

## SENATE BILL No. 50

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-12.

**Synopsis:** Property tax deductions for disabled veterans. Allows a disabled veteran to qualify for certain property tax deductions if the veteran's disability is evidenced by: (1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs; or (2) a certificate of eligibility issued by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the veteran's disability qualifies the veteran to receive a deduction. (Current law does not allow a veteran's disability to be evidenced by a certificate of eligibility issued by the Indiana department of veterans' affairs.) (The introduced version of this bill was prepared by the military and veterans affairs commission.)

**Effective:** March 1, 1998 (retroactive); March 1, 2001.

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**Craycraft, Wyss**

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January 6, 1998, read first time and referred to Committee on Finance.

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Introduced

Second Regular Session 110th General Assembly (1998)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 50

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

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

- 1 SECTION 1. IC 6-1.1-12-13 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE MARCH 1, 1998 (RETROACTIVE)]: Sec.  
3 13. (a) An individual may have four thousand dollars (\$4,000) deducted  
4 from the assessed value of the taxable tangible property that the individual  
5 owns, or real property that the individual is buying under a contract that  
6 provides that the individual is to pay property taxes on the real property,  
7 if the contract or a memorandum of the contract is recorded in the county  
8 recorder's office and if:  
9 (1) the individual served in the military or naval forces of the United  
10 States during any of its wars;  
11 (2) the individual received an honorable discharge;  
12 (3) the individual is disabled with a service connected disability of  
13 ten percent (10%) or more; and  
14 (4) the individual's disability is evidenced by:  
15 (A) a pension certificate, an award of compensation, or a  
16 disability compensation check issued by the United States  
17 Department of Veterans Affairs; **or**

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1           **(B) a certificate of eligibility issued to the individual by the**  
 2           **Indiana department of veterans' affairs after the Indiana**  
 3           **department of veterans' affairs has determined that the**  
 4           **individual's disability qualifies the individual to receive a**  
 5           **deduction under this section.**

6           (b) The surviving spouse of an individual may receive the deduction  
 7 provided by this section if the individual would qualify for the deduction  
 8 if the individual were alive.

9           (c) One who receives the deduction provided by this section may not  
 10 receive the deduction provided by section 16 of this chapter. However, the  
 11 individual may receive any other property tax deduction which the  
 12 individual is entitled to by law.

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

17           SECTION 2. IC 6-1.1-12-13, AS AMENDED BY P.L.6-1997,  
 18 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 MARCH 1, 2001]: Sec. 13. (a) An individual may have twelve thousand  
 20 dollars (\$12,000) deducted from the assessed value of the taxable tangible  
 21 property that the individual owns, or real property that the individual is  
 22 buying under a contract that provides that the individual is to pay property  
 23 taxes on the real property, if the contract or a memorandum of the contract  
 24 is recorded in the county recorder's office and if:

- 25           (1) the individual served in the military or naval forces of the United
- 26           States during any of its wars;
- 27           (2) the individual received an honorable discharge;
- 28           (3) the individual is disabled with a service connected disability of
- 29           ten percent (10%) or more; and
- 30           (4) the individual's disability is evidenced by:

31           **(A) a pension certificate, an award of compensation, or a**  
 32           **disability compensation check issued by the United States**  
 33           **Department of Veterans Affairs; or**

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

39           (b) The surviving spouse of an individual may receive the deduction  
 40 provided by this section if the individual would qualify for the deduction  
 41 if the individual were alive.

42           (c) One who receives the deduction provided by this section may not



1 receive the deduction provided by section 16 of this chapter. However, the  
 2 individual may receive any other property tax deduction which the  
 3 individual is entitled to by law.

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

8 SECTION 3. IC 6-1.1-12-14, AS AMENDED BY P.L.48-1996,  
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 MARCH 1, 1998 (RETROACTIVE)]: Sec. 14. (a) Except as provided in  
 11 subsection (c), an individual may have the sum of two thousand dollars  
 12 (\$2,000) deducted from the assessed value of the tangible property that  
 13 the individual owns (or the real property that the individual is buying  
 14 under a contract that provides that the individual is to pay property taxes  
 15 on the real property, if the contract or a memorandum of the contract is  
 16 recorded in the county recorder's office) if:

- 17 (1) the individual served in the military or naval forces of the United  
 18 States for at least ninety (90) days;  
 19 (2) the individual received an honorable discharge;  
 20 (3) the individual either:  
 21 (A) is totally disabled; or  
 22 (B) is at least sixty-two (62) years old and has a disability of at  
 23 least ten percent (10%); and  
 24 (4) the individual's disability is evidenced by:  
 25 (A) a pension certificate or an award of compensation issued by  
 26 the United States Department of Veterans Affairs; **or**  
 27 (B) **a certificate of eligibility issued to the individual by the**  
 28 **Indiana department of veterans' affairs after the Indiana**  
 29 **department of veterans' affairs has determined that the**  
 30 **individual's disability qualifies the individual to receive a**  
 31 **deduction under this section.**

32 (b) Except as provided in subsection (c), the surviving spouse of an  
 33 individual may receive the deduction provided by this section if the  
 34 individual would qualify for the deduction if the individual were alive.

35 (c) No one is entitled to the deduction provided by this section if the  
 36 assessed value of the individual's tangible property, as shown by the tax  
 37 duplicate, exceeds eighteen thousand dollars (\$18,000).

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

42 SECTION 4. IC 6-1.1-12-14, AS AMENDED BY P.L.6-1997,



1 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 MARCH 1, 2001]: Sec. 14.(a) Except as provided in subsection (c), an  
 3 individual may have the sum of six thousand dollars (\$6,000) deducted  
 4 from the assessed value of the tangible property that the individual owns  
 5 (or the real property that the individual is buying under a contract that  
 6 provides that the individual is to pay property taxes on the real property,  
 7 if the contract or a memorandum of the contract is recorded in the county  
 8 recorder's office) if:

- 9 (1) the individual served in the military or naval forces of the United  
 10 States for at least ninety (90) days;  
 11 (2) the individual received an honorable discharge;  
 12 (3) the individual either:  
 13 (A) is totally disabled; or  
 14 (B) is at least sixty-two (62) years old and has a disability of at  
 15 least ten percent (10%); and  
 16 (4) the individual's disability is evidenced by:  
 17 (A) a pension certificate or an award of compensation issued by  
 18 the United States Department of Veterans Affairs; **or**  
 19 **(B) a certificate of eligibility issued to the individual by the**  
 20 **Indiana department of veterans' affairs after the Indiana**  
 21 **department of veterans' affairs has determined that the**  
 22 **individual's disability qualifies the individual to receive a**  
 23 **deduction under this section.**

24 (b) Except as provided in subsection (c), the surviving spouse of an  
 25 individual may receive the deduction provided by this section if the  
 26 individual would qualify for the deduction if the individual were alive.

27 (c) No one is entitled to the deduction provided by this section if the  
 28 assessed value of the individual's tangible property, as shown by the tax  
 29 duplicate, exceeds fifty-four thousand dollars (\$54,000).

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

34 SECTION 5. IC 6-1.1-12-15 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE MARCH 1, 1998 (RETROACTIVE)]: Sec.  
 36 15. (a) Except as provided in section 17.8 of this chapter, an individual  
 37 who desires to claim the deduction provided by section 13 or section 14  
 38 of this chapter must file a statement with the auditor of the county in  
 39 which the individual resides. The statement must be filed during the  
 40 twelve (12) months before May 11 of each year for which the individual  
 41 wishes to obtain the deduction. The statement may be filed in person or by  
 42 mail. If mailed, the mailing must be postmarked on or before the last day



1 for filing. The statement shall contain a sworn declaration that the  
2 individual is entitled to the deduction.

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

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

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

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

16 (c) If the individual claiming the deduction is under guardianship, the  
17 guardian shall file the statement required by this section.

18 (d) If the individual claiming a deduction under section 13 or 14 of this  
19 chapter is buying real property under a contract that provides that the  
20 individual is to pay property taxes for the real estate, the statement  
21 required by this section must contain the record number and page where  
22 the contract or memorandum of the contract is recorded.

23 SECTION 6. [EFFECTIVE MARCH 1, 1998 (RETROACTIVE)]  
24 **This act applies to property taxes first due and payable after**  
25 **December 31, 1998.**

26 SECTION 7. **An emergency is declared for this act.**

