



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1376 be amended to read as follows:

- 1 Page 1, line 11, delete "referendum or local public question under
- 2 IC 20" and insert **"local public question described in**
- 3 **IC 6-1.1-20-3.6(f)"**.
- 4 Page 2, delete lines 2 through 42, begin a new paragraph and insert:
- 5 "SECTION 2. IC 6-1.1-20-3.6, AS AMENDED BY P.L.239-2023,
- 6 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2024]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
- 8 of this chapter, this section applies only to a controlled project
- 9 described in section 3.5(a) of this chapter.
- 10 (b) In the case of a controlled project:
- 11 (1) described in section 3.5(a)(1)(A) through 3.5(a)(1)(C) of this
- 12 chapter, if a sufficient petition requesting the application of the
- 13 local public question process has been filed as set forth in section
- 14 3.5 of this chapter; or
- 15 (2) described in section 3.5(a)(1)(D) of this chapter (before its
- 16 expiration);
- 17 a political subdivision may not impose property taxes to pay debt
- 18 service on bonds or lease rentals on a lease for a controlled project
- 19 unless the political subdivision's proposed debt service or lease rental
- 20 is approved in an election on a local public question held under this
- 21 section.

1 (c) Except as provided in subsection ~~(k)~~; **(l)**, the following question
 2 shall be submitted to the eligible voters at the election conducted under
 3 this section:

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

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

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

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

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

- 24 (1) seventy-four (74) days before a primary election if the public
 25 question is to be placed on the primary or municipal primary
 26 election ballot; or
- 27 (2) August 1 if the public question is to be placed on the general
 28 or municipal election ballot.

29 Subject to the certification requirements and deadlines under this
 30 subsection and except as provided in subsection ~~(j)~~, **(k)**, the public
 31 question shall be placed on the ballot at the next primary election,
 32 general election or municipal election in which all voters of the
 33 political subdivision are entitled to vote. However, if a primary
 34 election, general election, or municipal election will not be held during
 35 the first year in which the public question is eligible to be placed on the
 36 ballot under this section and if the political subdivision requests the
 37 public question to be placed on the ballot at a special election, the
 38 public question shall be placed on the ballot at a special election to be
 39 held on the first Tuesday after the first Monday in May or November
 40 of the year. The certification must occur not later than noon
 41 seventy-four (74) days before a special election to be held in May (if
 42 the special election is to be held in May) or noon on August 1 (if the
 43 special election is to be held in November). The fiscal body of the
 44 political subdivision that requests the special election shall pay the
 45 costs of holding the special election. The county election board shall
 46 give notice under IC 5-3-1 of a special election conducted under this

1 subsection. A special election conducted under this subsection is under
 2 the direction of the county election board. The county election board
 3 shall take all steps necessary to carry out the special election.

4 **(f) This subsection applies to a local public question authorizing**
 5 **a school corporation to impose property taxes to pay debt service**
 6 **on bonds or lease rentals on a lease for a controlled project**
 7 **described in section 3.5(a) of this chapter. The county auditor shall**
 8 **certify the finally approved public question under IC 3-10-9-3(b)**
 9 **to the county election board of each county in which the political**
 10 **subdivision is located. The certification must occur not later than**
 11 **noon August 1. Subject to the certification requirements and**
 12 **deadlines under this subsection and except as provided in**
 13 **subsection (k), the public question shall be placed on the ballot at**
 14 **the next election permitted under IC 3-10-9-3(b).**

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

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

19 (2) The department of local government finance.

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

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

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

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

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

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

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

39 ~~(j)~~ **(k)** A political subdivision may not divide a controlled project in
 40 order to avoid the requirements of this section and section 3.5 of this
 41 chapter. A person that owns property within a political subdivision or
 42 a person that is a registered voter residing within a political subdivision
 43 may file a petition with the department of local government finance
 44 objecting that the political subdivision has divided a controlled project
 45 into two (2) or more capital projects in order to avoid the requirements
 46 of this section and section 3.5 of this chapter. The petition must be filed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 the limit under subsection ~~(h)(2)(B)~~ **(i)(2)(B)** applies to the holding of
 41 a second public question by the political subdivision and the limit
 42 under subsection ~~(h)(2)(A)~~ **(i)(2)(A)** does not apply to the holding of
 43 a second public question by the political subdivision.

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

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

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

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

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

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

16 from the result of STEP ONE.

17 STEP THREE: Divide the result of STEP TWO by one hundred
 18 (100).

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

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

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

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

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

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

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

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

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

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

46 STEP TWO: Divide the result of STEP ONE by one hundred

1 (100).
2 STEP THREE: Determine the overall average tax rate per one
3 hundred dollars (\$100) of assessed valuation for the current year
4 imposed on property located within the political subdivision.
5 STEP FOUR: For purposes of determining net property tax
6 liability of the average business property located within the
7 political subdivision:
8 (A) multiply the result of STEP TWO by the result of STEP
9 THREE; and
10 (B) as appropriate, apply any currently applicable county
11 property tax credit rates and the credit for excessive property
12 taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage
13 was three percent (3%).
14 STEP FIVE: Determine the amount of the political subdivision's
15 part of the result determined in STEP FOUR.
16 STEP SIX: Determine the estimated tax rate that will be imposed
17 if the public question is approved by the voters.
18 STEP SEVEN: Multiply the result of STEP TWO by the result of
19 STEP SIX.
20 STEP EIGHT: Divide the result of STEP SEVEN by the result of
21 STEP FIVE, expressed as a percentage.
22 ~~(p)~~ (q) The county auditor shall certify the estimated average
23 percentage of property tax increase on a homestead to be paid to the
24 political subdivision determined under subsection ~~(n)~~; (o), and the
25 estimated average percentage of property tax increase on a business
26 property to be paid to the political subdivision determined under
27 subsection ~~(o)~~; (p), in a manner prescribed by the department of local
28 government finance, and provide the certification to the political
29 subdivision that proposes to impose property taxes. The political
30 subdivision shall provide the certification to the county election board
31 and include the estimated average percentages in the language of the
32 public question at the time the language of the public question is
33 submitted to the county election board for approval as described in
34 subsection (c)."
35 Delete pages 3 through 16.
36 Renumber all SECTIONS consecutively.
(Reference is to HB 1376 as printed January 18, 2024.)

Representative Behning