenues for at least the duration of the district.

34 (j) The income tax incremental amount and the gross retail
35 incremental amount may not be allocated to the district until the
36 resolution is approved under this section.

37 SECTION 132. IC 36-7-13-14, AS AMENDED BY P.L.199-2005,
38 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 14. (a) **This section does not apply to a
40 district that:**

41 **(1) is described in section 23(a) of this chapter; and**

42 **(2) is not selected by the advisory commission to receive an
43 allocation of income tax incremental amount and the gross
44 retail incremental amount under this chapter.**

45 **(b)** Before the first business day in October of each year, the
46 department shall calculate the income tax incremental amount and the
47 gross retail incremental amount for the preceding state fiscal year for
48 each district designated under this chapter.

49 ~~(b)~~ **(c)** Businesses operating in the district shall report, in the
50 manner and in the form prescribed by the department, information that
51 the department determines necessary to calculate incremental gross

1 retail, use, and income taxes.

2 ~~(c)~~ **(d)** Not later than sixty (60) days after receiving a certification
3 of a district's modified boundaries under section 12.5(c) of this chapter,
4 the department shall recalculate the income tax incremental amount
5 and the gross retail incremental amount for the preceding state fiscal
6 year for a district modified under section 12.5 of this chapter.

7 SECTION 133. IC 36-7-13-15 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) **This**
9 **section does not apply to a district that:**

10 **(1) is described in section 23(a) of this chapter; and**

11 **(2) is not selected by the advisory commission to receive an**
12 **allocation of income tax incremental amount and the gross**
13 **retail incremental amount under this chapter.**

14 **(b)** If an advisory commission on industrial development designates
15 a district under this chapter or the legislative body of a county or
16 municipality adopts an ordinance designating a district under section
17 10.5 of this chapter, the treasurer of state shall establish an incremental
18 tax financing fund for the district. The fund shall be administered by
19 the treasurer of state. Money in the fund does not revert to the state
20 general fund at the end of a state fiscal year.

21 ~~(b)~~ **(c)** Subject to subsection ~~(c)~~; **(d)**, the following amounts shall be
22 deposited during each state fiscal year in the incremental tax financing
23 fund established for the district under subsection (a):

24 (1) The aggregate amount of state gross retail and use taxes that
25 are remitted under IC 6-2.5 by businesses operating in the district,
26 until the amount of state gross retail and use taxes deposited
27 equals the gross retail incremental amount for the district.

28 (2) The aggregate amount of state and local income taxes paid by
29 employees employed in the district with respect to wages earned
30 for work in the district, until the amount of state and local income
31 taxes deposited equals the income tax incremental amount.

32 ~~(c)~~ **(d)** The aggregate amount of revenues that is:

33 (1) attributable to:

34 (A) the state gross retail and use taxes established under
35 IC 6-2.5; and

36 (B) the adjusted gross income tax established under IC 6-3-1
37 through IC 6-3-7; and

38 (2) deposited during any state fiscal year in each incremental tax
39 financing fund established for a district;

40 may not exceed one million dollars (\$1,000,000) per district designated
41 under section 10.5 or 12 of this chapter and seven hundred fifty
42 thousand dollars (\$750,000) per district for a district designated under
43 section 10.1 or 12.1 of this chapter.

44 ~~(d)~~ **(e)** On or before the twentieth day of each month, all amounts
45 held in the incremental tax financing fund established for a district
46 shall be distributed to the district's advisory commission on industrial
47 development for deposit in the industrial development fund of the unit
48 that requested designation of the district.

49 SECTION 134. IC 36-7-13-23 IS ADDED TO THE INDIANA
50 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
51 [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) This section applies**

1 **only to a district designated for an area described in:**

2 **(1) section 12(c)(1)(A) of this chapter; or**

3 **(2) section 12(c)(1)(C) of this chapter.**

4 **(b) A district is not entitled to receive an allocation of the**
5 **income tax incremental amount and the gross retail incremental**
6 **amount unless the advisory commission selects the district to**
7 **receive the allocations.**

8 **(c) The advisory commission may select only one (1) of the**
9 **districts to receive allocations of the income tax incremental**
10 **amount and the gross retail incremental amount.**

11 **(d) The advisory commission shall inform the budget agency**
12 **which district it selects to receive allocations on an election form**
13 **prescribed by the budget agency.**

14 **(e) The income tax incremental amount and the gross retail**
15 **incremental amount may not be allocated to the district selected**
16 **under this section until the budget agency receives the election**
17 **form required by subsection (d).**

18 SECTION 135. IC 36-7-22-7 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) After conducting
20 a hearing on the proposed economic improvement district, the
21 legislative body may adopt an ordinance establishing the economic
22 improvement district if it determines that:

23 (1) the petition meets the requirements of this section and sections
24 4 and 5 of this chapter;

25 (2) the economic improvement projects to be undertaken in the
26 district will provide special benefits to property owners in the
27 district and will be of public utility and benefit;

28 (3) the benefits provided by the project will be new benefits that
29 do not replace benefits existing before the establishment of the
30 district; and

31 (4) the formula to be used for the assessment of benefits is
32 appropriate.

33 (b) The legislative body may adopt the ordinance only if it
34 determines that the petition has been signed by:

35 (1) a majority of the owners of real property within the proposed
36 district; and

37 (2) the owners of real property constituting ~~at least sixty-six and~~
38 ~~two-thirds percent (66 2/3%)~~ **more than fifty percent (50%)** of
39 the assessed valuation in the proposed district.

40 (c) The signature of a person whose property would be exempt from
41 assessments under the ordinance may not be considered in determining
42 whether the requirements of subsection (b) are met. In addition, the
43 assessed valuation of any property that would be exempt from
44 assessment under the ordinance may not be considered in determining
45 the total assessed valuation in the proposed district.

46 SECTION 136. IC 36-7-22-11 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. An ordinance
48 adopted under section 7 of this chapter must establish an economic
49 improvement board to be appointed by the legislative body. The board
50 must have at least three (3) members, and a majority of the board
51 members must own real property within the district. **However, if there**

1 **is only one (1) property owner within a district formed before**
 2 **March 1, 2010, the legislative body shall appoint one (1) member**
 3 **to the economic improvement board who owns real property**
 4 **within the district and not more than two (2) other members who**
 5 **are not required to own real property within the district. After,**
 6 **February 28, 2010, a district formed under this chapter must have**
 7 **at least one (1) parcel of real property that is not owned by an**
 8 **owner of other parcels of real property in the district.**

9 SECTION 137. IC 36-7-22-12, AS AMENDED BY P.L.1-2009,
 10 SECTION 166, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The board shall use the
 12 formula approved by the legislative body under section 7(a)(4) of this
 13 chapter to determine the percentage of benefit to be received by each
 14 parcel of real property within the economic improvement district. The
 15 board shall apply the percentage determined for each parcel to the total
 16 amount that is to be defrayed by special assessment and determine the
 17 **special** assessment for each parcel.

18 (b) Promptly after determining the proposed assessment for each
 19 parcel, the board shall mail notice to each owner of property to be
 20 assessed. This notice must:

- 21 (1) set forth the amount of the proposed **special** assessment;
- 22 (2) state that the proposed **special** assessment on each parcel of
 23 real property in the economic improvement district is on file and
 24 can be seen in the board's office;
- 25 (3) state the time and place where written remonstrances against
 26 the **special** assessment may be filed;
- 27 (4) set forth the time and place where the board will hear any
 28 owner of assessed real property who has filed a remonstrance
 29 before the hearing date; and
- 30 (5) state that the board, after hearing evidence, may increase or
 31 decrease, or leave unchanged, the **special** assessment on any
 32 parcel.

33 (c) The notices must be deposited in the mail twenty (20) days
 34 before the hearing date. The notices to the owners must be addressed
 35 as the names and addresses appear on the tax duplicates and the
 36 records of the county auditor.

37 (d) At the time fixed in the notice, the board shall hear any owner
 38 of assessed real property who has filed a written remonstrance before
 39 the date of the hearing. The hearing may be continued from time to
 40 time as long as is necessary to hear the owners.

41 (e) The board shall render its decision by increasing, decreasing, or
 42 confirming each **special** assessment by setting opposite each name,
 43 parcel, and proposed assessment, the amount of the assessment as
 44 determined by the board. However, if the total of the **special**
 45 assessments exceeds the amount needed, the board shall make a
 46 prorated reduction in each **special** assessment.

47 (f) Except as provided in section 13 of this chapter, the signing of
 48 the **special** assessment schedule by a majority of the members of the
 49 board and the delivery of the schedule to the county auditor constitute
 50 a final and conclusive determination of the benefits that are assessed.

51 (g) Each ~~economic improvement district~~ **special** assessment is

- 1 (1) included within the definition of property taxation under
 2 IC 6-1.1-1-14; and
 3 (2) a lien on the real property that is assessed, in the economic
 4 improvement district. **second only to ad valorem property taxes**
 5 **levied on that property.**

6 The general assembly finds that an economic improvement district
 7 assessment is a property tax levied for the general public welfare:

8 (h) An economic improvement district assessment paid by a
 9 property owner is a property tax for the purposes of applying Section
 10 164 of the Internal Revenue Code to the determination of adjusted
 11 gross income. However, an economic improvement district assessment
 12 paid by a property owner is not eligible for a credit under IC 6-1.1;
 13 IC 6-3.5; or any other law.

14 (i) **(h)** The board shall certify to the county auditor the schedule of
 15 **special assessments of benefits. For purposes of providing**
 16 **substantiation of the deductibility of a special assessment for**
 17 **federal adjusted gross income tax purposes under Section 164 of**
 18 **the Internal Revenue Code, the board shall, to the extent**
 19 **practicable, supplement the schedule of special assessments**
 20 **provided to the county auditor with a statement that identifies the**
 21 **part of each special assessment that is allocable to interest,**
 22 **maintenance, and repair charges. If the board provides the county**
 23 **auditor with the statement, the county auditor shall show, on the**
 24 **tax statement, the part of the special assessment that is for interest**
 25 **and maintenance and repair items separately from the remainder**
 26 **of the special assessment.**

27 SECTION 138. IC 36-7-32-11, AS AMENDED BY P.L.3-2008,
 28 SECTION 263, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) After receipt of an
 30 application under section 10 of this chapter, and subject to subsection
 31 (b), the Indiana economic development corporation may designate a
 32 certified technology park if the corporation determines that the
 33 application demonstrates a firm commitment from at least one (1)
 34 business engaged in a high technology activity creating a significant
 35 number of jobs and satisfies one (1) or more of the following additional
 36 criteria:

- 37 (1) A demonstration of significant support from an institution of
 38 higher education, a private research based institute, or a military
 39 research and development or testing facility on an active United
 40 States government military base or other military installation
 41 located within, or in the vicinity of, the proposed certified
 42 technology park, as evidenced by the following criteria:
 43 (A) Grants of preferences for access to and commercialization
 44 of intellectual property.
 45 (B) Access to laboratory and other facilities owned by or under
 46 the control of the postsecondary educational institution or
 47 private research based institute.
 48 (C) Donations of services.
 49 (D) Access to telecommunications facilities and other
 50 infrastructure.
 51 (E) Financial commitments.

- 1 (F) Access to faculty, staff, and students.
 2 (G) Opportunities for adjunct faculty and other types of staff
 3 arrangements or affiliations.
 4 (H) Other criteria considered appropriate by the Indiana
 5 economic development corporation.
- 6 (2) A demonstration of a significant commitment by the
 7 postsecondary educational institution, private research based
 8 institute, or military research and development or testing facility
 9 on an active United States government military base or other
 10 military installation to the commercialization of research
 11 produced at the certified technology park, as evidenced by the
 12 intellectual property and, if applicable, tenure policies that reward
 13 faculty and staff for commercialization and collaboration with
 14 private businesses.
- 15 (3) A demonstration that the proposed certified technology park
 16 will be developed to take advantage of the unique characteristics
 17 and specialties offered by the public and private resources
 18 available in the area in which the proposed certified technology
 19 park will be located.
- 20 (4) The existence of or proposed development of a business
 21 incubator within the proposed certified technology park that
 22 exhibits the following types of resources and organization:
- 23 (A) Significant financial and other types of support from the
 24 public or private resources in the area in which the proposed
 25 certified technology park will be located.
- 26 (B) A business plan exhibiting the economic utilization and
 27 availability of resources and a likelihood of successful
 28 development of technologies and research into viable business
 29 enterprises.
- 30 (C) A commitment to the employment of a qualified full-time
 31 manager to supervise the development and operation of the
 32 business incubator.
- 33 (5) The existence of a business plan for the proposed certified
 34 technology park that identifies its objectives in a clearly focused
 35 and measurable fashion and that addresses the following matters:
- 36 (A) A commitment to new business formation.
 37 (B) The clustering of businesses, technology, and research.
 38 (C) The opportunity for and costs of development of properties
 39 under common ownership or control.
 40 (D) The availability of and method proposed for development
 41 of infrastructure and other improvements, including
 42 telecommunications technology, necessary for the
 43 development of the proposed certified technology park.
 44 (E) Assumptions of costs and revenues related to the
 45 development of the proposed certified technology park.
- 46 (6) A demonstrable and satisfactory assurance that the proposed
 47 certified technology park can be developed to principally contain
 48 property that is primarily used for, or will be primarily used for,
 49 a high technology activity or a business incubator.
- 50 (b) The Indiana economic development corporation may not
 51 approve an application that would result in a substantial reduction or

1 cessation of operations in another location in Indiana in order to
2 relocate them within the certified technology park.

3 (c) A certified technology park designated under this section is
4 subject to the review of the Indiana economic development corporation
5 and must be recertified every four (4) years. The corporation shall
6 develop procedures and the criteria to be used in the review required
7 by this subsection. A certified technology park shall furnish to the
8 corporation the following information to be used in the course of the
9 review:

10 (1) Total employment and payroll levels for all businesses
11 operating within the certified technology park.

12 (2) The nature and extent of any technology transfer activity
13 occurring within the certified technology park.

14 (3) The nature and extent of any nontechnology businesses
15 operating within the certified technology park.

16 (4) The use and outcomes of any state money made available to
17 the certified technology park.

18 (5) An analysis of the certified technology park's overall
19 contribution to the technology based economy in Indiana.

20 **If a certified technology park is not recertified, the Indiana**
21 **economic development corporation shall send a certified copy of a**
22 **notice of the determination to the county auditor, the department**
23 **of local government finance, and the department of state revenue.**

24 (d) To the extent allowed under IC 5-14-3, the corporation shall
25 maintain the confidentiality of any information that is:

26 (1) submitted as part of the review process under subsection (c);
27 and

28 (2) marked as confidential;

29 by the certified technology park.

30 SECTION 139. IC 36-8-16.5-14.5 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14.5. As used in this
32 chapter, "~~prepaid subscriber~~" refers to a CMRS subscriber who pays in
33 full prospectively for the service and is issued an Indiana telephone
34 number or an Indiana identification number for the service. **user" has**
35 **the meaning set forth in IC 36-8-16.6-6.**

36 SECTION 140. IC 36-8-16.5-14.7 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14.7. As used in this
38 chapter, "~~standard subscriber~~" **user" or "user"** refers to a CMRS
39 **subscriber user** who pays retrospectively for the service and has an
40 Indiana billing address for the service.

41 SECTION 141. IC 36-8-16.5-22 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 22. The fund consists
43 of the following:

44 (1) Service charges assessed on CMRS users in the state under
45 section 25.5 of this chapter.

46 (2) Appropriations made by the general assembly.

47 (3) Grants and gifts intended for deposit in the fund.

48 (4) Interest, premiums, gains, or other earnings on the fund.

49 **(5) Enhanced prepaid wireless charges collected and remitted**
50 **under IC 36-8-16.6-12.**

51 SECTION 142. IC 36-8-16.5-25.5 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 25.5. (a) As used in this
 2 section, "customer" and "place of primary use" have the meanings set
 3 forth in IC 6-8.1-15.

4 (b) Except as provided in section 34 of this chapter, the board shall
 5 assess a monthly wireless emergency enhanced 911 fee on each ~~CMRS~~
 6 **subscriber standard user** that is a customer having a place of primary
 7 use in Indiana. A customer's place of primary use shall be determined
 8 in the manner provided by IC 6-8.1-15.

9 **(c) The fee assessed under subsection (b) does not apply to a**
 10 **prepaid user in a retail transaction under IC 36-8-16.6.**

11 SECTION 143. IC 36-8-16.5-29 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 29. An additional fee
 13 relating to the provision of wireless 911 service may not be levied by
 14 a state agency or local unit of government. **An enhanced prepaid**
 15 **wireless charge (as defined in IC 36-8-16.6-4) is not considered an**
 16 **additional fee relating to the provision of wireless 911 service for**
 17 **purposes of this section.**

18 SECTION 144. IC 36-8-16.5-30.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 30.5. (a) As used in this
 20 section, "customer" and "place of primary use" have the meanings set
 21 forth in IC 6-8.1-15.

22 (b) Except as provided in section 34 of this chapter, ~~each a~~ CMRS
 23 provider shall, **as part of its normal monthly billing process**, collect
 24 the wireless emergency enhanced 911 fee assessed under section 25.5
 25 of this chapter ~~as follows (1) As part of its normal monthly billing~~
 26 ~~process, a CMRS provider shall collect the fee~~ from each standard
 27 ~~subscriber user~~ that is a customer having a place of primary use in
 28 Indiana and may list the fee as a separate line item on each bill. A
 29 customer's place of primary use shall be determined in the manner
 30 provided by IC 6-8.1-15. If a CMRS provider receives a partial
 31 payment for a monthly bill from a CMRS standard ~~subscriber, user~~, the
 32 CMRS provider shall apply the payment against the amount the CMRS
 33 standard ~~subscriber user~~ owes to the CMRS provider before applying
 34 the payment against the fee.

35 ~~(2)~~ **(c) This subsection applies only if IC 36-8-16.6 expires and**
 36 **sunsets under the conditions set forth in IC 36-8-16.6-22.** A CMRS
 37 provider shall collect and remit to the board under section 36 of this
 38 chapter fees from its prepaid ~~subscribers users~~ in a total amount equal
 39 to the fee amount multiplied by the number of active prepaid ~~subscriber~~
 40 **user** accounts on the last day of each calendar month.

41 SECTION 145. IC 36-8-16.5-31 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 31. A CMRS provider,
 43 as part of its monthly billing process, may not pro-rate the monthly
 44 wireless emergency enhanced 911 fee collected from ~~the subscriber: a~~
 45 **standard user.**

46 SECTION 146. IC 36-8-16.5-32 IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 32. A CMRS provider
 48 is not required to take legal action to enforce the collection of the
 49 wireless emergency enhanced 911 fee for which a ~~subscriber user~~ is
 50 billed. However, a collection action may be initiated by the board. A
 51 court finding for the board in the action may award reasonable costs

1 and attorney's fees associated with the collection action.

2 SECTION 147. IC 36-8-16.5-34 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 34. A CMRS number
4 is exempt from the wireless emergency enhanced 911 fee if the
5 **subscriber user** is any of the following:

- 6 (1) The federal government or an agency of the federal
7 government.
- 8 (2) The state or an agency or instrumentality of the state.
- 9 (3) A political subdivision (as defined in IC 36-1-2-13) or an
10 agency of a political subdivision.

11 SECTION 148. IC 36-8-16.5-35, AS AMENDED BY P.L.146-2005,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2010]: Sec. 35. A CMRS provider may keep seven tenths of
14 a cent (\$0.007) of the wireless emergency enhanced 911 fee collected
15 each month from each **subscriber user** for the purpose of defraying the
16 administrative costs of collecting the fee.

17 SECTION 149. IC 36-8-16.5-39, AS AMENDED BY P.L.146-2005,
18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2010]: Sec. 39. (a) Except as provided by section 26 of this
20 chapter and subsections (b) and (c), the fund must be managed in the
21 following manner:

22 (1) Three cents (\$0.03) of the wireless emergency 911 fee
23 collected from each **subscriber user** must be deposited in an
24 escrow account to be used to reimburse:

- 25 (A) CMRS providers, PSAPs, and the board for costs
26 associated with implementation of phase two (2) of the FCC
27 order; and
- 28 (B) the board for costs associated with other wireless enhanced
29 911 services mandated by the FCC and specified in the FCC
30 order but not incurred by CMRS providers or PSAPs.

31 A CMRS provider or a PSAP may recover costs under this
32 chapter if the costs are incurred before July 1, 2005, and invoiced
33 to the board not later than December 31, 2005. The board may
34 invest money in the account in the manner prescribed by section
35 23 of this chapter and may use the proceeds of the investments to
36 reimburse CMRS providers and PSAPs under this subdivision.

37 (2) At least twenty-five cents (\$0.25) of the wireless emergency
38 911 fee collected from each **subscriber user** must be deposited in
39 an escrow account and used to reimburse CMRS providers for the
40 actual costs incurred by the CMRS providers before July 1, 2005,
41 in complying with the wireless 911 requirements established by
42 the FCC order and rules that are adopted by the FCC under the
43 FCC order, including costs and expenses incurred in designing,
44 upgrading, purchasing, leasing, programming, installing, testing,
45 or maintaining all necessary data, hardware, and software
46 required to provide service as well as the costs of operating the
47 service. The board may invest money in the account in the manner
48 prescribed by section 23 of this chapter and may use the proceeds
49 of the investments to reimburse CMRS providers under this
50 subdivision. The CMRS provider may only request funds for true
51 cost recovery. The board may increase the amount held in escrow

- 1 under this subdivision not more than one (1) time a calendar year.
 2 If the board adjusts the wireless emergency 911 fee under section
 3 26(a) of this chapter within a calendar year, an adjustment to the
 4 amount held in escrow under this subdivision for the calendar
 5 year must be made at that time.
- 6 (3) Two percent (2%) of the wireless emergency 911 fee collected
 7 from each ~~subscriber~~ **user** may be used by the board to recover
 8 the board's expenses in administering this chapter. However, the
 9 board may increase this percentage at the time the board may
 10 adjust the monthly fee assessed against each ~~subscriber~~ **user** to
 11 allow for full recovery of administration expenses.
- 12 (4) The remainder of the wireless emergency 911 fee collected
 13 from each ~~subscriber~~ **user** must be distributed in the following
 14 manner:
- 15 (A) The board shall distribute on a monthly basis to each
 16 county containing one (1) or more eligible PSAPs, as
 17 identified by the county in the notice required under section 40
 18 of this chapter, a part of the remainder based upon the county's
 19 percentage of the state's population (as reported in the most
 20 recent official United States census). A county must use a
 21 distribution received under this clause to make distributions to
 22 PSAPs that:
- 23 (i) are identified by the county under section 40 of this
 24 chapter as eligible for distributions; and
 25 (ii) accept wireless enhanced 911 service;
 26 for actual costs incurred by the PSAPs in complying with the
 27 wireless enhanced 911 requirements established by the FCC
 28 order and rules.
- 29 (B) The amount of the fee remaining, if any, after the
 30 distributions required under clause (A) must be distributed in
 31 equal shares between the escrow accounts established under
 32 subdivisions (1) and (2).
- 33 (b) Notwithstanding the requirements described in subsection (a),
 34 the board may transfer money between and among the accounts in
 35 subsection (a) in accordance with the following procedures:
- 36 (1) For purposes of acting under this subsection, the board must
 37 have a quorum consisting of at least one (1) member appointed
 38 under section 18(c)(2) of this chapter and at least one (1) member
 39 appointed under section 18(c)(3) of this chapter.
- 40 (2) A transfer under this subsection must be approved by the
 41 affirmative vote of:
- 42 (A) at least fifty percent (50%) of the members present at a
 43 duly called meeting of the board who are appointed under
 44 section 18(c)(2) of this chapter; and
 45 (B) at least fifty percent (50%) of the members present at a
 46 duly called meeting of the board who are appointed under
 47 section 18(c)(3) of this chapter.
- 48 (3) The board may make transfers only one (1) time during a
 49 calendar year.
- 50 (4) The board may not make a transfer that:
- 51 (A) impairs cost recovery by CMRS providers or PSAPs; or

1 (B) impairs the ability of the board to fulfill its management
2 and administrative obligations described in this chapter.

3 (c) If all CMRS providers have been reimbursed for their costs
4 under this chapter, and the fee has been reduced under section 26(c) of
5 this chapter, the board shall manage the fund in the following manner:

6 (1) One cent (\$0.01) of the wireless emergency 911 fee collected
7 from each **subscriber user** may be used by the board to recover
8 the board's expenses in administering this chapter. However, the
9 board may increase this amount at the time the board may adjust
10 the monthly fee assessed against each **subscriber user** to allow for
11 full recovery of administration expenses.

12 (2) Thirty-eight and three tenths cents (\$0.383) of the wireless
13 emergency 911 fee collected from each **subscriber user** must be
14 distributed to each county containing at least one (1) PSAP, as
15 identified in the county notice required by section 40 of this
16 chapter. The board shall make these distributions in the following
17 manner:

18 (A) The board shall distribute on a monthly basis to each
19 eligible county thirty-four and four tenths cents (\$0.344) of the
20 wireless emergency 911 fee based upon the county's
21 percentage of the state's population.

22 (B) The board shall distribute on a monthly basis to each
23 eligible county three and nine tenths cents (\$0.039) of the
24 wireless emergency 911 fee equally among the eligible
25 counties. A county must use a distribution received under this
26 clause to reimburse PSAPs that:

27 (i) are identified by the county under section 40 of this
28 chapter as eligible for distributions; and

29 (ii) accept wireless enhanced 911 service;

30 for actual costs incurred by the PSAPs in complying with the
31 wireless enhanced 911 requirements established by the FCC
32 order and rules.

33 (C) The board shall deposit the remainder of the wireless
34 emergency 911 fee collected from each **subscriber user** into an
35 escrow account to be used for costs associated with other
36 wireless enhanced 911 services mandated by the FCC and
37 specified in the FCC order but not incurred by PSAPs. The
38 board may invest money in the account in the manner
39 prescribed by section 23 of this chapter and may use the
40 proceeds of the investments for costs associated with other
41 wireless enhanced 911 services mandated by the FCC but not
42 specified in the FCC order or to make distributions to PSAPs
43 under this section.

44 (3) If the fee has been reduced under section 26(c) of this chapter,
45 the board shall determine how money remaining in the accounts
46 or money for uses described in subsection (a) is to be allocated
47 into the accounts described in this subsection or used for
48 distributions under this subsection.

49 This subsection does not affect the transfer provisions set forth in
50 subsection (b).

51 SECTION 150. IC 36-8-16.5-45 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 45. (a) All proprietary
 2 information submitted to the board or the treasurer of state is
 3 confidential. Notwithstanding any other law, proprietary information
 4 submitted under this chapter is not subject to subpoena, and proprietary
 5 information submitted under this chapter may not be released to a
 6 person other than to the submitting CMRS provider without the
 7 permission of the submitting CMRS provider.

8 (b) General information collected by the board or the treasurer of
 9 state may be released or published only in aggregate amounts that do
 10 not identify or allow identification of numbers of ~~subscribers~~ **users** or
 11 revenues attributable to an individual CMRS provider.

12 SECTION 151. IC 36-8-16.6 IS ADDED TO THE INDIANA
 13 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2010]:

15 **Chapter 16.6. Enhanced Prepaid Wireless Telecommunications**
 16 **Service Charge**

17 **Sec. 1. As used in this chapter, "board" refers to the wireless**
 18 **enhanced 911 advisory board established by IC 36-8-16.5-18.**

19 **Sec. 2. As used in this chapter, "consumer" means a person that**
 20 **purchases prepaid wireless telecommunications service from a**
 21 **seller. The term includes a prepaid user.**

22 **Sec. 3. As used in this chapter, "department" refers to the**
 23 **department of state revenue.**

24 **Sec. 4. As used in this chapter, "enhanced prepaid wireless**
 25 **charge" means the charge that a seller is required to collect from**
 26 **a consumer under section 12 of this chapter.**

27 **Sec. 5. As used in this chapter, "fund" refers to the wireless**
 28 **emergency telephone system fund established by**
 29 **IC 36-8-16.5-21(a).**

30 **Sec. 6. As used in this chapter, "prepaid user" refers to a user**
 31 **of prepaid wireless telecommunications service who:**

32 **(1) is issued an Indiana telephone number or an Indiana**
 33 **identification number for the service; or**

34 **(2) purchases prepaid wireless telecommunications service in**
 35 **a retail transaction that is sourced to Indiana (as determined**
 36 **under IC 6-2.5-12-16).**

37 **Sec. 7. As used in this chapter, "prepaid wireless**
 38 **telecommunications service" means a prepaid wireless calling**
 39 **service (as defined in IC 6-2.5-1-22.4) that allows a user of the**
 40 **service to reach emergency services by dialing the digits nine (9)**
 41 **one (1) one (1).**

42 **Sec. 8. As used in this chapter, "provider" means a person or**
 43 **entity that offers prepaid wireless telecommunications service.**

44 **Sec. 9. As used in this chapter, "retail transaction" means the**
 45 **purchase of prepaid wireless telecommunications service from a**
 46 **seller for any purpose other than resale.**

47 **Sec. 10. As used in this chapter, "seller" means a person that**
 48 **sells prepaid wireless telecommunications service to another**
 49 **person.**

50 **Sec. 11. (a) Subject to section 22 of this chapter, the board shall**
 51 **impose an enhanced prepaid wireless charge on each retail**

1 transaction that occurs after June 30, 2010. The amount of the
2 initial charge imposed under this subsection may not exceed
3 one-half (1/2) of the monthly wireless emergency enhanced 911 fee
4 assessed under IC 36-8-16.5-25.5.

5 (b) Subject to legislative approval, the board may increase the
6 enhanced prepaid wireless charge to ensure adequate revenue for
7 the board to fulfill its duties and obligations under this chapter,
8 IC 36-8-16, and IC 36-8-16.5.

9 (c) A consumer that is the federal government or an agency of
10 the federal government is exempt from the enhanced prepaid
11 wireless charge imposed under this section.

12 Sec. 12. (a) A seller shall collect the enhanced prepaid wireless
13 charge from the consumer with respect to each retail transaction.

14 (b) The seller shall disclose to the consumer the amount of the
15 enhanced prepaid wireless charge. The seller may separately state
16 the amount of the enhanced prepaid wireless charge on an invoice,
17 a receipt, or a similar document that the seller provides to the
18 consumer in connection with the retail transaction.

19 (c) Subject to section 15 of this chapter, a seller shall remit
20 enhanced prepaid wireless charges to the department at the time
21 and in the manner prescribed by the department.

22 Sec. 13. The enhanced prepaid wireless charge is the liability of
23 the consumer and not of the seller or a provider. However, a seller
24 is liable to remit to the board all enhanced prepaid wireless
25 charges that the seller collects from consumers under section 12 of
26 this chapter, including all charges that the seller is considered to
27 collect where the amount of the charge has not been separately
28 stated on an invoice, receipt, or other similar document provided
29 to the consumer by the seller.

30 Sec. 14. The amount of the enhanced prepaid wireless charge
31 that is collected by a seller from a consumer, whether or not
32 separately stated on an invoice, receipt, or other similar document
33 provided to the consumer by the seller, may not be included in the
34 base for determining a tax, fee, surcharge, or other charge that is
35 imposed by the state, a political subdivision, or any other
36 governmental agency.

37 Sec. 15. A seller may deduct and retain one percent (1%) of
38 enhanced prepaid wireless charges that the seller collects from
39 consumers to reimburse the direct costs incurred by the seller in
40 collecting and remitting enhanced prepaid wireless charges.

41 Sec. 16. (a) A seller is subject to the same audit and appeal
42 procedures with respect to the collection and remittance of
43 enhanced prepaid wireless charges as with collection and
44 remittance of the state gross retail tax under IC 6-2.5.

45 (b) An audit under subsection (a) must be conducted jointly by
46 the department of state revenue and the board.

47 Sec. 17. (a) The department, in conjunction and coordination
48 with the board, shall establish procedures:

49 (1) governing the collection and remittance of enhanced
50 prepaid wireless charges in accordance with the procedures
51 established under IC 6-8.1 concerning listed taxes; and

1 (2) allowing a seller to document that a sale of prepaid
2 wireless telecommunications service is not a retail transaction.

3 (b) A procedure established under subsection (a)(1):

4 (1) must take into consideration the differences between large
5 and small sellers, including smaller sales volumes; and

6 (2) may establish lower thresholds for the remittance of
7 enhanced prepaid wireless charges by small sellers.

8 For purposes of this subsection, a small seller is a seller that sells
9 less than one hundred dollars (\$100) of prepaid wireless
10 telecommunications service each month.

11 Sec. 18. (a) The department shall deposit all remitted enhanced
12 prepaid wireless charges in the fund.

13 (b) The board shall administer money deposited in the fund
14 under this section in the same manner as wireless emergency
15 enhanced 911 fees assessed under IC 36-8-16.5-25.5.

16 Sec. 19. A seller of prepaid wireless telecommunications service
17 is not liable for damages to a person resulting from or incurred in
18 connection with the following:

19 (1) Providing or failing to provide 911 or wireless 911
20 services.

21 (2) Identifying or failing to identify the telephone number,
22 address, location, or name associated with a person or device
23 that accesses or attempts to access 911 or wireless 911 service.

24 (3) Providing lawful assistance to an investigative or law
25 enforcement officer of the United States, a state, or a political
26 subdivision of a state in connection with a lawful investigation
27 or other law enforcement activity by the law enforcement
28 officer.

29 Sec. 20. (a) An additional fee relating to the provision of wireless
30 911 service with respect to prepaid wireless telecommunications
31 service may not be levied by a state agency or local unit of
32 government.

33 (b) The enhanced prepaid wireless charge imposed by section 12
34 of this chapter is not considered an additional charge relating to
35 the provision of wireless 911 service for purposes of
36 IC 36-8-16.5-29.

37 Sec. 21. The following are not required to take legal action to
38 enforce the collection of an enhanced prepaid wireless charge that
39 is imposed on a consumer:

40 (1) A provider.

41 (2) A seller.

42 However, the department or the board may initiate a collection
43 action. A court finding for the department or the board, as
44 applicable, in an action may award reasonable costs and attorney's
45 fees associated with the collection action.

46 Sec. 22 (a) Not later than January 1, 2011, the department shall
47 determine the total amount of fees collected and remitted under
48 IC 36-8-16.5-30.5 (b)(2) (as effective in the period beginning July
49 1, 2008, and ending June 30, 2010) for the period beginning July 1,
50 2008, and ending June 30, 2010. The board shall provide all
51 information necessary for the department to perform its duties

1 **under this subsection.**

2 **(b) Not later than January 1, 2013, the department shall**
 3 **determine the total amount of fees collected and remitted under**
 4 **this chapter for the period beginning July 1, 2010, and ending June**
 5 **30, 2012.**

6 **(c) If the amount determined under subsection (b) is less than**
 7 **the amount determined under subsection (a) by more than five**
 8 **percent (5%), this chapter expires and sunsets July 1, 2013.**

9 SECTION 152. IC 36-9-16-2, AS AMENDED BY P.L.8-2009,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 2. (a) A unit may establish a cumulative
 12 building or sinking fund or cumulative capital improvement funds to
 13 provide money for one (1) or more of the following purposes:

14 (1) To purchase, construct, equip, and maintain buildings for
 15 public purposes.

16 (2) To acquire the land, and any improvements on it, that are
 17 necessary for the construction of public buildings.

18 (3) To demolish any improvements on land acquired under this
 19 section, and to level, grade, and prepare the land for the
 20 construction of a public building.

21 (4) To acquire land or rights-of-way to be used as a public way or
 22 other means of ingress or egress to land acquired for the
 23 construction of a public building.

24 (5) To improve or construct any public way or other means of
 25 ingress or egress to land acquired for the construction of a public
 26 building.

27 (b) In addition to the purposes described in subsection (a), a
 28 cumulative capital improvement fund may be used to purchase body
 29 armor (as defined in IC 36-8-4-4.5(a)) for active members of a police
 30 department.

31 **(c) A municipality may establish a cumulative capital**
 32 **improvement fund for a purpose described in IC 6-7-1-31.1.**

33 SECTION 153. IC 36-9-23-32, AS AMENDED BY P.L.131-2005,
 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2010]: Sec. 32. (a) Fees assessed against real property under
 36 this chapter or under any statute repealed by IC 19-2-5-30 constitute a
 37 lien against the property assessed. The lien is superior to all other liens
 38 except tax liens. Except as provided in subsections (b) and (c), the lien
 39 attaches when notice of the lien is filed in the county recorder's office
 40 under section 33 of this chapter.

41 (b) A fee is not enforceable as a lien against a subsequent owner of
 42 property unless the lien for the fee was recorded with the county
 43 recorder before the conveyance to the subsequent owner. If the property
 44 is conveyed before the lien can be filed, the municipality shall notify
 45 the person who owned the property at the time the fee became payable.
 46 The notice must inform the person that payment, including penalty fees
 47 for delinquencies, is due not more than fifteen (15) days after the date
 48 of the notice. If payment is not received within one hundred eighty
 49 (180) days after the date of the notice, the amount due may be
 50 expensed as a bad debt loss.

51 (c) A lien attaches against real property occupied by someone other

1 than the owner only if the utility notified the owner within twenty (20)
 2 days after the time the utility fees became sixty (60) days delinquent.
 3 However, the utility is required to give notice to the owner ~~only~~ if the
 4 owner has given the general office of the utility written notice of the
 5 address to which the owner's notice is to be sent. **A notice sent to the**
 6 **owner under this subsection must be sent by certified mail, return**
 7 **receipt requested, or an equivalent service permitted under**
 8 **IC 1-1-7-1 to:**

9 **(1) the owner of record of real property with a single owner;**

10 **or**

11 **(2) at least one (1) of the owners of real property with multiple**
 12 **owners;**

13 **at the last address of the owner for the property as indicated in the**
 14 **records of the county auditor on the date of the notice. The cost of**
 15 **sending notice under this subsection is an administrative cost that**
 16 **may be billed to the owner.**

17 (d) The municipality shall release:

18 (1) liens filed with the county recorder after the recorded date of
 19 conveyance of the property; and

20 (2) delinquent fees incurred by the seller;

21 upon receipt of a verified demand in writing from the purchaser. The
 22 demand must state that the delinquent fees were not incurred by the
 23 purchaser as a user, lessee, or previous owner, and that the purchaser
 24 has not been paid by the seller for the delinquent fees.

25 SECTION 154. IC 36-9-36-37, AS AMENDED BY P.L.67-2006,
 26 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 37. (a) Except as provided in section 38 of
 28 this chapter, the entire assessment is payable in cash without interest
 29 not later than thirty (30) days after the approval of the assessment roll
 30 by the works board if an agreement has not been signed and filed under
 31 section 36 of this chapter.

32 (b) If the assessment is not paid when due, the total assessment
 33 becomes delinquent and bears interest at the rate prescribed by
 34 ~~IC 6-1.1-37-10(a)~~ **IC 6-1.1-37-9(b)** per year from the date of the final
 35 acceptance of the completed improvement by the works board.

36 SECTION 155. IC 36-9-36-55, AS AMENDED BY P.L.67-2006,
 37 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 55. (a) An irregularity or error in making a
 39 foreclosure sale under this chapter does not make the sale ineffective,
 40 unless the irregularity or error substantially prejudiced the property
 41 owner.

42 (b) A property owner has two (2) years from the date of sale in
 43 which to redeem the owner's property. The property owner may redeem
 44 the owner's property by paying the principal, interest, and costs of the
 45 judgment, plus interest on the principal, interest, and costs at the rate
 46 prescribed by ~~IC 6-1.1-37-10(a)~~ **IC 6-1.1-37-9(b)**.

47 (c) If the property is not redeemed, the sheriff shall execute a deed
 48 to the purchaser. The deed relates back to the final letting of the
 49 contract for the improvement and is superior to all liens, claims, and
 50 interests, except liens for taxes.

51 SECTION 156. IC 36-9-37-19, AS AMENDED BY P.L.67-2006,

1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 19. (a) If a person defaults in the payment of
3 a waived installment of principal or interest of an assessment, the
4 municipal fiscal officer shall mail notice of the default to the person.
5 The notice must meet the following conditions:

- 6 (1) Be mailed not more than sixty (60) days after the default.
- 7 (2) Show the amount of the default, plus interest on that amount
8 for the number of months the person is in default at one-half (1/2)
9 the rate prescribed by ~~IC 6-1.1-37-10(a)~~. **IC 6-1.1-37-9(b)**.
- 10 (3) State that the amount of the default, plus interest, is due by the
11 date determined as follows:
 - 12 (A) If the person selected monthly installments under section
13 8.5(a)(2) of this chapter, within sixty (60) days after the date
14 the notice is mailed.
 - 15 (B) If the person selected annual installments under section
16 8.5(a)(1) of this chapter, within six (6) months after the date
17 the notice is mailed.

18 (b) A notice that is mailed to the person in whose name the property
19 is assessed and addressed to the person within the municipality is
20 sufficient notice. However, the fiscal officer shall also attempt to
21 determine the name and address of the current owner of the property
22 and send a similar notice to the current owner.

23 (c) Failure to send the notice required by this section does not
24 preclude or otherwise affect the following:

- 25 (1) The sale of the property for delinquency as prescribed by
26 IC 6-1.1-24.
- 27 (2) The foreclosure of the assessment lien by the bondholder.
- 28 (3) The preservation of the assessment lien under section 22.5 of
29 this chapter.

30 SECTION 157. IC 36-9-37-20, AS AMENDED BY P.L.67-2006,
31 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 20. (a) If any principal and interest, or an
33 installment of principal and interest, is not paid in full when due, the
34 municipal fiscal officer shall enforce payment of the following:

- 35 (1) The unpaid amount of principal and interest.
- 36 (2) A penalty of interest at the rate prescribed by subsection (b).

37 (b) If payment is made after a default, the municipal fiscal officer
38 shall also collect a penalty of interest on the delinquent amount at
39 one-half (1/2) the rate prescribed by ~~IC 6-1.1-37-10(a)~~
40 **IC 6-1.1-37-9(b)** for each six (6) month period, or fraction of a six (6)
41 month period, from the date when payment should have been made.

42 SECTION 158. IC 36-12-2-8, AS ADDED BY P.L.1-2005,
43 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
44 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), an
45 appointee to a library board may not serve more than four (4)
46 consecutive terms on the library board. **An unexpired term of two (2)**
47 **years or less that an individual serves in filling a vacancy on the**
48 **library board may not be counted in computing consecutive terms**
49 **for purposes of this subsection.** The consecutive terms are computed
50 without regard to a change in the appointing authority that appointed
51 the member. ~~or the length of any term served by the appointee.~~ If:

1 (1) a member's term is interrupted due to the merger of at least
2 two (2) public libraries under IC 36-12-4; and

3 (2) the member is reappointed to the merged public library board;
4 the term that was interrupted may not be considered in determining the
5 number of consecutive terms a member may serve on a library board.
6 **An appointee who has served four (4) consecutive terms may be**
7 **reappointed to the board at least four (4) years after the date the**
8 **appointee's most recent term ended.**

9 (b) This subsection applies to a library board for a library district
10 having a population of less than three thousand (3,000). If an
11 appointing authority conducts a diligent but unsuccessful search for a
12 qualified individual who wishes to be appointed to serve on the library
13 board:

14 (1) the appointing authority may reappoint a board member who
15 has served four (4) or more consecutive terms; and

16 (2) state funds may not be withheld from distribution to the
17 library.

18 The appointing authority shall file with the library board a written
19 description of the search that was conducted under this subsection. The
20 record becomes a part of the official records of the library board.

21 SECTION 159. IC 36-12-2-18, AS ADDED BY P.L.1-2005,
22 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2010]: Sec. 18. (a) Subject to subsection (b), the term of a
24 library board member is four (4) years. A member may continue to
25 serve on a library board after the member's term expires until the
26 member's successor is qualified under section 19 of this chapter. The
27 term of the member's successor is not extended by the time that has
28 elapsed before the successor's appointment and qualification. If a
29 member is appointed to fill a vacancy on a library board, the member's
30 term is the unexpired term of the member being replaced.

31 (b) Except for a library board whose membership is established
32 under section 15 of this chapter, for purposes of establishing staggered
33 terms for the members of a library board, the initial members shall
34 serve the following terms:

35 (1) One (1) year for one (1) member appointed under section 9(1),
36 9(5), 16(b)(1), 16(b)(2), or 17(1) of this chapter.

37 (2) Two (2) years for one (1) member appointed under section
38 9(3)(A), 9(4), 16(b)(3), 16(b)(4), or 17(2) of this chapter.

39 (3) Three (3) years for one (1) member appointed under section
40 9(2), 9(3)(A), 16(b)(4), 16(b)(5), or 17(1) of this chapter.

41 (4) Four (4) years for one (1) member appointed under section
42 9(3)(B), 16(b)(6), or 17(2) of this chapter.

43 (c) When an appointing authority appoints members to terms of
44 different length under subsection (b), the appointing authority shall
45 designate which member serves each term.

46 **(d) A member may not serve more than four (4) consecutive**
47 **terms as provided in section 8 of this chapter.**

48 SECTION 160. IC 36-12-2-25, AS AMENDED BY P.L.91-2009,
49 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
50 JULY 1, 2010]: Sec. 25. (a) The residents or real property taxpayers of
51 the library district taxed for the support of the library may use the

1 facilities and services of the public library without charge for library or
2 related purposes. However, the library board may:

- 3 (1) fix and collect fees and rental charges; and
- 4 (2) assess fines, penalties, and damages for the:
 - 5 (A) loss of;
 - 6 (B) injury to; or
 - 7 (C) failure to return;

8 any library property or material.

9 (b) A library board may issue local library cards to:

- 10 (1) residents of the library district; or
- 11 (2) Indiana residents who are not residents of the library district;
- 12 **(3) library employees of the library district; or**
- 13 **(4) employees of a school corporation or nonpublic school**
- 14 **located in the library district;**

15 who apply for the cards.

16 (c) Except as provided in subsections (d) and (e), a library board
17 must set and charge a fee for a local library card issued under
18 subsection (b)(2). The minimum fee that the board may set under this
19 subsection is the greater of the following:

- 20 (1) The library district's operating fund expenditure per capita in
21 the most recent year for which that information is available in the
22 Indiana state library's annual "Statistics of Indiana Libraries".
- 23 (2) Twenty-five dollars (\$25).

24 (d) A library board may charge a reduced fee or not charge a fee for
25 a local library card under subsection (c) that is issued to an Indiana
26 resident who is:

- 27 (1) a student enrolled in a public school corporation that is located
28 at least in part in the library district; and
- 29 (2) not a resident of the library district.

30 (e) A library board may charge a reduced fee or not charge a fee for
31 a local library card under subsection (c) that is issued to an Indiana
32 resident who is a student enrolled in a nonpublic school that is located
33 at least in part in the library district.

34 **(f) A library board may issue a local library card under**
35 **subsection (b)(3) or (b)(4):**

- 36 **(1) to an individual who is not a resident of the library**
- 37 **district; and**
- 38 **(2) without charging a fee for the card;**

39 **if the board adopts a resolution that is approved by an affirmative**
40 **vote of a majority of the members appointed to the library board.**

41 SECTION 161. IC 36-12-2-26 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS
43 [EFFECTIVE JULY 1, 2010]: **Sec. 26. (a) Dissolution of a library**
44 **district is initiated when the legislative body of each municipality,**
45 **township, or county that is a part of the district and library board**
46 **of the district adopt identical resolutions proposing to dissolve the**
47 **district by an affirmative vote of a majority of the voting members**
48 **of each legislative body and library board.**

49 **(b) Copies of the resolutions adopted under subsection (a) shall**
50 **be filed not later than ten (10) days after the resolution is adopted**
51 **with:**

- 1 **(1) the state library; and**
 2 **(2) the county recorder of each county in which the library**
 3 **district is located.**
 4 **(c) A dissolution does not take effect until:**
 5 **(1) all legal and fiscal obligations of the library district have**
 6 **been satisfied;**
 7 **(2) the assets of the district have been distributed; and**
 8 **(3) a notice is filed with the agencies listed in subsection (b),**
 9 **indicating that the actions described in subdivisions (1) and**
 10 **(2) have been completed and the dissolution is final.**

11 SECTION 162. IC 36-12-3-16.5 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2010]: **Sec. 16.5. (a) As used in this section,**
 14 **"electronic funds transfer" means any transfer of funds, other than**
 15 **a transaction originated by check, draft, or similar paper**
 16 **instrument, that is initiated through an electronic terminal,**
 17 **telephone, or computer or magnetic tape for the purpose of**
 18 **ordering, instructing, or authorizing a financial institution to debit**
 19 **or credit an account.**

20 **(b) A library board may adopt a resolution to authorize an**
 21 **electronic funds transfer method of payment of claims. If a library**
 22 **board adopts a resolution under this subsection, the public library**
 23 **may pay money from its funds by electronic funds transfer.**

24 **(c) A public library that pays a claim by electronic funds**
 25 **transfer shall comply with all other requirements for the payment**
 26 **of claims by the public library.**

27 SECTION 163. IC 36-12-3-18, AS ADDED BY P.L.1-2005,
 28 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2010]: ~~Sec. 18. (a) Subject to subsection (d),~~ A library board
 30 or a person designated in writing by the library board may:

- 31 (1) collect money or library property; or
 32 (2) compromise the amount of money;

33 that is owed to the library.

34 (b) A library board:

- 35 (1) shall determine the costs of collecting money or library
 36 property under this section; and
 37 (2) may add the costs of collection, including reasonable
 38 attorney's fees, to money or library property that is owed and
 39 collected under this section.

40 (c) A library board or the library board's agent that collects money
 41 under this section shall deposit the money, less the costs of collection,
 42 in the account required by law.

43 ~~(d) A person designated by the library board under subsection (a)~~
 44 ~~may collect money from a person for the library only if the amount to~~
 45 ~~be collected from the person is more than ten dollars (\$10).~~

46 ~~(e) (d)~~ A library board may compromise claims made against the
 47 library.

48 SECTION 164. IC 36-12-7-3, AS ADDED BY P.L.1-2005,
 49 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 50 JULY 1, 2010]: **Sec. 3. (a) A library board may issue local library cards**
 51 **to:**

- 1 (1) residents of the library district; ~~and~~
 2 (2) Indiana residents who are not residents of the library district;
 3 **(3) library employees of the library district; or**
 4 **(4) employees of a school corporation or nonpublic school**
 5 **located in the library district;**

6 who apply for the cards.

7 (b) Except as provided in subsection (c), a library board must set
 8 and charge a fee for a local library card issued under subsection (a)(2).
 9 The minimum fee that the board may set under this subsection is the
 10 greater of the following:

- 11 (1) The library district's operating fund expenditure per capita in
 12 the most recent year for which that information is available in the
 13 Indiana state library's annual "Statistics of Indiana Libraries".
 14 (2) Twenty-five dollars (\$25).

15 (c) A library board may charge a reduced fee or not charge a fee for
 16 a local library card under subsection (b) that is issued to an Indiana
 17 resident who is:

- 18 (1) a student enrolled in a public school corporation that is located
 19 at least in part in the library district; and
 20 (2) not a resident of that library district.

21 **(d) A library board may issue a local library card under**
 22 **subsection (a)(3) or (a)(4):**

- 23 **(1) to an individual who is not a resident of the library**
 24 **district; and**
 25 **(2) without charging a fee for the card;**

26 **if the board adopts a resolution that is approved by an affirmative**
 27 **vote of a majority of the members appointed to the library board.**

28 SECTION 165. IC 36-12-7-9 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2010]: **Sec. 9. (a) Dissolution of a library**
 31 **district is initiated when the legislative body of each municipality,**
 32 **township, or county that is a part of the district and library board**
 33 **of the district adopt identical resolutions proposing to dissolve the**
 34 **district by an affirmative vote of a majority of the voting members**
 35 **of each legislative body and library board.**

36 (b) Copies of the resolutions adopted under subsection (a) shall
 37 be filed not later than ten (10) days after the resolution is adopted
 38 with:

- 39 (1) the state library; and
 40 (2) the county recorder of each county in which the library
 41 district is located.

42 (c) A dissolution does not take effect until:

- 43 (1) all legal and fiscal obligations of the library district have
 44 been satisfied;
 45 (2) the assets of the district have been distributed; and
 46 (3) a notice is filed with the agencies listed in subsection (b),
 47 indicating that the actions described in subdivisions (1) and
 48 (2) have been completed and the dissolution is final.

49 SECTION 166. IC 36-12-7-10 IS ADDED TO THE INDIANA
 50 CODE AS A NEW SECTION TO READ AS FOLLOWS
 51 [EFFECTIVE JULY 1, 2010]: **Sec. 10. (a) As used in this section,**

1 "electronic funds transfer" means any transfer of funds, other than
 2 a transaction originated by check, draft, or similar paper
 3 instrument, that is initiated through an electronic terminal,
 4 telephone, or computer or magnetic tape for the purpose of
 5 ordering, instructing, or authorizing a financial institution to debit
 6 or credit an account.

7 (b) A library board may adopt a resolution to authorize an
 8 electronic funds transfer method of payment of claims. If a library
 9 board adopts a resolution under this subsection, the public library
 10 may pay money from its funds by electronic funds transfer.

11 (c) A public library that pays a claim by electronic funds
 12 transfer shall comply with all other requirements for the payment
 13 of claims by the public library.

14 SECTION 167. IC 36-12-7-11 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2010]: **Sec. 11. (a) A library board or a
 17 person designated in writing by the library board may:**

18 (1) collect money or library property; or

19 (2) compromise the amount of money;

20 that is owed to the library.

21 (b) A library board:

22 (1) shall determine the costs of collecting money or library
 23 property under this section; and

24 (2) may add the costs of collection, including reasonable
 25 attorney's fees, to money or library property that is owed and
 26 collected under this section.

27 (c) A library board or the library board's agent that collects
 28 money under this section shall deposit the money, less the costs of
 29 collection, in the account required by law.

30 (d) A library board may compromise claims made against the
 31 library.

32 SECTION 168. IC 6-3.1-13-27 IS REPEALED [EFFECTIVE
 33 JANUARY 1, 2010 (RETROACTIVE)].

34 SECTION 169. IC 36-8-16.5-14 IS REPEALED [EFFECTIVE
 35 JULY 1, 2010].

36 SECTION 170. THE FOLLOWING ARE REPEALED
 37 [EFFECTIVE JULY 1, 2010]: IC 2-5-29-8; IC 8-4.5-1-3; IC 8-4.5-2;
 38 IC 10-17-1-3; IC 10-17-12-3; IC 10-17-13-1; IC 16-18-2-9;
 39 IC 16-19-6-9; IC 16-41-35-2; IC 16-41-35-16; IC 16-41-35-17;
 40 IC 16-41-35-18; IC 16-41-35-19; IC 16-41-35-20; IC 16-41-35-21;
 41 IC 16-41-35-22; IC 16-41-35-23; IC 16-41-35-24; IC 25-9-1.

42 SECTION 171. [EFFECTIVE UPON PASSAGE] (a) **This
 43 SECTION applies only to a church and to land and improvements
 44 that meet all of the following conditions:**

45 (1) **The church constructed a community activity center on
 46 land owned by the church, and the land and improvements
 47 were assessed and subject to property taxation for the 2007
 48 assessment date.**

49 (2) **The church failed to timely file an application under
 50 IC 6-1.1-11 for a property tax exemption for the land and
 51 improvements described in subdivision (1) for the 2007**

- 1 assessment date.
- 2 (3) For the 2007 assessment date, the land and improvements
3 described in subdivision (1) would have been eligible for
4 property tax exemption if the church had timely filed an
5 exemption application under IC 6-1.1-11.
- 6 (4) For the 2008 assessment date, the church filed a timely
7 application under IC 6-1.1-11 for a property tax exemption
8 for the land and improvements described in subdivision (1)
9 and the exemption application was granted.
- 10 (b) Notwithstanding IC 6-1.1-11 or any other law specifying the
11 date by which an application for property tax exemption must be
12 filed to claim an exemption for the 2007 assessment date, a church
13 described in subsection (a) may before July 1, 2010, file with the
14 county assessor an application for property tax exemption for the
15 land and improvements described in subsection (a)(1) for the 2007
16 assessment date.
- 17 (c) Notwithstanding IC 6-1.1-11 or any other law, an application
18 for property tax exemption that is filed under subsection (b) is
19 considered to be timely filed for the 2007 assessment date, and the
20 county assessor shall forward the application to the county
21 property tax assessment board of appeals for review. The board
22 shall grant an exemption claimed for the 2007 assessment date if
23 the board determines that:
- 24 (1) the church's application for property tax exemption
25 satisfies the requirements of this SECTION; and
- 26 (2) the church's land and improvements were, except for the
27 failure to timely file a property tax exemption application,
28 otherwise eligible for the claimed exemption for the 2007
29 assessment date.
- 30 (d) This SECTION expires January 1, 2011.
- 31 SECTION 172. [EFFECTIVE UPON PASSAGE] (a) As used in
32 this SECTION, "social service center" means a faith based
33 nonprofit organization that offers programs to meet the physical,
34 emotional, academic, and spiritual needs of children, teens, adults,
35 and families.
- 36 (b) This SECTION applies only to a social service center, to
37 personal property, and to land and improvements that meet all of
38 the following conditions:
- 39 (1) The social service center acquired personal property and
40 land, made improvements to the land for the purpose of
41 conducting its activities, and the land, improvements, and
42 personal property were assessed and subject to property
43 taxation for the 2006 assessment date.
- 44 (2) The social service center failed to timely file an application
45 under IC 6-1.1-11 for a property tax exemption for the
46 personal property, land, and improvements described in
47 subdivision (1) for the 2006 assessment date.
- 48 (3) For the 2006 assessment date, the personal property, land,
49 and improvements described in subdivision (1) would have
50 been eligible for property tax exemption if the social service
51 center had timely filed an exemption application under

1 **IC 6-1.1-11.**

2 **(4) For the 2007 assessment date, the social service center filed**
3 **a timely application under IC 6-1.1-11 for a property tax**
4 **exemption for the personal property, land, and improvements**
5 **described in subdivision (1) and the exemption application**
6 **was granted.**

7 **(c) Notwithstanding IC 6-1.1-11 or any other law specifying the**
8 **date by which an application for property tax exemption must be**
9 **filed to claim an exemption for the 2006 assessment date, a social**
10 **service center described in subsection (b) may before July 1, 2010,**
11 **file with the county assessor an application for property tax**
12 **exemption for the personal property, land, and improvements**
13 **described in subsection (b)(1) for the 2006 assessment date.**

14 **(d) Notwithstanding IC 6-1.1-11 or any other law, an application**
15 **for property tax exemption that is filed under subsection (c) is**
16 **considered to be timely filed for the 2006 assessment date, and the**
17 **county assessor shall forward the application to the county**
18 **property tax assessment board of appeals for review. The board**
19 **shall grant an exemption claimed for the 2006 assessment date if**
20 **the board determines that:**

- 21 **(1) the social service center's application for property tax**
22 **exemption satisfies the requirements of this SECTION; and**
23 **(2) the social service center's personal property, land, and**
24 **improvements described in subsection (b)(1) were, except for**
25 **the failure to timely file a property tax exemption application,**
26 **otherwise eligible for the claimed exemption for the 2006**
27 **assessment date.**

28 **(e) This SECTION expires January 1, 2011.**

29 **SECTION 173. [EFFECTIVE UPON PASSAGE] (a) As used in**
30 **this SECTION, "social service center" means a faith based**
31 **nonprofit organization that offers programs to meet the physical,**
32 **emotional, academic, and spiritual needs of children, teens, adults,**
33 **and families.**

34 **(b) This SECTION applies only to a social service center, to**
35 **personal property, and to land and improvements that meet all of**
36 **the following conditions:**

37 **(1) The social service center acquired personal property, land,**
38 **and improvements owned by a nonprofit youth sports club**
39 **through a merger with the youth sports club, and the personal**
40 **property, land, and improvements formerly owned by the**
41 **nonprofit youth sports club were assessed and subject to**
42 **property taxation for the 2006 assessment date.**

43 **(2) The nonprofit youth sports club or the social service**
44 **center, as applicable, failed to timely file an application under**
45 **IC 6-1.1-11 for a property tax exemption for the personal**
46 **property, land, and improvements described in subdivision (1)**
47 **for the 2006 assessment date.**

48 **(3) For the 2006 assessment date, the personal property, land,**
49 **and improvements described in subdivision (1) would have**
50 **been eligible for property tax exemption if the nonprofit youth**
51 **sports club or social service center, as applicable, had timely**

1 filed an exemption application under IC 6-1.1-11.

2 (4) For the 2007 assessment date, the social service center filed
3 a timely application under IC 6-1.1-11 for a property tax
4 exemption for the personal property, land, and improvements
5 described in subdivision (1) and the exemption application
6 was granted.

7 (c) Notwithstanding IC 6-1.1-11 or any other law specifying the
8 date by which an application for property tax exemption must be
9 filed to claim an exemption for the 2006 assessment date, a social
10 service center described in subsection (b) may before July 1, 2010,
11 file with the county assessor an application for property tax
12 exemption for the personal property, land, and improvements
13 described in subsection (b)(1) for the 2006 assessment date.

14 (d) Notwithstanding IC 6-1.1-11 or any other law, an application
15 for a property tax exemption that is filed under subsection (c) is
16 considered to be timely filed for the 2006 assessment date, and the
17 county assessor shall forward the application to the county
18 property tax assessment board of appeals for review. The board
19 shall grant an exemption claimed for the 2006 assessment date if
20 the board determines that:

- 21 (1) the social service center's application for property tax
22 exemption satisfies the requirements of this SECTION; and
23 (2) the social service center's personal property, land, and
24 improvements described in subsection (b)(1) were, except for
25 the failure to timely file a property tax exemption application,
26 otherwise eligible for the claimed exemption for the 2006
27 assessment date.

28 (e) This SECTION expires January 1, 2011.

29 SECTION 174. [EFFECTIVE JANUARY 1, 2006
30 (RETROACTIVE)] (a) This SECTION applies to a taxpayer,
31 notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37,
32 50 IAC 4.2, 50 IAC 16, or any other law or administrative rule or
33 provision.

34 (b) This SECTION applies to an assessment date (as defined in
35 IC 6-1.1-1-2) occurring after December 31, 2005, and before
36 January 1, 2010.

37 (c) As used in this SECTION, "taxpayer" refers to a women's
38 fraternity.

39 (d) A taxpayer, after January 15, 2010, and before January 25,
40 2010, may file or refile in person or in any other manner consistent
41 with IC 6-1.1-36-1.5:

- 42 (1) a Form 136 property tax exemption application, along
43 with any supporting documents, schedules, or attachments,
44 claiming an exemption from real property taxes or personal
45 property taxes, or both, under IC 6-1.1-10-16 or
46 IC 6-1.1-10-24 for any assessment date described in
47 subsection (b); and

- 48 (2) a personal property tax return, along with any supporting
49 documents, schedules, or attachments, relating to any
50 personal property under IC 6-1.1-10-16 or IC 6-1.1-10-24 for
51 any assessment date for which an exemption is claimed on a

- 1 **Form 136 property tax exemption application that is filed**
2 **under this subsection.**
- 3 **(e) Any property tax exemption application or personal**
4 **property tax return filed or refiled under subsection (d):**
5 **(1) is, subject to this SECTION, allowed; and**
6 **(2) is considered to have been timely filed.**
- 7 **(f) If the taxpayer demonstrates in the application or by other**
8 **means that the property that is the subject to the exemption**
9 **application would have qualified for an exemption under**
10 **IC 6-1.1-10-16 as owned, occupied, and used for an educational or**
11 **charitable purpose or under IC 6-1.1-10-24 if the application had**
12 **been filed under IC 6-1.1-11 in a timely manner, the taxpayer is**
13 **entitled to the exemptions from real property taxes or personal**
14 **property taxes, or both, as claimed on the property tax exemption**
15 **applications filed or refiled by the taxpayer under subsection (d)**
16 **and shall pay no property taxes, penalties, or interest with respect**
17 **to the exempt property.**
- 18 **(g) For its property to be exempt under this SECTION, the**
19 **taxpayer must have received for an assessment date preceding any**
20 **assessment date described in subsection (b) an exemption from**
21 **property taxes for property identified by the same parcel or key**
22 **numbers or the same parcel and key numbers included on the**
23 **property tax exemption applications filed or refiled by the taxpayer**
24 **under subsection (d).**
- 25 **(h) This SECTION expires July 1, 2011.**
- 26 SECTION 175. [EFFECTIVE JANUARY 1, 2008
27 (RETROACTIVE)] **(a) This SECTION applies to a taxpayer**
28 **notwithstanding IC 6-1.1-11 or any other law or administrative**
29 **rule or provision.**
- 30 **(b) This SECTION applies to an assessment date, as defined in**
31 **IC 6-1.1-1-2, occurring after December 31, 2007, and before**
32 **January 1, 2010.**
- 33 **(c) As used in this SECTION, "taxpayer" refers to a person, as**
34 **defined in IC 6-1.1-1-10, that:**
35 **(1) after January 15, 2010, and before January 25, 2010, filed**
36 **or refiled, in a manner consistent with IC 6-1.1-36-1.5, a Form**
37 **136 property tax exemption application, along with any**
38 **supporting documents, schedules, or attachments, claiming an**
39 **exemption from real property taxes under IC 36-1-10-18 for**
40 **any assessment date described in subsection (b); and**
41 **(2) leased real property to the bureau of motor vehicles**
42 **commission during 2008 and 2009, and the real property**
43 **identified in the property tax exemption application referred**
44 **to in subdivision (1) received a full or partial exemption from**
45 **real property taxes for the 2006 or 2007 assessment date.**
- 46 **(d) A property tax exemption application referred to in**
47 **subsection (c)(1):**
48 **(1) is allowed; and**
49 **(2) is considered to have been timely filed.**
- 50 **(e) A taxpayer is entitled to the exemptions from real property**
51 **taxes as claimed on the property tax exemption applications**

1 referred to in subsection (c)(1) and is not required to pay property
2 taxes, penalties or interest with respect to the exempt property.

3 (f) This SECTION expires July 1, 2011.

4 SECTION 176. [EFFECTIVE UPON PASSAGE] (a) This
5 SECTION applies only to a local council of the Boy Scouts of
6 America and to land and improvements that meet all of the
7 following conditions:

8 (1) The local council acquired title to the land and
9 improvements after March 1, 2007, and the land and
10 improvements were assessed and subject to property taxation
11 for the 2007 assessment date.

12 (2) The local council failed to file a timely application under
13 IC 6-1.1-11 for a property tax exemption for the land and
14 improvements described in subdivision (1) for the 2007
15 assessment date.

16 (3) For the 2008 assessment date, the local council filed a
17 timely application under IC 6-1.1-11 for a property tax
18 exemption for the land and improvements described in
19 subdivision (1) and the exemption application was granted.

20 (4) For the 2007 assessment date, the land and improvements
21 described in subdivision (1) would have been eligible for
22 property tax exemption if the local council:

23 (A) had on March 1, 2007:

24 (i) owned the land and improvements; and

25 (ii) used the land and improvements for the same
26 purposes for which the local council used the land and
27 improvements on March 1, 2008; and

28 (B) had timely filed an exemption application under
29 IC 6-1.1-11.

30 (b) Notwithstanding IC 6-1.1-11 or any other law specifying the
31 date by which an application for property tax exemption must be
32 filed to claim an exemption for the 2007 assessment date, a local
33 council described in subsection (a) may before July 1, 2010, file
34 with the county assessor an application for property tax exemption
35 for the land and improvements described in subsection (a)(1) for
36 the 2007 assessment date.

37 (c) Notwithstanding IC 6-1.1-11 or any other law, an application
38 for property tax exemption that is filed under subsection (b) is
39 considered to be timely filed for the 2007 assessment date, and the
40 county assessor shall forward the application to the county
41 property tax assessment board of appeals for review. The board
42 shall grant an exemption claimed for the 2007 assessment date if
43 the board determines the local council's application for property
44 tax exemption satisfies the requirements of this SECTION.

45 (d) This SECTION expires January 1, 2011.

46 SECTION 177. [EFFECTIVE UPON PASSAGE] (a) This
47 SECTION applies only to the American Legion and to land and
48 improvements that meet all of the following conditions:

49 (1) The American Legion holds title to the land and
50 improvements located in Marion County, the land and
51 improvements and the personal property located on the

1 parcel were assessed and subject to property taxation for the
 2 2007 and 2008 assessment dates, and the assessed value of the
 3 parcel for the 2007 assessment date is more than five (5) times
 4 the assessed value of the parcel for the March 1, 2005,
 5 assessment date.

6 (2) The American Legion failed to file a timely application
 7 under IC 6-1.1-11 for a property tax exemption for the land
 8 and improvements and personal property described in
 9 subdivision (1) for the 2007 and 2008 assessment dates.

10 (3) For the 2009 assessment date, the American Legion filed
 11 a timely application under IC 6-1.1-11 for a property tax
 12 exemption for the land and improvements and personal
 13 property described in subdivision (1) and the exemption
 14 application was granted.

15 (4) For the 2007 and 2008 assessment dates, the land and
 16 improvements and personal property described in subdivision
 17 (1) would have been eligible for property tax exemption if the
 18 American Legion:

19 (A) had on each of these assessment dates:

20 (i) owned the land and improvements and personal
 21 property; and

22 (ii) used the land and improvements and personal
 23 property for the same purposes for which the American
 24 Legion used the land and improvements on March 1,
 25 2006; and

26 (B) had timely filed an exemption application under
 27 IC 6-1.1-11.

28 (b) Notwithstanding IC 6-1.1-11 or any other law specifying the
 29 date by which an application for property tax exemption must be
 30 filed to claim an exemption for the 2007 and 2008 assessment dates,
 31 an American Legion described in subsection (a) may before July 1,
 32 2010, file with the county assessor an application for property tax
 33 exemption for the land and improvements and personal property
 34 described in subsection (a)(1) for the 2007 and 2008 assessment
 35 dates.

36 (c) Notwithstanding IC 6-1.1-11 or any other law, an application
 37 for property tax exemption that is filed under subsection (b) is
 38 considered to be timely filed for the 2007 and 2008 assessment
 39 dates, and the county assessor shall forward the application to the
 40 county property tax assessment board of appeals for review. The
 41 board shall grant an exemption claimed for the 2007 and 2008
 42 assessment dates if the board determines the American Legion's
 43 application for property tax exemption satisfies the requirements
 44 of this SECTION.

45 (d) This SECTION expires January 1, 2011.

46 SECTION 178. [EFFECTIVE JUNE 30, 2009 (RETROACTIVE)]

47 (a) An entity described in P.L.182-2009(ss), SECTION 479, is
 48 ineligible under P.L.182-2009(ss), SECTION 479, to file a property
 49 tax exemption application within the time permitted by
 50 P.L.182-2009(ss), SECTION 479, unless, in addition to complying
 51 with P.L.182-2009(ss), SECTION 479:

1 (1) the entity that owned, occupied, and predominately used
 2 the property for a purpose described in IC 6-1.1-10-16 during
 3 the period covered by the exemption application was, during
 4 that period, a nonprofit organization that was exempt from
 5 federal adjusted gross income taxes under Section 501(c)(3) of
 6 the Internal Revenue Code; and

7 (2) an application for a property tax exemption under
 8 IC 6-1.1-10-16 for the property was timely filed and granted
 9 for the same or a substantially similar use for one (1) or more
 10 preceding years beginning after 1999.

11 (b) Neither P.L.182-2009(ss), SECTION 479 nor this SECTION
 12 permits a property tax exemption for an entity that would not have
 13 qualified for the exemption under IC 6-1.1-10-16 had the
 14 application been timely filed in conformity with IC 6-1.1-11.

15 (c) The property tax assessment board of appeals shall deny a
 16 property tax exemption application filed within the period specified
 17 in P.L.182-2009(ss), SECTION 479 and dismiss any related
 18 proceeding initiated under P.L.182-2009(ss), SECTION 479 unless
 19 the entity and property also meet the requirements of this
 20 SECTION.

21 (d) This SECTION expires January 1, 2012.

22 SECTION 179. [EFFECTIVE UPON PASSAGE] (a) The
 23 legislative council, with the assistance of the code revision
 24 commission, shall provide for the preparation of corrective
 25 legislation for introduction in the 2011 session of the general
 26 assembly to make changes to IC 6-3.5-1.1, IC 6-3.5-6, and
 27 IC 6-3.5-7, as necessary or appropriate, to reflect the changes made
 28 by IC 6-3.5-1.1-1.5, IC 6-3.5-6-1.5, and IC 6-3.5-7-4.9, all as added
 29 by this act. The code revision commission may as part of its review
 30 consider the relevant amendments to IC 6-3.5-1.1, IC 6-3.5-6, and
 31 IC 6-3.5-7 proposed in the introduced version of HB 1086-2010.
 32 Until the general assembly enacts corrective legislation, the
 33 department of local government finance may adopt rules under
 34 IC 4-22-2, including emergency rules adopted under
 35 IC 4-22-2-37.1, and prescribe procedures for the implementation
 36 of IC 6-3.5-1.1-1.5, IC 6-3.5-6-1.5, and IC 6-3.5-7-4.9, all as added
 37 by this act.

38 (b) The commission on state tax and financing policy established
 39 under IC 2-5-3 shall, during the interim in 2010 between sessions
 40 of the general assembly, study the allocation and distribution of
 41 county adjusted gross income taxes (IC 6-3.5-1.1), county option
 42 income taxes (IC 6-3.5-6), and county economic development
 43 income taxes (IC 6-3.5-7) to civil taxing units within a county,
 44 including the allocation of revenues derived from a public safety
 45 tax rate imposed under IC 6-3.5-1.1-25 or IC 6-3.5-6-31.

46 (c) This SECTION expires January 1, 2011.

47 SECTION 180. [EFFECTIVE JULY 1, 2010] (a) This SECTION
 48 applies to members of the youth advisory council appointed under
 49 IC 2-5-29, as amended by this act, after June 30, 2011.

50 (b) Notwithstanding IC 2-5-29-3, as amended by this act, the
 51 initial terms of the members are staggered as follows:

1 (1) The president pro tempore of the senate and the speaker
2 of the house of representatives shall each designate three (3)
3 members to serve two (2) year terms and two (2) members to
4 serve one (1) year terms.

5 (2) The minority leader of the senate and the minority leader
6 of the house of representatives shall each designate two (2)
7 members to serve two (2) year terms and three (3) members
8 to serve one (1) year terms.

9 (3) The governor shall designate one (1) member to serve a
10 two (2) year term and one (1) member to serve a one (1) year
11 term.

12 (c) A member may be reappointed.

13 (d) This SECTION expires July 1, 2013.

14 SECTION 181. [EFFECTIVE JULY 1, 2010] (a) After June 30,
15 2010, a reference in any law, rule, contract, or other document or
16 record to the state athletic commission shall be treated as a
17 reference to the gaming commission created by IC 4-33-3-1.

18 (b) After June 30, 2010, any balance in the athletic commission
19 fund created by IC 25-9-1-1.5 before its repeal by this act is
20 transferred to the athletic fund created by IC 4-33-22-9.

21 (c) The rules adopted by the state athletic commission before
22 July 1, 2010, and in effect on June 30, 2010, shall be treated after
23 June 30, 2010, as the rules of the Indiana gaming commission.

24 SECTION 182. [EFFECTIVE JULY 1, 2010] (a) As used in this
25 SECTION, "buildings and grounds" has the meaning set forth in
26 IC 14-20-7-1.

27 (b) On July 1, 2010, all powers, duties, rights, obligations,
28 liabilities, funds, and revenues for the buildings and grounds are
29 transferred from the department of natural resources to the
30 Indiana department of veterans' affairs established by
31 IC 10-17-1-2.

32 (c) Any memorandum of understanding between the
33 department of natural resources and the Indiana department of
34 veterans' affairs concerning the administration of the buildings
35 and grounds by the Indiana department of veterans' affairs expires
36 July 1, 2010.

37 (d) This SECTION expires July 2, 2010.

38 SECTION 183. [EFFECTIVE JULY 1, 2010] (a) After June 30,
39 2010, a reference in any law, rule, contract, or other document or
40 record to the military and veterans' benefits board or to the
41 commission of veterans' affairs or the veterans' affairs commission
42 established by IC 10-17-1-3 shall be treated as a reference to the
43 Indiana veterans' affairs commission established by IC 10-17-13-4,
44 as amended by this act.

45 (b) The rules adopted by the commission of veterans' affairs or
46 the veterans' affairs commission established by IC 10-17-1-3 before
47 July 1, 2010, and in effect on June 30, 2010, shall be treated after
48 June 30, 2010, as the rules of the Indiana veterans' affairs
49 commission established by IC 10-17-13-4, as amended by this act.

50 (c) The terms of members of the veterans' affairs commission
51 established by IC 10-17-1-3 who are serving on June 30, 2010,

1 expire on June 30, 2010.

2 (d) The members of the military and veterans' benefits board
3 serving on June 30, 2010, become the members of the veterans'
4 affairs commission established by IC 10-17-13-4, as amended by
5 this act, on July 1, 2010.

6 (e) This SECTION expires July 2, 2010.

7 SECTION 184. [EFFECTIVE UPON PASSAGE] (a) The interim
8 study committee on economic development is established to study
9 the following:

10 (1) Best practices in state and local economic development
11 policies and activities.

12 (2) The use and effectiveness of tax credits and deductions.

13 (3) Whether there are any specific sectors of the economy for
14 which Indiana might have comparative advantages over other
15 states.

16 (4) The extent to which Indiana's tax laws encourage business
17 investment, and any improvements that might be made to
18 Indiana's tax laws.

19 (5) The extent to which Indiana's education systems support
20 economic development.

21 (6) The benefits of existing community revitalization
22 enhancement districts and possible new community
23 revitalization enhancement districts as an economic
24 development tool.

25 (7) Any other issue assigned to the committee by the
26 legislative council or as directed by the committee's co-chairs.

27 (b) The committee consists of the following members:

28 (1) Two (2) members of the senate, who must be affiliated
29 with different political parties, appointed by the president pro
30 tempore of the senate.

31 (2) Two (2) members of the house of representatives, who
32 must be affiliated with different political parties, appointed by
33 the speaker of the house of representatives.

34 (3) The chief executive officer of the Indiana economic
35 development corporation (or the chief executive officer's
36 designee).

37 (4) The following twelve (12) members appointed as follows:

38 (A) The following four (4) members appointed by the
39 governor, not more than two (2) of whom may be affiliated
40 with the same political party and at least one (1) of whom
41 must be a woman who is an owner of a women's business
42 enterprise (as defined in IC 4-13-16.5-1.3) that is certified
43 under IC 4-13-16.5 or a member of a minority group (as
44 defined in IC 4-13-16.5-1) who is an owner of a minority
45 business enterprise (as defined in IC 4-13-16.5-1) that is
46 certified under IC 4-13-16.5:

47 (i) One (1) member to represent large businesses.

48 (ii) One (1) member to represent small businesses.

49 (iii) One (1) member to represent banking and finance.

50 (iv) One (1) member to represent labor interests.

51 (B) The following four (4) members appointed by the

1 **president pro tempore of the senate, not more than two (2)**
 2 **of whom may be affiliated with the same political party:**

3 **(i) One (1) member to represent higher education.**

4 **(ii) One (1) member to represent local economic**
 5 **development organizations and officials.**

6 **(iii) One (1) member to represent cities.**

7 **(iv) One (1) member to represent counties.**

8 **(C) The following four (4) members appointed by the**
 9 **speaker of the house of representatives, not more than two**
 10 **(2) of whom may be affiliated with the same political**
 11 **party:**

12 **(i) One (1) member to represent agricultural interests.**

13 **(ii) One (1) member to represent the public at large.**

14 **(iii) One (1) member to represent kindergarten through**
 15 **grade 12 education.**

16 **(iv) One (1) member to represent quality of life issues.**

17 **(c) The president pro tempore of the senate shall appoint one (1)**
 18 **of the members appointed by the president under subsection (b)(1)**
 19 **as a co-chair of the committee. The speaker of the house of**
 20 **representatives shall appoint one (1) of the members appointed by**
 21 **the speaker under subsection (b)(2) as a co-chair of the committee.**

22 **(d) The committee shall issue a final report in an electronic**
 23 **format under IC 5-14-6 before November 1, 2010, to the legislative**
 24 **council containing any findings and recommendations of the**
 25 **committee.**

26 **(e) Except as otherwise provided, the committee shall operate**
 27 **under the policies governing study committees adopted by the**
 28 **legislative council.**

29 **(f) The affirmative votes of a majority of the voting members**
 30 **appointed to the committee are required for the committee to take**
 31 **action on any measure, including final reports.**

32 **(g) This SECTION expires January 1, 2011.**

33 **SECTION 185. [EFFECTIVE UPON PASSAGE] (a) If the**
 34 **amendment to Article 10, Section 1 of the Constitution of the State**
 35 **of Indiana agreed to by the One Hundred Fifteenth General**
 36 **Assembly (P.L.147-2008) is agreed to by the One Hundred**
 37 **Sixteenth General Assembly, the amendment shall be submitted to**
 38 **the electors of the state at the 2010 general election in the manner**
 39 **provided for the submission of constitutional amendments under**
 40 **IC 3.**

41 **(b) Under Article 16, Section 1 of the Constitution of the State**
 42 **of Indiana, which requires the general assembly to submit**
 43 **constitutional amendments to the electors at the next general**
 44 **election after the general assembly agrees to the amendment**
 45 **referred to it by the last previously elected general assembly, and**
 46 **in accordance with IC 3-10-3, the general assembly prescribes the**
 47 **form in which the public question concerning the ratification of**
 48 **this state constitutional amendment must appear on the 2010**
 49 **general election ballot as follows:**

50

"PUBLIC QUESTION #1

1 **SHALL PROPERTY TAXES BE LIMITED FOR ALL CLASSES**
 2 **OF PROPERTY** by amending the Constitution of the State of
 3 **Indiana to do the following:**

4 **(1) Limit a taxpayer's annual property tax bill to the following**
 5 **percentages of gross assessed value:**

6 **(A) 1% for an owner-occupied primary residence**
 7 **(homestead);**

8 **(B) 2% for residential property, other than an**
 9 **owner-occupied primary residence, including apartments;**

10 **(C) 2% for agricultural land;**

11 **(D) 3% for other real property; and**

12 **(E) 3% for personal property.**

13 **The above percentages exclude any property taxes imposed**
 14 **after being approved by the voters in a referendum.**

15 **(2) Specify that the General Assembly may grant a property**
 16 **tax exemption in the form of a deduction or credit and exempt**
 17 **a mobile home used as a primary residence to the same extent**
 18 **as real property?".**

19 **SECTION 186. [EFFECTIVE UPON PASSAGE] (a)**
 20 **Notwithstanding IC 20-46-6, IC 20-40-8, 50 IAC 9, or any other**
 21 **law or administrative rule or provision, the department of local**
 22 **government finance shall authorize a school city described in**
 23 **IC 20-25 to impose the property tax rate under IC 20-46-6-5 and**
 24 **IC 20-46-6-6, adjusted for annual adjustments and reassessment as**
 25 **calculated by the department of local government finance, for taxes**
 26 **due and payable with respect to the March 1, 2009, assessment**
 27 **date.**

28 **(b) The department of local government finance's authorization**
 29 **in subsection (a) is subject to the following conditions:**

30 **(1) The property tax authorized in subsection (a) is limited to**
 31 **the amount the school city could have collected under**
 32 **IC 6-1.1-18.5-9.9, IC 6-1.1-18-12, IC 6-1.1-18-13, IC 20-46-6-5,**
 33 **and IC 20-46-6-6, if it had followed all applicable laws and**
 34 **provisions, including IC 20-46-6.**

35 **(2) The school city must, on or before March 16, 2010, file**
 36 **with the department of local government finance a**
 37 **supplement to its capital projects fund plan that supports the**
 38 **amounts to be collected under IC 20-46-6-5 and IC 20-46-6-6,**
 39 **including a sufficient description of its capital projects fund**
 40 **future allocations.**

41 **(c) If the school city satisfies the conditions set forth in**
 42 **subsection (b)(2), no other additional hearings or publication of**
 43 **notices is required.**

44 **(d) If the school city satisfies the conditions in subsection (b)(2),**
 45 **the following apply:**

46 **(1) The department of local government finance shall, as soon**
 47 **as practicable, recertify the affected levies, tax rates, and**
 48 **budgets under IC 6-1.1-17-16 to carry out this SECTION.**

49 **(2) The school city waives the ten (10) day notice period in**

- 1 **IC 6-1.1-17-16.**
- 2 **(e) This SECTION expires January 1, 2011.**
- 3 **SECTION 187. An emergency is declared for this act.**
- 4 **(Reference is to EHB 1086 as reprinted February 25, 2010.)**

Conference Committee Report
on
Engrossed House Bill 1086

Signed by:

Representative Welch
Chairperson

Senator Hershman

Representative Espich

Senator Broden

House Conferees

Senate Conferees