



February 22, 2000

**ENGROSSED
HOUSE BILL No. 1005**

DIGEST OF HB 1005 (Updated February 17, 2000 2:52 PM - DI 44)

Citations Affected: IC 4-10; IC 4-21.5; IC 4-22; IC 5-14; IC 6-1.1; IC 6-1.5; IC 6-6; IC 8-3; IC 33-3; IC 36-1; IC 36-2; IC 36-4; IC 36-6; noncode.

Synopsis: Property tax assessment. Amends various provisions concerning real and personal property assessment, assessor training, land valuation, property tax exemptions, property tax appeals, and property tax administration. Provides that the next general reassessment of real property shall be completed on or before March 1, 2002, instead of March 1, 2001, and that general reassessments will occur every four years thereafter. Directs the state board of tax commissioners (state board) to consider only certain factors in the adoption of rules for the appraisal of real or personal property, and provides direction for the adoption of rules for use in the next general reassessment. Requires the state board to adopt rules for the next
(Continued next page)

Effective: July 1, 1999 (retroactive); upon passage; July 1, 2000; January 1, 2001; July 1, 2001; January 1, 2002; March 1, 2002.

Welch, Bauer, Denbo

(SENATE SPONSOR — BORST)

November 23, 1999, read first time and referred to Committee on Ways and Means.
January 18, 2000, minority report rejected; majority report amended, reported — Do Pass.
January 20, 2000, read second time, ordered engrossed.
January 21, 2000, engrossed.
January 24, 2000, read third time, passed. Yeas 62, nays 35.

SENATE ACTION

January 27, 2000, read first time and referred to Committee on Finance.
February 21, 2000, amended, reported favorably — Do Pass.

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general reassessment before June 30, 2000. Establishes county land valuation commissions for determination of land values beginning with the general reassessment of real property that will become effective March 1, 2006. Provides that the state board is a party to a contract for local reassessment. Permits a claim on an amended personal property tax return of any adjustment or exemption that would have been allowable on the original return. Provides that property of a 4-H organization is exempt from property taxes under certain circumstances, and raises from 50 to 150 the acreage of certain organizations eligible for exemption from property taxes. Allows the property tax assessment board of appeals in Marion County and Lake County 180 days (current law allows 90 days) to hear property tax appeals filed after December 31, 1999. Permits local officials to become parties to appeals to the state board and the tax court under certain circumstances. Directs the county fiscal body to establish a sales disclosure fund, provides that all revenue from sales disclosure filing fees are deposited in the fund, designates the uses of the fund, and provides that the county fiscal body appropriates the revenue in the fund based on requests by assessing officials. Directs the state board to prepare the record for a tax court appeal and specifies the contents of the record. Expands the circumstances under which a county executive may appeal a determination of the state board to the tax court, and provides that the county executive shall appeal upon request by the county assessor or elected township assessor. Changes the procedures for the filing and processing of petitions for correction of error with respect to property tax assessments. Adjusts the potential membership of the property tax assessment board of appeals. Changes the date for using 100% of true tax value as assessed value from March 1, 2001, to March 1, 2002. Provides a new schedule for completing the reassessment of parcels. Provides that the county assessor in Marion County does not review appropriations from the reassessment fund. Requires the county auditor to maintain separate reassessment funds for each general reassessment. Provides in Marion County that the township assessors select an assessment computer system. Provides that if a taxpayer does not request a property tax refund or credit within 45 days after the decision of the county to interest only until the date that is 45 days after the decision. Reduces the interest rate on property tax refunds from 6% to 4%. Directs the state board to adopt rules for determining the starting point for the valuation of used depreciable personal property after a sale or transfer of property. Establishes the method of payment for a special reassessment ordered by the state board. Adjusts the timing and subject matter of training sessions provided for local assessing officials by the state board. Directs the state board to adopt rules for the revocation of an assessor certification. Entitles certain assessing officials with level two assessor certifications to specified salary increases. Establishes a committee consisting of the state board, two county assessors, and two township assessors to prepare written reports to the general assembly on the status of the general reassessment. Directs the state board to complete the special reassessment of real property in Lake County by March 1, 2001. Creates a state agency to hear property tax appeals. Establishes the Indiana board of tax review (Indiana board). Provides that the Indiana board hears: (1) appeals from determinations of county property tax assessment boards of appeals; and (2) appeals from determinations of the state board. Provides that determinations of the Indiana board are appealable to the Indiana tax court. Establishes the organization of the Indiana board, including the requirements for a division of appeals and a division of data analysis. Specifies the duties and procedures of the Indiana board. Directs the Indiana board to compute school assessment

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ratios. Authorizes the Indiana board to order special reassessments. Provides for annual withholding by the state of distributions of property tax replacement credit and homestead credit revenue for a county's reassessment fund until submission by the county of data relating to tax assessments, exemptions, deductions, and credits if the data is not submitted in a timely manner. Provides for a similar withholding of revenue if property tax assessments are not provided to the Indiana board in a timely manner. Requires the state board to establish a personal property audit division, a budget division, and an assessment division and specifies the responsibilities of those divisions. Directs local assessors to maintain electronic assessment data files for transmission to the Indiana board. Eliminates the division of appeals and the division of tax review of the state board. Requires the state board to conduct annual personal property assessment audits. Provides that rules of the state board and the Indiana board may not: (1) restrict the ability to practice before the agency to attorneys; or (2) restrict admissibility of evidence to the agency based on the manner in which the taxpayer's representative or other witness is compensated. Directs the commission on state tax and financing policy to study the issue of annual adjustments to the true tax values of real property. Repeals one of the economic revitalization area deduction provisions under which a designating body may waive the requirement for filing a statement of benefits. Repeals with respect to state board employees the employment examination and political affiliation requirements.

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February 22, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

ENGROSSED HOUSE BILL No. 1005

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

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

1 SECTION 1. IC 4-10-13-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The ~~state~~ **Indiana**
3 board of tax ~~commissioners~~ **review** shall prepare and publish each year
4 the following report which must contain the following property tax data
5 by counties or by appropriate taxing jurisdictions:
6 (1) The tax rates of the various taxing jurisdictions.
7 (2) An abstract of taxable real property including a recital of the
8 number of parcels and the gross assessed valuation of nonfarm
9 residential property including improvements thereon, the number
10 of parcels and the gross assessed valuation of commercial and
11 industrial real property, including improvements thereon, the
12 number of parcels and the gross assessed valuation of unimproved
13 real property, the number of parcels and the gross assessed
14 valuation of agricultural acreage including improvements thereon,
15 the total amount of the gross assessed valuation of real estate and
16 the total assessed valuation of improvements thereon. The
17 abstract shall also include a recital of the total amount of net

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- 1 valuation of real property.
- 2 (3) The total assessed valuation of personal property belonging to
- 3 steam and electric railways and to public utilities.
- 4 (4) The total number of taxpayers and the total assessed valuation
- 5 of household goods and personal effects, excluding boats subject
- 6 to the boat excise tax under IC 6-6-11.
- 7 (5) The total number of units assessed and the assessed valuation
- 8 of each of the following items of personal property:
- 9 (A) Privately owned, noncommercial passenger cars.
- 10 (B) Commercial passenger cars.
- 11 (C) Trucks and tractors.
- 12 (D) Motorcycles.
- 13 (E) Buses.
- 14 (F) Mobile homes.
- 15 (G) Boats.
- 16 (H) Airplanes.
- 17 (I) Farm machinery.
- 18 (J) Livestock.
- 19 (K) Crops.
- 20 (6) The total number of taxpayers and the total valuation of
- 21 inventories and other personal property belonging to retail
- 22 establishments, wholesale establishments, manufacturing
- 23 establishments, and commercial establishments.
- 24 (b) The **state Indiana** board of tax ~~commissioners~~ **review** is hereby
- 25 authorized to prescribe and promulgate the forms as are necessary for
- 26 the obtaining of such information from local assessing officials. The
- 27 local assessing officials are directed to comply with this section.
- 28 SECTION 2. IC 4-10-13-7 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The manner of
- 30 publication of any of the reports as herein required shall be prescribed
- 31 by the state budget committee, and the cost of publication shall be paid
- 32 from funds appropriated to such state agencies and allocated by the
- 33 state budget committee to such agencies for such purpose.
- 34 (b) A copy of such reports shall be presented to the governor, the
- 35 **state Indiana** board of tax ~~commissioners~~ **review**, the state budget
- 36 committee, the commission on state tax and financing policy, the
- 37 Indiana legislative advisory commission, and to any other state agency
- 38 that may request a copy of such reports.
- 39 SECTION 3. IC 4-21.5-2-4 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) This article does
- 41 not apply to any of the following agencies:
- 42 (1) The governor.



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- 1 (2) The state board of accounts.
- 2 (3) The state educational institutions (as defined by
- 3 IC 20-12-0.5-1).
- 4 (4) The department of workforce development.
- 5 (5) The unemployment insurance review board of the department
- 6 of workforce development.
- 7 (6) The worker's compensation board.
- 8 (7) The military officers or boards.
- 9 (8) The Indiana utility regulatory commission.
- 10 (9) The department of state revenue (excluding an agency action
- 11 related to the licensure of private employment agencies).
- 12 (10) The state board of tax commissioners.

13 **(11) The Indiana board of tax review.**

14 (b) This article does not apply to action related to railroad rate and
 15 tariff regulation by the Indiana department of transportation.

16 SECTION 4. IC 4-22-2.5-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not
 18 apply to the following:

- 19 (1) Rules adopted by the department of state revenue.
- 20 (2) Rules adopted by the state board of tax commissioners **or the**
- 21 **Indiana board of tax review.**
- 22 (3) Rules adopted under IC 13-14-9 by the department of
- 23 environmental management or a board that has rulemaking
- 24 authority under IC 13.
- 25 (4) A rule that incorporates a federal regulation by reference or
- 26 adopts under a federal mandate a federal regulation in its entirety
- 27 without substantive additions.

28 SECTION 5. IC 5-14-1.5-5, AS AMENDED BY P.L.251-1999,
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2001]: Sec. 5. (a) Public notice of the date, time, and place of
 31 any meetings, executive sessions, or of any rescheduled or reconvened
 32 meeting, shall be given at least forty-eight (48) hours (excluding
 33 Saturdays, Sundays, and legal holidays) before the meeting. This
 34 requirement does not apply to reconvened meetings (not including
 35 executive sessions) where announcement of the date, time, and place
 36 of the reconvened meeting is made at the original meeting and recorded
 37 in the memoranda and minutes thereof, and there is no change in the
 38 agenda.

39 (b) Public notice shall be given by the governing body of a public
 40 agency by:

- 41 (1) posting a copy of the notice at the principal office of the
- 42 public agency holding the meeting or, if no such office exists, at

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1 the building where the meeting is to be held; and

2 (2) depositing in the United States mail with postage prepaid or
 3 by delivering notice to all news media which deliver by January
 4 1 an annual written request for such notices for the next
 5 succeeding calendar year to the governing body of the public
 6 agency. If a governing body comes into existence after January 1,
 7 it shall comply with this subdivision upon receipt of a written
 8 request for notice.

9 In addition, a state agency (as defined in IC 4-13-1-1) shall provide
 10 electronic access to the notice through the computer gateway
 11 administered by the intelnet commission under IC 5-21-2.

12 (c) Notice of regular meetings need be given only once each year,
 13 except that an additional notice shall be given where the date, time, or
 14 place of a regular meeting or meetings is changed. This subsection does
 15 not apply to executive sessions.

16 (d) If a meeting is called to deal with an emergency involving actual
 17 or threatened injury to person or property, or actual or threatened
 18 disruption of the governmental activity under the jurisdiction of the
 19 public agency by any event, then the time requirements of notice under
 20 this section shall not apply, but:

21 (1) news media which have requested notice of meetings must be
 22 given the same notice as is given to the members of the governing
 23 body; and

24 (2) the public must be notified by posting a copy of the notice
 25 according to this section.

26 (e) This section shall not apply where notice by publication is
 27 required by statute, ordinance, rule, or regulation.

28 (f) This section shall not apply to:

29 (1) the state board of tax commissioners, **the Indiana board of**
 30 **tax review**, or any other governing body which meets in
 31 continuous session, except that this section applies to meetings of
 32 these governing bodies which are required by or held pursuant to
 33 statute, ordinance, rule, or regulation; or

34 (2) the executive of a county or the legislative body of a town if
 35 the meetings are held solely to receive information or
 36 recommendations in order to carry out administrative functions,
 37 to carry out administrative functions, or confer with staff
 38 members on matters relating to the internal management of the
 39 unit. "Administrative functions" do not include the awarding of
 40 contracts, the entering into contracts, or any other action creating
 41 an obligation or otherwise binding a county or town.

42 (g) This section does not apply to the general assembly.

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1 (h) Notice has not been given in accordance with this section if a
 2 governing body of a public agency convenes a meeting at a time so
 3 unreasonably departing from the time stated in its public notice that the
 4 public is misled or substantially deprived of the opportunity to attend,
 5 observe, and record the meeting.

6 SECTION 6. IC 6-1.1-1-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. "Assessed value"
 8 or "assessed valuation" means an amount equal to:

9 (1) for assessment dates before March 1, ~~2001~~, **2002**, thirty-three
 10 and one-third percent (33 1/3%) of the true tax value of property;
 11 and

12 (2) for assessment dates after February 28, ~~2001~~, **2002**, the true
 13 tax value of property.

14 SECTION 7. IC 6-1.1-4-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999 (RETROACTIVE)]: Sec. 4.

16 (a) A general reassessment, involving a physical inspection of all real
 17 property in Indiana, shall begin July 1, 1999, ~~and each fourth year~~
 18 ~~thereafter. Each reassessment shall be completed on or before March~~
 19 ~~1, of the immediately following odd-numbered year, 2002, and shall be~~
 20 ~~the basis for taxes payable in the year following the year in which the~~
 21 ~~general assessment is to be completed. 2003.~~

22 (b) **A general reassessment, involving a physical inspection of all**
 23 **real property in Indiana, shall begin July 1, 2004, and every fourth**
 24 **year thereafter. Each reassessment shall be completed on or before**
 25 **March 1 of the immediately following even-numbered year and**
 26 **shall be the basis for taxes payable in the year following the year**
 27 **in which the general assessment is to be completed.**

28 (c) In order to ensure that assessing officials and members of each
 29 county property tax assessment board of appeals are prepared for a
 30 general reassessment of real property, the state board of tax
 31 commissioners shall give adequate advance notice of the general
 32 reassessment to the county and township taxing officials of each
 33 county.

34 SECTION 8. IC 6-1.1-3-7.5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7.5. (a) A taxpayer may
 36 file an amended personal property tax return, in conformity with the
 37 rules adopted by the state board of tax commissioners, not more than
 38 six (6) months after the later of the following:

39 (1) The filing date for the original personal property tax return, if
 40 the taxpayer is not granted an extension in which to file under
 41 section 7 of this chapter.

42 (2) The extension date for the original personal property tax

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1 return, if the taxpayer is granted an extension under section 7 of
2 this chapter.

3 (b) A tax adjustment related to an amended personal property tax
4 return shall be made in conformity with rules adopted under IC 4-22-2
5 by the state board of tax commissioners.

6 (c) **A taxpayer may claim on an amended personal property tax
7 return any adjustment or exemption that would have been
8 allowable under any statute or rule adopted by the state board of
9 tax commissioners if the adjustment or exemption had been
10 claimed on the original personal property tax return.**

11 SECTION 9. IC 6-1.1-4-13.8 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JANUARY 1, 2002]: **Sec. 13.8. (a) As used in this
14 section, "commission" refers to a county land valuation
15 commission established under subsection (b).**

16 (b) **A county land valuation commission is established in each
17 county for the purpose of determining the value of commercial,
18 industrial, and residential land (including farm homesites) in the
19 county.**

20 (c) **The county assessor is chairperson of the commission.**

21 (d) **The following are members of the commission:**

22 (1) **The county assessor.**

23 (2) **Each township assessor, when the respective township land
24 values for that township assessor's township are under
25 consideration. A township assessor serving under this
26 subdivision shall vote on all matters relating to the land values
27 of that township assessor's township.**

28 (3) **One (1) township assessor from the county to be appointed
29 by a majority vote of all the township assessors in the county.
30 The county assessor shall cast a vote only to break a tie.**

31 (4) **One (1) county resident who:**

32 (A) **holds a license under IC 25-34.1-3 as a salesperson or
33 broker; and**

34 (B) **is appointed by:**

35 (i) **the board of commissioners (as defined in
36 IC 36-3-3-10) for a county having a consolidated city; or**

37 (ii) **the county executive (as defined in IC 36-1-2-5) for a
38 county not described in item (i).**

39 (5) **Four (4) individuals who:**

40 (A) **are appointed by the county executive (as defined in
41 IC 36-1-2-5); and**

42 (B) **represent one (1) of the following four (4) kinds of land**

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1 in the county:

- 2 (i) Agricultural.
 3 (ii) Commercial.
 4 (iii) Industrial.
 5 (iv) Residential.

6 Each of the four (4) kinds of land in the county must be
 7 represented by one (1) individual appointed under this
 8 subdivision.

9 (6) One (1) individual who:

10 (A) represents financial institutions in the county; and
 11 (B) is appointed by:

- 12 (i) the board of commissioners (as defined in
 13 IC 36-3-3-10) for a county having a consolidated city; or
 14 (ii) the county executive (as defined in IC 36-1-2-5) for a
 15 county not described in item (i).

16 (e) The term of each member of the commission begins
 17 November 1, two (2) years before the general reassessment begins
 18 under IC 6-1.1-4-4, and ends January 1 of the year the general
 19 reassessment begins under IC 6-1.1-4-4. The appointing authority
 20 may fill a vacancy for the remainder of the vacated term.

21 (f) The commission shall determine the values of all classes of
 22 commercial, industrial, and residential land (including farm
 23 homesites) in the county using guidelines determined by the state
 24 board of tax commissioners. Not later than November 1 of the year
 25 preceding the year in which a general reassessment begins, the
 26 commission determining the values of land shall submit the values,
 27 all data supporting the values, and all information required under
 28 rules of the state board of tax commissioners relating to the
 29 determination of land values to the county property tax assessment
 30 board of appeals and the Indiana board of tax review. Not later
 31 than January 1 of the year in which a general reassessment begins,
 32 the county property tax assessment board of appeals shall hold a
 33 public hearing in the county concerning those values. The property
 34 tax assessment board of appeals shall give notice of the hearing in
 35 accordance with IC 5-3-1 and shall hold the hearing after March
 36 31 of the year preceding the year in which the general reassessment
 37 begins and before January 1 of the year in which the general
 38 reassessment under IC 6-1.1-4-4 begins.

39 (g) The county property tax assessment board of appeals shall
 40 review the values, data, and information submitted under
 41 subsection (f) and may make any modifications it considers
 42 necessary to provide uniformity and equality. The county property



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1 tax assessment board of appeals shall coordinate the valuation of
2 property adjacent to the boundaries of the county with the county
3 property tax assessment boards of appeals of the adjacent counties
4 using the procedures adopted by rule under IC 4-22-2 by the state
5 board of tax commissioners. If the commission fails to submit land
6 values under subsection (f) to the county property tax assessment
7 board of appeals before January 1 of the year the general
8 reassessment under IC 6-1.1-4-4 begins, the county property tax
9 assessment board of appeals shall determine the values.

10 (h) The county property tax assessment board of appeals shall
11 give notice to the county and township assessors of its decision on
12 the values. The notice must be given before March 1 of the year the
13 general reassessment under IC 6-1.1-4-4 begins. Within twenty (20)
14 days after that notice, the county assessor or a township assessor
15 in the county may request that the county property tax assessment
16 board of appeals reconsider the values. The county property tax
17 assessment board of appeals shall hold a hearing on the
18 reconsideration in the county. The county property tax assessment
19 board of appeals shall give notice of the hearing under IC 5-3-1.

20 (i) Within twenty (20) days after notice to the county and
21 township assessor is given under subsection (h), a taxpayer may
22 request that the county property tax assessment board of appeals
23 reconsider the values. The county property tax assessment board
24 of appeals may hold a hearing on the reconsideration in the county.
25 The county property tax assessment board of appeals shall give
26 notice of the hearing under IC 5-3-1.

27 (j) A taxpayer may appeal the value determined under this
28 section as applied to the taxpayer's land as part of an appeal filed
29 under IC 6-1.1-15 after the taxpayer has received a notice of
30 assessment. If a taxpayer that files an appeal under IC 6-1.1-15
31 requests the values, data, or information received by the county
32 property tax assessment board of appeals under subsection (f), the
33 county property tax assessment board of appeals shall satisfy the
34 request. The Indiana board of tax review may modify the
35 taxpayer's land value and the value of any other land in the
36 township, the county where the taxpayer's land is located, or the
37 adjacent county if the state board of tax commissioners determines
38 it is necessary to provide uniformity and equality.

39 (k) The county assessor shall notify all township assessors in the
40 county of the values as determined by the commission and as
41 modified by the county property tax assessment board of appeals
42 or state board under this section. Township assessors shall use the

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1 **values determined under this section.**

2 SECTION 10. IC 6-1.1-4-17 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) Subject to the
4 approval of the **state Indiana** board of tax **commissioners review** and
5 the requirements of section 18(a) of this chapter, a:

6 (1) township assessor; or

7 (2) group consisting of the county assessor and the township
8 assessors in a county;

9 may employ professional appraisers as technical advisors.

10 (b) After notice to the county assessor and all township assessors in
11 the county, a majority of the assessors authorized to vote under this
12 subsection may vote to:

13 (1) employ a professional appraiser to act as a technical advisor
14 in the county during a general reassessment period;

15 (2) appoint an assessor or a group of assessors to:

16 (A) enter into and administer the contract with a professional
17 appraiser employed under this section; and

18 (B) oversee the work of a professional appraiser employed
19 under this section.

20 Each township assessor and the county assessor has one (1) vote. A
21 decision by a majority of the persons authorized to vote is binding on
22 the county assessor and all township assessors in the county. Subject
23 to the limitations contained in section 18(a) of this chapter, the assessor
24 or assessors appointed under subdivision (2) may contract with a
25 professional appraiser employed under this section to supply technical
26 advice during a general reassessment period for all townships in the
27 county. A proportionate part of the appropriation to all townships for
28 assessing purposes shall be used to pay for the technical advice.

29 (c) As used in this chapter, "professional appraiser" means an
30 individual or firm that is certified under IC 6-1.1-31.7.

31 SECTION 11. IC 6-1.1-4-18 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) A township
33 assessor, a group of township assessors, or the county assessor may not
34 utilize the services of a professional appraiser for assessment or
35 reassessment purposes without a written contract. The contract used
36 must be either a standard contract developed by the **state Indiana**
37 board of tax **commissioners review** or a contract which has been
38 specifically approved by the **state Indiana** board of tax **commissioners**
39 **review. The Indiana board is a party to a contract under this**
40 **section. As a party to the contract, the Indiana board shall ensure**
41 **that:**

42 (1) the contract includes all of the provisions required under



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1 **section 19(b) of this chapter; and**
 2 **(2) the contract adequately provides for the creation and**
 3 **transmission of real property assessment data in the form**
 4 **required by the Indiana board for inclusion in the Indiana**
 5 **board's data base under IC 6-1.5-6.**

6 **(b)** No contract shall be made with any professional appraiser to act
 7 as technical advisor in the assessment of property, before the giving of
 8 notice and the receiving of bids from anyone desiring to furnish this
 9 service. Notice of the time and place for receiving bids for the contract
 10 shall be given by publication by one (1) insertion in two (2) newspapers
 11 of general circulation published in the county and representing each of
 12 the two (2) leading political parties in the county; or if only one (1)
 13 newspaper is there published, notice in that one (1) newspaper is
 14 sufficient to comply with the requirements of this subsection. The
 15 contract shall be awarded to the lowest and best bidder who meets all
 16 requirements under law for entering a contract to serve as technical
 17 advisor in the assessment of property. However, any and all bids may
 18 be rejected, and new bids may be asked.

19 ~~(b)~~ **(c)** The county council of each county shall appropriate the
 20 funds needed to meet the obligations created by a professional
 21 appraisal services contract which is entered into under this chapter.

22 SECTION 12. IC 6-1.1-4-19 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) The **state**
 24 **Indiana** board of tax ~~commissioners~~ **review** shall develop a standard
 25 contract, or standard provisions for contracts, to be used in securing
 26 professional appraising services.

27 **(b)** The standard contract, or contract provisions, shall contain:

- 28 (1) a fixed date by which the professional appraiser or appraisal
 29 firm shall have completed all responsibilities under the contract;
 30 (2) a penalty clause under which the amount to be paid for
 31 appraisal services is decreased for failure to complete specified
 32 services within the specified time;
 33 (3) a provision requiring the appraiser, or appraisal firm, to make
 34 periodic reports to the township assessors involved;
 35 (4) a provision stipulating the manner in which, and the time
 36 intervals at which, the periodic reports referred to in clause (3) of
 37 this subsection are to be made; ~~and~~
 38 (5) a precise stipulation of what service or services are to be
 39 provided and what class or classes of property are to be appraised;
 40 **and**

41 **(6) a provision stipulating that the contractor will generate**
 42 **complete parcel characteristics and parcel assessment data in**

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1 **a manner and format acceptable to the Indiana board of tax**
 2 **review.**

3 The ~~state Indiana~~ board of tax ~~commissioners review~~ may devise other
 4 necessary provisions for the contracts in order to give effect to the
 5 provisions of this chapter.

6 (c) In order to comply with the duties assigned to it by this section,
 7 the ~~state Indiana~~ board of tax ~~commissioners review~~ may develop:

- 8 (1) one (1) or more model contracts;
 9 (2) one (1) contract with alternate provisions; or
 10 (3) any combination of clauses (1) and (2) of this subsection.

11 The board may approve special contract language in order to meet any
 12 unusual situations.

13 SECTION 13. IC 6-1.1-4-21 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) **Except as**
 15 **provided in subsection (c)**, if, during a period of general reassessment,
 16 a township assessor makes the real property appraisals himself, the
 17 appraisals of the parcels subject to taxation must be completed as
 18 follows:

- 19 (1) The appraisal of one-fourth (1/4) of the parcels shall be
 20 completed before December 1 of the year in which the general
 21 reassessment begins.
 22 (2) The appraisal of one-half (1/2) of the parcels shall be
 23 completed before May 1 of the year following the year in which
 24 the general reassessment begins.
 25 (3) The appraisal of three-fourths (3/4) of the parcels shall be
 26 completed before October 1 of the year following the year in
 27 which the general reassessment begins.
 28 (4) The appraisal of all the parcels shall be completed before
 29 March 1 of the second year following the year in which the
 30 general reassessment begins.

31 (b) **Except as provided in subsection (c)**, if a township assessor
 32 employs a professional appraiser or a professional appraisal firm to
 33 make real property appraisals during a period of general reassessment,
 34 the professional appraiser or appraisal firm must file appraisal reports
 35 with the township assessor as follows:

- 36 (1) The appraisals for one-fourth (1/4) of the parcels shall be
 37 reported before December 1 of the year in which the general
 38 reassessment begins.
 39 (2) The appraisals for one-half (1/2) of the parcels shall be
 40 reported before May 1 of the year following the year in which the
 41 general reassessment begins.
 42 (3) The appraisals for three-fourths (3/4) of the parcels shall be



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1 reported before October 1 of the year following the year in which
2 the general reassessment begins.

3 (4) The appraisals for all the parcels shall be reported before
4 March 1 of the second year following the year in which the
5 general reassessment begins.

6 However, the reporting requirements prescribed in this subsection do
7 not apply if the contract under which the professional appraiser, or
8 appraisal firm, is employed prescribes different reporting procedures.

9 **(c) For the general reassessment that is required under section**
10 **4 of this chapter to be completed on or before March 1, 2002, the**
11 **appraisals of the parcels subject to taxation shall be completed and**
12 **appraisal reports shall be filed by professional appraisers as**
13 **follows:**

14 **(1) The appraisal of one-fourth (1/4) of the parcels shall be**
15 **completed before November 1, 2000.**

16 **(2) The appraisal of one-half (1/2) of the parcels shall be**
17 **completed before February 1, 2001.**

18 **(3) The appraisal of three-fourths (3/4) of the parcels shall be**
19 **completed before June 1, 2001.**

20 **(4) The appraisal of all the parcels shall be completed before**
21 **November 1, 2001.**

22 SECTION 14. IC 6-1.1-4-25 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. (a) Each township
24 assessor shall keep his reassessment data and records current by
25 securing the necessary field data and by making changes in the
26 assessed value of real property as changes occur in the use of the real
27 property. His records shall at all times show the assessed value of real
28 property in accordance with the provisions of this chapter. The
29 township assessor shall ensure that the county assessor has full access
30 to the assessment records maintained by the township assessor.

31 **(b) The elected township assessor, or the county assessor for a**
32 **township without an elected township assessor, shall:**

33 **(1) maintain an electronic data file of the parcel**
34 **characteristics and parcel assessments of all parcels in the**
35 **township that is in the form required by the Indiana board of**
36 **tax review; and**

37 **(2) transmit the data before August 1 of each year to the**
38 **Indiana board of tax review for inclusion in the data base of**
39 **the Indiana board under IC 6-1.5-6.**

40 SECTION 15. IC 6-1.1-4-27 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The auditor
42 of each county shall establish a **separate** property reassessment fund

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1 **for each general reassessment of real property.** The county treasurer
 2 shall deposit all collections resulting from the property taxes that the
 3 county is required to levy under this section **for a general**
 4 **reassessment** in the county's property reassessment fund **for that**
 5 **general reassessment.**

6 (b) With respect to the general reassessment of real property which
 7 is to commence on July 1, 1999; the county council of each county
 8 shall, for property taxes due in the year in which the general
 9 reassessment is to commence and the three (3) years immediately
 10 preceding that year, levy against all the taxable property of the county
 11 an amount equal to three-fourteenths (3/14) of the estimated cost of the
 12 general reassessment:

13 (c) (b) With respect to a general reassessment of real property that
 14 is to commence on July 1, 2003, 2004, and each fourth year thereafter,
 15 the county council of each county shall, for property taxes due in the
 16 year that the general reassessment is to commence and the three (3)
 17 years preceding that year, levy against all the taxable property in the
 18 county an amount equal to one-fourth (1/4) of the estimated cost of the
 19 general reassessment.

20 (d) (c) The state board of tax commissioners shall give to each
 21 county council notice, before January 1, of the tax levies required by
 22 this section.

23 (e) (d) The state board of tax commissioners may raise or lower the
 24 property taxes levied under this section for a year if they determine it
 25 is appropriate because the estimated cost of the general reassessment
 26 has changed.

27 SECTION 16. IC 6-1.1-4-28 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) Money
 29 assigned to a property reassessment fund under section 27 of this
 30 chapter may be used only to pay the costs of:

- 31 (1) the general reassessment of real property, including the
- 32 computerization of assessment records;
- 33 (2) payments to county assessors, members of property tax
- 34 assessment boards of appeals, or assessing officials under
- 35 IC 6-1.1-35.2;
- 36 (3) the development or updating of detailed soil survey data by
- 37 the United States Department of Agriculture or its successor
- 38 agency;
- 39 (4) the updating of plat books; and
- 40 (5) payments for the salary of permanent staff or for the
- 41 contractual services of temporary staff who are necessary to assist
- 42 county assessors, members of a county property tax assessment



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1 board of appeals, and assessing officials.

2 (b) All counties shall use modern, detailed soil maps in the general
3 reassessment of agricultural land.

4 (c) The county treasurer of each county shall, in accordance with
5 IC 5-13-9, invest any money accumulated in the property reassessment
6 fund until the money is needed to pay general reassessment expenses.
7 Any interest received from investment of the money shall be paid into
8 the property reassessment fund.

9 (d) An appropriation under this section must be approved by the
10 fiscal body of the county after the review and recommendation of the
11 county assessor. However, in a county with an elected township
12 assessor under IC 36-6-5-1 in every township, **the county assessor**
13 **does not review an appropriation under this section, and** only the
14 fiscal body must approve an appropriation under this section.

15 SECTION 17. IC 6-1.1-5.5-4 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) A person filing
17 a sales disclosure form under this chapter shall pay a fee of five dollars
18 (\$5) to the county auditor. ~~Eighty percent (80%) of~~ The revenue shall
19 be deposited in the ~~county general sales disclosure~~ fund **established**
20 **under subsection (b).** ~~Twenty percent (20%) of the revenue shall be~~
21 ~~transferred to the state treasurer for deposit in the state general fund.~~

22 (b) **The county fiscal body of each county shall establish a sales**
23 **disclosure fund. The auditor shall deposit in the fund:**

24 (1) money received under this section; and

25 (2) the amount of revenue deposited under this section in the
26 county general fund after June 1, 1999, and before July 1,
27 2000.

28 (c) Money in the sales disclosure fund may be expended only
29 for:

30 (1) administration of this chapter; or

31 (2) training of assessing officials.

32 (d) **The county fiscal body shall appropriate the money in the**
33 **sales disclosure fund for the purposes stated in subsection (c) based**
34 **on requests by assessing officials in the county.**

35 SECTION 18. IC 6-1.1-8-30 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 30. (a) If a public
37 utility company files its objections to the state board of tax
38 commissioners' tentative assessment of the company's distributable
39 property in the manner prescribed in section 28 of this chapter, the
40 company may appeal the board's final assessment of that property to the
41 **tax court Indiana board of tax review.** However, the company must
42 initiate the appeal within twenty (20) days after the date of the notice



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1 of the board's final assessment.

2 **(b) If a public utility company desires to initiate an appeal of the**
 3 **Indiana board of tax review's final determination, the public utility**
 4 **company must do all of the following not more than twenty (20)**
 5 **days after the Indiana board gives the public utility company**
 6 **notice of the final determination:**

7 **(1) File a written notice with the Indiana board informing the**
 8 **board of the public utility company's intention to appeal.**

9 **(2) File a complaint in the tax court.**

10 **(3) Serve a copy of the complaint with the attorney general.**

11 **(4) Mail to the county auditor of each county in which the**
 12 **public utility company's distributable property is located:**

13 **(A) a notice that the complaint was filed; and**

14 **(B) instructions for obtaining a copy of the complaint.**

15 SECTION 19. IC 6-1.1-8-31 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. When a public
 17 utility company initiates an appeal **to the tax court** under section 30 of
 18 this chapter, the tax court shall:

19 (1) try the case without a jury;

20 (2) give preference to the case to insure a prompt trial;

21 (3) review the **state Indiana** board of tax **commissioners' review's**
 22 final assessment of the company's distributable property;

23 (4) presume the findings of the **state Indiana** board of tax
 24 **commissioners review** are correct; and

25 (5) order the **state Indiana** board of tax **commissioners review** to
 26 file certified copies of the board's records related to the
 27 assessment if the company asks the court to issue such an order.

28 SECTION 20. IC 6-1.1-8-32 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32. When a public
 30 utility company initiates an appeal **to the tax court** under section 30 of
 31 this chapter, the tax court may set aside the **state Indiana** board of tax
 32 **commissioners' review's** final assessment and refer the matter to the
 33 **Indiana** board with instructions to make another assessment if:

34 (1) the company shows that the **Indiana** board's final assessment,
 35 or the **Indiana** board's apportionment and distribution of the final
 36 assessment, is clearly incorrect because the **Indiana** board
 37 violated the law or committed fraud; or

38 (2) the company shows that the **Indiana** board's final assessment
 39 is not supported by substantial evidence.

40 SECTION 21. IC 6-1.1-10-16 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. (a) All or part
 42 of a building is exempt from property taxation if it is owned, occupied,



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1 and used by a person for educational, literary, scientific, religious, or
2 charitable purposes.

3 (b) A building is exempt from property taxation if it is owned,
4 occupied, and used by a town, city, township, or county for educational,
5 literary, scientific, fraternal, or charitable purposes.

6 (c) A tract of land, including the campus and athletic grounds of an
7 educational institution, is exempt from property taxation if:

8 (1) a building which is exempt under subsection (a) or (b) is
9 situated on it; and

10 (2) the tract does not exceed:

11 (A) **one hundred fifty** ~~(50)~~ **(150)** acres in the case of:

12 (i) an educational institution; ~~or~~

13 (ii) a tract that was exempt under this subsection on March
14 1, 1987; or

15 **(iii) a 4-H organization; or**

16 (B) fifteen (15) acres in all other cases.

17 (d) A tract of land is exempt from property taxation if:

18 (1) it is purchased for the purpose of erecting a building which is
19 to be owned, occupied, and used in such a manner that the
20 building will be exempt under subsection (a) or (b);

21 (2) the tract does not exceed:

22 (A) **one hundred fifty** ~~(50)~~ **(150)** acres in the case of:

23 (i) an educational institution; ~~or~~

24 (ii) a tract that was exempt under this subsection on March
25 1, 1987; or

26 **(iii) a 4-H organization; or**

27 (B) fifteen (15) acres in all other cases; and

28 (3) not more than three (3) years after the property is purchased,
29 and for each year after the three (3) year period, the owner
30 demonstrates substantial progress towards the erection of the
31 intended building and use of the tract for the exempt purpose. To
32 establish that substantial progress is being made, the owner must
33 prove the existence of factors such as the following:

34 (A) Organization of and activity by a building committee or
35 other oversight group.

36 (B) Completion and filing of building plans with the
37 appropriate local government authority.

38 (C) Cash reserves dedicated to the project of a sufficient
39 amount to lead a reasonable individual to believe the actual
40 construction can and will begin within three (3) years.

41 (D) The breaking of ground and the beginning of actual
42 construction.

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1 (E) Any other factor that would lead a reasonable individual to
2 believe that construction of the building is an active plan and
3 that the building is capable of being completed within six (6)
4 years considering the circumstances of the owner.

5 (e) Personal property is exempt from property taxation if it is owned
6 and used in such a manner that it would be exempt under subsection (a)
7 or (b) if it were a building.

8 (f) A hospital's property which is exempt from property taxation
9 under subsection (a), (b), or (e) shall remain exempt from property
10 taxation even if the property is used in part to furnish goods or services
11 to another hospital whose property qualifies for exemption under this
12 section.

13 (g) Property owned by a shared hospital services organization which
14 is exempt from federal income taxation under Section 501(c)(3) or
15 501(e) of the Internal Revenue Code is exempt from property taxation
16 if it is owned, occupied, and used exclusively to furnish goods or
17 services to a hospital whose property is exempt from property taxation
18 under subsection (a), (b), or (e).

19 (h) This section does not exempt from property tax an office or a
20 practice of a physician or group of physicians that is owned by a
21 hospital licensed under IC 16-21-1 or other property that is not
22 substantially related to or supportive of the inpatient facility of the
23 hospital unless the office, practice, or other property:

- 24 (1) provides or supports the provision of charity care (as defined
- 25 in IC 16-18-2-52.5), including providing funds or other financial
- 26 support for health care services for individuals who are indigent
- 27 (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or
- 28 (2) provides or supports the provision of community benefits (as
- 29 defined in IC 16-21-9-1), including research, education, or
- 30 government sponsored indigent health care (as defined in
- 31 IC 16-21-9-2).

32 However, participation in the Medicaid or Medicare program alone
33 does not entitle an office, practice, or other property described in this
34 subsection to an exemption under this section.

35 (i) A tract of land or a tract of land plus all or part of a structure on
36 the land is exempt from property taxation if:

- 37 (1) the tract is acquired for the purpose of erecting, renovating, or
- 38 improving a single family residential structure that is to be given
- 39 away or sold:
 - 40 (A) in a charitable manner;
 - 41 (B) by a nonprofit organization; and
 - 42 (C) to low income individuals who will:

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- 1 (i) use the land as a family residence; and
- 2 (ii) not have an exemption for the land under this section;
- 3 (2) the tract does not exceed three (3) acres;
- 4 (3) the tract of land or the tract of land plus all or part of a
- 5 structure on the land is not used for profit while exempt under this
- 6 section; and
- 7 (4) not more than three (3) years after the property is acquired for
- 8 the purpose described in subdivision (1), and for each year after
- 9 the three (3) year period, the owner demonstrates substantial
- 10 progress towards the erection, renovation, or improvement of the
- 11 intended structure. To establish that substantial progress is being
- 12 made, the owner must prove the existence of factors such as the
- 13 following:
- 14 (A) Organization of and activity by a building committee or
- 15 other oversight group.
- 16 (B) Completion and filing of building plans with the
- 17 appropriate local government authority.
- 18 (C) Cash reserves dedicated to the project of a sufficient
- 19 amount to lead a reasonable individual to believe the actual
- 20 construction can and will begin within six (6) years of the
- 21 initial exemption received under this subsection.
- 22 (D) The breaking of ground and the beginning of actual
- 23 construction.
- 24 (E) Any other factor that would lead a reasonable individual to
- 25 believe that construction of the structure is an active plan and
- 26 that the structure is capable of being:
- 27 (i) completed; and
- 28 (ii) transferred to a low income individual who does not
- 29 receive an exemption under this section;
- 30 within six (6) years considering the circumstances of the
- 31 owner.
- 32 (j) An exemption under subsection (i) terminates when the property
- 33 is conveyed by the nonprofit organization to another owner. When the
- 34 property is conveyed to another owner, the nonprofit organization
- 35 receiving the exemption must file a certified statement with the auditor
- 36 of the county, notifying the auditor of the change not later than sixty
- 37 (60) days after the date of the conveyance. A nonprofit organization
- 38 that fails to file the statement required by this subsection is liable for
- 39 the amount of property taxes due on the property conveyed if it were
- 40 not for the exemption allowed under this chapter.
- 41 (k) If property is granted an exemption in any year under subsection
- 42 (i) and the owner:

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- 1 (1) ceases to be eligible for the exemption under subsection (i)(4);
- 2 (2) fails to transfer the tangible property within six (6) years after
- 3 the assessment date for which the exemption is initially granted;
- 4 or
- 5 (3) transfers the tangible property to a person who:
- 6 (A) is not a low income individual; or
- 7 (B) does not use the transferred property as a residence for at
- 8 least one (1) year after the property is transferred;

9 the person receiving the exemption shall notify the county recorder and
 10 the county auditor of the county in which the property is located not
 11 later than sixty (60) days after the event described in subdivision (1),
 12 (2), or (3) occurs.

13 (l) If subsection (k)(1), (k)(2), or (k)(3) applies, the owner shall pay,
 14 not later than the date that the next installment of property taxes is due,
 15 an amount equal to the sum of the following:

16 (1) The total property taxes that, if it were not for the exemption
 17 under subsection (i), would have been levied on the property in
 18 each year in which an exemption was allowed.

19 (2) Interest on the property taxes at the rate of ten percent (10%)
 20 per year.

21 (m) The liability imposed by subsection (l) is a lien upon the
 22 property receiving the exemption under subsection (i). An amount
 23 collected under subsection (l) shall be collected as an excess levy. If
 24 the amount is not paid, it shall be collected in the same manner that
 25 delinquent taxes on real property are collected.

26 SECTION 22. IC 6-1.1-11-7 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The county
 28 property tax assessment board of appeals, after careful examination,
 29 shall approve or disapprove each exemption application and shall note
 30 its action on the application.

31 (b) If the county property tax assessment board of appeals approves
 32 the exemption, in whole or part, the county auditor shall note the
 33 board's action on the tax duplicate. The county auditor's notation is
 34 notice to the county treasurer that the exempt property shall not be
 35 taxed for the current year unless otherwise ordered by the state board
 36 of tax commissioners.

37 (c) If the exemption application is disapproved by the county
 38 property tax assessment board of appeals, the county auditor shall
 39 notify the applicant by mail. Within thirty (30) days after the notice is
 40 mailed, the owner may, in the manner prescribed in IC 6-1.1-15-3,
 41 petition the ~~state Indiana~~ board of tax ~~commissioners~~ review to review
 42 the county property tax assessment board of appeals' determination.

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1 SECTION 23. IC 6-1.1-12-35 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) Except as
3 provided in section 36 of this chapter, a person who desires to claim the
4 deduction provided by section 31, 33, or 34 of this chapter must file a
5 certified statement in duplicate, on forms prescribed by the state board
6 of tax commissioners, and proof of certification under subsection (b)
7 with the auditor of the county in which the property for which the
8 deduction is claimed is subject to assessment. Except as provided in
9 subsection (e), with respect to property that is not assessed under
10 IC 6-1.1-7, the person must file the statement between March 1 and
11 May 10, inclusive, of the assessment year. The person must file the
12 statement in each year for which he desires to obtain the deduction.
13 With respect to a property which is assessed under IC 6-1.1-7, the
14 person must file the statement between January 15 and March 31,
15 inclusive, of each year for which he desires to obtain the deduction.
16 The statement may be filed in person or by mail. If mailed, the mailing
17 must be postmarked on or before the last day for filing. On verification
18 of the statement by the assessor of the township in which the property
19 for which the deduction is claimed is subject to assessment, the county
20 auditor shall allow the deduction.

21 (b) The department of environmental management, upon application
22 by a property owner, shall determine whether a system or device
23 qualifies for a deduction provided by section 31, 33, or 34 of this
24 chapter. If the department determines that a system or device qualifies
25 for a deduction, it shall certify the system or device and provide proof
26 of the certification to the property owner. The department shall
27 prescribe the form and manner of the certification process required by
28 this subsection.

29 (c) If the department of environmental management receives an
30 application for certification before April 10 of the assessment year, the
31 department shall determine whether the system or device qualifies for
32 a deduction before May 10 of the assessment year. If the department
33 fails to make a determination under this subsection before May 10 of
34 the assessment year, the system or device is considered certified.

35 (d) A denial of a deduction claimed under section 31, 33, or 34 of
36 this chapter may be appealed as provided in IC 6-1.1-15. The appeal is
37 limited to a review of a determination made by the township assessor,
38 county property tax assessment board of appeals, or **state Indiana**
39 **board of tax commissioners review.**

40 (e) A person who timely files a personal property return under
41 IC 6-1.1-3-7(a) for an assessment year and who desires to claim the
42 deduction provided in section 31 of this chapter for property that is not

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1 assessed under IC 6-1.1-7 must file the statement described in
 2 subsection (a) between March 1 and May 15, inclusive, of that year. A
 3 person who obtains a filing extension under IC 6-1.1-3-7(b) for an
 4 assessment year must file the application between March 1 and June
 5 14, inclusive, of that year.

6 SECTION 24. IC 6-1.1-12.1-3, AS AMENDED BY P.L.4-2000,
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2000]: Sec. 3. (a) An applicant must provide a statement of
 9 benefits to the designating body. If the designating body requires
 10 information from the applicant for economic revitalization area status
 11 for use in making its decision about whether to designate an economic
 12 revitalization area, the applicant shall provide the completed statement
 13 of benefits form to the designating body before the hearing required by
 14 section 2.5(c) of this chapter. Otherwise, the statement of benefits form
 15 must be submitted to the designating body before the initiation of the
 16 redevelopment or rehabilitation for which the person desires to claim
 17 a deduction under this chapter. The state board of tax commissioners
 18 shall prescribe a form for the statement of benefits. The statement of
 19 benefits must include the following information:

- 20 (1) A description of the proposed redevelopment or rehabilitation.
- 21 (2) An estimate of the number of individuals who will be
 22 employed or whose employment will be retained by the person as
 23 a result of the redevelopment or rehabilitation and an estimate of
 24 the annual salaries of these individuals.
- 25 (3) An estimate of the value of the redevelopment or
 26 rehabilitation.

27 With the approval of the ~~state board of tax commissioners~~, **designating**
 28 **body**, the statement of benefits may be incorporated in a designation
 29 application. Notwithstanding any other law, a statement of benefits is
 30 a public record that may be inspected and copied under IC 5-14-3-3.

31 (b) The designating body must review the statement of benefits
 32 required under subsection (a). The designating body shall determine
 33 whether an area should be designated an economic revitalization area
 34 or whether a deduction should be allowed, based on (and after it has
 35 made) the following findings:

- 36 (1) Whether the estimate of the value of the redevelopment or
 37 rehabilitation is reasonable for projects of that nature.
- 38 (2) Whether the estimate of the number of individuals who will be
 39 employed or whose employment will be retained can be
 40 reasonably expected to result from the proposed described
 41 redevelopment or rehabilitation.
- 42 (3) Whether the estimate of the annual salaries of those



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1 individuals who will be employed or whose employment will be
 2 retained can be reasonably expected to result from the proposed
 3 described redevelopment or rehabilitation.

4 (4) Whether any other benefits about which information was
 5 requested are benefits that can be reasonably expected to result
 6 from the proposed described redevelopment or rehabilitation.

7 (5) Whether the totality of benefits is sufficient to justify the
 8 deduction.

9 A designating body may not designate an area an economic
 10 revitalization area or approve a deduction unless the findings required
 11 by this subsection are made in the affirmative.

12 (c) Except as provided in subsections (a) through (b), the owner of
 13 property which is located in an economic revitalization area is entitled
 14 to a deduction from the assessed value of the property. If the area is a
 15 residentially distressed area, the period is not more than five (5) years.
 16 For all other economic revitalization areas designated before July 1,
 17 2000, the period is three (3), six (6), or ten (10) years. For all economic
 18 revitalization areas designated after June 30, 2000, the period is the
 19 number of years determined under subsection (d). The owner is entitled
 20 to a deduction if:

21 (1) the property has been rehabilitated; or

22 (2) the property is located on real estate which has been
 23 redeveloped.

24 The owner is entitled to the deduction for the first year, and any
 25 successive year or years, in which an increase in assessed value
 26 resulting from the rehabilitation or redevelopment occurs and for the
 27 following years determined under subsection (d). However, property
 28 owners who had an area designated an urban development area
 29 pursuant to an application filed prior to January 1, 1979, are only
 30 entitled to a deduction for a five (5) year period. In addition, property
 31 owners who are entitled to a deduction under this chapter pursuant to
 32 an application filed after December 31, 1978, and before January 1,
 33 1986, are entitled to a deduction for a ten (10) year period.

34 (d) For an area designated as an economic revitalization area after
 35 June 30, 2000, that is not a residentially distressed area, the designating
 36 body shall determine the number of years for which the property owner
 37 is entitled to a deduction. However, the deduction may not be allowed
 38 for more than ten (10) years. This determination shall be made:

39 (1) as part of the resolution adopted under section 2.5 of this
 40 chapter; or

41 (2) by resolution adopted within sixty (60) days after receiving a
 42 copy of a property owner's certified deduction application from

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- 1 the county auditor. A certified copy of the resolution shall be sent
 2 to the county auditor who shall make the deduction as provided
 3 in section 5 of this chapter.
- 4 A determination about the number of years the deduction is allowed
 5 that is made under subdivision (1) is final and may not be changed by
 6 following the procedure under subdivision (2).
- 7 (e) Except for deductions related to redevelopment or rehabilitation
 8 of real property in a county containing a consolidated city or a
 9 deduction related to redevelopment or rehabilitation of real property
 10 initiated before December 31, 1987, in areas designated as economic
 11 revitalization areas before that date, a deduction for the redevelopment
 12 or rehabilitation of real property may not be approved for the following
 13 facilities:
- 14 (1) Private or commercial golf course.
 - 15 (2) Country club.
 - 16 (3) Massage parlor.
 - 17 (4) Tennis club.
 - 18 (5) Skating facility (including roller skating, skateboarding, or ice
 19 skating).
 - 20 (6) Racquet sport facility (including any handball or racquetball
 21 court).
 - 22 (7) Hot tub facility.
 - 23 (8) Suntan facility.
 - 24 (9) Racetrack.
 - 25 (10) Any facility the primary purpose of which is:
 - 26 (A) retail food and beverage service;
 - 27 (B) automobile sales or service; or
 - 28 (C) other retail;
 29 unless the facility is located in an economic development target
 30 area established under section 7 of this chapter.
 - 31 (11) Residential, unless:
 - 32 (A) the facility is a multifamily facility that contains at least
 33 twenty percent (20%) of the units available for use by low and
 34 moderate income individuals;
 - 35 (B) the facility is located in an economic development target
 36 area established under section 7 of this chapter; or
 - 37 (C) the area is designated as a residentially distressed area.
 - 38 (12) A package liquor store that holds a liquor dealer's permit
 39 under IC 7.1-3-10 or any other entity that is required to operate
 40 under a license issued under IC 7.1. However, this subdivision
 41 does not apply to an applicant that:
 - 42 (A) was eligible for tax abatement under this chapter before

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1 July 1, 1995; or
2 (B) is described in IC 7.1-5-7-11.

3 SECTION 25. IC 6-1.1-12.1-5.5, AS AMENDED BY P.L.4-2000,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2001]: Sec. 5.5. (a) A person that desires to obtain the
6 deduction provided by section 4.5 of this chapter must file a certified
7 deduction application on forms prescribed by the state board of tax
8 commissioners with:

- 9 (1) the auditor of the county in which the new manufacturing
10 equipment or new research and development equipment, or both,
11 is located; and
- 12 (2) the state board of tax commissioners.

13 A person that timely files a personal property return under
14 IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment
15 or new research and development equipment, or both, is installed must
16 file the application between March 1 and May 15 of that year. A person
17 that obtains a filing extension under IC 6-1.1-3-7(b) for the year in
18 which the new manufacturing equipment or new research and
19 development equipment, or both, is installed must file the application
20 between March 1 and June 14 of that year.

21 (b) The deduction application required by this section must contain
22 the following information:

- 23 (1) The name of the owner of the new manufacturing equipment
24 or new research and development equipment, or both.
- 25 (2) A description of the new manufacturing equipment or new
26 research and development equipment, or both.
- 27 (3) Proof of the date the new manufacturing equipment or new
28 research and development equipment, or both, was installed.
- 29 (4) The amount of the deduction claimed for the first year of the
30 deduction.

31 (c) This subsection applies to a deduction application with respect
32 to new manufacturing equipment or new research and development
33 equipment, or both, for which a statement of benefits was initially
34 approved after April 30, 1991. If a determination about the number of
35 years the deduction is allowed has not been made in the resolution
36 adopted under section 2.5 of this chapter, the county auditor shall send
37 a copy of the deduction application to the designating body and the
38 designating body shall adopt a resolution under section 4.5(h)(2) of this
39 chapter.

40 (d) A deduction application must be filed under this section in the
41 year in which the new manufacturing equipment or new research and
42 development equipment, or both, is installed and in each of the

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1 immediately succeeding years the deduction is allowed.

2 (e) The state board of tax commissioners shall review and verify the
3 correctness of each deduction application and shall notify the county
4 auditor of the county in which the property is located that the deduction
5 application is approved or denied or that the amount of the deduction
6 is altered. Upon notification of approval of the deduction application
7 or of alteration of the amount of the deduction, the county auditor shall
8 make the deduction. The county auditor shall notify the county property
9 tax assessment board of appeals of all deductions approved under this
10 section.

11 (f) If the ownership of new manufacturing equipment or new
12 research and development equipment, or both, changes, the deduction
13 provided under section 4.5 of this chapter continues to apply to that
14 equipment if the new owner:

15 (1) continues to use the equipment in compliance with any
16 standards established under section 2(g) of this chapter; and

17 (2) files the deduction applications required by this section.

18 (g) The amount of the deduction is the percentage under section 4.5
19 of this chapter that would have applied if the ownership of the property
20 had not changed multiplied by the assessed value of the equipment for
21 the year the deduction is claimed by the new owner.

22 (h) If a person desires to initiate an appeal of the state board of tax
23 commissioners' final determination, the person must ~~do all of the~~
24 **following file a petition with the Indiana board of tax review** not
25 more than forty-five (45) days after the state board of tax
26 commissioners gives the person notice of the final determination.

27 ~~(1) File a written notice with the state board of tax commissioners~~
28 ~~informing the board of the person's intention to appeal.~~

29 ~~(2) File a complaint in the tax court.~~

30 ~~(3) Serve the attorney general and the county auditor with a copy~~
31 ~~of the complaint.~~

32 **(i) If a person desires to initiate an appeal of the Indiana board**
33 **of tax review's final determination, the person must do all of the**
34 **following not more than forty-five (45) days after the Indiana**
35 **board gives the person notice of the final determination:**

36 **(1) File a written notice with the Indiana board informing the**
37 **board of the person's intention to appeal.**

38 **(2) File a complaint in the tax court.**

39 **(3) Serve the attorney general and the county auditor with a**
40 **copy of the complaint.**

41 SECTION 26. IC 6-1.1-15-1 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A taxpayer

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1 may obtain a review by the county property tax assessment board of
 2 appeals of a county or township official's action with respect to the
 3 assessment of the taxpayer's tangible property if the official's action
 4 requires the giving of notice to the taxpayer. At the time that notice is
 5 given to the taxpayer, he shall also be informed in writing of:

- 6 (1) his opportunity for review under this section; and
- 7 (2) the procedures he must follow in order to obtain review under
 8 this section.

9 (b) In order to appeal a current assessment and have a change in the
 10 assessment effective for the most recent assessment date, the taxpayer
 11 must file a petition with the assessor of the county in which the action
 12 is taken:

- 13 (1) within forty-five (45) days after notice of a change in the
 14 assessment is given to the taxpayer; or
- 15 (2) May 10 of that year;

16 whichever is later. The county assessor shall notify the county auditor
 17 that the assessment is under appeal.

18 (c) A change in an assessment made as a result of an appeal filed:

- 19 (1) in the same year that notice of a change in the assessment is
 20 given to the taxpayer; and
- 21 (2) after the time prescribed in subsection (b);

22 becomes effective for the next assessment date.

23 (d) A taxpayer may appeal a current real estate assessment in a year
 24 even if the taxpayer has not received a notice of assessment in the year.
 25 If an appeal is filed on or before May 10 of a year in which the taxpayer
 26 has not received notice of assessment, a change in the assessment
 27 resulting from the appeal is effective for the most recent assessment
 28 date. If the appeal is filed after May 10, the change becomes effective
 29 for the next assessment date.

30 (e) The state board of tax commissioners shall prescribe the form of
 31 the petition for review of an assessment determination by a township
 32 assessor. The board shall issue instructions for completion of the form.
 33 The form and the instructions must be clear, simple, and
 34 understandable to the average individual. An appeal of such a
 35 determination must be made on the form prescribed by the board. The
 36 form must require the petitioner to specify the following:

- 37 (1) The physical characteristics of the property in issue that bear
 38 on the assessment determination.
- 39 (2) All other facts relevant to the assessment determination.
- 40 (3) The reasons why the petitioner believes that the assessment
 41 determination by the township assessor is erroneous.

42 (f) The state board of tax commissioners shall prescribe a form for

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1 a response by the township assessor to the petition for review of an
 2 assessment determination. The board shall issue instructions for
 3 completion of the form. The form must require the township assessor
 4 to indicate:

5 (1) agreement or disagreement with each item indicated on the
 6 petition under subsection (e); and

7 (2) the reasons why the assessor believes that the assessment
 8 determination is correct.

9 (g) Immediately upon receipt of a timely filed petition on the form
 10 prescribed under subsection (e), the county assessor shall forward a
 11 copy of the petition to the township assessor who made the challenged
 12 assessment. The township assessor shall, within thirty (30) days after
 13 the receipt of the petition, attempt to hold a preliminary conference
 14 with the petitioner and resolve as many issues as possible. Within ten
 15 (10) days after the conference, the township assessor shall forward to
 16 the county auditor and county assessor a completed response to the
 17 petition on the form prescribed under subsection (f). The county
 18 assessor shall immediately forward a copy of the response form to the
 19 petitioner and the county property tax assessment board of appeals. ~~If~~
 20 ~~the county auditor determines that the appealed items on which there~~
 21 ~~is disagreement constitute at least one percent (1%) of the total gross~~
 22 ~~certified assessed value of the immediately preceding year for any~~
 23 ~~particular unit, the county auditor shall immediately notify the fiscal~~
 24 ~~officer of the unit.~~ If after the conference there are items listed in the
 25 petition on which there is disagreement, the property tax assessment
 26 board of appeals shall hold a hearing within ninety (90) days of the
 27 filing of the petition on those items of disagreement, **except as**
 28 **provided in subsection (h)**. The taxpayer may present the taxpayer's
 29 reasons for disagreement with the assessment. The township assessor
 30 or county assessor for the county must present the basis for the
 31 assessment decision on these items to the board of appeals at the
 32 hearing and the reasons the petitioner's appeal should be denied on
 33 those items. The board of appeals shall have a written record of the
 34 hearing and prepare a written statement of findings and a decision on
 35 each item within sixty (60) days of the hearing **except as provided in**
 36 **subsection (h)**. If the township assessor does not attempt to hold a
 37 preliminary conference, the board shall accept the appeal of the
 38 petitioner at the hearing.

39 (h) **This subsection applies to a county having a population of**
 40 **more than four hundred thousand (400,000). In the case of a**
 41 **petition filed after December 31, 1999, the county property tax**
 42 **assessment board of appeals shall hold its hearing within one**



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1 hundred eighty (180) days instead of ninety (90) days. The board
 2 of appeals shall have a written record of the hearing and prepare
 3 a written statement of findings and a decision on each item within
 4 one hundred twenty (120) days of the hearing.

5 (i) The county property tax assessment board of appeals:

6 (1) may not require a taxpayer that files a petition for review
 7 under this section to file documentary evidence or summaries
 8 of statements of testimonial evidence prior to the hearing
 9 required under subsection (g); and

10 (2) may require the parties to the appeal to file not more than
 11 ten (10) days before the date of the hearing required under
 12 subsection (g) lists of witnesses and exhibits to be introduced
 13 at the hearing.

14 SECTION 27. IC 6-1.1-15-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A taxpayer may
 16 obtain a review by the ~~state~~ **Indiana** board of tax ~~commissioners~~
 17 **review** of a county property tax assessment board of appeals action
 18 with respect to the assessment of that taxpayer's tangible property if the
 19 county property tax assessment board of appeals' action requires the
 20 giving of notice to the taxpayer. At the time that notice is given to the
 21 taxpayer, he shall also be informed in writing of:

22 (1) his opportunity for review under this section; and

23 (2) the procedures he must follow in order to obtain review under
 24 this section.

25 (b) A township assessor or a member of a county property tax
 26 assessment board of appeals may obtain a review by the ~~state~~ **Indiana**
 27 board of tax ~~commissioners~~ **review** of any assessment which he has
 28 made, upon which he has passed, or which has been made over his
 29 protest.

30 (c) In order to obtain a review by the ~~state~~ **Indiana** board of tax
 31 ~~commissioners~~ **review** under this section, the party must file a petition
 32 for review with the appropriate county assessor within thirty (30) days
 33 after the notice of the county property tax assessment board of appeals
 34 action is given to the taxpayer.

35 (d) The ~~state~~ **Indiana** board of tax ~~commissioners~~ **review** shall
 36 prescribe the form of the petition for review of an assessment
 37 determination by the county property tax assessment board of appeals.
 38 The ~~state~~ **Indiana** board shall issue instructions for completion of the
 39 form. The form and the instructions must be clear, simple, and
 40 understandable to the average individual. An appeal of such a
 41 determination must be made on the form prescribed by the ~~state~~
 42 **Indiana** board. The form must require the petitioner to specify the



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1 following:

- 2 (1) The items listed in section 1(e)(1) and 1(e)(2) of this chapter.
- 3 (2) The reasons why the petitioner believes that the assessment
- 4 determination by the county property tax assessment board of
- 5 appeals is erroneous.

6 (e) The county assessor shall transmit the petition for review to the
7 ~~division of appeals of the state Indiana~~ board of tax ~~commissioners~~
8 **review** within ten (10) days after it is filed.

9 (f) If a township assessor or a member of the county property tax
10 assessment board of appeals files a petition for review under this
11 section concerning the assessment of a taxpayer's property, the county
12 assessor must send a copy of the petition to the taxpayer.

13 SECTION 28. IC 6-1.1-15-4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After
15 receiving a petition for review which is filed under section 3 of this
16 chapter, the division of appeals of the state board of tax commissioners
17 shall conduct a hearing at its earliest opportunity. In addition, the
18 division of appeals of the state board may ~~assess the property in~~
19 ~~question; correcting correct~~ any errors ~~which that~~ may have been
20 made, **and adjust the assessment in accordance with the correction.**
21 **If the state board of tax commissioners conducts a site inspection**
22 **of the property as part of its review of the petition, the state board**
23 **shall give notice to all parties of the date and time of the site**
24 **inspection.. The division of appeals may limit the scope of the**
25 **appeal to the issues raised in the petition.** The division of appeals of
26 the state board shall give notice of the date fixed for the hearing, by
27 mail, to the taxpayer and to the appropriate township assessor, county
28 assessor, and county auditor. The division of appeals of the state board
29 shall give these notices at least ~~ten (10)~~ **thirty (30)** days before the day
30 fixed for the hearing. **The property tax assessment board of appeals**
31 **that made the determination under appeal under this section may,**
32 **with the approval of the county executive, file an amicus curiae**
33 **brief in the review proceeding under this section. The expenses of**
34 **filing the amicus curiae brief shall be paid from the reassessment**
35 **fund under IC 6-1.1-4-27. A township assessor or county assessor**
36 **who made the original assessment determination under appeal**
37 **under this section, or a county auditor who made the original**
38 **enterprise zone inventory credit determination under appeal under**
39 **IC 6-1.1-20.8:**

- 40 (1) is a party to the review under this section to defend the
- 41 determination; or
- 42 (2) may waive the right to become a party under subdivision

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(b) If a petition for review does not comply with the state board of tax commissioners' instructions for completing the form prescribed under section 3 of this chapter, the division of appeals of the state board of tax commissioners shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The division of appeals of the state board of tax commissioners shall deny a corrected petition for review if it does not substantially comply with the state board of tax commissioners' instructions for completing the form prescribed under section 3 of this chapter.

(c) The state board of tax commissioners shall prescribe a form for use in processing petitions for review of actions by the county property tax assessment board of appeals. The state board shall issue instructions for completion of the form. The form must require the division of appeals of the state board, to indicate agreement or disagreement with each item that is:

- (1) indicated on the petition submitted under section 1(e) of this chapter;
- (2) included in the township assessor's response under section 1(g) of this chapter; and
- (3) included in the county property tax assessment board of appeals' findings, record, and determination under section 2.1(d) of this chapter.

The form must also require the division of appeals of the state board to indicate the issues in dispute and its reasons in support of its resolution of those issues.

(d) After the hearing the division of appeals of the state board shall give the petitioner, the township assessor, the county assessor, and the county auditor:

- (1) notice, by mail, of its final determination;
- (2) a copy of the form completed under subsection (c); and
- (3) notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(e) The division of appeals of the state board of tax commissioners shall conduct a hearing within six (6) months after a petition in proper form is filed with the division, excluding any time due to a delay reasonably caused by the petitioner. The division of appeals shall make a **final** determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by the chairman of the state board of tax commissioners. However, the state board of tax

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1 commissioners may not extend the final determination date by more
 2 than one hundred eighty (180) days. Except as provided in subsection
 3 ~~(g)~~: **(f)**:

4 (1) the failure of the division of appeals to make a **final**
 5 determination within the time allowed by this subsection shall be
 6 treated as a final determination of the state board of tax
 7 commissioners to deny the petition; and

8 (2) a final decision of the division of appeals is a final
 9 determination of the state board of tax commissioners.

10 ~~(g)~~ **(f)** A final determination of the division of appeals is not a final
 11 determination of the state board of tax commissioners if the state board
 12 of tax commissioners:

13 (1) gives notice to the parties that the state board of tax
 14 commissioners will review the **final** determination of the division
 15 of appeals within fifteen (15) days after the division of appeals
 16 gives notice of the **final** determination to the parties or the
 17 maximum allowable time for the issuance of a **final** determination
 18 under subsection ~~(f)~~ **(e)** expires; or

19 (2) determines to rehear the **final** determination under section 5
 20 of this chapter.

21 The state board of tax commissioners shall conduct a review under
 22 subdivision (1) in the same manner as a rehearing under section 5 of
 23 this chapter.

24 **(g) A final determination must include separately stated findings**
 25 **of fact for all aspects of the final determination. Findings of**
 26 **ultimate fact must be accompanied by a concise statement of the**
 27 **underlying basic facts of record to support the findings. Findings**
 28 **must be based exclusively upon the evidence on the record in the**
 29 **proceeding and on matters officially noticed in the proceeding.**
 30 **Findings must be based upon a preponderance of the evidence.**

31 **(h) The state board of tax commissioners and the division of**
 32 **appeals:**

33 **(1) may not require a taxpayer that files a petition for review**
 34 **under section 3 of this chapter to file documentary evidence**
 35 **or summaries of statements of testimonial evidence prior to**
 36 **the hearing required under subsection (a); and**

37 **(2) may require the parties to the appeal to file not more than**
 38 **ten (10) days before the date of the hearing required under**
 39 **subsection (a) lists of witnesses and exhibits to be introduced**
 40 **at the hearing.**

41 SECTION 29. IC 6-1.1-15-4.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. (a)** After receiving a petition
 2 for review which is filed under section 3 of this chapter, the
 3 Indiana board of tax review shall conduct a hearing at its earliest
 4 opportunity. In addition, the Indiana board may correct any errors
 5 that may have been made, and adjust the assessment in accordance
 6 with the correction. If the Indiana board conducts a site inspection
 7 of the property as a part of its review of the petition, the Indiana
 8 board shall give notice to all parties of the date and time of the site
 9 inspection. The Indiana board may limit the scope of the appeal to
 10 the issues raised in the petition. The Indiana board shall give notice
 11 of the date fixed for the hearing, by mail, to the taxpayer and to the
 12 appropriate township assessor, county assessor, and county
 13 auditor. The Indiana board shall give these notices at least thirty
 14 (30) days before the day fixed for the hearing. The property tax
 15 assessment board of appeals that made the determination under
 16 appeal under this section may, with the approval of the county
 17 executive, file an amicus curiae brief in the review proceeding
 18 under this section. The expenses of filing the amicus curiae brief
 19 shall be paid from the reassessment fund under IC 6-1.1-4-27. A
 20 township assessor or county assessor who made the original
 21 assessment determination under appeal under this section, or a
 22 county auditor who made the original enterprise zone inventory
 23 credit determination under appeal under IC 6-1.1-20.8:

24 (1) is a party to the review under this section to defend the
 25 determination; or

26 (2) may waive the right to become a party under subdivision
 27 (1).

28 (b) If a petition for review does not comply with the Indiana
 29 board of tax review's instructions for completing the form
 30 prescribed under section 3 of this chapter, the Indiana board shall
 31 return the petition to the petitioner and include a notice describing
 32 the defect in the petition. The petitioner then has thirty (30) days
 33 from the date on the notice to cure the defect and file a corrected
 34 petition. The Indiana board shall deny a corrected petition for
 35 review if it does not substantially comply with the Indiana board's
 36 instructions for completing the form prescribed under section 3 of
 37 this chapter.

38 (c) The Indiana board of tax review shall prescribe a form for
 39 use in processing petitions for review of actions by the county
 40 property tax assessment board of appeals. The Indiana board shall
 41 issue instructions for completion of the form. The form must
 42 require the Indiana board to indicate agreement or disagreement



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- 1 with each item that is:
- 2 (1) indicated on the petition submitted under section 1(e) of
- 3 this chapter;
- 4 (2) included in the township assessor's response under section
- 5 1(g) of this chapter; and
- 6 (3) included in the county property tax assessment board of
- 7 appeals' findings, record, and determination under section
- 8 2.1(d) of this chapter.
- 9 **The form must also require the Indiana board to indicate the issues**
- 10 **in dispute and its reasons in support of its resolution of those**
- 11 **issues.**
- 12 (d) After the hearing, the Indiana board of tax review shall give
- 13 the petitioner, the township assessor, the county assessor, and the
- 14 county auditor:
- 15 (1) notice, by mail, of its final determination;
- 16 (2) a copy of the form completed under subsection (c); and
- 17 (3) notice of the procedures they must follow in order to
- 18 obtain court review under section 5.5 of this chapter.
- 19 (e) The Indiana board of tax review shall conduct a hearing
- 20 within six (6) months after a petition in proper form is filed with
- 21 the Indiana board, excluding any time due to a delay reasonably
- 22 caused by the petitioner. The Indiana board shall make a final
- 23 determination within the later of forty-five (45) days after the
- 24 hearing or the date set in an extension order issued by a member
- 25 of the Indiana board. However, the Indiana board may not extend
- 26 the final determination date by more than one hundred eighty
- 27 (180) days. The failure of the Indiana board to make a final
- 28 determination within the time allowed by this subsection shall be
- 29 treated as a final determination of the Indiana board to deny the
- 30 petition.
- 31 (f) A final determination must include separately stated findings
- 32 of fact for all aspects of the final determination. Findings of
- 33 ultimate fact must be accompanied by a concise statement of the
- 34 underlying basic facts of record to support the findings. Findings
- 35 must be based exclusively upon the evidence on the record in the
- 36 proceeding and on matters officially noticed in the proceeding.
- 37 Findings must be based upon a preponderance of the evidence.
- 38 (g) The Indiana board of tax review and the division of appeals:
- 39 (1) may not require a taxpayer that files a petition for review
- 40 under section 3 of this chapter to file documentary evidence
- 41 or summaries of statements of testimonial evidence prior to
- 42 the hearing required under subsection (a); and



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1 **(2) may require the parties to the appeal to file not more than**
 2 **ten (10) days before the date of the hearing required under**
 3 **subsection (a) lists of witnesses and exhibits to be introduced**
 4 **at the hearing.**

5 SECTION 30. IC 6-1.1-15-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Within
 7 fifteen (15) days after the division of appeals of the state board of tax
 8 commissioners gives notice of its final determination under section 4
 9 of this chapter to the party or the maximum allowable time for the
 10 issuance of a **final** determination by the division of appeals under
 11 section 4 of this chapter expires, a party to the proceeding may request
 12 a rehearing before the board. The board may conduct a rehearing and
 13 affirm or modify its final determination, giving the same notices after
 14 the rehearing as are required by section 4 of this chapter. The state
 15 board of tax commissioners has thirty (30) days after receiving a
 16 petition for a rehearing to determine whether to grant a rehearing.
 17 Failure to grant a rehearing within thirty (30) days after receiving the
 18 petition shall be treated as a final determination to deny the petition. A
 19 petition for a rehearing does not toll the time in which to file a petition
 20 for judicial review unless the petition for rehearing is granted. If the
 21 state board of tax commissioners determines to rehear a final
 22 determination of the division of appeals, the state board of tax
 23 commissioners:

- 24 (1) may conduct the additional hearings that the state board of tax
 25 commissioners determines necessary or review the written record
 26 of the division of appeals without additional hearings; and
 27 (2) shall issue a final determination within ninety (90) days after
 28 notifying the parties that the state board of tax commissioners will
 29 rehear the **final** determination.

30 Failure of the state board of tax commissioners to make a **final**
 31 determination within the time allowed under subdivision (2) shall be
 32 treated as a final determination affirming the decision of the division
 33 of appeals.

34 (b) A person may appeal the final determination of the division of
 35 appeals or the state board of tax commissioners regarding the
 36 assessment of that person's tangible property. The appeal shall be taken
 37 to the tax court. Appeals may be consolidated at the request of the
 38 appellants if it can be done in the interest of justice. **The property tax**
 39 **assessment board of appeals that made the determination under**
 40 **appeal under this section may, with the approval of the county**
 41 **executive, file an amicus curiae brief in the review proceeding**
 42 **under this section. The expenses of filing the amicus curiae brief**



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1 shall be paid from the reassessment fund under IC 6-1.1-4-27. A
 2 township assessor or county assessor who made the original
 3 assessment determination under appeal under this section, or a
 4 county auditor who made the original enterprise zone inventory
 5 credit determination under appeal under IC 6-1.1-20.8:

6 (1) is a party to the review under this section to defend the
 7 determination; or

8 (2) may waive the right to become a party under subdivision
 9 (1).

10 (c) If a person desires to initiate an appeal of the state board of tax
 11 commissioners' final determination, the person shall:

12 (1) file a written notice with the state board of tax commissioners
 13 informing the board of his intention to appeal;

14 (2) file a complaint in the tax court; and

15 (3) serve the attorney general and the county assessor with a copy
 16 of the complaint.

17 (d) To initiate an appeal under this section, a person must take the
 18 action required by subsection (c) within:

19 (1) forty-five (45) days after the state board of tax commissioners
 20 gives the person notice of its final determination under
 21 IC 6-1.1-14-11 unless a rehearing is conducted under subsection
 22 (a);

23 (2) thirty (30) days after the board gives the person notice under
 24 subsection (a) of its final determination, if a rehearing is
 25 conducted under subsection (a) or the maximum time elapses for
 26 the state board of tax commissioners to make a **final**
 27 determination under this section; or

28 (3) forty-five (45) days after the division of appeals gives notice
 29 of a final determination under section 4 of this chapter or the
 30 division fails to make a **final** determination within the maximum
 31 time allowed under section 4 of this chapter, if a rehearing is not
 32 granted under this section.

33 (e) The failure of the state board of tax commissioners to conduct a
 34 hearing within the ~~time~~ period prescribed in section ~~4(b)~~ **4(e)** of this
 35 chapter does not constitute notice to the person of a board **final**
 36 determination.

37 (f) In a case in which the final determination of the state board of
 38 tax commissioners would result in a claim by a taxpayer ~~with respect~~
 39 ~~to a particular year~~ for a refund that exceeds:

40 (1) ~~eight hundred fifty~~ thousand dollars ~~(\$800,000); (\$50,000);~~

41 or

42 (2) an amount equal to ten percent (10%) of the aggregate tax

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1 levies of all any taxing units unit in the county for that year;
 2 **which the property is located;**
 3 whichever is less, the county executive ~~may~~ **shall** take an appeal to the
 4 tax court in the manner prescribed in this section ~~but only~~ upon request
 5 by the county assessor **or elected township assessor.**

6 SECTION 31. IC 6-1.1-15-5.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. (a) Within fifteen (15) days**
 9 **after the Indiana board of tax review gives notice of its final**
 10 **determination under section 4.5 of this chapter to the party or the**
 11 **maximum allowable time for the issuance of a final determination**
 12 **by the Indiana board under section 4.5 of this chapter expires, a**
 13 **party to the proceeding may request a rehearing before the**
 14 **Indiana board. The Indiana board may conduct a rehearing and**
 15 **affirm or modify its final determination, giving the same notices**
 16 **after the rehearing as are required by section 4.5 of this chapter.**
 17 **The Indiana board has thirty (30) days after receiving a petition**
 18 **for a rehearing to determine whether to grant a rehearing. Failure**
 19 **to grant a rehearing within thirty (30) days after receiving the**
 20 **petition shall be treated as a final determination to deny the**
 21 **petition. A petition for a rehearing does not toll the time in which**
 22 **to file a petition for judicial review unless the petition for rehearing**
 23 **is granted. If the Indiana board determines to rehear a final**
 24 **determination, the Indiana board:**

- 25 (1) **may conduct the additional hearings that the Indiana**
 26 **board determines necessary or review the written record**
 27 **without additional hearings; and**
 28 (2) **shall issue a final determination within ninety (90) days**
 29 **after notifying the parties that the Indiana board will rehear**
 30 **the final determination.**

31 **Failure of the Indiana board to make a final determination within**
 32 **the time allowed under subdivision (2) shall be treated as a final**
 33 **determination affirming the original decision of the Indiana board.**

34 (b) **A person may appeal the final determination of the Indiana**
 35 **board of tax review regarding the assessment of that person's**
 36 **tangible property. The appeal shall be taken to the tax court.**
 37 **Appeals may be consolidated at the request of the appellants if it**
 38 **can be done in the interest of justice. The property tax assessment**
 39 **board of appeals that made the determination under appeal under**
 40 **this section may, with the approval of the county executive, file an**
 41 **amicus curiae brief in the review proceeding under this section.**
 42 **The expenses of filing the amicus curiae brief shall be paid from**



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1 the reassessment fund under IC 6-1.1-4-27. A township assessor or
 2 county assessor who made the original assessment determination
 3 under appeal under this section, or a county auditor who made the
 4 original enterprise zone inventory credit determination under
 5 appeal under IC 6-1.1-20.8:

6 (1) is a party to the review under this section to defend the
 7 determination; or

8 (2) may waive the right to become a party under subdivision
 9 (1).

10 (c) If a person desires to initiate an appeal of the Indiana board
 11 of tax review's final determination, the person shall:

12 (1) file a written notice with the Indiana board informing the
 13 board of the person's intention to appeal;

14 (2) file a complaint in the tax court; and

15 (3) serve the attorney general and the county assessor with a
 16 copy of the complaint.

17 (d) To initiate an appeal under this section, a person must take
 18 the action required by subsection (c) within:

19 (1) forty-five (45) days after the Indiana board of tax review
 20 gives the person notice of its final determination unless a
 21 rehearing is conducted under subsection (a); or

22 (2) thirty (30) days after the Indiana board gives the person
 23 notice under subsection (a) of its final determination, if a
 24 rehearing is conducted under subsection (a) or the maximum
 25 time elapses for the Indiana board to make a final
 26 determination under this section.

27 (e) The failure of the Indiana board of tax review to conduct a
 28 hearing within the period prescribed in section 4.5(e) of this
 29 chapter does not constitute notice to the person of a board final
 30 determination.

31 (f) In a case in which the final determination of the Indiana
 32 board of tax review would result in a claim by a taxpayer for a
 33 refund that exceeds:

34 (1) fifty thousand dollars(\$50,000); or

35 (2) an amount equal to ten percent (10%) of the aggregate tax
 36 levies of any taxing unit in which the property is located;

37 whichever is less, the county executive shall take an appeal to the
 38 tax court in the manner prescribed in this section upon request by
 39 the county assessor or elected township assessor.

40 SECTION 32. IC 6-1.1-15-6 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If an appeal
 42 is initiated by a person under section 5 of this chapter, the secretary of

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1 the state board of tax commissioners shall prepare a certified transcript
 2 **record** of the proceedings related to the appeal. However, the transcript
 3 shall not include the evidence compiled by the board with respect to the
 4 proceedings. The secretary of the board shall transmit the transcript to
 5 the clerk of the court designated by the appellant.

6 (b) The record for judicial review must include the following
 7 documents and items:

8 (1) Copies of all papers submitted to the state board of tax
 9 commissioners, including its division of appeals, during the
 10 course of the action, and copies of all papers provided to the
 11 parties by the state board of tax commissioners, including its
 12 division of appeals. For purposes of this subdivision, the term
 13 "papers" includes, without limitation, all notices, petitions,
 14 motions, pleadings, orders, orders on rehearing, briefs,
 15 requests, intermediate rulings, photographs, and other
 16 written documents.

17 (2) Evidence received or considered by the state board of tax
 18 commissioners, including its division of appeals.

19 (3) A statement of whether a site inspection was conducted,
 20 and, if a site inspection was conducted, either:

21 (A) a summary report of the site inspection; or

22 (B) a videotape transcript of the site inspection.

23 (4) A statement of matters officially noticed.

24 (5) Proffers of proof and objections and rulings on them.

25 (6) Copies of proposed findings, requested orders, and
 26 exceptions.

27 (7) Either:

28 (A) a transcription of the audio tape of the hearing; or

29 (B) a transcript of the hearing prepared by a court
 30 reporter at the option of either party, to be paid for by that
 31 party.

32 Copies of exhibits that, because of their nature, cannot be
 33 incorporated into the certified record must be kept by the state
 34 board of tax commissioners until the appeal is finally terminated.
 35 However, this evidence must be briefly named and identified in the
 36 transcript of the evidence and proceedings.

37 (c) If the tax court judge finds that:

38 (1) a report of all or a part of the evidence or proceedings at
 39 a hearing conducted by the state board of tax commissioners,
 40 including its division of appeals, was not made; or

41 (2) a transcript is unavailable;

42 a party to the appeal initiated under section 5 of this chapter may,

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1 at the discretion of the tax court judge, prepare a statement of the
 2 evidence or proceedings. The statement must be submitted to the
 3 tax court and also must be served on all other parties. A party to
 4 the proceeding may serve objections or prepare amendments to the
 5 statement not later than ten (10) days after service.

6 SECTION 33. IC 6-1.1-15-6.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) If an appeal is initiated by
 9 a person under section 5.5 of this chapter, the secretary of the
 10 Indiana board of tax review shall prepare a certified record of the
 11 proceedings related to the appeal.

12 (b) The record for judicial review must include the following
 13 documents and items:

14 (1) Copies of all papers submitted to the Indiana board of tax
 15 review, including its division of appeals, during the course of
 16 the action, and copies of all papers provided to the parties by
 17 the Indiana board, including its division of appeals. For
 18 purposes of this subdivision, the term "papers" includes,
 19 without limitation, all notices, petitions, motions, pleadings,
 20 orders, orders on rehearing, briefs, requests, intermediate
 21 rulings, photographs, and other written documents.

22 (2) Evidence received or considered by the Indiana board,
 23 including its division of appeals.

24 (3) A statement of whether a site inspection was conducted,
 25 and, if a site inspection was conducted, either:

26 (A) a summary report of the site inspection; or

27 (B) a videotape transcript of the site inspection.

28 (4) A statement of matters officially noticed.

29 (5) Proffers of proof and objections and rulings on them.

30 (6) Copies of proposed findings, requested orders, and
 31 exceptions.

32 (7) Either:

33 (A) a transcription of the audio tape of the hearing; or

34 (B) a transcript of the hearing prepared by a court
 35 reporter at the option of either party, to be paid for by that
 36 party.

37 Copies of exhibits that, because of their nature, cannot be
 38 incorporated into the certified record must be kept by the Indiana
 39 board of tax review until the appeal is finally terminated. However,
 40 this evidence must be briefly named and identified in the transcript
 41 of the evidence and proceedings.

42 (c) If the tax court judge finds that:



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1 **(1) a report of all or a part of the evidence or proceedings at**
 2 **a hearing conducted by the Indiana board of tax review,**
 3 **including its division of appeals, was not made; or**

4 **(2) a transcript is unavailable;**

5 **a party to the appeal initiated under section 5.5 of this chapter**
 6 **may, at the direction of the tax court judge, prepare a statement of**
 7 **the evidence or proceedings. The statement must be submitted to**
 8 **the tax court and also must be served on all other parties. A party**
 9 **to the proceeding may serve objections or prepare amendments to**
 10 **the statement not later than ten (10) days after service.**

11 SECTION 34. IC 6-1.1-15-8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) If a final
 13 determination by the ~~state Indiana~~ board of tax ~~commissioners review~~
 14 regarding the assessment of any tangible property is vacated, set aside,
 15 or adjudged null and void under the finding, decision, or judgment of
 16 the Indiana tax court, the matter of the assessment of the property shall
 17 be remanded to the ~~state Indiana~~ board of tax ~~commissioners~~ for
 18 reassessment and further proceedings as specified in the decision of the
 19 tax court. Upon remand, the ~~state Indiana~~ board of tax ~~commissioners~~
 20 may take action only on those issues specified in the decision of the tax
 21 court.

22 (b) The ~~state Indiana~~ board of tax ~~commissioners review~~ shall take
 23 action on a case remanded to it by the tax court not later than ninety
 24 (90) days after the date the decision of the tax court is rendered, unless
 25 an appeal is filed with the supreme court as provided in IC 33-3-5-15.
 26 The ~~state Indiana~~ board of tax ~~commissioners~~ may petition the tax
 27 court at any time for an extension of the ninety (90) day period. An
 28 extension shall be granted upon a showing of reasonable cause.

29 (c) The taxpayer in a case remanded under subsection (a) may
 30 petition the tax court for an order requiring the ~~state Indiana~~ board of
 31 tax ~~commissioners review~~ to show cause why action has not been taken
 32 pursuant to the tax court's decision if:

33 (1) at least ninety (90) days have elapsed since the tax court's
 34 decision was rendered;

35 (2) the ~~state Indiana~~ board of tax ~~commissioners~~ not taken action
 36 on the issues specified in the tax court's decision; and

37 (3) an appeal of the tax court's decision has not been filed.

38 (d) If a case remanded under subsection (a) is appealed to the
 39 supreme court as provided in IC 33-3-5-15, the ninety (90) day period
 40 provided in subsection (b) is tolled until the supreme court concludes
 41 the appeal.

42 SECTION 35. IC 6-1.1-15-9 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE UPON PASSAGE]]: Sec. 9. (a) If **the**
 2 **assessment of** tangible property is ~~reassessed~~ **corrected** by the state
 3 board of tax commissioners under section 8 of this chapter, the owner
 4 of the property has a right to appeal the board's final determination of
 5 the ~~reassessment~~ **corrected assessment**. In a case meeting the
 6 requirements of section 5(f)(1) or 5(f)(2) of this chapter, the county
 7 executive ~~also has a right to~~ **shall** appeal the board's final determination
 8 of the reassessment ~~but only~~ upon request by the county assessor **or**
 9 **elected township assessor**.

10 (b) An appeal under this section must be initiated in the manner
 11 prescribed in section 5 of this chapter.

12 SECTION 36. IC 6-1.1-15-9.5 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2001]: **Sec. 9.5. (a) If the assessment of**
 15 **tangible property is corrected by the Indiana board of tax review**
 16 **under section 8 of this chapter, the owner of the property has a**
 17 **right to appeal the Indiana board's final determination of the**
 18 **corrected assessment. In a case meeting the requirements of section**
 19 **5.5(f)(1) or 5.5(f)(2) of this chapter, the county executive shall**
 20 **appeal the Indiana board's final determination of the reassessment**
 21 **upon request by the county assessor or elected township assessor.**

22 (b) **An appeal under this section must be initiated in the manner**
 23 **prescribed in section 5.5 of this chapter.**

24 SECTION 37. IC 6-1.1-15-12 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. (a) Subject to the
 26 limitations contained in subsections (c) and (d), a county auditor shall
 27 correct errors which are discovered in the tax duplicate for any one (1)
 28 or more of the following reasons:

- 29 (1) The description of the real property was in error.
- 30 (2) The assessment was against the wrong person.
- 31 (3) Taxes on the same property were charged more than one (1)
- 32 time in the same year.
- 33 (4) There was a mathematical error in computing the taxes or
- 34 penalties on the taxes.
- 35 (5) There was an error in carrying delinquent taxes forward from
- 36 one (1) tax duplicate to another.
- 37 (6) The taxes, as a matter of law, were illegal.
- 38 (7) There was a mathematical error in computing an assessment.
- 39 (8) Through an error of omission by any state or county officer the
- 40 taxpayer was not given credit for an exemption or deduction
- 41 permitted by law.

42 **A petition for correction of error described in this subsection may**



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1 **be filed at any time by a taxpayer, an elected assessing official who**
 2 **represents the area where the property subject to the petition is**
 3 **located, or the county auditor of the county in which the property**
 4 **subject to the petition is located. The petition must be filed with the**
 5 **county assessor of the county in which the property that is the**
 6 **subject of the petition is located. The county assessor shall record**
 7 **the petition in an appeal log and transmit copies of the petition to**
 8 **the appropriate township assessor and the county auditor for**
 9 **signature after their respective actions approving or disapproving**
 10 **the petition. If a petition for correction of error is filed by an**
 11 **assessing official or a county auditor, the official who filed the**
 12 **petition shall give written notice of the filing. The notice must**
 13 **contain a general description of the property and the petition that**
 14 **was filed. An elected assessing official or a county auditor may not**
 15 **file a petition for correction of error after the time within which**
 16 **the property may be assessed or the assessed value of the property**
 17 **may be increased under IC 6-1.1-9-3 or IC 6-1.1-9-4.**

18 (b) The county auditor shall correct an error described under
 19 subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when ~~he~~ **the county**
 20 **auditor** finds that the error exists, **regardless of whether a petition**
 21 **for correction of error has been filed under subsection (a).**

22 (c) If the tax is based on an assessment made or determined by the
 23 state board of tax commissioners, the county auditor shall not correct
 24 an error described under subsection (a)(6), (a)(7), or (a)(8) until after
 25 the correction is either approved by the state board or ordered by the
 26 tax court.

27 (d) If the tax is not based on an assessment made or determined by
 28 the state board of tax commissioners, the county auditor shall correct
 29 an error described under subsection (a)(6), (a)(7), or (a)(8) only if the
 30 correction is first approved by at least two (2) of the following officials:

- 31 (1) The township assessor.
- 32 (2) The county auditor.
- 33 (3) The county assessor.

34 If two (2) of these officials do not approve such a correction, the county
 35 ~~auditor assessor~~ shall refer the matter to the county property tax
 36 assessment board of appeals for determination. The county property tax
 37 assessment board of appeals shall provide a copy of the determination
 38 to the taxpayer and to the county auditor.

39 (e) A taxpayer may appeal a determination of the county property
 40 tax assessment board of appeals to the division of appeals of the state
 41 board of tax commissioners for a final administrative determination.
 42 An appeal under this section shall be conducted in the same manner as



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1 appeals under sections 4 through 8 of this chapter. The state board of
 2 tax commissioners shall send the final administrative determination to
 3 the taxpayer, the county auditor, the county assessor, and the township
 4 assessor.

5 (f) If a correction or change is made in the tax duplicate after it is
 6 delivered to the county treasurer, the county auditor shall transmit a
 7 certificate of correction to the county treasurer. The county treasurer
 8 shall keep the certificate as the voucher for settlement with the county
 9 auditor.

10 SECTION 38. IC 6-1.1-15-12.5 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2001]: **Sec. 12.5. (a) Subject to the limitations**
 13 **contained in subsections (c) and (d), a county auditor shall correct**
 14 **errors that are discovered in the tax duplicate for any one (1) or**
 15 **more of the following reasons:**

- 16 (1) The description of the real property was in error.
- 17 (2) The assessment was against the wrong person.
- 18 (3) Taxes on the same property were charged more than one
 19 (1) time in the same year.
- 20 (4) There was a mathematical error in computing the taxes or
 21 penalties on the taxes.
- 22 (5) There was an error in carrying delinquent taxes forward
 23 from one (1) tax duplicate to another.
- 24 (6) The taxes, as a matter of law, were illegal.
- 25 (7) There was a mathematical error in computing an
 26 assessment.
- 27 (8) Through an error of omission by any state or county
 28 officer, the taxpayer was not given credit for an exemption or
 29 deduction permitted by law.

30 A petition for correction of error described in this subsection may
 31 be filed at any time by a taxpayer, an elected assessing official who
 32 represents the area where the property subject to the petition is
 33 located, or the county auditor of the county in which the property
 34 subject to the petition is located. The petition must be filed with the
 35 county assessor of the county in which the property that is the
 36 subject of the petition is located. The county assessor shall record
 37 the petition in an appeal log and transmit copies of the petition to
 38 the appropriate township assessor and the county auditor for
 39 signature after their respective actions approving or disapproving
 40 the petition. If a petition for correction of error is filed by an
 41 assessing official or a county auditor, the official who filed the
 42 petition shall give written notice of the filing. The notice must



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1 contain a general description of the property and the petition that
 2 was filed. An elected assessing official or a county auditor may not
 3 file a petition for correction of error after the time within which
 4 the property may be assessed or the assessed value of the property
 5 may be increased under IC 6-1.1-9-3 or IC 6-1.1-9-4.

6 (b) The county auditor shall correct an error described under
 7 subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county
 8 auditor finds that the error exists, regardless of whether a petition
 9 for correction of error has been filed under subsection (a).

10 (c) If the tax is based on an assessment made or determined by
 11 the state board of tax commissioners or the Indiana board of tax
 12 review, the county auditor shall not correct an error described
 13 under subsection (a)(6), (a)(7), or (a)(8) until after the correction
 14 is approved by the state board or the Indiana board or is ordered
 15 by the tax court.

16 (d) If the tax is not based on an assessment made or determined
 17 by the state board of tax commissioners or the Indiana board of tax
 18 review, the county auditor shall correct an error described under
 19 subsection (a)(6), (a)(7), or (a)(8) only if the correction is first
 20 approved by at least two (2) of the following officials:

- 21 (1) The township assessor.
- 22 (2) The county auditor.
- 23 (3) The county assessor.

24 If two (2) of these officials do not approve such a correction, the
 25 county assessor shall refer the matter to the county property tax
 26 assessment board of appeals for determination. The county
 27 property tax assessment board of appeals shall provide a copy of
 28 the determination to the taxpayer and to the county auditor.

29 (e) A taxpayer may appeal a determination of the county
 30 property tax assessment board of appeals to the Indiana board of
 31 tax review for a final administrative determination. An appeal
 32 under this section shall be conducted in the same manner as
 33 appeals under sections 4.5 through 8 of this chapter. The Indiana
 34 board shall send the final administrative determination to the
 35 taxpayer, the county auditor, the county assessor, and the township
 36 assessor.

37 (f) If a correction or change is made in the tax duplicate after it
 38 is delivered to the county treasurer, the county auditor shall
 39 transmit a certificate of correction to the county treasurer. The
 40 county treasurer shall keep the certificate as the voucher for
 41 settlement with the county auditor.

42 SECTION 39. IC 6-1.1-15-15 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. A class action suit
 2 against the **state Indiana** board of tax ~~commissioners review~~ may not
 3 be maintained in any court, including the Indiana tax court, on behalf
 4 of a person who has not complied with the requirements of this chapter
 5 or IC 6-1.1-26 before the certification of the class.

6 SECTION 40. IC 6-1.1-16-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Except as
 8 provided in section 2 of this chapter, an assessing official, county
 9 assessor, or county property tax assessment board of appeals may not
 10 change the assessed value claimed by a taxpayer on a personal property
 11 return unless the assessing official, county assessor, or county property
 12 tax assessment board of appeals takes the action and gives the notice
 13 required by IC 6-1.1-3-20 within the following time periods:

14 (1) A township or county assessing official must make a change
 15 in the assessed value and give the notice of the change on or
 16 before the latter of:

17 (i) September 15 of the year for which the assessment is made;

18 or

19 (ii) four (4) months from the date the personal property return
 20 is filed if the return is filed after May 15th of the year for
 21 which the assessment is made.

22 (2) A county assessor or county property tax assessment board of
 23 appeals must make a change in the assessed value, including the
 24 final determination by the board of an assessment changed by a
 25 township or county assessing official, or county property tax
 26 assessment board of appeals, and give the notice of the change on
 27 or before the latter of:

28 (i) October 30 of the year for which the assessment is made; or

29 (ii) five (5) months from the date the personal property return
 30 is filed if the return is filed after May 15th of the year for
 31 which the assessment is made.

32 (3) The state board of tax commissioners must make a ~~preliminary~~
 33 change in the assessed value ~~including a preliminary~~
 34 ~~determination on review of an assessment made by a county~~
 35 ~~property tax assessment board of appeals under IC 6-1.1-15-2.1;~~
 36 and give the notice of the change on or before the latter of:

37 (i) October 1st of the year immediately following the year for
 38 which the assessment is made; or

39 (ii) sixteen (16) months from the date the personal property
 40 return is filed if the return is filed after May 15th of the year
 41 for which the assessment is made.

42 (b) Except as provided in section 2 of this chapter, if an assessing

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1 official, a county assessor, or a county property tax assessment board
 2 of appeals fails to change an assessment and give notice of the change
 3 within the time prescribed by this section, the assessed value claimed
 4 by the taxpayer on the personal property return is final.

5 (c) This section does not limit the authority of a county auditor to
 6 correct errors in a tax duplicate under IC 6-1.1-15-12.

7 (d) This section does not apply if the taxpayer:

8 (1) fails to file a personal property return which substantially
 9 complies with the provisions of this article and the regulations of
 10 the state board of tax commissioners; or

11 (2) files a fraudulent personal property return with the intent to
 12 evade the payment of property taxes.

13 (e) A taxpayer may appeal a ~~preliminary~~ determination of the state
 14 board of tax commissioners under subsection (a)(3) to the ~~division of~~
 15 **appeals Indiana board of tax review**. An appeal under this
 16 subdivision shall be conducted in the same manner as an appeal under
 17 IC 6-1.1-15-4 through IC 6-1.1-15-8. A ~~preliminary~~ determination that
 18 is not appealed under this subsection is a final unappealable order of
 19 the state board of tax commissioners.

20 SECTION 41. IC 6-1.1-20.8-3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The county
 22 auditor shall determine the eligibility of each applicant under this
 23 chapter and shall notify the applicant, ~~and~~ the state board of tax
 24 commissioners, **and the Indiana board of tax review** of the
 25 determination before August 15 of the year in which the application is
 26 made. This notice must contain a statement that:

27 (1) the applicant is entitled to appeal a denial of eligibility; and

28 (2) the state board of tax commissioners may, upon its own
 29 initiative, review the application and deny the credit.

30 (b) If the county auditor determines that an applicant is not eligible,
 31 the applicant may appeal for a review of the application by the ~~state~~
 32 **Indiana board of tax commissioners review**. An appeal is perfected by
 33 the filing of a written request for review with the ~~state Indiana~~ board
 34 **of tax commissioners** no later than thirty (30) days after the date on the
 35 county auditor's notice. The request must:

36 (1) state the name of the applicant;

37 (2) identify the application; and

38 (3) state the reasons the applicant believes that the county
 39 auditor's decision is incorrect.

40 (c) The ~~state Indiana~~ board of tax ~~commissioners review~~ shall
 41 review the application of any applicant who files an appeal under
 42 subsection (b). **The Indiana board shall notify the applicant and the**



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1 **county auditor of the Indiana board's decision to allow or disallow**
 2 **the credit.**

3 (d) The state board of tax commissioners may review any
 4 application and if it finds that the applicant has been denied but is
 5 eligible or that the applicant is not eligible, the board shall notify the
 6 applicant and the county auditor of the board's decision to allow or
 7 disallow the credit.

8 (e) **If a person desires to initiate an appeal of the Indiana board**
 9 **of tax review's final determination under subsection (c), the person**
 10 **must do all of the following not more than forty-five (45) days after**
 11 **the Indiana board gives the person notice of the final**
 12 **determination:**

13 (1) **File a written notice with the Indiana board informing the**
 14 **board of the person's intention to appeal.**

15 (2) **File a complaint in the tax court.**

16 (3) **Serve the attorney general and the county auditor with a**
 17 **copy of the complaint.**

18 ~~(d)~~ (f) If a person desires to initiate an appeal of the state board of
 19 tax commissioners' final determination under **subsection (d)**, ~~this~~
 20 ~~section~~, the person must ~~do all of the following~~ **file a petition with the**
 21 **Indiana board of tax review** not more than forty-five (45) days after
 22 the state board of tax commissioners gives the person notice of the final
 23 determination.

24 ~~(1)~~ (1) **File a written notice with the state board of tax commissioners**
 25 **informing the board of the person's intention to appeal.**

26 ~~(2)~~ (2) **File a complaint in the tax court.**

27 ~~(3)~~ (3) **Serve the attorney general and the county auditor with a copy**
 28 **of the complaint.**

29 SECTION 42. IC 6-1.1-21-4 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Each year the
 31 department shall allocate from the property tax replacement fund an
 32 amount equal to the sum of:

33 (1) twenty percent (20%) of each county's total county tax levy
 34 payable that year; plus

35 (2) the total amount of homestead tax credits that are provided
 36 under IC 6-1.1-20.9 and allowed by each county for that year;
 37 plus

38 (3) an amount for each county that has one (1) or more taxing
 39 districts that contain all or part of an economic development
 40 district that meets the requirements of section 5.5 of this chapter.

41 This amount is the sum of the amounts determined under the
 42 following STEPS for all taxing districts in the county that contain

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1 all or part of an economic development district:

2 STEP ONE: Determine that part of the sum of the amounts
3 under section 2(g)(1)(A) and 2(g)(2) of this chapter that is
4 attributable to the taxing district.

5 STEP TWO: Divide:

6 (A) that part of the subdivision (1) amount that is
7 attributable to the taxing district; by

8 (B) the STEP ONE sum.

9 STEP THREE: Multiply:

10 (A) the STEP TWO quotient; times

11 (B) the property taxes levied in the taxing district that are
12 allocated to a special fund under IC 6-1.1-39-5.

13 (b) **Except as provided in subsection (e)**, between March 1 and
14 August 31 of each year, the department shall distribute to each county
15 treasurer from the property tax replacement fund one-half (1/2) of the
16 estimated distribution for that year for the county. Between September
17 1 and December 15 of that year, the department shall distribute to each
18 county treasurer from the property tax replacement fund the remaining
19 one-half (1/2) of each estimated distribution for that year. The amount
20 of the distribution for each of these periods shall be according to a
21 schedule determined by the property tax replacement fund board under
22 section 10 of this chapter. The estimated distribution for each county
23 may be adjusted from time to time by the department to reflect any
24 changes in the total county tax levy upon which the estimated
25 distribution is based.

26 (c) On or before December 31 of each year or as soon thereafter as
27 possible, the department shall make a final determination of the amount
28 which should be distributed from the property tax replacement fund to
29 each county for that calendar year. This determination shall be known
30 as the final determination of distribution. The department shall
31 distribute to the county treasurer or receive back from the county
32 treasurer any deficit or excess, as the case may be, between the sum of
33 the distributions made for that calendar year based on the estimated
34 distribution and the final determination of distribution. The final
35 determination of distribution shall be based on the auditor's abstract
36 filed with the auditor of state, adjusted for postabstract adjustments
37 included in the December settlement sheet for the year, and such
38 additional information as the department may require.

39 (d) All distributions provided for in this section shall be made on
40 warrants issued by the auditor of state drawn on the treasurer of state.
41 If the amounts allocated by the department from the property tax
42 replacement fund exceed in the aggregate the balance of money in the

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1 fund, then the amount of the deficiency shall be transferred from the
 2 state general fund to the property tax replacement fund, and the auditor
 3 of state shall issue a warrant to the treasurer of state ordering the
 4 payment of that amount. However, any amount transferred under this
 5 section from the general fund to the property tax replacement fund
 6 shall, as soon as funds are available in the property tax replacement
 7 fund, be retransferred from the property tax replacement fund to the
 8 state general fund, and the auditor of state shall issue a warrant to the
 9 treasurer of state ordering the replacement of that amount.

10 **(e) The department shall not distribute under subsection (b) and**
 11 **section 10 of this chapter the money attributable to the county's**
 12 **property reassessment fund if, by the date the distribution is**
 13 **scheduled to be made, the county auditor has not sent a certified**
 14 **statement required to be sent by that date under IC 6-1.1-17-1 to**
 15 **the state board of tax commissioners.**

16 **(f) If the elected township assessors in the county, the elected**
 17 **township assessors and the county assessor, or the county assessor**
 18 **has not transmitted to the Indiana board of tax review by August**
 19 **1 of the year in which the distribution is scheduled to be made the**
 20 **data for all townships in the county required to be transmitted**
 21 **under IC 6-1.1-4-25(b), the department shall not distribute under**
 22 **subsection (b) and section 10 of this chapter a portion of the money**
 23 **attributable to the county's property reassessment fund. The**
 24 **portion not distributed is the amount that bears the same**
 25 **proportion to the total potential distribution as the number of**
 26 **townships in the county for which data was not transmitted by**
 27 **August 1 as described in this section bears to the total number of**
 28 **townships in the county.**

29 **(g) Money not distributed under subsection (e) shall be**
 30 **distributed to the county when the county auditor sends to the state**
 31 **board of tax commissioners the certified statement required to be**
 32 **sent under IC 6-1.1-17-1 with respect to which the failure to send**
 33 **resulted in the withholding of the distribution under subsection (e).**

34 **(h) Money not distributed under subsection (f) shall be**
 35 **distributed to the county when the elected township assessors in the**
 36 **county, the elected township assessors and the county assessor, or**
 37 **the county assessor transmit to the Indiana board of tax review the**
 38 **data required to be transmitted under IC 6-1.1-4-25(b) with**
 39 **respect to which the failure to transmit resulted in the withholding**
 40 **of the distribution under subsection (f).**

41 SECTION 43. IC 6-1.1-26-2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The county

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1 auditor shall forward a claim for refund filed under section 1 of this
 2 chapter to the state board of tax commissioners for review by the board
 3 if:

- 4 (1) the claim is for the refund of taxes paid on an assessment
 5 made or determined by the state board of tax commissioners; and
 6 (2) the claim is based upon the grounds specified in
 7 IC 6-1.1-26-1(4)(ii) or IC 6-1.1-26-1(4)(iii).

8 (b) The state board of tax commissioners shall review each refund
 9 claim forwarded to it under this section. The board shall certify its
 10 approval or disapproval on the claim and shall return the claim to the
 11 county auditor.

12 (c) Before the state board of tax commissioners disapproves a
 13 refund claim which is forwarded to it under this section, the board shall
 14 notify the claimant of its intention to disapprove the claim and of the
 15 time and place fixed for a hearing on the claim. The board shall hold
 16 the hearing within thirty (30) days after the date of the notice. The
 17 board shall conduct the hearing in the same manner that assessment
 18 appeal hearings are conducted. The claimant has a right to be heard at
 19 the hearing.

20 (d) If a person desires to initiate an appeal of the state board of tax
 21 commissioners' final determination under this section, the person must
 22 ~~do all of the following~~ **file a petition with the Indiana board of tax**
 23 **review** not more than forty-five (45) days after the state board of tax
 24 commissioners gives the person notice of the final determination.

25 (1) ~~File a written notice with the state board of tax commissioners~~
 26 ~~informing the board of the person's intention to appeal.~~

27 (2) ~~File a complaint in the tax court.~~

28 (3) ~~Serve the attorney general and the county auditor with a copy~~
 29 ~~of the complaint.~~

30 (e) **If a person desires to initiate an appeal of the Indiana board**
 31 **of tax review's final determination under this section, the person**
 32 **must do all of the following not more than forty-five (45) days after**
 33 **the Indiana board gives the person notice of the final**
 34 **determination:**

35 (1) **File a written notice with the Indiana board informing the**
 36 **board of the person's intention to appeal.**

37 (2) **File a complaint in the tax court.**

38 (3) **Serve the attorney general and the county auditor with a**
 39 **copy of the complaint.**

40 SECTION 44. IC 6-1.1-26-3 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A refund claim
 42 which is filed under section 1 of this chapter and which is not subject

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1 to review by the state board of tax commissioners under section 2 of
 2 this chapter shall be either approved or disapproved by the county
 3 auditor, the county treasurer, and the county assessor.

4 (b) If the claim for refund is disapproved by either the county
 5 auditor, the county treasurer, or the county assessor, the claimant may
 6 appeal that decision to the **state Indiana** board of tax **commissioners**
 7 **review**. The claimant must initiate the appeal and the **state Indiana**
 8 board shall hear the appeal in the same manner that assessment appeals
 9 are ~~initiated and~~ heard **by the Indiana board**.

10 (c) If a person desires to initiate an appeal of the **state Indiana**
 11 board of tax **commissioners' review's** final determination under this
 12 section, the person must do all of the following not more than forty-five
 13 (45) days after the **state Indiana** board of tax **commissioners** gives the
 14 person notice of the final determination:

15 (1) File a written notice with the **state Indiana** board of tax
 16 **commissioners** informing the board of the person's intention to
 17 appeal.

18 (2) File a complaint in the tax court.

19 (3) Serve the attorney general and the county auditor with a copy
 20 of the complaint.

21 SECTION 45. IC 6-1.1-26-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A county auditor
 23 shall submit a refund claim filed under section 1 of this chapter to the
 24 county board of commissioners for final review after the appropriate
 25 county officials either approve or disapprove the claim and, if the claim
 26 is disapproved, an appeal to the **state Indiana** board of tax
 27 **commissioners review** is not initiated under section 3 of this chapter.

28 (b) The county board of commissioners shall disallow a refund
 29 claim if it was disapproved by one (1) of the appropriate county
 30 officials and an appeal to the **state Indiana** board of tax **commissioners**
 31 **review** was not initiated under section 3 of this chapter.

32 (c) Except as provided in subsection (b) of this section, the county
 33 board of commissioners may either allow or disallow a refund claim
 34 which is submitted to it for final review. If the county board disallows
 35 a claim, the claimant may appeal that decision to the **state Indiana**
 36 board of tax **commissioners review**.

37 (d) The **state Indiana** board of tax **commissioners review** shall hear
 38 an appeal under subsection (c) in the same manner that assessment
 39 appeals are ~~initiated and~~ heard.

40 (e) If a person desires to initiate an appeal of the **state Indiana**
 41 board of tax **commissioners' review's** final determination under this
 42 section, the person must do all of the following not more than forty-five

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1 (45) days after the **state Indiana** board of tax commissioners gives the
2 person notice of the final determination:

3 (1) File a written notice with the **state Indiana** board of tax
4 commissioners informing the board of the person's intention to
5 appeal.

6 (2) File a complaint in the tax court.

7 (3) Serve the attorney general and the county auditor with a copy
8 of the complaint.

9 SECTION 46. IC 6-1.1-26-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) When a claim for
11 refund filed under section 1 of this chapter is allowed either by the
12 county board of commissioners, the state board of tax commissioners,
13 **the Indiana board of tax review**, or the Indiana tax court on appeal,
14 the claimant is entitled to a refund. The amount of the refund shall
15 equal the amount of the claim so allowed plus interest at **six four**
16 percent (~~6%~~) (**4%**) from the date on which the taxes were paid or
17 payable, whichever is later, to the date of the refund. The county
18 auditor shall, without an appropriation being required, issue a warrant
19 to the claimant payable from the county general fund for the amount
20 due the claimant under this section.

21 (b) In the June or December settlement and apportionment of taxes,
22 or both the June and December settlement and apportionment of taxes,
23 immediately following a refund made under this section the county
24 auditor shall deduct the amount refunded from the gross tax collections
25 of the taxing units for which the refunded taxes were originally paid
26 and shall pay the amount so deducted into the general fund of the
27 county. However, the county auditor shall make the deductions and
28 payments required by this subsection not later than the December
29 settlement and apportionment.

30 SECTION 47. IC 6-1.1-28-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Each county
32 shall have a county property tax assessment board of appeals composed
33 of individuals who are at least eighteen (18) years of age and
34 knowledgeable in the valuation of property. **Except for the county**
35 **assessor, an individual who is an officer or employee of a county or**
36 **township may not serve on the board of appeals in the county in**
37 **which the individual is an officer or employee.** The fiscal body of the
38 county shall appoint two (2) individuals to the board. At least one (1)
39 of the members appointed by the county fiscal body must be a certified
40 level two assessor-appraiser. The board of commissioners of the county
41 shall appoint two (2) freehold members so that not more than three (3)
42 of the five (5) members may be of the same political party and so that



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1 at least three (3) of the five (5) members are residents of the county. At
 2 least one (1) of the members appointed by the board of county
 3 commissioners must be a certified level two assessor-appraiser, **unless**
 4 **the county assessor is a certified level two assessor-appraiser.** A
 5 person appointed to a property tax assessment board of appeals may **not**
 6 serve on the property tax assessment board of appeals of another
 7 county at the same time. The members of the board shall elect a
 8 president. The employees of the county assessor shall provide
 9 administrative support to the property tax assessment board of appeals.
 10 The county assessor is a voting member of the property tax assessment
 11 board of appeals. **and The county assessor** shall serve as secretary of
 12 the board. The secretary shall keep full and accurate minutes of the
 13 proceedings of the board. A majority of the board constitutes a quorum
 14 for the transaction of business. Any question properly before the board
 15 may be decided by the agreement of a majority of the whole board.

16 SECTION 48. IC 6-1.1-30-11 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) The state board
 18 of tax commissioners may, by written order, appoint hearing officers.

19 (b) A board hearing officer may conduct any hearing which the
 20 board is required by law to hold. In the written order by which the
 21 board appoints a hearing officer, the board shall prescribe his duties.
 22 The board may have different hearing officers simultaneously conduct
 23 numerous hearings.

24 ~~(c) This subsection does not apply to an appeal under IC 6-1.1-8-29.~~
 25 ~~A division of appeals is established under the state board of tax~~
 26 ~~commissioners. Personnel for the division shall be employed and the~~
 27 ~~division shall be organized to give competent, timely, and impartial~~
 28 ~~review of all appeals concerning:~~

- 29 (1) the assessed valuation of tangible property;
 30 (2) property tax deductions;
 31 (3) property tax exemptions; or
 32 (4) property tax credits;

33 ~~that are made from a determination by an assessing official or a county~~
 34 ~~property tax assessment board of appeals to the state board of tax~~
 35 ~~commissioners under any law. Notwithstanding any other law, appeals~~
 36 ~~described in this subsection shall be conducted in the same manner as~~
 37 ~~an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8.~~

38 (d) The chairman of the state board of tax commissioners shall
 39 appoint a full time director for the division of appeals. The director of
 40 the division of appeals shall report to the chairman of the state board
 41 of tax commissioners. The division shall otherwise act autonomously
 42 from the state board of tax commissioners in making determinations.



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1 (e) This section does not prohibit the employees of the state board
2 of tax commissioners from providing technical support to the division
3 of appeals upon request.

4 SECTION 49. IC 6-1.1-30-12 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) With respect to
6 a review conducted by a field representative or supervisor under
7 section 10 of this chapter or a hearing conducted by a hearing officer
8 under section 11 of this chapter, the field representative, supervisor, or
9 hearing officer shall submit a written report of his findings of fact and
10 conclusions of law to the state board of tax commissioners.

11 (b) Except as provided in ~~IC 6-1.1-15~~, After reviewing the report,
12 the board may take additional evidence or hold additional hearings.

13 (c) The board shall base its final decision on the report, any
14 additional evidence taken by the board, and any records that the board
15 considers relevant.

16 SECTION 50. IC 6-1.1-30-13 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. In order to obtain
18 information which is necessary to the board's conduct of a necessary or
19 proper inquiry, the state board of tax commissioners a hearing officer
20 in the division of appeals, or a board hearing officer or special
21 representative, may:

22 (1) subpoena and examine witnesses;

23 (2) administer oaths; and

24 (3) subpoena and examine books or papers which are in the hands
25 of any person.

26 SECTION 51. IC 6-1.1-30-14 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The state board
28 of tax commissioners:

29 (1) shall see that the property taxes due this state are collected;

30 (2) shall see that the penalties prescribed under this article are
31 enforced;

32 (3) shall investigate the property tax laws and systems of other
33 states and countries; and

34 (4) may recommend changes in this state's property tax laws to the
35 general assembly.

36 (b) **The state board of tax commissioners shall establish a**
37 **personal property audit division. The state board shall see that**
38 **personal property assessments are correctly and completely**
39 **reported by annually conducting audits through a personal**
40 **property tax audit division of a sampling of personal property**
41 **assessment returns throughout the state. The employees of the**
42 **audit division may be assigned only duties that further the state**



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1 board's personal property audit functions under this subsection.

2 (c) The state board of tax commissioners shall establish a budget
3 division. The state board shall carry out its functions relating to the
4 review and certification of budgets, rates, and levies of political
5 subdivisions through the budget division. The state board shall also
6 use the budget division for training of employees of political
7 subdivisions in budget matters. The employees of the budget
8 division may be assigned only duties that further the state board's
9 functions relating to budget review and certification under this
10 subsection.

11 (d) The state board of tax commissioners shall establish an
12 assessment division. The state board shall carry out its functions
13 relating to the assessment of tangible property for property tax
14 purposes through the assessment division. The state board shall
15 also use the assessment division for training of assessing officials in
16 assessment matters. The employees of the assessment division may
17 be assigned only duties that further the state board's functions
18 relating to assessment under this subsection.

19 (e) The state board of tax commissioners shall provide to the
20 Indiana board of tax review all data within the state board's
21 possession described in IC 6-1.5-6.

22 SECTION 52. IC 6-1.1-31-1 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The state
24 board of tax commissioners shall do the following:

25 (1) Prescribe the property tax forms and returns which taxpayers
26 are to complete and on which the taxpayers' assessments will be
27 based.

28 (2) Prescribe the forms to be used to give taxpayers notice of
29 assessment actions.

30 (3) Adopt rules concerning the assessment of tangible property.

31 (4) Develop specifications that prescribe state requirements for
32 computer software and hardware to be used by counties for
33 assessment purposes. The specifications developed under this
34 subdivision apply only to computer software and hardware
35 systems purchased for assessment purposes after July 1, 1993.

36 (5) **Adopt rules establishing criteria for the revocation of a**
37 **certification under IC 6-1.1-35.5-6.**

38 (b) The state board of tax commissioners may promulgate rules
39 which are related to **property taxation** or the duties or the procedures
40 of the board.

41 SECTION 53. IC 6-1.1-31-3 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In the



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1 preparation of rules, regulations, property tax forms, and property tax
2 returns, the state board of tax commissioners may consider:

- 3 (1) data compiled by the federal government;
- 4 (2) data compiled by this state and its taxing authorities;
- 5 (3) data compiled and studies made by a state college or
6 university;
- 7 (4) generally accepted practices of appraisers, including generally
8 accepted property assessment valuation and mass appraisal
9 principles and practices;
- 10 (5) generally accepted indices of construction costs;
- 11 (6) for assessment dates after February 28, ~~2001~~, **2002**, generally
12 accepted indices of income accruing from real property; and
- 13 (7) any other information which is available to the state board of
14 tax commissioners.

15 SECTION 54. IC 6-1.1-31-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The rules
17 promulgated by the state board of tax commissioners are the basis for
18 determining the true tax value of tangible property.

19 (b) Local assessing officials, members of the county property tax
20 assessment board of appeals, and county assessors shall:

- 21 (1) comply with the rules, appraisal manuals, bulletins, and
22 directives adopted by the state board of tax commissioners;
- 23 (2) use the property tax forms, property tax returns, and notice
24 forms prescribed by the board; and
- 25 (3) collect and record the data required by the board.

26 (c) In assessing tangible property, the township assessors, members
27 of the county property tax assessment board of appeals, and county
28 assessors may consider factors in addition to those prescribed by the
29 state board of tax commissioners if the use of the additional factors is
30 first approved by the board. Each township assessor, **each member** of
31 the county property tax assessment board of appeals, and the county
32 assessor shall indicate on ~~his~~ **the** records for each individual
33 assessment whether:

- 34 (1) only the factors contained in the board's rules, forms, and
35 returns have been considered; or
- 36 (2) factors in addition to those contained in the board's rules,
37 forms, and returns have been considered.

38 SECTION 55. IC 6-1.1-31-6 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE MARCH 1, 2002]: Sec. 6. (a) **As used in
40 this section, "objectively verifiable data" refers to objectively
41 verifiable data as of the date used in the development of rules for
42 the derivation of improvement costs and land values.**



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1 **(b)** With respect to the assessment of real property, the rules of the
2 state board of tax commissioners shall provide for:

3 (1) the ~~classification~~ **just valuation** of land on the basis of
4 **comparable sales for nonagricultural land and income**
5 **capitalization for agricultural land using classifications and**
6 **objectively verifiable data concerning:**

- 7 (i) acreage;
8 (ii) lots;
9 (iii) size;
10 (iv) location;
11 (v) use;
12 (vi) productivity or earning capacity;
13 (vii) applicable zoning provisions;
14 (viii) accessibility to highways, sewers, and other public
15 services or facilities; and
16 (ix) any other factor that the board determines by rule is **just**
17 **and proper necessary to provide for the just valuation of**
18 **property;** and

19 (2) the ~~classification~~ **determining reproduction cost and**
20 **depreciation** of improvements on the basis of **classifications and**
21 **objectively verifiable data concerning:**

- 22 (i) size;
23 (ii) location;
24 (iii) use;
25 (iv) type and character of construction;
26 (v) age;
27 (vi) condition;
28 (vii) cost of reproduction; ~~and~~
29 **(viii) capitalization of income; and**
30 ~~(viii)~~ **(ix) any other factor that the board determines by rule is**
31 **just and proper necessary to provide for the just valuation**
32 **of property.**

33 **(c)** With respect to the assessment of real property, the rules of
34 the state board of tax commissioners shall **use objectively verifiable**
35 **data and** include instructions for determining:

- 36 (1) the proper classification of real property;
37 (2) the size of real property;
38 (3) the effects that location and use have on the value of real
39 property;
40 (4) the depreciation, including physical deterioration and
41 obsolescence, of real property;
42 (5) the cost of reproducing improvements;

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- 1 (6) the productivity or earning capacity of land; and
 2 (7) the true tax value of real property based on the factors listed
 3 in this subsection and any other factor that the board determines
 4 by rule is ~~just and proper~~. **necessary to provide for the just**
 5 **valuation of property.**

6 ~~(c)~~ (d) With respect to the assessment of real property, true tax
 7 value does not mean fair market value. True tax value is the value
 8 determined under the rules of the state board of tax commissioners
 9 **based on objectively verifiable data.**

10 SECTION 56. IC 6-1.1-31-7 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE MARCH 1, 2002]: Sec. 7. (a) **As used in**
 12 **this section, "objectively verifiable data" refers to objectively**
 13 **verifiable data as of the date used in the development of rules for**
 14 **the derivation of personal property costs.**

15 (b) With respect to the assessment of personal property, the rules of
 16 the state board of tax commissioners shall provide for the ~~classification~~
 17 **just valuation** of personal property on the basis of **objectively**
 18 **verifiable data concerning:**

- 19 (1) date of purchase;
 20 (2) location;
 21 (3) use;
 22 (4) depreciation, obsolescence, and condition; and
 23 (5) any other factor that the board determines by rule is ~~just and~~
 24 ~~proper~~. **necessary to provide for the just valuation of property.**

25 ~~(b)~~ (c) With respect to the assessment of personal property, the rules
 26 of the state board of tax commissioners shall **use objectively verifiable**
 27 **data and** include instructions for determining:

- 28 (1) the proper classification of personal property;
 29 (2) the effect that location has on the **true tax** value of personal
 30 property;
 31 (3) the cost of reproducing personal property;
 32 (4) the depreciation, including physical deterioration and
 33 obsolescence, of personal property; and
 34 (5) the true tax value of personal property based on the factors
 35 listed in this subsection and any other factor that the board
 36 determines by rule is ~~just and proper~~. **necessary to provide for**
 37 **the just valuation of property.**

38 ~~(c)~~ (d) In providing for the classification of personal property and
 39 the instructions for determining the items listed in subsection ~~(b)~~; (c),
 40 the state board of tax commissioners shall not include the value of land
 41 as a cost of producing tangible personal property subject to assessment.

42 (e) **The rules of the state board of tax commissioners must**

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1 **include instructions for determining the starting point for the**
 2 **valuation of used depreciable personal property after a sale or**
 3 **transfer of the property.**

4 ~~(d)~~ **(f)** With respect to the assessment of personal property, true tax
 5 value does not mean fair market value. True tax value is the value
 6 determined under **the** rules of the state board of tax commissioners.

7 SECTION 57. IC 6-1.1-31-11 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a) Subject to**
 9 **subsection (b)**, the state board of tax commissioners shall adopt rules
 10 under IC 4-22-2 to govern the practice of representatives in
 11 proceedings before the property tax assessment board of appeals and
 12 the state board of tax commissioners under IC 6-1.1-15.

13 **(b) A rule adopted under subsection (a) may not:**

14 **(1) restrict the ability of a representative to practice before**
 15 **the property tax assessment board of appeals of the state**
 16 **board of tax commissioners based on the fact that the**
 17 **representative is not an attorney admitted to the Indiana bar;**
 18 **or**

19 **(2) restrict the admissibility of written or oral testimony of a**
 20 **representative or other witness based upon the manner in**
 21 **which the representative or other witness is compensated.**

22 **(c) This subsection applies to a petition that is filed with the**
 23 **property tax assessment board of appeals or the state board of tax**
 24 **commissioners before the adoption of a rule under subsection (a)**
 25 **that establishes new standards for:**

26 **(1) the presentation of evidence or testimony; or**
 27 **(2) the practice of representatives.**

28 **The property tax assessment board of appeals or the state board of**
 29 **tax commissioners may not dismiss a petition solely for failure to**
 30 **comply with the rule adopted under subsection (a) without**
 31 **providing the petitioner with an opportunity to present evidence,**
 32 **testimony, or representation in compliance with the rule.**

33 SECTION 58. IC 6-1.1-31.5-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) After December
 35 31, 1998, each county shall maintain a state certified computer system
 36 that has the capacity to:

37 (1) process and maintain assessment records;
 38 (2) process and maintain standardized property tax forms;
 39 (3) process and maintain standardized property assessment
 40 notices;
 41 (4) maintain complete and accurate assessment records for the
 42 county; and



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- 1 (5) process and compute complete and accurate assessments in
 2 accordance with Indiana law.
- 3 The county assessor with the recommendation of the township
 4 assessors shall select the computer system used by township assessors
 5 and the county assessor in the county except in a county with a
 6 township assessor elected under IC 36-6-5-1 in every township. In a
 7 county with an elected township assessor under IC 36-6-5-1 in every
 8 township, the ~~county assessor~~ **elected township assessors** shall select
 9 a computer system based on a majority vote of the township assessors
 10 in the county.
- 11 (b) All information on the computer system shall be readily
 12 accessible to:
- 13 (1) township assessors;
 14 (2) the county assessor;
 15 (3) the board; ~~and~~
 16 (4) members of the county property tax assessment board of
 17 appeals; **and**
 18 **(5) the Indiana board of tax review.**
- 19 (c) The certified system used by the counties must be compatible
 20 with the data export and transmission requirements in a standard
 21 format prescribed by the board. The certified system must be
 22 maintained in a manner that ensures prompt and accurate transfer of
 23 data to the board.
- 24 (d) All standardized property forms and notices on the certified
 25 computer system shall be maintained by the township assessor and the
 26 county assessor in an accessible location and in a format that is easily
 27 understandable for use by persons of the county.
- 28 SECTION 59. IC 6-1.1-34-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. Each year in which
 30 a general assessment of real property becomes effective, the ~~state~~
 31 **Indiana** board of tax ~~commissioners review~~ shall compute a new
 32 assessment ratio for each ~~school~~ **school** corporation and a new state
 33 average assessment ratio. In all other years, the board may compute a
 34 new assessment ratio for a school corporation and a new state average
 35 assessment ratio if the board finds that there has been sufficient
 36 reassessment of one (1) or more classes of property in the school
 37 district. When the ~~state Indiana~~ board of tax ~~commissioners~~ computes
 38 a new assessment ratio for a school corporation, the board shall publish
 39 the new ratio.
- 40 SECTION 60. IC 6-1.1-34-2 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A school
 42 corporation's assessment ratio for a particular year equals:

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- 1 (1) the total assessed valuation of the property within the school
 2 district; divided by
 3 (2) the total true tax value which the **state Indiana** board of tax
 4 **commissioners review** determines would result if the property
 5 within the school district were valued in the manner provided by
 6 law.

7 SECTION 61. IC 6-1.1-34-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The state average
 9 assessment ratio for a particular year equals:

- 10 (1) the sum of the assessed valuations of the property within all
 11 the school corporations of this state; divided by
 12 (2) the sum of the true tax values which the **state Indiana** board
 13 of tax **commissioners review** determines would result if the
 14 property within all the school corporations of this state were
 15 valued in the manner provided by law.

16 SECTION 62. IC 6-1.1-34-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. In order to compute
 18 the assessment ratio for a school corporation, the **state Indiana** board
 19 of tax **commissioners review** shall first make a random sampling of the
 20 assessed values and true tax values of the following classes of real and
 21 personal property:

- 22 (1) Residential.
 23 (2) Farm.
 24 (3) Commercial.
 25 (4) Industrial.

26 SECTION 63. IC 6-1.1-34-5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. When computing the
 28 assessment ratio for a school corporation, the **state Indiana** board of
 29 tax **commissioners review** shall weight the ratio to reflect the relative
 30 importance of each class of property within the school district. Before
 31 calculating a school corporation's assessment ratio, the **state Indiana**
 32 board of tax **commissioners** shall discuss the weight to be given to each
 33 class of property with:

- 34 (1) residents of the school district; and
 35 (2) elected officials or other individuals who are familiar with the
 36 economic base of the school district.

37 SECTION 64. IC 6-1.1-34-6, AS AMENDED BY P.L.273-1999,
 38 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) After the **state Indiana** board
 40 of tax **commissioners review** calculates a new assessment ratio for a
 41 school corporation and before publishing the new ratio, the board shall
 42 send a notice of the new assessment ratio to the county auditor, the

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1 county assessor, and the governing body of the school corporation. The
 2 **state Indiana board of tax commissioners** shall send these notices
 3 before March 2 of each year in which the board calculates a new
 4 assessment ratio for the school corporation.

5 (b) Within thirty (30) days after notification of a new assessment
 6 ratio, the county auditor, the county assessor, or the governing body of
 7 the school corporation may:

8 (1) examine and verify the **state Indiana board of tax**
 9 **commissioners' review's** data; and

10 (2) make suggestions concerning the values established by the
 11 board.

12 (c) Before April 15 of each year in which the board calculates a new
 13 assessment ratio for the school corporation, the **state Indiana board of**
 14 **tax commissioners review** shall publish the new assessment ratio.

15 SECTION 65. IC 6-1.1-34-7, AS AMENDED BY P.L.273-1999,
 16 SECTION 131, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2001]: Sec. 7. Each year in which the **state**
 18 **Indiana board of tax commissioners review** computes a new
 19 assessment ratio for a school corporation, the board shall also compute
 20 a new adjustment factor for the school corporation. If the school
 21 corporation's assessment ratio for a year is more than ninety-nine
 22 percent (99%) but less than one hundred one percent (101%) of the
 23 state average assessment ratio for that year, the school corporation's
 24 adjustment factor is the number one (1). In all other cases, the school
 25 corporation's adjustment factor equals (1) the state average assessment
 26 ratio for a year, divided by (2) the school corporation's assessment ratio
 27 for that year. The **state Indiana board of tax commissioners** shall notify
 28 the school corporation of its new adjustment factor before March 2 of
 29 the year in which the board calculates the new adjustment factor.

30 SECTION 66. IC 6-1.1-34-9 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. In order to perform
 32 the duties assigned to it under this chapter, the **state Indiana board of**
 33 **tax commissioners review:**

34 (1) shall conduct continuing studies of all property which is
 35 subject to assessment in this state;

36 (2) may request access to all local and state official records;

37 (3) may secure information from the federal government or from
 38 public or private agencies;

39 (4) may inspect a person's books, records, or property if the item
 40 is relevant to information which the board needs in order to
 41 implement this chapter; and

42 (5) may adopt appropriate forms and procedures.



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1 SECTION 67. IC 6-1.1-34-10 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. If a state or local
 3 official or employee does not give the ~~state~~ **Indiana** board of tax
 4 ~~commissioners review~~ access to official records which the board has
 5 asked to examine under section 9(2) of this chapter, the official's or
 6 employee's action is evidence of misconduct in the office or position
 7 which he holds.

8 SECTION 68. IC 6-1.1-34-11 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. Information which
 10 the ~~state~~ **Indiana** board of tax ~~commissioners review~~ has obtained
 11 from the federal government or a public agency under section 9(3) of
 12 this chapter is subject to the provider's rules and regulations, if any,
 13 which concern the confidential nature of the information. In addition,
 14 the information compiled by the board under this chapter is
 15 confidential until publication of the assessment ratio and then loses its
 16 confidential character only to the extent that it is used in determining
 17 the ratio.

18 SECTION 69. IC 6-1.1-34-12 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. If the ~~state~~ **Indiana**
 20 board of tax ~~commissioners review~~ employs additional personnel in
 21 order to perform the duties assigned to the board under this chapter, the
 22 board shall select the employees in the manner prescribed in ~~1971~~,
 23 IC 6-1.1-30-9.

24 SECTION 70. IC 6-1.1-35.2-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In any year
 26 in which an assessing official, a county assessor, or a member of a
 27 county property tax assessment board of appeals takes office for the
 28 first time, the state board of tax commissioners shall conduct training
 29 sessions determined under the rules adopted by the state board of tax
 30 commissioners under IC 4-22-2 for these new officials. These sessions
 31 must be held **in Marion County and in** at ~~sufficient~~ **least four (4)**
 32 **other** convenient locations throughout Indiana. **The sessions shall be**
 33 **held at times that are sufficient to provide each county assessor**
 34 **and assessing official with an opportunity to attend the training.**

35 (b) Any new assessing official, county assessor, or member of a
 36 county property tax assessment board of appeals who attends a required
 37 session is entitled to receive the per diem per session set by the state
 38 board of tax commissioners by rule adopted under IC 4-22-2 and a
 39 mileage allowance from the county in which the official resides.

40 (c) A person is entitled to a mileage allowance under this section
 41 only for travel between the person's place of work and the training
 42 session nearest to the person's place of work.



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1 SECTION 71. IC 6-1.1-35.2-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Each year the
 3 state board of tax commissioners shall conduct the continuing
 4 education sessions required in the rules adopted by the state board of
 5 tax commissioners for all assessing officials, county assessors, and all
 6 members of, and hearing officers for, the county property tax
 7 assessment board of appeals. These sessions must be conducted at
 8 sufficient convenient locations throughout Indiana.

9 (b) **Sessions must be offered a number of times that are**
 10 **sufficient to provide each level one assessor and level two assessor**
 11 **with an opportunity to attend continuing education sessions every**
 12 **two (2) years to maintain certification for each level under**
 13 **IC 6-1.1-35.5.**

14 (c) Any assessing official, county assessor, or member of, and
 15 hearing officers for, the county property tax assessment board of
 16 appeals who attends required sessions is entitled to receive a mileage
 17 allowance and the per diem per session set by the state board of tax
 18 commissioners by rule adopted under IC 4-22-2 from the county in
 19 which the official resides. A person is entitled to a mileage allowance
 20 under this section only for travel between the person's place of work
 21 and the training session nearest to the person's place of work.

22 SECTION 72. IC 6-1.1-35.2-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The training
 24 programs prescribed by this chapter must be designed so that the
 25 attendees at a program are prepared to train their subordinates. **In**
 26 **addition, the training programs must include:**

- 27 (1) **a course on basic assessment administration with an**
 28 **examination; and**
 29 (2) **the information necessary to obtain a level one**
 30 **certification under rules adopted by the state board of tax**
 31 **commissioners.**

32 SECTION 73. IC 6-1.1-35.5-4 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The level one
 34 examination shall be given in the month of July, and the level two
 35 examination shall be given in the month of August. Both level
 36 examinations also shall be offered annually immediately following the
 37 conference of state board of tax commissioners and at any other times
 38 that coordinate with ~~applicable courses of instruction.~~ **training**
 39 **sessions conducted under IC 6-1.1-35.2-2.** The state board of tax
 40 commissioners may also give either or both examinations at other times
 41 throughout the year.

42 (b) Examinations shall be held **each year, at the times prescribed**

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1 **in subsection (a), in Indianapolis at a location and at not less than**
 2 **four (4) other convenient locations** chosen by the state board of tax
 3 commissioners.

4 **(c) The state board of tax commissioners may not limit the**
 5 **number of individuals who take the examination and shall provide**
 6 **an opportunity for all enrollees at each session to take the**
 7 **examination at that session.**

8 SECTION 74. IC 6-1.1-35.5-6 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** The state
 10 board of tax commissioners shall certify all persons who successfully
 11 perform **on** an examination under this chapter and shall furnish **them**
 12 **each successful examinee** with a certificate that prominently displays
 13 the name of the successful examinee and the fact that **he the person** is
 14 a level one or level two certified Indiana assessor-appraiser.

15 **(b) The state board of tax commissioners shall revoke the**
 16 **certification of an individual if the state board reasonably**
 17 **determines that the individual committed fraud or**
 18 **misrepresentation with respect to the preparation, administration,**
 19 **or taking of the examination. The state board of tax commissioners**
 20 **shall give notice and hold a hearing to consider all of the evidence**
 21 **about the fraud or misrepresentation before deciding whether to**
 22 **revoke the individual's certification.**

23 SECTION 75. IC 6-1.1-36-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. In order to discharge
 25 their official duties, the following officials may administer oaths and
 26 affirmations:

- 27 (1) Assessing officials.
- 28 (2) County assessors.
- 29 (3) County auditors.
- 30 (4) Members of a county property tax assessment board of
- 31 appeals.
- 32 (5) Members of the state board of tax commissioners.

33 **(6) Members of the Indiana board of tax review.**

34 SECTION 76. IC 6-1.1-37-11 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. **(a)** If a taxpayer is
 36 entitled to a property tax refund or credit because an assessment is
 37 decreased, the taxpayer shall also be paid, or credited with, interest on
 38 the excess taxes that he paid at the rate of **six four percent (6%) (4%)**
 39 per annum.

40 **(b)** For purposes of this section **and except as provided in**
 41 **subsection (c),** the interest shall be computed from the date on which
 42 the taxes were paid or due, whichever is later, to the date of the refund



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1 or credit.

2 (c) This subsection applies if a taxpayer who is entitled to a
3 refund or credit does not make a written request for the refund or
4 credit to the county auditor within forty-five (45) days after the
5 final determination of the county property tax assessment board of
6 appeals, the state board of tax commissioners, or the Indiana tax
7 court that entitles the taxpayer to the refund or credit. In the case
8 of a taxpayer described in this subsection, the interest shall be
9 computed from the date on which the taxes were paid or due to the
10 date that is forty-five (45) days after the final determination of the
11 county property tax assessment board of appeals, the state board
12 of tax commissioners, or the Indiana tax court.

13 SECTION 77. IC 6-1.1-37-11.5 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2001]: Sec. 11.5. (a) If a taxpayer is entitled
16 to a property tax refund or credit because an assessment is
17 decreased, the taxpayer shall also be paid, or credited with, interest
18 on the excess taxes that the taxpayer paid at the rate of four
19 percent (4%) per annum.

20 (b) For purposes of this section and except as provided in
21 subsection (c), the interest shall be computed from the date on
22 which the taxes were paid or due, whichever is later, to the date of
23 the refund or credit.

24 (c) This subsection applies if a taxpayer who is entitled to a
25 refund or credit does not make a written request for the refund or
26 credit to the county auditor within forty-five (45) days after the
27 final determination of the county property tax assessment board of
28 appeals, the state board of tax commissioners, the Indiana board
29 of tax review, or the Indiana tax court that entitles the taxpayer to
30 the refund or credit. In the case of a taxpayer described in this
31 subsection, the interest shall be computed from the date on which
32 the taxes were paid or due to the date that is forty-five (45) days
33 after the final determination of the county property tax assessment
34 board of appeals, the state board of tax commissioners, the Indiana
35 board of tax review, or the Indiana tax court.

36 SECTION 78. IC 6-1.5 IS ADDED TO THE INDIANA CODE AS
37 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
38 2001]:

39 **ARTICLE 1.5. INDIANA BOARD OF TAX REVIEW**

40 **Chapter 1. Definitions**

41 **Sec. 1.** The definitions in IC 6-1.1-1 apply throughout this
42 article.

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1 **Sec. 2. "Major political party" has the meaning set forth in**
 2 **IC 3-5-2-30.**

3 **Sec.3. "Indiana board" refers to the Indiana board of tax review**
 4 **established under this article.**

5 **Chapter 2. Establishment of Board**

6 **Sec. 1. (a) A state agency to be known as the Indiana board of**
 7 **tax review is hereby established. The Indiana board is composed of**
 8 **four (4) lay members. The governor shall appoint the members of**
 9 **the Indiana board. The members of the Indiana board shall elect**
 10 **the chairperson of the board.**

11 **(b) Two (2) members of the Indiana board must be members of**
 12 **one major political party, and two (2) members of the board must**
 13 **be members of the other major political party.**

14 **(c) Except as provided in subsections (d) and (e), the term of**
 15 **office of an Indiana board member is four (4) years.**

16 **(d) The initial terms of office of the Indiana board are as**
 17 **follows:**

- 18 **(1) For one (1) board member, one (1) year.**
- 19 **(2) For one (1) board member, two (2) years.**
- 20 **(3) For one (1) board member, three (3) years.**
- 21 **(4) For one (1) board member, four (4) years.**

22 **(e) An Indiana board member appointed to fill a vacancy shall**
 23 **serve for the unexpired term of the member's predecessor.**

24 **(f) Any three (3) members of the Indiana board constitute a**
 25 **quorum for the transaction of business. Action may be taken by the**
 26 **Indiana board only upon the vote of a majority of the whole board.**

27 **Sec. 2. (a) Before performing any official duties, each lay**
 28 **member of the Indiana board shall execute:**

- 29 **(1) a surety bond in the amount of ten thousand dollars**
 30 **(\$10,000), with a surety approved by the governor; and**
- 31 **(2) an oath of office.**

32 **(b) The surety bond shall be payable to the state and shall be**
 33 **conditioned on the faithful discharge of the Indiana board**
 34 **member's duties. The executed surety bond and oath of office shall**
 35 **be filed in the office of the secretary of state.**

36 **Sec. 3. After a hearing on the matter, the governor may remove**
 37 **a member of the Indiana board for incompetency, neglect, or**
 38 **inefficiency.**

39 **Sec. 4. The Indiana board shall meet in continuous session**
 40 **throughout each calendar year in quarters provided by the state in**
 41 **the city of Indianapolis. The state shall provide the Indiana board**
 42 **with the supplies and printing that the board needs to transact**



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business.

Sec. 5. The Indiana board shall keep a record of its proceedings and orders. The Indiana board's record is a public record. A copy of the appropriate portion of the record is sufficient evidence in all courts or proceedings to prove an action, rule, or order of the Indiana board if the copy is certified by a lay member of the board.

Sec. 6. The Indiana board shall establish:

- (1) a division of appeals; and**
- (2) a division of data analysis.**

Chapter 3. Employees

Sec. 1. (a) To properly and efficiently perform its duties, the Indiana board may, subject to the limitations in subsections (c) and (d), hire employees under this section.

(b) Each member and each employee of the Indiana board shall receive:

- (1) an annual salary to be fixed in the manner prescribed in IC 4-12-1-13; and**
- (2) the same mileage and travel allowances that other state employees receive.**

(c) The Indiana board shall select the following employees in the manner prescribed in this section:

- (1) Supervisors.**
- (2) Administrative law judges and other employees who are selected to work in the Indiana board's division of appeals.**
- (3) Employees who are selected to work in the Indiana board's division of data analysis.**
- (4) Employees who are selected to perform the other duties assigned to the Indiana board under this article.**

Sec. 2. The Indiana board may delegate to an employee the board's powers with respect to any duty of the board.

Sec. 3. (a) The Indiana board may, by written order, appoint administrative law judges.

(b) An administrative law judge may conduct any hearing that the Indiana board is required by law to hold. In the written order by which the Indiana board appoints an administrative law judge, the board shall prescribe the duties of the position. The Indiana board may have different administrative law judges simultaneously conduct numerous hearings.

Chapter 4. Appeals of Determinations by Assessing Officials

Sec. 1. (a) The Indiana board shall conduct an impartial review of all appeals concerning:

- (1) the assessed valuation of tangible property;**

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- 1 (2) property tax deductions;
- 2 (3) property tax exemptions; or
- 3 (4) property tax credits;
- 4 that are made from a determination by an assessing official or a
- 5 county property tax assessment board of appeals to the Indiana
- 6 board under any law.

7 (b) Appeals described in this section shall be conducted under
8 IC 6-1.1-15.

9 **Chapter 5. Appeals of Final Determinations by the State Board
10 of Tax Commissioners**

11 **Sec. 1. (a) The Indiana board shall conduct impartial review of**
12 **all appeals of final determinations of the state board of tax**
13 **commissioners made under the following:**

- 14 (1) IC 6-1.1-8.
- 15 (2) IC 6-1.1-12.1.
- 16 (3) IC 6-1.1-14.
- 17 (4) IC 6-1.1-16.
- 18 (5) IC 6-1.1-26-2.

19 (b) Each notice of final determination issued by the state board
20 of tax commissioners under a section listed in subsection (a) shall
21 give the taxpayer notice of:

- 22 (1) the opportunity for review under this section; and
- 23 (2) the procedures the taxpayer must follow in order to obtain
- 24 review under this section.

25 (c) In order to obtain a review by the Indiana board under this
26 section, the taxpayer must file a petition for review with the
27 appropriate county assessor within forty-five (45) days after the
28 notice of the state board of tax commissioners' action is given to the
29 taxpayer.

30 (d) The county assessor shall transmit the petition for review to
31 the Indiana board within ten (10) days after it is filed.

32 **Sec. 2. (a) After receiving a petition for review that is filed**
33 **under a section listed in section 1 of this chapter, the division of**
34 **appeals of the Indiana board shall conduct a hearing at its earliest**
35 **opportunity.**

36 (b) In its resolution of a petition, the Indiana board may correct
37 any errors that may have been made, and adjust the assessment in
38 accordance with the correction.

39 (c) The division of appeals of the Indiana board shall give notice
40 of the date fixed for the hearing, by mail, to:

- 41 (1) the taxpayer;
- 42 (2) the state board of tax commissioners; and

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1 **(3) the appropriate:**

2 **(A) township assessor;**

3 **(B) county assessor; and**

4 **(C) county auditor.**

5 **(d) The division of appeals of the Indiana board shall give the**
6 **notices required under subsection (c) at least ten (10) days before**
7 **the day fixed for the hearing.**

8 **Sec. 3. The Indiana board shall prescribe a form for use in**
9 **processing petitions for review of actions by the state board of tax**
10 **commissioners. The Indiana board shall issue instructions for**
11 **completion of the form.**

12 **Sec. 4. (a) The administrative law judge who conducts a hearing**
13 **shall submit a written report of findings of fact and conclusions of**
14 **law to the Indiana board.**

15 **(b) After reviewing the report of the administrative law judge,**
16 **the Indiana board may take additional evidence or hold additional**
17 **hearings.**

18 **(c) The Indiana board shall base its final determination on:**

19 **(1) the report of the administrative law judge;**

20 **(2) any additional evidence taken by the Indiana board; and**

21 **(3) any records that the Indiana board considers relevant.**

22 **Sec. 5. After the hearing, the Indiana board shall give the**
23 **petitioner, the township assessor, the county assessor, the county**
24 **auditor, and the state board of tax commissioners:**

25 **(1) notice, by mail, of its final determination, findings of fact,**
26 **and conclusions of law; and**

27 **(2) notice of the procedures the petitioner or the state board**
28 **of tax commissioners must follow in order to obtain court**
29 **review of the final determination of the Indiana board.**

30 **Sec. 6. (a) The division of appeals of the Indiana board shall**
31 **conduct a hearing within six (6) months after a petition in proper**
32 **form is filed with the division, excluding any time due to a delay**
33 **reasonably caused by the petitioner.**

34 **(b) The Indiana board shall make a final determination within**
35 **the later of forty-five (45) days after the hearing or the date set in**
36 **an extension order issued by the Indiana board. However, the**
37 **Indiana board may not extend the final determination date by**
38 **more than one hundred eighty (180) days.**

39 **(c) The failure of the Indiana board to make a final**
40 **determination within the time allowed by this section shall be**
41 **treated as a final determination of the Indiana board to deny the**
42 **petition.**



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1 **Sec. 7. A final determination of the Indiana board is subject to**
 2 **appeal under IC 6-1.1-15.**

3 **Sec. 8. In order to obtain information that is necessary to the**
 4 **Indiana board's conduct of a necessary or proper inquiry, the**
 5 **Indiana board or a board administrative law judge may:**

- 6 (1) subpoena and examine witnesses;
 7 (2) administer oaths; and
 8 (3) subpoena and examine books or papers that are in the
 9 hands of any person.

10 **Sec. 9. (a) The Indiana board may file an affidavit with a circuit**
 11 **court of this state if:**

- 12 (1) the Indiana board has requested that a person give
 13 information or produce books or records; and
 14 (2) the person has not complied with the request.

15 **(b) An affidavit filed under subsection (a) must state that the**
 16 **person has not complied with the request of the Indiana board to**
 17 **give information or produce books or records.**

18 **(c) When an affidavit is filed under subsection (a), the circuit**
 19 **court shall issue a writ that directs the person to appear at the**
 20 **office of the Indiana board and to give the requested information**
 21 **or produce the requested books or records. The appropriate county**
 22 **sheriff shall serve the writ. Disobedience of the writ is punishable**
 23 **as a contempt of the court that issued the writ.**

24 **(d) If a writ is issued under this section, the cost incurred in**
 25 **filing the affidavit, in the issuance of the writ, and in the service of**
 26 **the writ shall be charged to the person against whom the writ is**
 27 **issued. If a writ is not issued, all costs shall be charged to the**
 28 **county in which the circuit court proceedings are held, and the**
 29 **board of commissioners of that county shall allow a claim for the**
 30 **costs.**

31 **(e) IC 6-1.1-15, as in effect before July 1, 2001, applies to an**
 32 **appeal initiated before July 1, 2001, of a final determination of the**
 33 **state board of tax commissioners.**

34 **Chapter 6. Data Analysis**

35 **Sec. 1. The division of data analysis shall do the following:**

- 36 (1) Compile an electronic data base including the following:
 37 (A) Information from the local government data base
 38 maintained by the state board of tax commissioners,
 39 categorized by taxing district and taxing unit.
 40 (B) Information on sales of real and personal property,
 41 including information from sales disclosure forms filed
 42 under IC 6-1.1-5.5.

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- 1 (C) Personal property assessed values and data entries on
- 2 personal property return forms.
- 3 (D) Real property assessed values and data entries on real
- 4 property assessment records, including data received
- 5 under IC 6-1.1-4-25.
- 6 (E) Information on property tax exemptions, deductions,
- 7 and credits.
- 8 (F) Any other data relevant to the accurate determination
- 9 of real property and personal property tax assessments.
- 10 (2) Analyze the data compiled under this section for the
- 11 purpose of performing the functions of the division of data
- 12 analysis under section 2 of this chapter.
- 13 (3) Conduct continuing studies of personal and real property
- 14 tax deductions, abatements, and exemptions used throughout
- 15 Indiana. The Indiana board shall, before May 1 of each
- 16 even-numbered year, report on the studies at a meeting of the
- 17 budget committee and submit a report on the studies to the
- 18 legislative services agency for distribution to the members of
- 19 the legislative council.
- 20 **Sec. 2. The division of data analysis shall:**
- 21 (1) conduct continuing studies in the areas in which the state
- 22 board of tax commissioners operates;
- 23 (2) make periodic field surveys and audits of tax rolls, plat
- 24 books, building permits, real estate transfers, gross income
- 25 tax returns, federal income tax returns, and other data that
- 26 may be useful in checking property valuations or taxpayer
- 27 returns;
- 28 (3) make test checks of property valuations to serve as the
- 29 bases for special reassessments ordered by the Indiana board
- 30 under chapter 7 of this article;
- 31 (4) conduct biennially a coefficient of dispersion study for
- 32 each township and county in the state;
- 33 (5) conduct quadrennially a sales assessment ratio study for
- 34 each township and county in the state;
- 35 (6) compute school assessment ratios under IC 6-1.1-34; and
- 36 (7) report annually to the executive director of the legislative
- 37 services agency the information obtained or determined by
- 38 the division of data analysis under this section.
- 39 **Sec. 3. To perform its duties, the division of data analysis may**
- 40 **do the following:**
- 41 (1) Request access to any local or state official records.
- 42 (2) Secure information from the federal government or from

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1 public or private agencies.

2 (3) Inspect a person's books, records, or property.

3 (4) Conduct a review of either all or a random sampling of
4 personal or real property assessments.

5 (5) Employ professional appraisal firms to assist in making
6 test checks of property valuations.

7 (6) Recommend changes in property tax administration.

8 (7) Use any other device or technique to equalize tax burdens
9 or to implement this chapter.

10 Sec. 4. Information that has been provided to the division of
11 data analysis by the federal government or by a public agency is
12 subject to the provider's rules and regulations, if any, that concern
13 the confidential nature of the information.

14 Chapter 7. Special Reassessments

15 Sec. 1. With respect to any township or county for any year, the
16 Indiana board may initiate a review to determine whether to order
17 a special reassessment under this chapter. The review may apply
18 to real property, personal property, or both.

19 Sec. 2. If the Indiana board determines under section 1 of this
20 chapter to initiate a review with respect to the real property within
21 a township or county, or a portion of the real property within a
22 township or county, the division of data analysis of the Indiana
23 board shall determine for the real property under consideration
24 and for the township or county the variance between:

25 (1) the total assessed valuation of the real property within the
26 township or county; and

27 (2) the total assessed valuation that would result if the real
28 property within the township or county were valued in the
29 manner provided by law.

30 Sec. 3. If the Indiana board determines under section 1 of this
31 chapter to initiate a review with respect to personal property
32 within a township or county, or a portion of the personal property
33 within a township or county, the division of data analysis of the
34 Indiana board shall determine for the personal property under
35 consideration and for the township or county the variance
36 between:

37 (1) the total assessed valuation of the personal property within
38 the township or county; and

39 (2) the total assessed valuation that would result if the
40 personal property within the township or county were valued
41 in the manner provided by law.

42 Sec. 4. The determination of the Indiana board under section 2

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1 or 3 of this chapter must be based on a statistically valid
2 assessment ratio study.

3 **Sec. 5.** If a determination of the Indiana board to order a special
4 reassessment under this chapter is based on a coefficient of
5 dispersion study, the Indiana board shall publish the coefficient of
6 dispersion study for the township or county in accordance with
7 IC 5-3-1-2(j).

8 **Sec. 6. (a) If:**

9 (1) the variance determined under section 2 or 3 of this
10 chapter exceeds twenty percent (20%); and

11 (2) the Indiana board determines after holding hearings under
12 section 7 of this chapter that a special reassessment should be
13 conducted;

14 the Indiana board shall contract for a special reassessment to be
15 conducted under this chapter to correct the valuation of the
16 property.

17 (b) If the variance determined under section 2 or 3 of this
18 chapter is twenty percent (20%) or less, the Indiana board shall
19 provide to the state board of tax commissioners notice of the
20 variance and the Indiana board's documentation of the variance.
21 The state board of tax commissioners shall determine whether to
22 correct the valuation of the property under:

23 (1) IC 6-1.1-4-9 and IC 6-1.1-4-10; or

24 (2) IC 6-1.1-14-10 and IC 6-1.1-14-11.

25 **Sec. 7. (a)** The Indiana board shall give notice by mail to a
26 taxpayer of a hearing concerning the Indiana board's intent to
27 cause the taxpayer's property to be reassessed under section 6(a)
28 of this chapter. The time fixed for the hearing must be at least ten
29 (10) days after the day the notice is mailed. The Indiana board may
30 conduct a single hearing under this section with respect to multiple
31 properties. The notice shall state:

32 (1) the time of the hearing;

33 (2) the location of the hearing; and

34 (3) that the purpose of the hearing is to hear taxpayers'
35 comments and objections with respect to the Indiana board's
36 intent to reassess property under this chapter.

37 (b) If the Indiana board determines after the hearing that
38 property should be reassessed under this chapter, the Indiana
39 board shall:

40 (1) cause the property to be reassessed under section 6(a) of
41 this chapter;

42 (2) mail a certified notice of its final determination to the

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1 county auditor of the county in which the property is located;
2 and

3 (3) notify the taxpayer by mail of its final determination.

4 (c) A reassessment may be made under this section only if the
5 notice of the final determination under subsection (b)(3) of this
6 chapter is given to the taxpayer within the same period prescribed
7 in IC 6-1.1-9-3 or IC 6-1.1-9-4.

8 **Sec. 8. If the Indiana board orders a special reassessment of**
9 **property under this chapter, the Indiana board shall forward the**
10 **bill for services of the reassessment contractor to the county**
11 **auditor, and the county shall pay the bill from the county**
12 **reassessment fund.**

13 **Chapter 8. Adoption of Rules**

14 **Sec. 1. (a) Subject to subsection (b), the Indiana board shall**
15 **adopt rules under IC 4-22-2 to govern the practice of**
16 **representatives in proceedings before the Indiana board under this**
17 **article.**

18 (b) A rule adopted under subsection (a) may not:

19 (1) restrict the ability of a representative to practice before
20 the Indiana board based on the fact that the representative is
21 not an attorney admitted to the Indiana bar; or

22 (2) restrict the admissibility of the written or oral testimony
23 of a representative or other witness before the Indiana board
24 based upon the manner in which the representative or other
25 witness is compensated.

26 (c) This subsection applies to a petition that is filed with the
27 Indiana board before the adoption of a rule under subsection (a)
28 that establishes new standards for:

29 (1) the presentation of evidence or testimony; or

30 (2) the practice of representatives.

31 **The Indiana board may not dismiss the petition solely for failure**
32 **to comply with the rule adopted under subsection (a) without**
33 **providing the petitioner an opportunity to present evidence,**
34 **testimony, or representation in compliance with the rule.**

35 SECTION 79. IC 6-6-5.5-12, AS ADDED BY P.L.181-1999,
36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 12. (a) This section applies to excise taxes
38 imposed by this chapter before March 1, ~~2001~~. **2002.**

39 (b) The excise tax imposed by this chapter is hereby determined to
40 be equivalent to an average property tax rate of six dollars (\$6) on each
41 one hundred dollars (\$100) of taxable value. For the purpose of
42 limitations on indebtedness of political or municipal corporations



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1 imposed by Article 13, Section 1 of the Constitution of the State of
 2 Indiana, commercial vehicles subject to tax under this chapter shall be
 3 deemed to be taxable property within each such political or municipal
 4 corporation where the owner resides as shown on the records of the
 5 bureau or where the commercial vehicle is based as shown on the
 6 records of the department. The assessed valuation of such vehicles
 7 shall be determined by multiplying the amount of the tax by one
 8 hundred (100) and dividing the product by six dollars (\$6).

9 (c) This section expires March 1, ~~2001~~: **2002**.

10 SECTION 80. IC 6-6-5.5-13, AS ADDED BY P.L.181-1999,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2000]: Sec. 13. (a) This section applies to excise taxes
 13 imposed by this chapter after February 28, ~~2001~~: **2002**.

14 (b) The excise tax imposed by this chapter is hereby determined to
 15 be equivalent to an average property tax rate of two dollars (\$2) on
 16 each one hundred dollars (\$100) of taxable value. For the purpose of
 17 limitations on indebtedness of political or municipal corporations
 18 imposed by Article 13, Section 1 of the Constitution of the State of
 19 Indiana, commercial vehicles subject to tax under this chapter shall be
 20 deemed to be taxable property within each such political or municipal
 21 corporation where the owner resides as shown on the records of the
 22 bureau or where the commercial vehicle is based, as shown on the
 23 records of the department. The assessed valuation of such vehicles
 24 shall be determined by multiplying the amount of the tax by one
 25 hundred (100) and dividing the product by two dollars (\$2).

26 SECTION 81. IC 8-3-1-4 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2001]: Sec. 4. In all proceedings by or before
 28 the department as provided in this chapter, and in all proceedings in
 29 any court in this state as provided in this chapter, the department and
 30 such courts shall receive in evidence all schedules of rates and charges
 31 and rules in force by such carriers in this state and filed with the
 32 department as provided in this chapter and of all such rates and rules
 33 as shall be adopted by the department or ordered observed by any court
 34 of this state as provided in this chapter without formal proof thereof
 35 being made, and the department and such courts shall likewise also
 36 receive in evidence the contents of all reports made to the department
 37 by such carriers as required in this chapter, and of all official and
 38 statistical reports and publications, published by the bureau of statistics
 39 in this state, or by the state board of tax commissioners, **by the Indiana**
 40 **board of tax review**, by the Interstate Commerce Commission, by the
 41 department having control of the federal census and of the United
 42 States commissioner of corporations, without formal



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1 proof being offered concerning authenticity.

2 SECTION 82. IC 33-3-5-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The tax court is
4 a court of limited jurisdiction. The tax court has exclusive jurisdiction
5 over any case that arises under the tax laws of this state and that is an
6 initial appeal of a final determination made by:

7 (1) the department of state revenue with respect to a listed tax (as
8 defined in IC 6-8.1-1-1); or

9 (2) the **state Indiana** board of tax **commissioners review**.

10 (b) The tax court also has:

11 (1) any other jurisdiction conferred by statute; and

12 (2) **exclusive jurisdiction over any case that was an initial**
13 **appeal initiated before July 1, 2001, of a final determination**
14 **made by the state board of tax commissioners.**

15 (c) The cases over which the tax court has exclusive original
16 jurisdiction are referred to as original tax appeals in this chapter. The
17 tax court does not have jurisdiction over a case unless:

18 (1) the case is an original tax appeal; or

19 (2) the tax court has otherwise been specifically assigned
20 jurisdiction by statute.

21 (d) A taxpayer that appeals to the tax court shall, at the time the
22 appeal is filed, elect to have all evidentiary hearings in the appeal
23 conducted in one (1) of the following counties:

24 (1) Allen County.

25 (2) Jefferson County.

26 (3) Lake County.

27 (4) Marion County.

28 (5) St. Joseph County.

29 (6) Vanderburgh County.

30 (7) Vigo County.

31 (e) A taxpayer that is an appellee in an appeal to the tax court shall,
32 within thirty (30) days after it receives notice of the appeal, elect to
33 have all evidentiary hearings in the appeal conducted in a county listed
34 in subsection (d).

35 (f) The tax court does not have jurisdiction over a case that is an
36 appeal from a final determination made by the department of state
37 revenue under IC 4-32 other than a final determination concerning the
38 gaming card excise tax established under IC 4-32-15.

39 SECTION 83. IC 33-3-5-11 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) A taxpayer who
41 wishes to initiate an original tax appeal must file a petition in the tax
42 court to set aside the final determination of the department of state



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1 revenue or the **state Indiana** board of tax **commissioners review**. If a
 2 taxpayer fails to comply with any statutory requirement for the
 3 initiation of an original tax appeal, the tax court does not have
 4 jurisdiction to hear the appeal.

5 (b) A taxpayer who wishes to enjoin the collection of a tax pending
 6 the original tax appeal must file a petition with the tax court to enjoin
 7 the collection of the tax. The petition must set forth a summary of:

8 (1) the issues that the petitioner will raise in the original tax
 9 appeal; and

10 (2) the equitable considerations for which the tax court should
 11 order the collection of the tax to be enjoined.

12 (c) After a hearing on the petition filed under subsection (b), the tax
 13 court may enjoin the collection of the tax pending the original tax
 14 appeal, if the tax court finds that:

15 (1) the issues raised by the original tax appeal are substantial;

16 (2) the petitioner has a reasonable opportunity to prevail in the
 17 original tax appeal; and

18 (3) the equitable considerations favoring the enjoining of the
 19 collection of the tax outweigh the state's interests in collecting the
 20 tax pending the original tax appeal.

21 (d) This section does not apply to a final determination of the
 22 department of state revenue under IC 4-32 other than a final
 23 determination concerning the gaming card excise tax established under
 24 IC 4-32-15.

25 SECTION 84. IC 33-3-5-12 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) The tax court
 27 shall establish a small claims docket for processing:

28 (1) claims for refunds from the department of state revenue that
 29 do not exceed five thousand dollars (\$5,000) for any year; and

30 (2) appeals of final determinations of assessed value made by the
 31 **state Indiana** board of tax **commissioners review** that do not
 32 exceed forty-five thousand dollars (\$45,000).

33 (b) The tax court shall adopt rules and procedures under which
 34 cases on the small claims docket are heard and decided.

35 SECTION 85. IC 33-3-5-14 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) With respect to
 37 determinations as to whether any issues or evidence may be heard in an
 38 original tax appeal **of a final determination of the department of**
 39 **state revenue or the Indiana board of tax review** that was not heard
 40 in the administrative hearing or proceeding, the tax court is governed
 41 by the law that applied before the creation of the tax court to appeals
 42 to trial courts of final determinations made by the department of state

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1 revenue and the state board of tax commissioners.

2 **(b) The tax court is governed by the law that applied before July**
 3 **1, 2001, to appeals to the tax court of final determinations made by**
 4 **the state board of tax commissioners with respect to:**

- 5 **(1) the standard of review for determining whether to reverse**
 6 **final determinations of the Indiana board of tax review; and**
 7 **(2) the burden of proof in the proceeding.**

8 **(c) Judicial review of disputed issues of fact in an original tax**
 9 **appeal of a final determination of the Indiana board of tax review**
 10 **must be confined to:**

- 11 **(1) the record of the proceeding before the Indiana board,**
 12 **including its division of appeals; and**
 13 **(2) any additional evidence taken under section 14.5 of this**
 14 **chapter.**

15 **The tax court may not try the cause de novo or, except as provided**
 16 **in subsections (a) and (b), substitute its judgment for that of the**
 17 **Indiana board, including its division of appeals. Judicial review is**
 18 **limited to only those issues raised before the Indiana board,**
 19 **including its division of appeals, or otherwise described by the**
 20 **Indiana board, including its division of appeals, in its final**
 21 **determination.**

22 **(d) A person may obtain judicial review of an issue that was not**
 23 **raised before the Indiana board of tax review only to the extent**
 24 **that the:**

- 25 **(1) issue concerns whether a person who was required to be**
 26 **notified of the commencement of a proceeding under this**
 27 **chapter was notified in substantial compliance with the**
 28 **applicable law; or**
 29 **(2) interests of justice would be served by judicial resolution**
 30 **of an issue arising from a change in controlling law occurring**
 31 **after the Indiana board's action.**

32 **SECTION 86. IC 33-3-5-14.5 IS ADDED TO THE INDIANA**
 33 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 34 **[EFFECTIVE JULY 1, 2001]: Sec. 14.5. (a) The tax court may**
 35 **receive evidence in addition to that contained in the record of the**
 36 **final determination of the Indiana board of tax review, including**
 37 **its division of appeals, only if it relates to the validity of the final**
 38 **determination at the time it was taken and is needed to decide**
 39 **disputed issues regarding one (1) or both of the following:**

- 40 **(1) Improper constitution as a decision making body or**
 41 **grounds for disqualification of those taking the agency action.**
 42 **(2) Unlawfulness of procedure or decision making process.**



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1 **(3) New issues raised by the Indiana board of tax review in its**
 2 **final determination.**

3 **This subsection applies only if the additional evidence could not, by**
 4 **due diligence, have been discovered and raised in the**
 5 **administrative proceeding giving rise to a proceeding for judicial**
 6 **review.**

7 **(b) The tax court may remand a matter to the Indiana board of**
 8 **tax review before final disposition of a petition for review with**
 9 **directions that the Indiana board or its division of appeals, as**
 10 **appropriate, conduct further factfinding or that the Indiana board**
 11 **or its division of appeals, as appropriate, prepare an adequate**
 12 **record, if:**

13 **(1) the Indiana board or its division of appeals failed to**
 14 **prepare or preserve an adequate record;**

15 **(2) the Indiana board or its division of appeals improperly**
 16 **excluded or omitted evidence from the record; or**

17 **(3) a relevant law changed after the action of the Indiana**
 18 **board or its division of appeals and the tax court determines**
 19 **that the new provision of law may control the outcome.**

20 **(c) This subsection applies if the record for a judicial review**
 21 **prepared under IC 6-1.1-15-6 contains an inadequate record of a**
 22 **site inspection. Rather than remand a matter under subsection (b),**
 23 **the tax court may take additional evidence not contained in the**
 24 **record relating only to observations and other evidence collected**
 25 **during a site inspection conducted by a hearing officer or other**
 26 **employee of the Indiana board of tax review. The evidence may**
 27 **include the testimony of a hearing officer only for purposes of**
 28 **verifying or rebutting evidence regarding the site inspection that**
 29 **is already contained in the record.**

30 SECTION 87. IC 33-3-5-15 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) The tax court
 32 shall render its decisions in writing.

33 (b) A decision of the tax court remanding the matter of assessment
 34 of property under IC 6-1.1-15-8 to the ~~state~~ **Indiana** board of tax
 35 ~~commissioners review~~ shall specify the issues on remand on which the
 36 ~~state Indiana~~ board of tax ~~commissioners~~ is to act.

37 (c) The decisions of the tax court may be appealed directly to the
 38 supreme court.

39 SECTION 88. IC 36-1-15-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE MARCH 1, 2002]: Sec. 2. It is the intent of
 41 the general assembly that the amount of debt incurred by a political
 42 subdivision after February 28, ~~2001~~, **2002**, not exceed, in the aggregate,



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1 the amount of debt that the political subdivision could have incurred
2 under:

- 3 (1) Article 13, Section 1 of the Constitution of the State of
4 Indiana; and
5 (2) any statute imposing an assessed value limitation on the
6 aggregate amount of bonds that a political subdivision may issue;
7 if property were assessed at thirty-three and one-third percent (33.33%)
8 of true tax value.

9 SECTION 89. IC 36-2-5-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The county
11 fiscal body shall fix the compensation of officers, deputies, and other
12 employees whose compensation is payable from the county general
13 fund, county highway fund, county health fund, county park and
14 recreation fund, aviation fund, or any other fund from which the county
15 auditor issues warrants for compensation. This includes the power to:

- 16 (1) fix the number of officers, deputies, and other employees;
17 (2) describe and classify positions and services;
18 (3) adopt schedules of compensation; and
19 (4) hire or contract with persons to assist in the development of
20 schedules of compensation.

21 **(b) The county fiscal body shall fix the compensation of a county
22 assessor who has attained a level two certification under
23 IC 6-1.1-35.5 at an amount that is one thousand dollars (\$1,000)
24 more than the compensation of an assessor who has not attained a
25 level two certification. The county fiscal body shall fix the
26 compensation of a county or township deputy assessor who has
27 attained a level two certification under IC 6-1.1-35.5 at an amount
28 that is five hundred dollars (\$500) more than the compensation of
29 a county or township deputy assessor who has not attained a level
30 two certification.**

31 (c) Notwithstanding subsection (a), the board of each local health
32 department shall prescribe the duties of all its officers and employees,
33 recommend the number of positions, describe and classify positions
34 and services, adopt schedules of compensation, and hire and contract
35 with persons to assist in the development of schedules of
36 compensation.

37 (e) (d) This section does not apply to community corrections
38 programs (as defined in IC 11-12-1-1 and IC 35-38-2.6-2).

39 SECTION 90. IC 36-2-7-13 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The county
41 fiscal body may grant to the county assessor, in addition to the
42 compensation fixed under IC 36-2-5, a per diem for each day that the



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1 assessor is engaged in general reassessment activities, **including**
 2 **service on the county land valuation commission.** This section
 3 applies regardless of whether professional assessing services are
 4 provided under a contract to one (1) or more townships in the county.

5 SECTION 91. IC 36-4-10-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section
 7 applies to second class cities.

8 (b) The fiscal officer is the head of the city department of finance.
 9 The fiscal officer shall do the following:

10 (1) Prescribe the form of reports and accounts to be submitted to
 11 the department.

12 (2) Sign and issue all warrants on the city treasury.

13 (3) Audit and revise all accounts and trusts in which the city is
 14 concerned.

15 (4) Keep separate accounts for each item of appropriation made
 16 for each city department, including a statement showing the
 17 amount drawn on each appropriation, the unpaid contracts
 18 charged against it, and the balance remaining.

19 (5) At the end of each fiscal year, submit under oath to the city
 20 legislative body a report of the accounts of the city published in
 21 pamphlet form and showing revenues, receipts, expenditures, and
 22 the sources of revenues.

23 (6) Maintain custody of the records of the department and turn
 24 them over to the fiscal officer's successor in office.

25 (7) Perform duties prescribed by statute concerning the
 26 negotiation of city bonds, notes, and warrants.

27 (8) Keep a register of bonds of the city and of transfers of those
 28 bonds.

29 (9) Manage the finances and accounts of the city and make
 30 investments of city money, subject to the ordinances of the
 31 legislative body.

32 (10) Issue city licenses on payment of the license fee.

33 (11) Collect fees as fixed by ordinance.

34 (12) Pay into the city treasury, once each week, all fees and other
 35 city money collected by the department during the preceding
 36 week, specifying the source of each item.

37 (13) Prescribe payroll and account forms for all city offices.

38 (14) Prescribe the manner in which salaries shall be drawn.

39 (15) Prescribe the manner in which creditors, officers, and
 40 employees shall be paid.

41 (16) Provide that all salaries are payable monthly, unless the
 42 legislative body establishes more frequent payments.



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1 (17) Notify the city executive of the failure of any city officer to
 2 collect money due the city or to pay city money into the city
 3 treasury.

4 (18) Draw warrants on the city treasury for miscellaneous city
 5 expenditures not made under the direction of a department and
 6 not specifically fixed by statute.

7 **(19) Examine for proper form concerning city taxes the tax**
 8 **duplicates held by the county auditor and county treasurer.**

9 SECTION 92. IC 36-6-8-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When
 11 performing the real property reassessment duties prescribed by
 12 IC 6-1.1-4, ~~an elected~~ a township assessor may receive per diem
 13 compensation, in addition to salary, at a rate fixed by the county fiscal
 14 body, for each day that he is engaged in reassessment activities,
 15 **including service on the county land valuation commission.**

16 (b) Subsection (a) applies regardless of whether professional
 17 assessing services are provided to a township under contract.

18 SECTION 93. [EFFECTIVE JULY 1, 2000] **(a) IC 6-1.1-1-3, as**
 19 **amended by this act, and all changes in tax rates, deductions, and**
 20 **limits on indebtedness made by this act apply only to budget years**
 21 **and property taxes first due and payable after December 31, 2002.**
 22 **Notwithstanding P.L.6-1997, the effective date for each of the**
 23 **following SECTIONS of P.L.6-1997 is March 1, 2002, instead of**
 24 **March 1, 2001:**

25 **SECTIONS 2 through 3;**
 26 **SECTIONS 46 through 52;**
 27 **SECTIONS 57 through 58;**
 28 **SECTIONS 81 through 83;**
 29 **SECTIONS 85 through 86;**
 30 **SECTIONS 127 through 188;**
 31 **SECTIONS 193 through 201; and**
 32 **SECTIONS 208 through 238.**

33 **(b) For the purpose of computing:**
 34 **(1) the assessed value growth quotient under IC 6-1.1-18.5-2;**
 35 **and**
 36 **(2) any other value that requires the use of an assessed value**
 37 **from a date before March 1, 2002;**

38 **for a budgetary appropriation, state distribution, or property tax**
 39 **levy first due and payable after December 31, 2002, the assessed**
 40 **value from a date before March 1, 2002, must first be increased**
 41 **from thirty-three and thirty-three hundredths percent (33.33%) of**
 42 **true tax value to one hundred percent (100%) of true tax value**



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1 before the computation is made.

2 (c) For the purpose of computing:

3 (1) a tax rate under IC 6-1.1-19-1.5; and

4 (2) any other value that requires the use of a tax rate from a
5 date before March 1, 2002;

6 for a budgetary appropriation, state distribution, or property tax
7 levy first due and payable after December 31, 2002, a tax rate from
8 a date before January 1, 2003, must first be reduced by dividing
9 the tax rate by three (3) before the computation is made.

10 (d) The state board of tax commissioners shall adjust the tax
11 rates of all taxing units to eliminate the effects of changing assessed
12 values from thirty-three and thirty-three hundredths percent
13 (33.33%) of true tax value to one hundred percent (100%) of true
14 tax value.

15 (e) If a maximum property tax rate has not been adjusted by
16 P.L.6-1997 or another act to eliminate the effects of changing
17 assessed values from thirty-three and thirty-three hundredths
18 percent (33.33%) of true tax value to one hundred percent (100%)
19 of true tax value, the state board of tax commissioners shall adjust
20 the maximum tax rate to eliminate the effects of changing assessed
21 values from thirty-three and thirty-three hundredths percent
22 (33.33%) of true tax value to one hundred percent (100%) of true
23 tax value.

24 (f) The state board of tax commissioners shall prepare the initial
25 schedule of adjusted assessed values for all political subdivisions
26 under IC 36-1-15 not later than July 1, 2002.

27 (g) It is the intent of the general assembly that all adjustments
28 necessary to implement IC 6-1.1-1-3, as amended by this act, be
29 made without raising the revenues available to governmental units
30 more than would have occurred if this act were not enacted. The
31 state board of tax commissioners shall provide fiscal officers in the
32 taxing units, assessing officials, and members of the board of tax
33 adjustment with instructions on how to implement this SECTION.

34 (h) The state board of tax commissioners shall submit
35 recommendations before November 1, 2000, to the executive
36 director of the legislative services agency concerning any
37 legislation needed to implement the changes described in this
38 SECTION.

39 (i) If an assessed value limitation on the aggregate amount of
40 bonds that a political subdivision may issue has not been adjusted
41 by P.L.6-1997 to eliminate the effects of changing assessed values
42 from thirty-three and thirty-three hundredths percent (33.33%) of



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1 true tax value to one hundred percent (100%) of true tax value, the
 2 state board of tax commissioners shall adjust the assessed value
 3 limitation to eliminate the effects of changing assessed values from
 4 thirty-three and thirty-three hundredths percent (33.33%) of true
 5 tax value to one hundred percent (100%) of true tax value.

6 (j) The state board of tax commissioners shall, if necessary to
 7 protect owners of bonds payable in whole or in part from tax
 8 increment, adjust the base assessed value to neutralize the effect of
 9 changing assessed values under this act from thirty-three and
 10 thirty-three hundredths percent (33.33%) of true tax value to one
 11 hundred percent (100%) of true tax value under the following
 12 statutes:

- 13 (1) IC 6-1.1-39;
- 14 (2) IC 8-22-3.5;
- 15 (3) IC 36-7-14;
- 16 (4) IC 36-7-14.5;
- 17 (5) IC 36-7-15.1; and
- 18 (6) IC 36-7-30.

19 SECTION 94. [EFFECTIVE UPON PASSAGE] (a) The
 20 commission on state tax and financing policy (IC 2-5-3) shall study
 21 the issue of annual adjustments to the true tax values of real
 22 property in Indiana and the need for periodic physical inspections
 23 of real property. The commission may recommend to the general
 24 assembly any statutory changes necessary or desirable to
 25 implement a system for making annual adjustments and any
 26 changes to the laws governing general reassessments when an
 27 annual adjustment system is in place.

28 (b) This SECTION expires January 1, 2002.

29 SECTION 95. [EFFECTIVE UPON PASSAGE] (a) IC 6-1.1-3-7.5,
 30 IC 6-1.1-15-1, IC 6-1.1-15-4, IC 6-1.1-15-5, IC 6-1.1-15-9, and
 31 IC 6-1.1-16-1, all as amended by this act, apply to property taxes
 32 first due and payable after December 31, 2000.

33 (b) IC 6-1.1-10-16, as amended by this act, applies to property
 34 taxes first due and payable after December 31, 2001.

35 (c) IC 6-1.1-26-5, as amended by this act, applies to refunds on
 36 refund claims filed after June 30, 2000.

37 SECTION 96. [EFFECTIVE UPON PASSAGE] (a) The definitions
 38 in IC 6-1.1-1 apply throughout this SECTION.

39 (b) As used in this SECTION, "board" refers to the state board
 40 of tax commissioners.

41 (c) As used in this SECTION:

- 42 (1) "Next general reassessment" means the general

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1 reassessment of real property to be completed under
2 IC 6-1.1-4-4 on or before March 1, 2002.

3 (2) "1997 cost tables" means the cost tables for real property
4 other than land that were:

5 (A) developed under a contract between the board and a
6 company that evaluates real property costs;

7 (B) based on January 1, 1997, costs;

8 (C) written with definitions of some of the models for the
9 assessment of real property improvements different from
10 the models used in the rule that applied to the general
11 reassessment under IC 6-1.1-4-4 for the March 1, 1995
12 assessment date, and with the addition and deletion of
13 some models; and

14 (D) provided to the board by the company for use in the
15 rules for the appraisal of real property in the general
16 reassessment that was scheduled to begin July 1, 1997
17 (before the general reassessment was canceled under
18 P.L.6-1997, SECTION 242).

19 (3) "Reassessment rule" means the rule that the board adopts
20 under IC 6-1.1-31-9(a) for the next general reassessment.

21 (d) Notwithstanding IC 6-1.1-31-9(a), the board shall adopt the
22 reassessment rule before June 30, 2000.

23 (e) The board shall contract with the company that developed
24 the 1997 cost tables to update the 1997 cost tables to 1999 costs
25 using objectively verifiable data based on nationally recognized
26 evaluations of costs of real property. The board shall use the
27 updated costs in the reassessment rule.

28 (f) The board shall contract with the company that developed
29 the 1997 cost tables for the development of tables to be used for the
30 determination of physical depreciation in the appraisal of real
31 property other than land in the next general reassessment. The
32 board shall use the updated tables in the reassessment rule. The
33 tables shall:

34 (1) be based on objectively verifiable data; and

35 (2) incorporate consideration of the following characteristics
36 of the real property:

37 (A) Condition.

38 (B) Quality of construction.

39 (C) Age.

40 (g) The board shall include in the reassessment rule
41 ascertainable standards for the application of assessment
42 procedures and methodology as required in applicable court



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1 decisions.

2 (h) Except for the differences identified in subsections (e), (f),
3 and (g), the board shall, to the extent possible, retain in the
4 reassessment rule the elements of real property appraisal
5 procedures and methodology incorporated in the rule that applied
6 to the general reassessment of real property as of the March 1,
7 1995 assessment date.

8 (i) The board shall incorporate in the reassessment rule the
9 changes in the standards with respect to the adoption of rules by
10 the board under IC 6-1.1-31-6, as amended by this act, and the
11 determination of assessed value under SECTION 93 of this act.

12 (j) This SECTION expires July 1, 2002.

13 SECTION 97. [EFFECTIVE UPON PASSAGE] (a) A committee
14 is established to review the progress and impact of the
15 reassessment scheduled to be completed under IC 6-1.1-4-4 on or
16 before March 1, 2002. The committee consists of:

- 17 (1) the commissioners of the state board of tax commissioners;
18 (2) two (2) township assessors; and
19 (3) two (2) county assessors.

20 (b) The president pro tempore of the Indiana senate and the
21 speaker of the Indiana house of representatives shall each
22 designate one (1) township assessor and one (1) county assessor
23 member of the committee. The township assessor members of the
24 committee may not belong to the same political party. The county
25 assessor members of the committee may not belong to the same
26 political party.

27 (c) The committee established under subsection (a) shall compile
28 four (4) written reports covering the status of the general
29 reassessment. Each report must include the following:

- 30 (1) The increases in assessments of the various types of real
31 property.
32 (2) The number and percentage of parcels completed by the
33 end of the month before the report is due.
34 (3) Positive feedback and problems occurring in the general
35 reassessment, including whether the reassessment of the
36 percentage of parcels required under IC 6-1.1-4-21 has been
37 accomplished and, if not, a plan for meeting the schedule.

38 (d) The committee shall deliver a report to the legislative
39 services agency on or before December 1, 2000, March 1, 2001,
40 July 1, 2001, and December 31, 2001, for distribution to the
41 members of the legislative council.

42 (e) The township assessor and county assessor members of the



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1 committee shall, before March 1, 2001, deliver a report to the state
2 board of tax commissioners advising the state board on means to:

3 (1) obtain complete information on sales disclosure forms
4 under IC 6-1.1-5.5; and

5 (2) enforce the filing of correctly completed forms.

6 (f) When performing duties under this SECTION, the township
7 assessor and county assessor members of the committee may
8 receive per diem compensation, in addition to salary, at a rate fixed
9 by the state board of tax commissioners, for each day of service on
10 the committee.

11 SECTION 98. [EFFECTIVE UPON PASSAGE] (a) As used in this
12 SECTION, "board" refers to the state board of tax commissioners.

13 (b) This SECTION applies to a special reassessment previously
14 ordered by the board of all real property in a county with a
15 population of more than four hundred thousand (400,000) but less
16 than seven hundred thousand (700,000).

17 (c) The reassessment shall be completed before March 1, 2001.

18 (d) Notwithstanding any other law or judicial decision, the
19 board shall conduct the reassessment. The board may contract
20 with a third party to conduct the reassessment and may delegate
21 to the contractor the board's powers with respect to any duty or
22 responsibility of the board in conducting the reassessment. The
23 board shall consult with local assessing officials to determine what
24 assistance, if any, the local assessing officials shall provide to
25 conduct the reassessment.

26 (e) The board shall forward the bill for the cost of the
27 reassessment to the county auditor and the county shall pay the
28 expenses pursuant to IC 6-1.1-4-29.

29 SECTION 99. [EFFECTIVE JULY 1, 2001] (a) A petition for
30 review to the state board of tax commissioners under IC 6-1.1-15-3
31 with respect to which the state board has not issued a final
32 determination before July 1, 2001, is transferred from the state
33 board to the Indiana board of tax review on July 1, 2001.

34 (b) The state board of tax commissioners shall transfer by
35 August 1, 2001, the records relating to each petition for review
36 under this SECTION.

37 (c) This SECTION expires January 1, 2002.

38 SECTION 100. [EFFECTIVE JULY 1, 2001] (a) The Indiana
39 board of tax review shall conduct coefficient of dispersion and sales
40 assessment ratio studies under IC 6-1.5-6 that apply to the 2002
41 assessment year.

42 (b) This SECTION expires January 1, 2003.

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1 SECTION 101. [EFFECTIVE UPON PASSAGE] (a)
 2 Notwithstanding IC 6-1.1-4-27, as amended by this act, with
 3 respect to the reassessment fund established for the general
 4 reassessment to be completed on or before March 1, 2002, under
 5 IC 6-1.1-4-4, as amended by this act, the state board of tax
 6 commissioners may approve a levy under IC 6-1.1-4-27 for
 7 property taxes due in 2001 if the state board determines it is
 8 appropriate because the estimated cost of the general reassessment
 9 has changed.

10 (b) This SECTION expires January 1, 2002.

11 SECTION 102. [EFFECTIVE JULY 1, 2001] Notwithstanding
 12 IC 33-3-5-2, as amended by this act, the tax court has exclusive
 13 jurisdiction over any case that arises under the tax laws of this
 14 state and that is an initial appeal initiated after July 1, 2001, of a
 15 final determination made by the state board of tax commissioners
 16 if the following apply:

17 (1) The tax court would have had jurisdiction over the case if
 18 the appeal had been initiated before July 1, 2001.

19 (2) This act does not provide that the final determination is
 20 subject to appeal to the Indiana board of tax review.

21 SECTION 103. THE FOLLOWING ARE REPEALED
 22 [EFFECTIVE UPON PASSAGE]: IC 6-1.1-4-13.6; IC 6-1.1-12.1-5.8;
 23 IC 6-1.1-30-9.

24 SECTION 104. THE FOLLOWING ARE REPEALED
 25 [EFFECTIVE JULY 1, 2001]: IC 6-1.1-15-4; IC 6-1.1-15-5;
 26 IC 6-1.1-15-6; IC 6-1.1-15-9; IC 6-1.1-15-12; IC 6-1.1-33;
 27 IC 6-1.1-37-11.

28 SECTION 105. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) The state board of tax commissioners shall adopt rules establishing a system for annually adjusting the assessed value of real property to account for changes in value in those years since a general reassessment of property last took effect.**

(b) The system must be applied to adjust assessed values beginning with the 2004 assessment date and each year thereafter that is not a year in which a reassessment becomes effective.

(c) The system must have the following characteristics:

(1) Promote uniform and equal assessment of real property within and across classifications.

(2) Apply all objectively verifiable factors used in mass valuation techniques that are reasonably expected to affect the value of real property in Indiana.

(3) Prescribe as many adjustment percentages and whatever categories of percentages the board finds necessary to achieve objectively verifiable updated just valuations of real property. An adjustment percentage for a particular classification may be positive or negative.

(4) Prescribe procedures, including computer software programs, that permit the application of the adjustment percentages in an efficient manner by assessing officials."

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-5.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 4. A person filing a sales disclosure form under this chapter shall pay a fee of five dollars (\$5) to the county auditor. Eighty percent (80%) of the revenue shall be deposited in the county ~~general fund~~ sales disclosure fund established under section 4.5 of this chapter.** Twenty percent (20%) of the revenue shall be transferred to the state treasurer for deposit in the state ~~general fund~~ **assessment training fund established under section 4.7 of this chapter.**

SECTION 5. IC 6-1.1-5.5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2000]: **Sec. 4.5.** The county treasurer of each county shall establish a sales disclosure fund. The treasurer shall deposit into the fund the money received under section 4 of this chapter. Money in the fund may be expended only for the administration of this chapter and the verification of the information contained on a sales disclosure form.

SECTION 6. IC 6-1.1-5.5-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 4.7.** (a) The assessment training fund is established for the purpose of receiving fees deposited under section 4 of this chapter for the training of assessment officials and employees of the state board of tax commissioners. The fund shall be administered by the treasurer of state.

(b) The expenses of administering the fund shall be paid from money in the fund.

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

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

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JANUARY 1, 2000] (a) An assessing official is not required to issue a notice of change to a taxpayer's assessment (a state board of tax commissioner's Form 11) as a result of changing the definition of assessed value from one-third (1/3) of the true tax value of property to one hundred percent (100%) of the true tax value under P.L.6-1997. A taxpayer may not appeal an assessment on the basis that the assessed value of the property has increased as a result of the change in the definition of assessed value under P.L.6-1997, or that no Form 11 notice was issued.

(b) This SECTION expires December 31, 2002.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) The treasurer of state shall transfer five hundred thousand dollars (\$500,000) from the state's share of the fees collected under IC 6-1.1-5.5 to the assessment training fund established under IC 6-1.1-5.5-4.7, as added by this act.

(b) This SECTION expires June 30, 2001."



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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1005 as introduced.)

BAUER, Chair

Committee Vote: yeas 23, nays 2.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred House Bill No. 1005, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The ~~state~~ **Indiana** board of tax ~~commissioners~~ **review** shall prepare and publish each year the following report which must contain the following property tax data by counties or by appropriate taxing jurisdictions:

- (1) The tax rates of the various taxing jurisdictions.
- (2) An abstract of taxable real property including a recital of the number of parcels and the gross assessed valuation of nonfarm residential property including improvements thereon, the number of parcels and the gross assessed valuation of commercial and industrial real property, including improvements thereon, the number of parcels and the gross assessed valuation of unimproved real property, the number of parcels and the gross assessed valuation of agricultural acreage including improvements thereon, the total amount of the gross assessed valuation of real estate and the total assessed valuation of improvements thereon. The abstract shall also include a recital of the total amount of net valuation of real property.
- (3) The total assessed valuation of personal property belonging to steam and electric railways and to public utilities.
- (4) The total number of taxpayers and the total assessed valuation of household goods and personal effects, excluding boats subject to the boat excise tax under IC6-6-11.
- (5) The total number of units assessed and the assessed valuation of each of the following items of personal property:
 - (A) Privately owned, noncommercial passenger cars.
 - (B) Commercial passenger cars.
 - (C) Trucks and tractors.
 - (D) Motorcycles.
 - (E) Buses.
 - (F) Mobile homes.
 - (G) Boats.
 - (H) Airplanes.
 - (I) Farm machinery.

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(J) Livestock.

(K) Crops.

(6) The total number of taxpayers and the total valuation of inventories and other personal property belonging to retail establishments, wholesale establishments, manufacturing establishments, and commercial establishments.

(b) The ~~state Indiana~~ board of tax ~~commissioners review~~ is hereby authorized to prescribe and promulgate the forms as are necessary for the obtaining of such information from local assessing officials. The local assessing officials are directed to comply with this section.

SECTION 2. IC 4-10-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The manner of publication of any of the reports as herein required shall be prescribed by the state budget committee, and the cost of publication shall be paid from funds appropriated to such state agencies and allocated by the state budget committee to such agencies for such purpose.

(b) A copy of such reports shall be presented to the governor, the ~~state Indiana~~ board of tax ~~commissioners review~~, the state budget committee, the commission on state tax and financing policy, the Indiana legislative advisory commission, and to any other state agency that may request a copy of such reports.

SECTION 3. IC 4-21.5-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) This article does not apply to any of the following agencies:

- (1) The governor.
- (2) The state board of accounts.
- (3) The state educational institutions (as defined by IC 20-12-0.5-1).
- (4) The department of workforce development.
- (5) The unemployment insurance review board of the department of workforce development.
- (6) The worker's compensation board.
- (7) The military officers or boards.
- (8) The Indiana utility regulatory commission.
- (9) The department of state revenue (excluding an agency action related to the licensure of private employment agencies).
- (10) The state board of tax commissioners.

(11) The Indiana board of tax review.

(b) This article does not apply to action related to railroad rate and tariff regulation by the Indiana department of transportation.

SECTION 4. IC 4-22-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not



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apply to the following:

- (1) Rules adopted by the department of state revenue.
- (2) Rules adopted by the state board of tax commissioners **or the Indiana board of tax review.**
- (3) Rules adopted under IC 13-14-9 by the department of environmental management or a board that has rulemaking authority under IC 13.
- (4) A rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions.

SECTION 5. IC 5-14-1.5-5, AS AMENDED BY P.L.251-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda.

(b) Public notice shall be given by the governing body of a public agency by:

- (1) posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held; and
- (2) depositing in the United States mail with postage prepaid or by delivering notice to all news media which deliver by January 1 an annual written request for such notices for the next succeeding calendar year to the governing body of the public agency. If a governing body comes into existence after January 1, it shall comply with this subdivision upon receipt of a written request for notice.

In addition, a state agency (as defined in IC 4-13-1-1) shall provide electronic access to the notice through the computer gateway administered by the intelenet commission under IC 5-21-2.

(c) Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed. This subsection does not apply to executive sessions.

(d) If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened

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disruption of the governmental activity under the jurisdiction of the public agency by any event, then the time requirements of notice under this section shall not apply, but:

(1) news media which have requested notice of meetings must be given the same notice as is given to the members of the governing body; and

(2) the public must be notified by posting a copy of the notice according to this section.

(e) This section shall not apply where notice by publication is required by statute, ordinance, rule, or regulation.

(f) This section shall not apply to:

(1) the state board of tax commissioners, **the Indiana board of tax review**, or any other governing body which meets in continuous session, except that this section applies to meetings of these governing bodies which are required by or held pursuant to statute, ordinance, rule, or regulation; or

(2) the executive of a county or the legislative body of a town if the meetings are held solely to receive information or recommendations in order to carry out administrative functions, to carry out administrative functions, or confer with staff members on matters relating to the internal management of the unit. "Administrative functions" do not include the awarding of contracts, the entering into contracts, or any other action creating an obligation or otherwise binding a county or town.

(g) This section does not apply to the general assembly.

(h) Notice has not been given in accordance with this section if a governing body of a public agency convenes a meeting at a time so unreasonably departing from the time stated in its public notice that the public is misled or substantially deprived of the opportunity to attend, observe, and record the meeting.

SECTION 6. IC 6-1.1-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. "Assessed value" or "assessed valuation" means an amount equal to:

(1) for assessment dates before March 1, ~~2001~~, **2002**, thirty-three and one-third percent (33 1/3%) of the true tax value of property; and

(2) for assessment dates after February 28, ~~2001~~, **2002**, the true tax value of property."

Page 1, line 4, reset in roman "1999,".

Page 1, line 4, delete "2001,".

Page 1, line 4, strike "and each fourth".

Page 1, line 5, strike "year thereafter. Each reassessment ".

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Page 1, line 6, strike "of the immediately following odd-numbered year," and insert ", 2002,".

Page 1, line 7, strike "the year following the year in which the".

Page 1, line 8, strike "general assessment is to be completed." and insert "2003.".

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"(b) A general reassessment, involving a physical inspection of all real property in Indiana, shall begin July 1, 2004, and every fourth year thereafter. Each reassessment shall be completed on or before March 1 of the immediately following even-numbered year and shall be the basis for taxes payable in the year following the year in which the general assessment is to be completed."

Page 1, line 9, delete "(b)" and insert "(c)".

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-3-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7.5. (a) A taxpayer may file an amended personal property tax return, in conformity with the rules adopted by the state board of tax commissioners, not more than six (6) months after the later of the following:

- (1) The filing date for the original personal property tax return, if the taxpayer is not granted an extension in which to file under section 7 of this chapter.
- (2) The extension date for the original personal property tax return, if the taxpayer is granted an extension under section 7 of this chapter.

(b) A tax adjustment related to an amended personal property tax return shall be made in conformity with rules adopted under IC 4-22-2 by the state board of tax commissioners.

(c) A taxpayer may claim on an amended personal property tax return any adjustment or exemption that would have been allowable under any statute or rule adopted by the state board of tax commissioners if the adjustment or exemption had been claimed on the original personal property tax return.

SECTION 9. IC 6-1.1-4-13.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 13.8. (a) As used in this section, "commission" refers to a county land valuation commission established under subsection (b).

(b) A county land valuation commission is established in each county for the purpose of determining the value of commercial, industrial, and residential land (including farm homesites) in the county.



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- (c) **The county assessor is chairperson of the commission.**
- (d) **The following are members of the commission:**
- (1) **The county assessor.**
 - (2) **Each township assessor, when the respective township land values for that township assessor's township are under consideration. A township assessor serving under this subdivision shall vote on all matters relating to the land values of that township assessor's township.**
 - (3) **One (1) township assessor from the county to be appointed by a majority vote of all the township assessors in the county. The county assessor shall cast a vote only to break a tie.**
 - (4) **One (1) county resident who:**
 - (A) **holds a license under IC 25-34.1-3 as a salesperson or broker; and**
 - (B) **is appointed by:**
 - (i) **the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city ; or**
 - (ii) **the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).**
 - (5) **Four (4) individuals who:**
 - (A) **are appointed by the county executive (as defined in IC 36-1-2-5); and**
 - (B) **represent one (1) of the following four (4) kinds of land in the county:**
 - (i) **Agricultural.**
 - (ii) **Commercial.**
 - (iii) **Industrial.**
 - (iv) **Residential.**

Each of the four (4) kinds of land in the county must be represented by one (1) individual appointed under this subdivision.
 - (6) **One (1) individual who:**
 - (A) **represents financial institutions in the county; and**
 - (B) **is appointed by:**
 - (i) **the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or**
 - (ii) **the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).**
- (e) **The term of each member of the commission begins November 1, two (2) years before the general reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year the general reassessment begins under IC 6-1.1-4-4. The appointing authority**



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may fill a vacancy for the remainder of the vacated term.

(f) The commission shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the state board of tax commissioners. Not later than November 1 of the year preceding the year in which a general reassessment begins, the commission determining the values of land shall submit the values, all data supporting the values, and all information required under rules of the state board of tax commissioners relating to the determination of land values to the county property tax assessment board of appeals and the Indiana board of tax review. Not later than January 1 of the year in which a general reassessment begins, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 of the year preceding the year in which the general reassessment begins and before January 1 of the year in which the general reassessment under IC 6-1.1-4-4 begins.

(g) The county property tax assessment board of appeals shall review the values, data, and information submitted under subsection (f) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the boundaries of the county with the county property tax assessment boards of appeals of the adjacent counties using the procedures adopted by rule under IC 4-22-2 by the state board of tax commissioners. If the commission fails to submit land values under subsection (f) to the county property tax assessment board of appeals before January 1 of the year the general reassessment under IC 6-1.1-4-4 begins, the county property tax assessment board of appeals shall determine the values.

(h) The county property tax assessment board of appeals shall give notice to the county and township assessors of its decision on the values. The notice must be given before March 1 of the year the general reassessment under IC 6-1.1-4-4 begins. Within twenty (20) days after that notice, the county assessor or a township assessor in the county may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals shall hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

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(i) Within twenty (20) days after notice to the county and township assessor is given under subsection (h), a taxpayer may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals may hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(j) A taxpayer may appeal the value determined under this section as applied to the taxpayer's land as part of an appeal filed under IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a taxpayer that files an appeal under IC 6-1.1-15 requests the values, data, or information received by the county property tax assessment board of appeals under subsection (f), the county property tax assessment board of appeals shall satisfy the request. The Indiana board of tax review may modify the taxpayer's land value and the value of any other land in the township, the county where the taxpayer's land is located, or the adjacent county if the state board of tax commissioners determines it is necessary to provide uniformity and equality.

(k) The county assessor shall notify all township assessors in the county of the values as determined by the commission and as modified by the county property tax assessment board of appeals or state board under this section. Township assessors shall use the values determined under this section.

SECTION 10. IC 6-1.1-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) Subject to the approval of the ~~state~~ **Indiana** board of tax ~~commissioners~~ **review** and the requirements of section 18(a) of this chapter, a:

- (1) township assessor; or
- (2) group consisting of the county assessor and the township assessors in a county;

may employ professional appraisers as technical advisors.

(b) After notice to the county assessor and all township assessors in the county, a majority of the assessors authorized to vote under this subsection may vote to:

- (1) employ a professional appraiser to act as a technical advisor in the county during a general reassessment period;
- (2) appoint an assessor or a group of assessors to:
 - (A) enter into and administer the contract with a professional appraiser employed under this section; and
 - (B) oversee the work of a professional appraiser employed under this section.



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Each township assessor and the county assessor has one (1) vote. A decision by a majority of the persons authorized to vote is binding on the county assessor and all township assessors in the county. Subject to the limitations contained in section 18(a) of this chapter, the assessor or assessors appointed under subdivision (2) may contract with a professional appraiser employed under this section to supply technical advice during a general reassessment period for all townships in the county. A proportionate part of the appropriation to all townships for assessing purposes shall be used to pay for the technical advice.

(c) As used in this chapter, "professional appraiser" means an individual or firm that is certified under IC 6-1.1-31.7.

SECTION 11. IC 6-1.1-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) A township assessor, a group of township assessors, or the county assessor may not utilize the services of a professional appraiser for assessment or reassessment purposes without a written contract. The contract used must be either a standard contract developed by the ~~state~~ **Indiana** board of tax ~~commissioners~~ **review** or a contract which has been specifically approved by the ~~state~~ **Indiana** board of tax ~~commissioners~~ **review**. **The Indiana board is a party to a contract under this section. As a party to the contract, the Indiana board shall ensure that:**

- (1) the contract includes all of the provisions required under section 19(b) of this chapter; and**
- (2) the contract adequately provides for the creation and transmission of real property assessment data in the form required by the Indiana board for inclusion in the Indiana board's data base under IC 6-1.5-6.**

(b) No contract shall be made with any professional appraiser to act as technical advisor in the assessment of property, before the giving of notice and the receiving of bids from anyone desiring to furnish this service. Notice of the time and place for receiving bids for the contract shall be given by publication by one (1) insertion in two (2) newspapers of general circulation published in the county and representing each of the two (2) leading political parties in the county; or if only one (1) newspaper is there published, notice in that one (1) newspaper is sufficient to comply with the requirements of this subsection. The contract shall be awarded to the lowest and best bidder who meets all requirements under law for entering a contract to serve as technical advisor in the assessment of property. However, any and all bids may be rejected, and new bids may be asked.

~~(b)~~ (c) The county council of each county shall appropriate the



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funds needed to meet the obligations created by a professional appraisal services contract which is entered into under this chapter.

SECTION 12. IC 6-1.1-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) The **state Indiana** board of tax **commissioners review** shall develop a standard contract, or standard provisions for contracts, to be used in securing professional appraising services.

(b) The standard contract, or contract provisions, shall contain:

- (1) a fixed date by which the professional appraiser or appraisal firm shall have completed all responsibilities under the contract;
- (2) a penalty clause under which the amount to be paid for appraisal services is decreased for failure to complete specified services within the specified time;
- (3) a provision requiring the appraiser, or appraisal firm, to make periodic reports to the township assessors involved;
- (4) a provision stipulating the manner in which, and the time intervals at which, the periodic reports referred to in clause (3) of this subsection are to be made; **and**
- (5) a precise stipulation of what service or services are to be provided and what class or classes of property are to be appraised; **and**
- (6) a provision stipulating that the contractor will generate complete parcel characteristics and parcel assessment data in a manner and format acceptable to the Indiana board of tax review.**

The **state Indiana** board of tax **commissioners review** may devise other necessary provisions for the contracts in order to give effect to the provisions of this chapter.

(c) In order to comply with the duties assigned to it by this section, the **state Indiana** board of tax **commissioners review** may develop:

- (1) one (1) or more model contracts;
- (2) one (1) contract with alternate provisions; or
- (3) any combination of clauses (1) and (2) of this subsection.

The board may approve special contract language in order to meet any unusual situations.

SECTION 13. IC 6-1.1-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) **Except as provided in subsection (c)**, if, during a period of general reassessment, a township assessor makes the real property appraisals himself, the appraisals of the parcels subject to taxation must be completed as follows:

- (1) The appraisal of one-fourth (1/4) of the parcels shall be



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completed before December 1 of the year in which the general reassessment begins.

(2) The appraisal of one-half (1/2) of the parcels shall be completed before May 1 of the year following the year in which the general reassessment begins.

(3) The appraisal of three-fourths (3/4) of the parcels shall be completed before October 1 of the year following the year in which the general reassessment begins.

(4) The appraisal of all the parcels shall be completed before March 1 of the second year following the year in which the general reassessment begins.

(b) **Except as provided in subsection (c)**, if a township assessor employs a professional appraiser or a professional appraisal firm to make real property appraisals during a period of general reassessment, the professional appraiser or appraisal firm must file appraisal reports with the township assessor as follows:

(1) The appraisals for one-fourth (1/4) of the parcels shall be reported before December 1 of the year in which the general reassessment begins.

(2) The appraisals for one-half (1/2) of the parcels shall be reported before May 1 of the year following the year in which the general reassessment begins.

(3) The appraisals for three-fourths (3/4) of the parcels shall be reported before October 1 of the year following the year in which the general reassessment begins.

(4) The appraisals for all the parcels shall be reported before March 1 of the second year following the year in which the general reassessment begins.

However, the reporting requirements prescribed in this subsection do not apply if the contract under which the professional appraiser, or appraisal firm, is employed prescribes different reporting procedures.

(c) For the general reassessment that is required under section 4 of this chapter to be completed on or before March 1, 2002, the appraisals of the parcels subject to taxation shall be completed and appraisal reports shall be filed by professional appraisers as follows:

(1) The appraisal of one-fourth (1/4) of the parcels shall be completed before November 1, 2000.

(2) The appraisal of one-half (1/2) of the parcels shall be completed before February 1, 2001.

(3) The appraisal of three-fourths (3/4) of the parcels shall be completed before June 1, 2001.



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(4) The appraisal of all the parcels shall be completed before November 1, 2001.

SECTION 14. IC 6-1.1-4-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. (a) Each township assessor shall keep his reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. His records shall at all times show the assessed value of real property in accordance with the provisions of this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The elected township assessor, or the county assessor for a township without an elected township assessor, shall:

- (1) maintain an electronic data file of the parcel characteristics and parcel assessments of all parcels in the township that is in the form required by the Indiana board of tax review; and**
- (2) transmit the data before August 1 of each year to the Indiana board of tax review for inclusion in the data base of the Indiana board under IC 6-1.5-6.**

SECTION 15. IC 6-1.1-4-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The auditor of each county shall establish a **separate** property reassessment fund **for each general reassessment of real property**. The county treasurer shall deposit all collections resulting from the property taxes that the county is required to levy under this section **for a general reassessment** in the county's property reassessment fund **for that general reassessment**.

(b) With respect to the general reassessment of real property which is to commence on July 1, 1999; the county council of each county shall, for property taxes due in the year in which the general reassessment is to commence and the three (3) years immediately preceding that year, levy against all the taxable property of the county an amount equal to three-fourteenths ($3/14$) of the estimated cost of the general reassessment:

(c) (b) With respect to a general reassessment of real property that is to commence on July 1, ~~2003~~, **2004**, and each fourth year thereafter, the county council of each county shall, for property taxes due in the year that the general reassessment is to commence and the three (3) years preceding that year, levy against all the taxable property in the county an amount equal to one-fourth ($1/4$) of the estimated cost of the general reassessment.



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(c) The state board of tax commissioners shall give to each county council notice, before January 1, of the tax levies required by this section.

(d) The state board of tax commissioners may raise or lower the property taxes levied under this section for a year if they determine it is appropriate because the estimated cost of the general reassessment has changed.

SECTION 16. IC 6-1.1-4-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) Money assigned to a property reassessment fund under section 27 of this chapter may be used only to pay the costs of:

- (1) the general reassessment of real property, including the computerization of assessment records;
- (2) payments to county assessors, members of property tax assessment boards of appeals, or assessing officials under IC 6-1.1-35.2;
- (3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;
- (4) the updating of plat books; and
- (5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist county assessors, members of a county property tax assessment board of appeals, and assessing officials.

(b) All counties shall use modern, detailed soil maps in the general reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance with IC 5-13-9, invest any money accumulated in the property reassessment fund until the money is needed to pay general reassessment expenses. Any interest received from investment of the money shall be paid into the property reassessment fund.

(d) An appropriation under this section must be approved by the fiscal body of the county after the review and recommendation of the county assessor. However, in a county with an elected township assessor under IC 36-6-5-1 in every township, **the county assessor does not review an appropriation under this section, and** only the fiscal body must approve an appropriation under this section.

SECTION 17. IC 6-1.1-5.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) A person filing a sales disclosure form under this chapter shall pay a fee of five dollars (\$5) to the county auditor. ~~Eighty percent (80%) of~~ The revenue shall be deposited in the ~~county general sales disclosure~~ fund **established**



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under subsection (b). Twenty percent (20%) of the revenue shall be transferred to the state treasurer for deposit in the state general fund:

(b) The county fiscal body of each county shall establish a sales disclosure fund. The auditor shall deposit in the fund:

- (1) money received under this section; and
- (2) the amount of revenue deposited under this section in the county general fund after June 1, 1999, and before July 1, 2000.

(c) Money in the sales disclosure fund may be expended only for:

- (1) administration of this chapter; or
- (2) training of assessing officials.

(d) The county fiscal body shall appropriate the money in the sales disclosure fund for the purposes stated in subsection (c) based on requests by assessing officials in the county.

SECTION 18. IC 6-1.1-8-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 30. (a) If a public utility company files its objections to the state board of tax commissioners' tentative assessment of the company's distributable property in the manner prescribed in section 28 of this chapter, the company may appeal the board's final assessment of that property to the tax court **Indiana board of tax review**. However, the company must initiate the appeal within twenty (20) days after the date of the notice of the board's final assessment.

(b) If a public utility company desires to initiate an appeal of the **Indiana board of tax review's final determination, the public utility company must do all of the following not more than twenty (20) days after the Indiana board gives the public utility company notice of the final determination:**

- (1) File a written notice with the **Indiana board** informing the board of the public utility company's intention to appeal.
- (2) File a complaint in the tax court.
- (3) Serve a copy of the complaint with the attorney general.
- (4) Mail to the county auditor of each county in which the public utility company's distributable property is located:
 - (A) a notice that the complaint was filed; and
 - (B) instructions for obtaining a copy of the complaint.

SECTION 19. IC 6-1.1-8-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. When a public utility company initiates an appeal to the tax court under section 30 of this chapter, the tax court shall:

- (1) try the case without a jury;



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- (2) give preference to the case to insure a prompt trial;
- (3) review the **state Indiana** board of tax **commissioners' review's** final assessment of the company's distributable property;
- (4) presume the findings of the **state Indiana** board of tax **commissioners review** are correct; and
- (5) order the **state Indiana** board of tax **commissioners review** to file certified copies of the board's records related to the assessment if the company asks the court to issue such an order.

SECTION 20. IC 6-1.1-8-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32. When a public utility company initiates an appeal **to the tax court** under section 30 of this chapter, the tax court may set aside the **state Indiana** board of tax **commissioners' review's** final assessment and refer the matter to the **Indiana** board with instructions to make another assessment if:

- (1) the company shows that the **Indiana** board's final assessment, or the **Indiana** board's apportionment and distribution of the final assessment, is clearly incorrect because the **Indiana** board violated the law or committed fraud; or
- (2) the company shows that the **Indiana** board's final assessment is not supported by substantial evidence.

SECTION 21. IC 6-1.1-10-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. (a) All or part of a building is exempt from property taxation if it is owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes.

(b) A building is exempt from property taxation if it is owned, occupied, and used by a town, city, township, or county for educational, literary, scientific, fraternal, or charitable purposes.

(c) A tract of land, including the campus and athletic grounds of an educational institution, is exempt from property taxation if:

- (1) a building which is exempt under subsection (a) or (b) is situated on it; and
- (2) the tract does not exceed:
 - (A) **one hundred fifty (50) (150)** acres in the case of:
 - (i) an educational institution; ~~or~~
 - (ii) a tract that was exempt under this subsection on March 1, 1987; or
 - (iii) a 4-H organization; or**
 - (B) fifteen (15) acres in all other cases.

(d) A tract of land is exempt from property taxation if:

- (1) it is purchased for the purpose of erecting a building which is to be owned, occupied, and used in such a manner that the

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building will be exempt under subsection (a) or (b);

(2) the tract does not exceed:

(A) **one hundred fifty (50) (150)** acres in the case of:

(i) an educational institution; ~~or~~

(ii) a tract that was exempt under this subsection on March 1, 1987; or

(iii) a 4-H organization; or

(B) fifteen (15) acres in all other cases; and

(3) not more than three (3) years after the property is purchased, and for each year after the three (3) year period, the owner demonstrates substantial progress towards the erection of the intended building and use of the tract for the exempt purpose. To establish that substantial progress is being made, the owner must prove the existence of factors such as the following:

(A) Organization of and activity by a building committee or other oversight group.

(B) Completion and filing of building plans with the appropriate local government authority.

(C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within three (3) years.

(D) The breaking of ground and the beginning of actual construction.

(E) Any other factor that would lead a reasonable individual to believe that construction of the building is an active plan and that the building is capable of being completed within six (6) years considering the circumstances of the owner.

(e) Personal property is exempt from property taxation if it is owned and used in such a manner that it would be exempt under subsection (a) or (b) if it were a building.

(f) A hospital's property which is exempt from property taxation under subsection (a), (b), or (e) shall remain exempt from property taxation even if the property is used in part to furnish goods or services to another hospital whose property qualifies for exemption under this section.

(g) Property owned by a shared hospital services organization which is exempt from federal income taxation under Section 501(c)(3) or 501(e) of the Internal Revenue Code is exempt from property taxation if it is owned, occupied, and used exclusively to furnish goods or services to a hospital whose property is exempt from property taxation under subsection (a), (b), or (e).

(h) This section does not exempt from property tax an office or a

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practice of a physician or group of physicians that is owned by a hospital licensed under IC 16-21-1 or other property that is not substantially related to or supportive of the inpatient facility of the hospital unless the office, practice, or other property:

(1) provides or supports the provision of charity care (as defined in IC 16-18-2-52.5), including providing funds or other financial support for health care services for individuals who are indigent (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or

(2) provides or supports the provision of community benefits (as defined in IC 16-21-9-1), including research, education, or government sponsored indigent health care (as defined in IC 16-21-9-2).

However, participation in the Medicaid or Medicare program alone does not entitle an office, practice, or other property described in this subsection to an exemption under this section.

(i) A tract of land or a tract of land plus all or part of a structure on the land is exempt from property taxation if:

(1) the tract is acquired for the purpose of erecting, renovating, or improving a single family residential structure that is to be given away or sold:

(A) in a charitable manner;

(B) by a nonprofit organization; and

(C) to low income individuals who will:

(i) use the land as a family residence; and

(ii) not have an exemption for the land under this section;

(2) the tract does not exceed three (3) acres;

(3) the tract of land or the tract of land plus all or part of a structure on the land is not used for profit while exempt under this section; and

(4) not more than three (3) years after the property is acquired for the purpose described in subdivision (1), and for each year after the three (3) year period, the owner demonstrates substantial progress towards the erection, renovation, or improvement of the intended structure. To establish that substantial progress is being made, the owner must prove the existence of factors such as the following:

(A) Organization of and activity by a building committee or other oversight group.

(B) Completion and filing of building plans with the appropriate local government authority.

(C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual

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construction can and will begin within six (6) years of the initial exemption received under this subsection.

(D) The breaking of ground and the beginning of actual construction.

(E) Any other factor that would lead a reasonable individual to believe that construction of the structure is an active plan and that the structure is capable of being:

(i) completed; and

(ii) transferred to a low income individual who does not receive an exemption under this section;

within six (6) years considering the circumstances of the owner.

(j) An exemption under subsection (i) terminates when the property is conveyed by the nonprofit organization to another owner. When the property is conveyed to another owner, the nonprofit organization receiving the exemption must file a certified statement with the auditor of the county, notifying the auditor of the change not later than sixty (60) days after the date of the conveyance. A nonprofit organization that fails to file the statement required by this subsection is liable for the amount of property taxes due on the property conveyed if it were not for the exemption allowed under this chapter.

(k) If property is granted an exemption in any year under subsection (i) and the owner:

(1) ceases to be eligible for the exemption under subsection (i)(4);

(2) fails to transfer the tangible property within six (6) years after the assessment date for which the exemption is initially granted;

or

(3) transfers the tangible property to a person who:

(A) is not a low income individual; or

(B) does not use the transferred property as a residence for at least one (1) year after the property is transferred;

the person receiving the exemption shall notify the county recorder and the county auditor of the county in which the property is located not later than sixty (60) days after the event described in subdivision (1), (2), or (3) occurs.

(l) If subsection (k)(1), (k)(2), or (k)(3) applies, the owner shall pay, not later than the date that the next installment of property taxes is due, an amount equal to the sum of the following:

(1) The total property taxes that, if it were not for the exemption under subsection (i), would have been levied on the property in each year in which an exemption was allowed.

(2) Interest on the property taxes at the rate of ten percent (10%)

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per year.

(m) The liability imposed by subsection (l) is a lien upon the property receiving the exemption under subsection (i). An amount collected under subsection (l) shall be collected as an excess levy. If the amount is not paid, it shall be collected in the same manner that delinquent taxes on real property are collected.

SECTION 22. IC 6-1.1-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The county property tax assessment board of appeals, after careful examination, shall approve or disapprove each exemption application and shall note its action on the application.

(b) If the county property tax assessment board of appeals approves the exemption, in whole or part, the county auditor shall note the board's action on the tax duplicate. The county auditor's notation is notice to the county treasurer that the exempt property shall not be taxed for the current year unless otherwise ordered by the state board of tax commissioners.

(c) If the exemption application is disapproved by the county property tax assessment board of appeals, the county auditor shall notify the applicant by mail. Within thirty (30) days after the notice is mailed, the owner may, in the manner prescribed in IC 6-1.1-15-3, petition the ~~state Indiana~~ board of tax ~~commissioners review~~ to review the county property tax assessment board of appeals' determination.

SECTION 23. IC 6-1.1-12-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, or 34 of this chapter must file a certified statement in duplicate, on forms prescribed by the state board of tax commissioners, and proof of certification under subsection (b) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement between March 1 and May 10, inclusive, of the assessment year. The person must file the statement in each year for which he desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement between January 15 and March 31, inclusive, of each year for which he desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county

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auditor shall allow the deduction.

(b) The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) If the department of environmental management receives an application for certification before April 10 of the assessment year, the department shall determine whether the system or device qualifies for a deduction before May 10 of the assessment year. If the department fails to make a determination under this subsection before May 10 of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, or 34 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or **state Indiana board of tax commissioners review.**

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) between March 1 and May 15, inclusive, of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and June 14, inclusive, of that year.

SECTION 24. IC 6-1.1-12.1-3, AS AMENDED BY P.L.4-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) An applicant must provide a statement of benefits to the designating body. If the designating body requires information from the applicant for economic revitalization area status for use in making its decision about whether to designate an economic revitalization area, the applicant shall provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the statement of benefits form must be submitted to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction under this chapter. The state board of tax commissioners shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

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- (1) A description of the proposed redevelopment or rehabilitation.
- (2) An estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the redevelopment or rehabilitation and an estimate of the annual salaries of these individuals.
- (3) An estimate of the value of the redevelopment or rehabilitation.

With the approval of the ~~state board of tax commissioners~~, **designating body**, the statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(b) The designating body must review the statement of benefits required under subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, based on (and after it has made) the following findings:

- (1) Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature.
- (2) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (4) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (5) Whether the totality of benefits is sufficient to justify the deduction.

A designating body may not designate an area an economic revitalization area or approve a deduction unless the findings required by this subsection are made in the affirmative.

(c) Except as provided in subsections (a) through (b), the owner of property which is located in an economic revitalization area is entitled to a deduction from the assessed value of the property. If the area is a residentially distressed area, the period is not more than five (5) years. For all other economic revitalization areas designated before July 1, 2000, the period is three (3), six (6), or ten (10) years. For all economic revitalization areas designated after June 30, 2000, the period is the number of years determined under subsection (d). The owner is entitled



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to a deduction if:

- (1) the property has been rehabilitated; or
- (2) the property is located on real estate which has been redeveloped.

The owner is entitled to the deduction for the first year, and any successive year or years, in which an increase in assessed value resulting from the rehabilitation or redevelopment occurs and for the following years determined under subsection (d). However, property owners who had an area designated an urban development area pursuant to an application filed prior to January 1, 1979, are only entitled to a deduction for a five (5) year period. In addition, property owners who are entitled to a deduction under this chapter pursuant to an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for a ten (10) year period.

(d) For an area designated as an economic revitalization area after June 30, 2000, that is not a residentially distressed area, the designating body shall determine the number of years for which the property owner is entitled to a deduction. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor who shall make the deduction as provided in section 5 of this chapter.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(e) Except for deductions related to redevelopment or rehabilitation of real property in a county containing a consolidated city or a deduction related to redevelopment or rehabilitation of real property initiated before December 31, 1987, in areas designated as economic revitalization areas before that date, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities:

- (1) Private or commercial golf course.
- (2) Country club.
- (3) Massage parlor.
- (4) Tennis club.
- (5) Skating facility (including roller skating, skateboarding, or ice skating).



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- (6) Racquet sport facility (including any handball or racquetball court).
- (7) Hot tub facility.
- (8) Suntan facility.
- (9) Racetrack.
- (10) Any facility the primary purpose of which is:
 - (A) retail food and beverage service;
 - (B) automobile sales or service; or
 - (C) other retail;
 unless the facility is located in an economic development target area established under section 7 of this chapter.
- (11) Residential, unless:
 - (A) the facility is a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals;
 - (B) the facility is located in an economic development target area established under section 7 of this chapter; or
 - (C) the area is designated as a residentially distressed area.
- (12) A package liquor store that holds a liquor dealer's permit under IC 7.1-3-10 or any other entity that is required to operate under a license issued under IC 7.1. However, this subdivision does not apply to an applicant that:
 - (A) was eligible for tax abatement under this chapter before July 1, 1995; or
 - (B) is described in IC 7.1-5-7-11.

SECTION 25. IC 6-1.1-12.1-5.5, AS AMENDED BY P.L.4-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.5. (a) A person that desires to obtain the deduction provided by section 4.5 of this chapter must file a certified deduction application on forms prescribed by the state board of tax commissioners with:

- (1) the auditor of the county in which the new manufacturing equipment or new research and development equipment, or both, is located; and
- (2) the state board of tax commissioners.

A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment or new research and development equipment, or both, is installed must file the application between March 1 and May 15 of that year. A person that obtains a filing extension under IC 6-1.1-3-7(b) for the year in which the new manufacturing equipment or new research and development equipment, or both, is installed must file the application



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between March 1 and June 14 of that year.

(b) The deduction application required by this section must contain the following information:

- (1) The name of the owner of the new manufacturing equipment or new research and development equipment, or both.
- (2) A description of the new manufacturing equipment or new research and development equipment, or both.
- (3) Proof of the date the new manufacturing equipment or new research and development equipment, or both, was installed.
- (4) The amount of the deduction claimed for the first year of the deduction.

(c) This subsection applies to a deduction application with respect to new manufacturing equipment or new research and development equipment, or both, for which a statement of benefits was initially approved after April 30, 1991. If a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body and the designating body shall adopt a resolution under section 4.5(h)(2) of this chapter.

(d) A deduction application must be filed under this section in the year in which the new manufacturing equipment or new research and development equipment, or both, is installed and in each of the immediately succeeding years the deduction is allowed.

(e) The state board of tax commissioners shall review and verify the correctness of each deduction application and shall notify the county auditor of the county in which the property is located that the deduction application is approved or denied or that the amount of the deduction is altered. Upon notification of approval of the deduction application or of alteration of the amount of the deduction, the county auditor shall make the deduction. The county auditor shall notify the county property tax assessment board of appeals of all deductions approved under this section.

(f) If the ownership of new manufacturing equipment or new research and development equipment, or both, changes, the deduction provided under section 4.5 of this chapter continues to apply to that equipment if the new owner:

- (1) continues to use the equipment in compliance with any standards established under section 2(g) of this chapter; and
- (2) files the deduction applications required by this section.

(g) The amount of the deduction is the percentage under section 4.5 of this chapter that would have applied if the ownership of the property

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had not changed multiplied by the assessed value of the equipment for the year the deduction is claimed by the new owner.

(h) If a person desires to initiate an appeal of the state board of tax commissioners' final determination, the person must ~~do all of the following~~ **file a petition with the Indiana board of tax review** not more than forty-five (45) days after the state board of tax commissioners gives the person notice of the final determination.

(1) ~~File a written notice with the state board of tax commissioners informing the board of the person's intention to appeal.~~

(2) ~~File a complaint in the tax court.~~

(3) ~~Serve the attorney general and the county auditor with a copy of the complaint.~~

(i) If a person desires to initiate an appeal of the Indiana board of tax review's final determination, the person must do all of the following not more than forty-five (45) days after the Indiana board gives the person notice of the final determination:

(1) File a written notice with the Indiana board informing the board of the person's intention to appeal.

(2) File a complaint in the tax court.

(3) Serve the attorney general and the county auditor with a copy of the complaint.

SECTION 26. IC 6-1.1-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A taxpayer may obtain a review by the county property tax assessment board of appeals of a county or township official's action with respect to the assessment of the taxpayer's tangible property if the official's action requires the giving of notice to the taxpayer. At the time that notice is given to the taxpayer, he shall also be informed in writing of:

(1) his opportunity for review under this section; and

(2) the procedures he must follow in order to obtain review under this section.

(b) In order to appeal a current assessment and have a change in the assessment effective for the most recent assessment date, the taxpayer must file a petition with the assessor of the county in which the action is taken:

(1) within forty-five (45) days after notice of a change in the assessment is given to the taxpayer; or

(2) May 10 of that year;

whichever is later. The county assessor shall notify the county auditor that the assessment is under appeal.

(c) A change in an assessment made as a result of an appeal filed:

(1) in the same year that notice of a change in the assessment is

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given to the taxpayer; and

(2) after the time prescribed in subsection (b);

becomes effective for the next assessment date.

(d) A taxpayer may appeal a current real estate assessment in a year even if the taxpayer has not received a notice of assessment in the year. If an appeal is filed on or before May 10 of a year in which the taxpayer has not received notice of assessment, a change in the assessment resulting from the appeal is effective for the most recent assessment date. If the appeal is filed after May 10, the change becomes effective for the next assessment date.

(e) The state board of tax commissioners shall prescribe the form of the petition for review of an assessment determination by a township assessor. The board shall issue instructions for completion of the form. The form and the instructions must be clear, simple, and understandable to the average individual. An appeal of such a determination must be made on the form prescribed by the board. The form must require the petitioner to specify the following:

(1) The physical characteristics of the property in issue that bear on the assessment determination.

(2) All other facts relevant to the assessment determination.

(3) The reasons why the petitioner believes that the assessment determination by the township assessor is erroneous.

(f) The state board of tax commissioners shall prescribe a form for a response by the township assessor to the petition for review of an assessment determination. The board shall issue instructions for completion of the form. The form must require the township assessor to indicate:

(1) agreement or disagreement with each item indicated on the petition under subsection (e); and

(2) the reasons why the assessor believes that the assessment determination is correct.

(g) Immediately upon receipt of a timely filed petition on the form prescribed under subsection (e), the county assessor shall forward a copy of the petition to the township assessor who made the challenged assessment. The township assessor shall, within thirty (30) days after the receipt of the petition, attempt to hold a preliminary conference with the petitioner and resolve as many issues as possible. Within ten (10) days after the conference, the township assessor shall forward to the county auditor and county assessor a completed response to the petition on the form prescribed under subsection (f). The county assessor shall immediately forward a copy of the response form to the petitioner and the county property tax assessment board of appeals. ff



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the county auditor determines that the appealed items on which there is disagreement constitute at least one percent (1%) of the total gross certified assessed value of the immediately preceding year for any particular unit, the county auditor shall immediately notify the fiscal officer of the unit. If after the conference there are items listed in the petition on which there is disagreement, the property tax assessment board of appeals shall hold a hearing within ninety (90) days of the filing of the petition on those items of disagreement, **except as provided in subsection (h)**. The taxpayer may present the taxpayer's reasons for disagreement with the assessment. The township assessor or county assessor for the county must present the basis for the assessment decision on these items to the board of appeals at the hearing and the reasons the petitioner's appeal should be denied on those items. The board of appeals shall have a written record of the hearing and prepare a written statement of findings and a decision on each item within sixty (60) days of the hearing **except as provided in subsection (h)**. If the township assessor does not attempt to hold a preliminary conference, the board shall accept the appeal of the petitioner at the hearing.

(h) This subsection applies to a county having a population of more than four hundred thousand (400,000). In the case of a petition filed after December 31, 1999, the county property tax assessment board of appeals shall hold its hearing within one hundred eighty (180) days instead of ninety (90) days. The board of appeals shall have a written record of the hearing and prepare a written statement of findings and a decision on each item within one hundred twenty (120) days of the hearing.

(i) The county property tax assessment board of appeals:

- (1) may not require a taxpayer that files a petition for review under this section to file documentary evidence or summaries of statements of testimonial evidence prior to the hearing required under subsection (g); and**
- (2) may require the parties to the appeal to file not more than ten (10) days before the date of the hearing required under subsection (g) lists of witnesses and exhibits to be introduced at the hearing.**

SECTION 27. IC 6-1.1-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A taxpayer may obtain a review by the state **Indiana** board of tax **commissioners** review of a county property tax assessment board of appeals action with respect to the assessment of that taxpayer's tangible property if the county property tax assessment board of appeals' action requires the



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giving of notice to the taxpayer. At the time that notice is given to the taxpayer, he shall also be informed in writing of:

- (1) his opportunity for review under this section; and
- (2) the procedures he must follow in order to obtain review under this section.

(b) A township assessor or a member of a county property tax assessment board of appeals may obtain a review by the **state Indiana** board of tax **commissioners review** of any assessment which he has made, upon which he has passed, or which has been made over his protest.

(c) In order to obtain a review by the **state Indiana** board of tax **commissioners review** under this section, the party must file a petition for review with the appropriate county assessor within thirty (30) days after the notice of the county property tax assessment board of appeals action is given to the taxpayer.

(d) The **state Indiana** board of tax **commissioners review** shall prescribe the form of the petition for review of an assessment determination by the county property tax assessment board of appeals. The **state Indiana** board shall issue instructions for completion of the form. The form and the instructions must be clear, simple, and understandable to the average individual. An appeal of such a determination must be made on the form prescribed by the **state Indiana** board. The form must require the petitioner to specify the following:

- (1) The items listed in section 1(e)(1) and 1(e)(2) of this chapter.
- (2) The reasons why the petitioner believes that the assessment determination by the county property tax assessment board of appeals is erroneous.

(e) The county assessor shall transmit the petition for review to the **division of appeals of the state Indiana** board of tax **commissioners review** within ten (10) days after it is filed.

(f) If a township assessor or a member of the county property tax assessment board of appeals files a petition for review under this section concerning the assessment of a taxpayer's property, the county assessor must send a copy of the petition to the taxpayer.

SECTION 28. IC 6-1.1-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the division of appeals of the state board of tax commissioners shall conduct a hearing at its earliest opportunity. In addition, the division of appeals of the state board may ~~assess the property in question; correcting correct~~ any errors ~~which that~~ may have been



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made, and adjust the assessment in accordance with the correction. **If the state board of tax commissioners conducts a site inspection of the property as part of its review of the petition, the state board shall give notice to all parties of the date and time of the site inspection.. The division of appeals may limit the scope of the appeal to the issues raised in the petition.** The division of appeals of the state board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the appropriate township assessor, county assessor, and county auditor. The division of appeals of the state board shall give these notices at least ~~ten (10)~~ **thirty (30)** days before the day fixed for the hearing. **The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses of filing the amicus curiae brief shall be paid from the reassessment fund under IC 6-1.1-4-27. A township assessor or county assessor who made the original assessment determination under appeal under this section, or a county auditor who made the original enterprise zone inventory credit determination under appeal under IC 6-1.1-20.8:**

- (1) is a party to the review under this section to defend the determination; or**
- (2) may waive the right to become a party under subdivision (1).**

(b) If a petition for review does not comply with the state board of tax commissioners' instructions for completing the form prescribed under section 3 of this chapter, the division of appeals of the state board of tax commissioners shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The division of appeals of the state board of tax commissioners shall deny a corrected petition for review if it does not substantially comply with the state board of tax commissioners' instructions for completing the form prescribed under section 3 of this chapter.

(c) The state board of tax commissioners shall prescribe a form for use in processing petitions for review of actions by the county property tax assessment board of appeals. The state board shall issue instructions for completion of the form. The form must require the division of appeals of the state board, to indicate agreement or disagreement with each item that is:

- (1) indicated on the petition submitted under section 1(e) of this



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chapter;

(2) included in the township assessor's response under section 1(g) of this chapter; and

(3) included in the county property tax assessment board of appeals' findings, record, and determination under section 2.1(d) of this chapter.

The form must also require the division of appeals of the state board to indicate the issues in dispute and its reasons in support of its resolution of those issues.

(d) After the hearing the division of appeals of the state board shall give the petitioner, the township assessor, the county assessor, and the county auditor:

(1) notice, by mail, of its final determination;

(2) a copy of the form completed under subsection (c); and

(3) notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(e) The division of appeals of the state board of tax commissioners shall conduct a hearing within six (6) months after a petition in proper form is filed with the division, excluding any time due to a delay reasonably caused by the petitioner. The division of appeals shall make a **final** determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by the chairman of the state board of tax commissioners. However, the state board of tax commissioners may not extend the final determination date by more than one hundred eighty (180) days. Except as provided in subsection

~~(g)~~ (f):

(1) the failure of the division of appeals to make a **final** determination within the time allowed by this subsection shall be treated as a final determination of the state board of tax commissioners to deny the petition; and

(2) a final decision of the division of appeals is a final determination of the state board of tax commissioners.

~~(g)~~ (f) A final determination of the division of appeals is not a final determination of the state board of tax commissioners if the state board of tax commissioners:

(1) gives notice to the parties that the state board of tax commissioners will review the **final** determination of the division of appeals within fifteen (15) days after the division of appeals gives notice of the **final** determination to the parties or the maximum allowable time for the issuance of a **final** determination under subsection ~~(f)~~ (e) expires; or

(2) determines to rehear the **final** determination under section 5

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of this chapter.

The state board of tax commissioners shall conduct a review under subdivision (1) in the same manner as a rehearing under section 5 of this chapter.

(g) A final determination must include separately stated findings of fact for all aspects of the final determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(h) The state board of tax commissioners and the division of appeals:

(1) may not require a taxpayer that files a petition for review under section 3 of this chapter to file documentary evidence or summaries of statements of testimonial evidence prior to the hearing required under subsection (a); and

(2) may require the parties to the appeal to file not more than ten (10) days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

SECTION 29. IC 6-1.1-15-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board of tax review shall conduct a hearing at its earliest opportunity. In addition, the Indiana board may correct any errors that may have been made, and adjust the assessment in accordance with the correction. If the Indiana board conducts a site inspection of the property as a part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board may limit the scope of the appeal to the issues raised in the petition. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the appropriate township assessor, county assessor, and county auditor. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing. The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses of filing the amicus curiae brief shall be paid from the reassessment fund under IC 6-1.1-4-27. A**



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township assessor or county assessor who made the original assessment determination under appeal under this section, or a county auditor who made the original enterprise zone inventory credit determination under appeal under IC 6-1.1-20.8:

- (1) is a party to the review under this section to defend the determination; or
- (2) may waive the right to become a party under subdivision (1).

(b) If a petition for review does not comply with the Indiana board of tax review's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(c) The Indiana board of tax review shall prescribe a form for use in processing petitions for review of actions by the county property tax assessment board of appeals. The Indiana board shall issue instructions for completion of the form. The form must require the Indiana board to indicate agreement or disagreement with each item that is:

- (1) indicated on the petition submitted under section 1(e) of this chapter;
- (2) included in the township assessor's response under section 1(g) of this chapter; and
- (3) included in the county property tax assessment board of appeals' findings, record, and determination under section 2.1(d) of this chapter.

The form must also require the Indiana board to indicate the issues in dispute and its reasons in support of its resolution of those issues.

(d) After the hearing, the Indiana board of tax review shall give the petitioner, the township assessor, the county assessor, and the county auditor:

- (1) notice, by mail, of its final determination;
- (2) a copy of the form completed under subsection (c); and
- (3) notice of the procedures they must follow in order to obtain court review under section 5.5 of this chapter.

(e) The Indiana board of tax review shall conduct a hearing



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within six (6) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner. The Indiana board shall make a final determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by a member of the Indiana board. However, the Indiana board may not extend the final determination date by more than one hundred eighty (180) days. The failure of the Indiana board to make a final determination within the time allowed by this subsection shall be treated as a final determination of the Indiana board to deny the petition.

(f) A final determination must include separately stated findings of fact for all aspects of the final determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(g) The Indiana board of tax review and the division of appeals:

- (1) may not require a taxpayer that files a petition for review under section 3 of this chapter to file documentary evidence or summaries of statements of testimonial evidence prior to the hearing required under subsection (a); and
- (2) may require the parties to the appeal to file not more than ten (10) days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

SECTION 30. IC 6-1.1-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Within fifteen (15) days after the division of appeals of the state board of tax commissioners gives notice of its final determination under section 4 of this chapter to the party or the maximum allowable time for the issuance of a **final** determination by the division of appeals under section 4 of this chapter expires, a party to the proceeding may request a rehearing before the board. The board may conduct a rehearing and affirm or modify its final determination, giving the same notices after the rehearing as are required by section 4 of this chapter. The state board of tax commissioners has thirty (30) days after receiving a petition for a rehearing to determine whether to grant a rehearing. Failure to grant a rehearing within thirty (30) days after receiving the petition shall be treated as a final determination to deny the petition. A petition for a rehearing does not toll the time in which to file a petition



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for judicial review unless the petition for rehearing is granted. If the state board of tax commissioners determines to rehear a final determination of the division of appeals, the state board of tax commissioners:

- (1) may conduct the additional hearings that the state board of tax commissioners determines necessary or review the written record of the division of appeals without additional hearings; and
- (2) shall issue a final determination within ninety (90) days after notifying the parties that the state board of tax commissioners will rehear the **final** determination.

Failure of the state board of tax commissioners to make a **final** determination within the time allowed under subdivision (2) shall be treated as a final determination affirming the decision of the division of appeals.

(b) A person may appeal the final determination of the division of appeals or the state board of tax commissioners regarding the assessment of that person's tangible property. The appeal shall be taken to the tax court. Appeals may be consolidated at the request of the appellants if it can be done in the interest of justice. **The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses of filing the amicus curiae brief shall be paid from the reassessment fund under IC 6-1.1-4-27. A township assessor or county assessor who made the original assessment determination under appeal under this section, or a county auditor who made the original enterprise zone inventory credit determination under appeal under IC 6-1.1-20.8:**

- (1) is a party to the review under this section to defend the determination; or
- (2) may waive the right to become a party under subdivision (1).

(c) If a person desires to initiate an appeal of the state board of tax commissioners' final determination, the person shall:

- (1) file a written notice with the state board of tax commissioners informing the board of his intention to appeal;
- (2) file a complaint in the tax court; and
- (3) serve the attorney general and the county assessor with a copy of the complaint.

(d) To initiate an appeal under this section, a person must take the action required by subsection (c) within:

- (1) forty-five (45) days after the state board of tax commissioners



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gives the person notice of its final determination under IC 6-1.1-14-11 unless a rehearing is conducted under subsection (a);

(2) thirty (30) days after the board gives the person notice under subsection (a) of its final determination, if a rehearing is conducted under subsection (a) or the maximum time elapses for the state board of tax commissioners to make a **final** determination under this section; or

(3) forty-five (45) days after the division of appeals gives notice of a final determination under section 4 of this chapter or the division fails to make a **final** determination within the maximum time allowed under section 4 of this chapter, if a rehearing is not granted under this section.

(e) The failure of the state board of tax commissioners to conduct a hearing within the ~~time~~ period prescribed in section ~~4(b)~~ **4(e)** of this chapter does not constitute notice to the person of a board **final** determination.

(f) In a case in which the final determination of the state board of tax commissioners would result in a claim by a taxpayer ~~with respect to a particular year~~ for a refund that exceeds:

- (1) ~~eight hundred fifty thousand dollars (\$800,000);~~ **(\$50,000);**
- or
- (2) an amount equal to ten percent (10%) of the aggregate tax levies of ~~all any taxing units unit in the county for that year;~~ **which the property is located;**

whichever is less, the county executive ~~may~~ **shall** take an appeal to the tax court in the manner prescribed in this section ~~but only~~ upon request by the county assessor **or elected township assessor.**

SECTION 31. IC 6-1.1-15-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. (a) Within fifteen (15) days after the Indiana board of tax review gives notice of its final determination under section 4.5 of this chapter to the party or the maximum allowable time for the issuance of a final determination by the Indiana board under section 4.5 of this chapter expires, a party to the proceeding may request a rehearing before the Indiana board. The Indiana board may conduct a rehearing and affirm or modify its final determination, giving the same notices after the rehearing as are required by section 4.5 of this chapter. The Indiana board has thirty (30) days after receiving a petition for a rehearing to determine whether to grant a rehearing. Failure to grant a rehearing within thirty (30) days after receiving the**



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petition shall be treated as a final determination to deny the petition. A petition for a rehearing does not toll the time in which to file a petition for judicial review unless the petition for rehearing is granted. If the Indiana board determines to rehear a final determination, the Indiana board:

- (1) may conduct the additional hearings that the Indiana board determines necessary or review the written record without additional hearings; and
- (2) shall issue a final determination within ninety (90) days after notifying the parties that the Indiana board will rehear the final determination.

Failure of the Indiana board to make a final determination within the time allowed under subdivision (2) shall be treated as a final determination affirming the original decision of the Indiana board.

(b) A person may appeal the final determination of the Indiana board of tax review regarding the assessment of that person's tangible property. The appeal shall be taken to the tax court. Appeals may be consolidated at the request of the appellants if it can be done in the interest of justice. The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses of filing the amicus curiae brief shall be paid from the reassessment fund under IC 6-1.1-4-27. A township assessor or county assessor who made the original assessment determination under appeal under this section, or a county auditor who made the original enterprise zone inventory credit determination under appeal under IC 6-1.1-20.8:

- (1) is a party to the review under this section to defend the determination; or
- (2) may waive the right to become a party under subdivision (1).

(c) If a person desires to initiate an appeal of the Indiana board of tax review's final determination, the person shall:

- (1) file a written notice with the Indiana board informing the board of the person's intention to appeal;
- (2) file a complaint in the tax court; and
- (3) serve the attorney general and the county assessor with a copy of the complaint.

(d) To initiate an appeal under this section, a person must take the action required by subsection (c) within:

- (1) forty-five (45) days after the Indiana board of tax review



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gives the person notice of its final determination unless a rehearing is conducted under subsection (a); or
 (2) thirty (30) days after the Indiana board gives the person notice under subsection (a) of its final determination, if a rehearing is conducted under subsection (a) or the maximum time elapses for the Indiana board to make a final determination under this section.

(e) The failure of the Indiana board of tax review to conduct a hearing within the period prescribed in section 4.5(e) of this chapter does not constitute notice to the person of a board final determination.

(f) In a case in which the final determination of the Indiana board of tax review would result in a claim by a taxpayer for a refund that exceeds:

- (1) fifty thousand dollars(\$50,000); or
- (2) an amount equal to ten percent (10%) of the aggregate tax levies of any taxing unit in which the property is located;

whichever is less, the county executive shall take an appeal to the tax court in the manner prescribed in this section upon request by the county assessor or elected township assessor.

SECTION 32. IC 6-1.1-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If an appeal is initiated by a person under section 5 of this chapter, the secretary of the state board of tax commissioners shall prepare a certified transcript record of the proceedings related to the appeal. ~~However, the transcript shall not include the evidence compiled by the board with respect to the proceedings. The secretary of the board shall transmit the transcript to the clerk of the court designated by the appellant.~~

(b) The record for judicial review must include the following documents and items:

- (1) Copies of all papers submitted to the state board of tax commissioners, including its division of appeals, during the course of the action, and copies of all papers provided to the parties by the state board of tax commissioners, including its division of appeals. For purposes of this subdivision, the term "papers" includes, without limitation, all notices, petitions, motions, pleadings, orders, orders on rehearing, briefs, requests, intermediate rulings, photographs, and other written documents.
- (2) Evidence received or considered by the state board of tax commissioners, including its division of appeals.
- (3) A statement of whether a site inspection was conducted,



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and, if a site inspection was conducted, either:

- (A) a summary report of the site inspection; or
- (B) a videotape transcript of the site inspection.
- (4) A statement of matters officially noticed.
- (5) Proffers of proof and objections and rulings on them.
- (6) Copies of proposed findings, requested orders, and exceptions.
- (7) Either:
 - (A) a transcription of the audio tape of the hearing; or
 - (B) a transcript of the hearing prepared by a court reporter at the option of either party, to be paid for by that party.

Copies of exhibits that, because of their nature, cannot be incorporated into the certified record must be kept by the state board of tax commissioners until the appeal is finally terminated. However, this evidence must be briefly named and identified in the transcript of the evidence and proceedings.

(c) If the tax court judge finds that:

- (1) a report of all or a part of the evidence or proceedings at a hearing conducted by the state board of tax commissioners, including its division of appeals, was not made; or
- (2) a transcript is unavailable;

a party to the appeal initiated under section 5 of this chapter may, at the discretion of the tax court judge, prepare a statement of the evidence or proceedings. The statement must be submitted to the tax court and also must be served on all other parties. A party to the proceeding may serve objections or prepare amendments to the statement not later than ten (10) days after service.

SECTION 33. IC 6-1.1-15-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6.5. (a) If an appeal is initiated by a person under section 5.5 of this chapter, the secretary of the Indiana board of tax review shall prepare a certified record of the proceedings related to the appeal.**

(b) The record for judicial review must include the following documents and items:

- (1) Copies of all papers submitted to the Indiana board of tax review, including its division of appeals, during the course of the action, and copies of all papers provided to the parties by the Indiana board, including its division of appeals. For purposes of this subdivision, the term "papers" includes, without limitation, all notices, petitions, motions, pleadings,



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orders, orders on rehearing, briefs, requests, intermediate rulings, photographs, and other written documents.

(2) Evidence received or considered by the Indiana board, including its division of appeals.

(3) A statement of whether a site inspection was conducted, and, if a site inspection was conducted, either:

(A) a summary report of the site inspection; or

(B) a videotape transcript of the site inspection.

(4) A statement of matters officially noticed.

(5) Proffers of proof and objections and rulings on them.

(6) Copies of proposed findings, requested orders, and exceptions.

(7) Either:

(A) a transcription of the audio tape of the hearing; or

(B) a transcript of the hearing prepared by a court reporter at the option of either party, to be paid for by that party.

Copies of exhibits that, because of their nature, cannot be incorporated into the certified record must be kept by the Indiana board of tax review until the appeal is finally terminated. However, this evidence must be briefly named and identified in the transcript of the evidence and proceedings.

(c) If the tax court judge finds that:

(1) a report of all or a part of the evidence or proceedings at a hearing conducted by the Indiana board of tax review, including its division of appeals, was not made; or

(2) a transcript is unavailable;

a party to the appeal initiated under section 5.5 of this chapter may, at the direction of the tax court judge, prepare a statement of the evidence or proceedings. The statement must be submitted to the tax court and also must be served on all other parties. A party to the proceeding may serve objections or prepare amendments to the statement not later than ten (10) days after service.

SECTION 34. IC 6-1.1-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) If a final determination by the state Indiana board of tax commissioners review regarding the assessment of any tangible property is vacated, set aside, or adjudged null and void under the finding, decision, or judgment of the Indiana tax court, the matter of the assessment of the property shall be remanded to the state Indiana board of tax commissioners for reassessment and further proceedings as specified in the decision of the tax court. Upon remand, the state Indiana board of tax commissioners



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may take action only on those issues specified in the decision of the tax court.

(b) The ~~state Indiana~~ board of tax ~~commissioners review~~ shall take action on a case remanded to it by the tax court not later than ninety (90) days after the date the decision of the tax court is rendered, unless an appeal is filed with the supreme court as provided in IC 33-3-5-15. The ~~state Indiana~~ board of tax ~~commissioners~~ may petition the tax court at any time for an extension of the ninety (90) day period. An extension shall be granted upon a showing of reasonable cause.

(c) The taxpayer in a case remanded under subsection (a) may petition the tax court for an order requiring the ~~state Indiana~~ board of tax ~~commissioners review~~ to show cause why action has not been taken pursuant to the tax court's decision if:

- (1) at least ninety (90) days have elapsed since the tax court's decision was rendered;
- (2) the ~~state Indiana~~ board of tax ~~commissioners~~ not taken action on the issues specified in the tax court's decision; and
- (3) an appeal of the tax court's decision has not been filed.

(d) If a case remanded under subsection (a) is appealed to the supreme court as provided in IC 33-3-5-15, the ninety (90) day period provided in subsection (b) is tolled until the supreme court concludes the appeal.

SECTION 35. IC 6-1.1-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]): Sec. 9. (a) If **the assessment of tangible property is reassessed corrected** by the state board of tax commissioners under section 8 of this chapter, the owner of the property has a right to appeal the board's final determination of the ~~reassessment. corrected assessment~~. In a case meeting the requirements of section 5(f)(1) or 5(f)(2) of this chapter, the county executive ~~also has a right to~~ **shall** appeal the board's final determination of the reassessment ~~but only~~ upon request by the county assessor **or elected township assessor**.

(b) An appeal under this section must be initiated in the manner prescribed in section 5 of this chapter.

SECTION 36. IC 6-1.1-15-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9.5. (a) If the assessment of tangible property is corrected by the Indiana board of tax review under section 8 of this chapter, the owner of the property has a right to appeal the Indiana board's final determination of the corrected assessment. In a case meeting the requirements of section 5.5(f)(1) or 5.5(f)(2) of this chapter, the county executive shall**



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appeal the Indiana board's final determination of the reassessment upon request by the county assessor or elected township assessor.

(b) An appeal under this section must be initiated in the manner prescribed in section 5.5 of this chapter.

SECTION 37. IC 6-1.1-15-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. (a) Subject to the limitations contained in subsections (c) and (d), a county auditor shall correct errors which are discovered in the tax duplicate for any one (1) or more of the following reasons:

- (1) The description of the real property was in error.
- (2) The assessment was against the wrong person.
- (3) Taxes on the same property were charged more than one (1) time in the same year.
- (4) There was a mathematical error in computing the taxes or penalties on the taxes.
- (5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.
- (6) The taxes, as a matter of law, were illegal.
- (7) There was a mathematical error in computing an assessment.
- (8) Through an error of omission by any state or county officer the taxpayer was not given credit for an exemption or deduction permitted by law.

A petition for correction of error described in this subsection may be filed at any time by a taxpayer, an elected assessing official who represents the area where the property subject to the petition is located, or the county auditor of the county in which the property subject to the petition is located. The petition must be filed with the county assessor of the county in which the property that is the subject of the petition is located. The county assessor shall record the petition in an appeal log and transmit copies of the petition to the appropriate township assessor and the county auditor for signature after their respective actions approving or disapproving the petition. If a petition for correction of error is filed by an assessing official or a county auditor, the official who filed the petition shall give written notice of the filing. The notice must contain a general description of the property and the petition that was filed. An elected assessing official or a county auditor may not file a petition for correction of error after the time within which the property may be assessed or the assessed value of the property may be increased under IC 6-1.1-9-3 or IC 6-1.1-9-4.

(b) The county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when ~~he~~ **the county**

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auditor finds that the error exists, **regardless of whether a petition for correction of error has been filed under subsection (a).**

(c) If the tax is based on an assessment made or determined by the state board of tax commissioners, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is either approved by the state board or ordered by the tax court.

(d) If the tax is not based on an assessment made or determined by the state board of tax commissioners, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by at least two (2) of the following officials:

- (1) The township assessor.
- (2) The county auditor.
- (3) The county assessor.

If two (2) of these officials do not approve such a correction, the county ~~auditor~~ **assessor** shall refer the matter to the county property tax assessment board of appeals for determination. The county property tax assessment board of appeals shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county property tax assessment board of appeals to the division of appeals of the state board of tax commissioners for a final administrative determination. An appeal under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The state board of tax commissioners shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor.

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

SECTION 38. IC 6-1.1-15-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 12.5. (a) Subject to the limitations contained in subsections (c) and (d), a county auditor shall correct errors that are discovered in the tax duplicate for any one (1) or more of the following reasons:**

- (1) **The description of the real property was in error.**
- (2) **The assessment was against the wrong person.**
- (3) **Taxes on the same property were charged more than one (1) time in the same year.**



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- (4) There was a mathematical error in computing the taxes or penalties on the taxes.
- (5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.
- (6) The taxes, as a matter of law, were illegal.
- (7) There was a mathematical error in computing an assessment.
- (8) Through an error of omission by any state or county officer, the taxpayer was not given credit for an exemption or deduction permitted by law.

A petition for correction of error described in this subsection may be filed at any time by a taxpayer, an elected assessing official who represents the area where the property subject to the petition is located, or the county auditor of the county in which the property subject to the petition is located. The petition must be filed with the county assessor of the county in which the property that is the subject of the petition is located. The county assessor shall record the petition in an appeal log and transmit copies of the petition to the appropriate township assessor and the county auditor for signature after their respective actions approving or disapproving the petition. If a petition for correction of error is filed by an assessing official or a county auditor, the official who filed the petition shall give written notice of the filing. The notice must contain a general description of the property and the petition that was filed. An elected assessing official or a county auditor may not file a petition for correction of error after the time within which the property may be assessed or the assessed value of the property may be increased under IC 6-1.1-9-3 or IC 6-1.1-9-4.

(b) The county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county auditor finds that the error exists, regardless of whether a petition for correction of error has been filed under subsection (a).

(c) If the tax is based on an assessment made or determined by the state board of tax commissioners or the Indiana board of tax review, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is approved by the state board or the Indiana board or is ordered by the tax court.

(d) If the tax is not based on an assessment made or determined by the state board of tax commissioners or the Indiana board of tax review, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first



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approved by at least two (2) of the following officials:

- (1) The township assessor.
- (2) The county auditor.
- (3) The county assessor.

If two (2) of these officials do not approve such a correction, the county assessor shall refer the matter to the county property tax assessment board of appeals for determination. The county property tax assessment board of appeals shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county property tax assessment board of appeals to the Indiana board of tax review for a final administrative determination. An appeal under this section shall be conducted in the same manner as appeals under sections 4.5 through 8 of this chapter. The Indiana board shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor.

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

SECTION 39. IC 6-1.1-15-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. A class action suit against the state Indiana board of tax commissioners review may not be maintained in any court, including the Indiana tax court, on behalf of a person who has not complied with the requirements of this chapter or IC 6-1.1-26 before the certification of the class.

SECTION 40. IC 6-1.1-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Except as provided in section 2 of this chapter, an assessing official, county assessor, or county property tax assessment board of appeals may not change the assessed value claimed by a taxpayer on a personal property return unless the assessing official, county assessor, or county property tax assessment board of appeals takes the action and gives the notice required by IC 6-1.1-3-20 within the following time periods:

- (1) A township or county assessing official must make a change in the assessed value and give the notice of the change on or before the latter of:
 - (i) September 15 of the year for which the assessment is made; or
 - (ii) four (4) months from the date the personal property return



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is filed if the return is filed after May 15th of the year for which the assessment is made.

(2) A county assessor or county property tax assessment board of appeals must make a change in the assessed value, including the final determination by the board of an assessment changed by a township or county assessing official, or county property tax assessment board of appeals, and give the notice of the change on or before the latter of:

- (i) October 30 of the year for which the assessment is made; or
- (ii) five (5) months from the date the personal property return is filed if the return is filed after May 15th of the year for which the assessment is made.

(3) The state board of tax commissioners must make a ~~preliminary~~ change in the assessed value ~~including a preliminary determination on review of an assessment made by a county property tax assessment board of appeals under IC 6-1.1-15-2.1;~~ and give the notice of the change on or before the latter of:

- (i) October 1st of the year immediately following the year for which the assessment is made; or
- (ii) sixteen (16) months from the date the personal property return is filed if the return is filed after May 15th of the year for which the assessment is made.

(b) Except as provided in section 2 of this chapter, if an assessing official, a county assessor, or a county property tax assessment board of appeals fails to change an assessment and give notice of the change within the time prescribed by this section, the assessed value claimed by the taxpayer on the personal property return is final.

(c) This section does not limit the authority of a county auditor to correct errors in a tax duplicate under IC 6-1.1-15-12.

(d) This section does not apply if the taxpayer:

- (1) fails to file a personal property return which substantially complies with the provisions of this article and the regulations of the state board of tax commissioners; or
- (2) files a fraudulent personal property return with the intent to evade the payment of property taxes.

(e) A taxpayer may appeal a ~~preliminary~~ determination of the state board of tax commissioners under subsection (a)(3) to the ~~division of appeals~~ **Indiana board of tax review**. An appeal under this subdivision shall be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. A ~~preliminary~~ determination that is not appealed under this subsection is a final unappealable order of the state board of tax commissioners.

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SECTION 41. IC 6-1.1-20.8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The county auditor shall determine the eligibility of each applicant under this chapter and shall notify the applicant, ~~and~~ the state board of tax commissioners, **and the Indiana board of tax review** of the determination before August 15 of the year in which the application is made. This notice must contain a statement that:

- (1) the applicant is entitled to appeal a denial of eligibility; and
- (2) the state board of tax commissioners may, upon its own initiative, review the application and deny the credit.

(b) If the county auditor determines that an applicant is not eligible, the applicant may appeal for a review of the application by the ~~state Indiana~~ board of tax ~~commissioners review~~. An appeal is perfected by the filing of a written request for review with the ~~state Indiana~~ board of tax ~~commissioners~~ no later than thirty (30) days after the date on the county auditor's notice. The request must:

- (1) state the name of the applicant;
- (2) identify the application; and
- (3) state the reasons the applicant believes that the county auditor's decision is incorrect.

(c) The ~~state Indiana~~ board of tax ~~commissioners review~~ shall review the application of any applicant who files an appeal under subsection (b). **The Indiana board shall notify the applicant and the county auditor of the Indiana board's decision to allow or disallow the credit.**

(d) The state board of tax commissioners may review any application and if it finds that the applicant has been denied but is eligible or that the applicant is not eligible, the board shall notify the applicant and the county auditor of the board's decision to allow or disallow the credit.

(e) If a person desires to initiate an appeal of the Indiana board of tax review's final determination under subsection (c), the person must do all of the following not more than forty-five (45) days after the Indiana board gives the person notice of the final determination:

- (1) File a written notice with the Indiana board informing the board of the person's intention to appeal.**
- (2) File a complaint in the tax court.**
- (3) Serve the attorney general and the county auditor with a copy of the complaint.**

~~(d)~~ **(f)** If a person desires to initiate an appeal of the state board of tax commissioners' final determination under **subsection (d)**, ~~this~~



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~~section~~, the person must ~~do all of the following~~ **file a petition with the Indiana board of tax review** not more than forty-five (45) days after the state board of tax commissioners gives the person notice of the final determination.

- (1) ~~File a written notice with the state board of tax commissioners informing the board of the person's intention to appeal.~~
- (2) ~~File a complaint in the tax court.~~
- (3) ~~Serve the attorney general and the county auditor with a copy of the complaint.~~

SECTION 42. IC 6-1.1-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Each year the department shall allocate from the property tax replacement fund an amount equal to the sum of:

- (1) twenty percent (20%) of each county's total county tax levy payable that year; plus
- (2) the total amount of homestead tax credits that are provided under IC 6-1.1-20.9 and allowed by each county for that year; plus
- (3) an amount for each county that has one (1) or more taxing districts that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter. This amount is the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Determine that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of the subdivision (1) amount that is attributable to the taxing district; by
- (B) the STEP ONE sum.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; times
- (B) the property taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

(b) **Except as provided in subsection (e)**, between March 1 and August 31 of each year, the department shall distribute to each county treasurer from the property tax replacement fund one-half (1/2) of the estimated distribution for that year for the county. Between September 1 and December 15 of that year, the department shall distribute to each county treasurer from the property tax replacement fund the remaining one-half (1/2) of each estimated distribution for that year. The amount

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of the distribution for each of these periods shall be according to a schedule determined by the property tax replacement fund board under section 10 of this chapter. The estimated distribution for each county may be adjusted from time to time by the department to reflect any changes in the total county tax levy upon which the estimated distribution is based.

(c) On or before December 31 of each year or as soon thereafter as possible, the department shall make a final determination of the amount which should be distributed from the property tax replacement fund to each county for that calendar year. This determination shall be known as the final determination of distribution. The department shall distribute to the county treasurer or receive back from the county treasurer any deficit or excess, as the case may be, between the sum of the distributions made for that calendar year based on the estimated distribution and the final determination of distribution. The final determination of distribution shall be based on the auditor's abstract filed with the auditor of state, adjusted for postabstract adjustments included in the December settlement sheet for the year, and such additional information as the department may require.

(d) All distributions provided for in this section shall be made on warrants issued by the auditor of state drawn on the treasurer of state. If the amounts allocated by the department from the property tax replacement fund exceed in the aggregate the balance of money in the fund, then the amount of the deficiency shall be transferred from the state general fund to the property tax replacement fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. However, any amount transferred under this section from the general fund to the property tax replacement fund shall, as soon as funds are available in the property tax replacement fund, be retransferred from the property tax replacement fund to the state general fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the replacement of that amount.

(e) The department shall not distribute under subsection (b) and section 10 of this chapter the money attributable to the county's property reassessment fund if, by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the state board of tax commissioners.

(f) If the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor has not transmitted to the Indiana board of tax review by August 1 of the year in which the distribution is scheduled to be made the

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data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b), the department shall not distribute under subsection (b) and section 10 of this chapter a portion of the money attributable to the county's property reassessment fund. The portion not distributed is the amount that bears the same proportion to the total potential distribution as the number of townships in the county for which data was not transmitted by August 1 as described in this section bears to the total number of townships in the county.

(g) Money not distributed under subsection (e) shall be distributed to the county when the county auditor sends to the state board of tax commissioners the certified statement required to be sent under IC 6-1.1-17-1 with respect to which the failure to send resulted in the withholding of the distribution under subsection (e).

(h) Money not distributed under subsection (f) shall be distributed to the county when the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor transmit to the Indiana board of tax review the data required to be transmitted under IC 6-1.1-4-25(b) with respect to which the failure to transmit resulted in the withholding of the distribution under subsection (f).

SECTION 43. IC 6-1.1-26-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The county auditor shall forward a claim for refund filed under section 1 of this chapter to the state board of tax commissioners for review by the board if:

- (1) the claim is for the refund of taxes paid on an assessment made or determined by the state board of tax commissioners; and
- (2) the claim is based upon the grounds specified in IC 6-1.1-26-1(4)(ii) or IC 6-1.1-26-1(4)(iii).

(b) The state board of tax commissioners shall review each refund claim forwarded to it under this section. The board shall certify its approval or disapproval on the claim and shall return the claim to the county auditor.

(c) Before the state board of tax commissioners disapproves a refund claim which is forwarded to it under this section, the board shall notify the claimant of its intention to disapprove the claim and of the time and place fixed for a hearing on the claim. The board shall hold the hearing within thirty (30) days after the date of the notice. The board shall conduct the hearing in the same manner that assessment appeal hearings are conducted. The claimant has a right to be heard at the hearing.



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(d) If a person desires to initiate an appeal of the state board of tax commissioners' final determination under this section, the person must ~~do all of the following~~ **file a petition with the Indiana board of tax review** not more than forty-five (45) days after the state board of tax commissioners gives the person notice of the final determination.

(1) ~~File a written notice with the state board of tax commissioners informing the board of the person's intention to appeal.~~

(2) ~~File a complaint in the tax court.~~

(3) ~~Serve the attorney general and the county auditor with a copy of the complaint.~~

(e) **If a person desires to initiate an appeal of the Indiana board of tax review's final determination under this section, the person must do all of the following not more than forty-five (45) days after the Indiana board gives the person notice of the final determination:**

(1) File a written notice with the Indiana board informing the board of the person's intention to appeal.

(2) File a complaint in the tax court.

(3) Serve the attorney general and the county auditor with a copy of the complaint.

SECTION 44. IC 6-1.1-26-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A refund claim which is filed under section 1 of this chapter and which is not subject to review by the state board of tax commissioners under section 2 of this chapter shall be either approved or disapproved by the county auditor, the county treasurer, and the county assessor.

(b) If the claim for refund is disapproved by either the county auditor, the county treasurer, or the county assessor, the claimant may appeal that decision to the ~~state Indiana~~ **board of tax commissioners review**. The claimant must initiate the appeal and the ~~state Indiana~~ **board shall hear the appeal in the same manner that assessment appeals are initiated and heard by the Indiana board**.

(c) If a person desires to initiate an appeal of the ~~state Indiana~~ **board of tax commissioners' review's** final determination under this section, the person must do all of the following not more than forty-five (45) days after the ~~state Indiana~~ **board of tax commissioners** gives the person notice of the final determination:

(1) File a written notice with the ~~state Indiana~~ **board of tax commissioners** informing the board of the person's intention to appeal.

(2) File a complaint in the tax court.

(3) Serve the attorney general and the county auditor with a copy



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of the complaint.

SECTION 45. IC 6-1.1-26-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A county auditor shall submit a refund claim filed under section 1 of this chapter to the county board of commissioners for final review after the appropriate county officials either approve or disapprove the claim and, if the claim is disapproved, an appeal to the **state Indiana** board of tax **commissioners review** is not initiated under section 3 of this chapter.

(b) The county board of commissioners shall disallow a refund claim if it was disapproved by one (1) of the appropriate county officials and an appeal to the **state Indiana** board of tax **commissioners review** was not initiated under section 3 of this chapter.

(c) Except as provided in subsection (b) of this section, the county board of commissioners may either allow or disallow a refund claim which is submitted to it for final review. If the county board disallows a claim, the claimant may appeal that decision to the **state Indiana** board of tax **commissioners review**.

(d) The **state Indiana** board of tax **commissioners review** shall hear an appeal under subsection (c) in the same manner that assessment appeals are ~~initiated and~~ heard.

(e) If a person desires to initiate an appeal of the **state Indiana** board of tax **commissioners' review's** final determination under this section, the person must do all of the following not more than forty-five (45) days after the **state Indiana** board of tax **commissioners** gives the person notice of the final determination:

- (1) File a written notice with the **state Indiana** board of tax **commissioners** informing the board of the person's intention to appeal.
- (2) File a complaint in the tax court.
- (3) Serve the attorney general and the county auditor with a copy of the complaint.

SECTION 46. IC 6-1.1-26-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) When a claim for refund filed under section 1 of this chapter is allowed either by the county board of commissioners, the state board of tax commissioners, **the Indiana board of tax review**, or the Indiana tax court on appeal, the claimant is entitled to a refund. The amount of the refund shall equal the amount of the claim so allowed plus interest at ~~six~~ **four** percent (~~6%~~) (**4%**) from the date on which the taxes were paid or payable, whichever is later, to the date of the refund. The county auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount

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due the claimant under this section.

(b) In the June or December settlement and apportionment of taxes, or both the June and December settlement and apportionment of taxes, immediately following a refund made under this section the county auditor shall deduct the amount refunded from the gross tax collections of the taxing units for which the refunded taxes were originally paid and shall pay the amount so deducted into the general fund of the county. However, the county auditor shall make the deductions and payments required by this subsection not later than the December settlement and apportionment.

SECTION 47. IC 6-1.1-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. **Except for the county assessor, an individual who is an officer or employee of a county or township may not serve on the board of appeals in the county in which the individual is an officer or employee.** The fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two assessor-appraiser. The board of commissioners of the county shall appoint two (2) freehold members so that not more than three (3) of the five (5) members may be of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two assessor-appraiser, **unless the county assessor is a certified level two assessor-appraiser.** A person appointed to a property tax assessment board of appeals may ~~not~~ serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor is a voting member of the property tax assessment board of appeals. ~~and~~ **The county assessor** shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

SECTION 48. IC 6-1.1-30-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) The state board of tax commissioners may, by written order, appoint hearing officers.

(b) A board hearing officer may conduct any hearing which the

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board is required by law to hold. In the written order by which the board appoints a hearing officer, the board shall prescribe his duties. The board may have different hearing officers simultaneously conduct numerous hearings.

(c) ~~This subsection does not apply to an appeal under IC 6-1.1-8-29. A division of appeals is established under the state board of tax commissioners. Personnel for the division shall be employed and the division shall be organized to give competent, timely, and impartial review of all appeals concerning:~~

- (1) ~~the assessed valuation of tangible property;~~
- (2) ~~property tax deductions;~~
- (3) ~~property tax exemptions; or~~
- (4) ~~property tax credits;~~

~~that are made from a determination by an assessing official or a county property tax assessment board of appeals to the state board of tax commissioners under any law. Notwithstanding any other law, appeals described in this subsection shall be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8.~~

(d) ~~The chairman of the state board of tax commissioners shall appoint a full time director for the division of appeals. The director of the division of appeals shall report to the chairman of the state board of tax commissioners. The division shall otherwise act autonomously from the state board of tax commissioners in making determinations.~~

(e) ~~This section does not prohibit the employees of the state board of tax commissioners from providing technical support to the division of appeals upon request.~~

SECTION 49. IC 6-1.1-30-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) With respect to a review conducted by a field representative or supervisor under section 10 of this chapter or a hearing conducted by a hearing officer under section 11 of this chapter, the field representative, supervisor, or hearing officer shall submit a written report of his findings of fact and conclusions of law to the state board of tax commissioners.

(b) ~~Except as provided in IC 6-1.1-15;~~ After reviewing the report, the board may take additional evidence or hold additional hearings.

(c) The board shall base its final decision on the report, any additional evidence taken by the board, and any records that the board considers relevant.

SECTION 50. IC 6-1.1-30-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. In order to obtain information which is necessary to the board's conduct of a necessary or proper inquiry, the state board of tax commissioners a ~~hearing officer~~



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in ~~the division of appeals~~, or a board hearing officer or special representative, may:

- (1) subpoena and examine witnesses;
- (2) administer oaths; and
- (3) subpoena and examine books or papers which are in the hands of any person.

SECTION 51. IC 6-1.1-30-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The state board of tax commissioners:

- (1) shall see that the property taxes due this state are collected;
- (2) shall see that the penalties prescribed under this article are enforced;
- (3) shall investigate the property tax laws and systems of other states and countries; and
- (4) may recommend changes in this state's property tax laws to the general assembly.

(b) The state board of tax commissioners shall establish a personal property audit division. The state board shall see that personal property assessments are correctly and completely reported by annually conducting audits through a personal property tax audit division of a sampling of personal property assessment returns throughout the state. The employees of the audit division may be assigned only duties that further the state board's personal property audit functions under this subsection.

(c) The state board of tax commissioners shall establish a budget division. The state board shall carry out its functions relating to the review and certification of budgets, rates, and levies of political subdivisions through the budget division. The state board shall also use the budget division for training of employees of political subdivisions in budget matters. The employees of the budget division may be assigned only duties that further the state board's functions relating to budget review and certification under this subsection.

(d) The state board of tax commissioners shall establish an assessment division. The state board shall carry out its functions relating to the assessment of tangible property for property tax purposes through the assessment division. The state board shall also use the assessment division for training of assessing officials in assessment matters. The employees of the assessment division may be assigned only duties that further the state board's functions relating to assessment under this subsection.

(e) The state board of tax commissioners shall provide to the

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Indiana board of tax review all data within the state board's possession described in IC 6-1.5-6.

SECTION 52. IC 6-1.1-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The state board of tax commissioners shall do the following:

- (1) Prescribe the property tax forms and returns which taxpayers are to complete and on which the taxpayers' assessments will be based.
- (2) Prescribe the forms to be used to give taxpayers notice of assessment actions.
- (3) Adopt rules concerning the assessment of tangible property.
- (4) Develop specifications that prescribe state requirements for computer software and hardware to be used by counties for assessment purposes. The specifications developed under this subdivision apply only to computer software and hardware systems purchased for assessment purposes after July 1, 1993.
- (5) Adopt rules establishing criteria for the revocation of a certification under IC 6-1.1-35.5-6.**

(b) The state board of tax commissioners may promulgate rules which are related to **property taxation** or the duties or the procedures of the board.

SECTION 53. IC 6-1.1-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In the preparation of rules, regulations, property tax forms, and property tax returns, the state board of tax commissioners may consider:

- (1) data compiled by the federal government;
- (2) data compiled by this state and its taxing authorities;
- (3) data compiled and studies made by a state college or university;
- (4) generally accepted practices of appraisers, including generally accepted property assessment valuation and mass appraisal principles and practices;
- (5) generally accepted indices of construction costs;
- (6) for assessment dates after February 28, ~~2001~~, **2002**, generally accepted indices of income accruing from real property; and
- (7) any other information which is available to the state board of tax commissioners.

SECTION 54. IC 6-1.1-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The rules promulgated by the state board of tax commissioners are the basis for determining the true tax value of tangible property.

(b) Local assessing officials, members of the county property tax



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assessment board of appeals, and county assessors shall:

- (1) comply with the rules, appraisal manuals, bulletins, and directives adopted by the state board of tax commissioners;
- (2) use the property tax forms, property tax returns, and notice forms prescribed by the board; and
- (3) collect and record the data required by the board.

(c) In assessing tangible property, the township assessors, members of the county property tax assessment board of appeals, and county assessors may consider factors in addition to those prescribed by the state board of tax commissioners if the use of the additional factors is first approved by the board. Each township assessor, **each member** of the county property tax assessment board of appeals, and the county assessor shall indicate on ~~his~~ **the** records for each individual assessment whether:

- (1) only the factors contained in the board's rules, forms, and returns have been considered; or
- (2) factors in addition to those contained in the board's rules, forms, and returns have been considered.

SECTION 55. IC 6-1.1-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2002]: Sec. 6. (a) **As used in this section, "objectively verifiable data" refers to objectively verifiable data as of the date used in the development of rules for the derivation of improvement costs and land values.**

(b) With respect to the assessment of real property, the rules of the state board of tax commissioners shall provide for:

- (1) ~~the classification~~ **just valuation** of land on the basis of **comparable sales for nonagricultural land and income capitalization for agricultural land using classifications and objectively verifiable data concerning:**
 - (i) acreage;
 - (ii) lots;
 - (iii) size;
 - (iv) location;
 - (v) use;
 - (vi) productivity or earning capacity;
 - (vii) applicable zoning provisions;
 - (viii) accessibility to highways, sewers, and other public services or facilities; and
 - (ix) any other factor that the board determines by rule is **just and proper necessary to provide for the just valuation of property;** and
- (2) ~~the classification~~ **determining reproduction cost and**



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depreciation of improvements on the basis of classifications and objectively verifiable data concerning:

- (i) size;
- (ii) location;
- (iii) use;
- (iv) type and character of construction;
- (v) age;
- (vi) condition;
- (vii) cost of reproduction; **and**
- (viii) capitalization of income; and**
- ~~(viii)~~ **(ix) any other factor that the board determines by rule is just and proper necessary to provide for the just valuation of property.**

~~(b)~~ **(c)** With respect to the assessment of real property, the rules of the state board of tax commissioners shall **use objectively verifiable data and** include instructions for determining:

- (1) the proper classification of real property;
- (2) the size of real property;
- (3) the effects that location and use have on the value of real property;
- (4) the depreciation, including physical deterioration and obsolescence, of real property;
- (5) the cost of reproducing improvements;
- (6) the productivity or earning capacity of land; and
- (7) the true tax value of real property based on the factors listed in this subsection and any other factor that the board determines by rule is ~~just and proper~~: **necessary to provide for the just valuation of property.**

~~(c)~~ **(d)** With respect to the assessment of real property, true tax value does not mean fair market value. True tax value is the value determined under the rules of the state board of tax commissioners **based on objectively verifiable data.**

SECTION 56. IC 6-1.1-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2002]: Sec. 7. (a) **As used in this section, "objectively verifiable data" refers to objectively verifiable data as of the date used in the development of rules for the derivation of personal property costs.**

(b) With respect to the assessment of personal property, the rules of the state board of tax commissioners shall provide for the ~~classification~~ **just valuation** of personal property on the basis of **objectively verifiable data concerning:**

- (1) date of purchase;



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- (2) location;
- (3) use;
- (4) depreciation, obsolescence, and condition; and
- (5) any other factor that the board determines by rule is **just and proper: necessary to provide for the just valuation of property.**

~~(b)~~ (c) With respect to the assessment of personal property, the rules of the state board of tax commissioners shall **use objectively verifiable data and** include instructions for determining:

- (1) the proper classification of personal property;
- (2) the effect that location has on the **true tax** value of personal property;
- (3) the cost of reproducing personal property;
- (4) the depreciation, including physical deterioration and obsolescence, of personal property; and
- (5) the true tax value of personal property based on the factors listed in this subsection and any other factor that the board determines by rule is **just and proper: necessary to provide for the just valuation of property.**

~~(c)~~ (d) In providing for the classification of personal property and the instructions for determining the items listed in subsection ~~(b)~~; (c), the state board of tax commissioners shall not include the value of land as a cost of producing tangible personal property subject to assessment.

(e) The rules of the state board of tax commissioners must include instructions for determining the starting point for the valuation of used depreciable personal property after a sale or transfer of the property.

~~(d)~~ (f) With respect to the assessment of personal property, true tax value does not mean fair market value. True tax value is the value determined under **the** rules of the state board of tax commissioners.

SECTION 57. IC 6-1.1-31-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a) Subject to subsection (b),** the state board of tax commissioners shall adopt rules under IC 4-22-2 to govern the practice of representatives in proceedings before the property tax assessment board of appeals and the state board of tax commissioners under IC 6-1.1-15.

(b) A rule adopted under subsection (a) may not:

- (1) restrict the ability of a representative to practice before the property tax assessment board of appeals of the state board of tax commissioners based on the fact that the representative is not an attorney admitted to the Indiana bar; or
- (2) restrict the admissibility of written or oral testimony of a

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representative or other witness based upon the manner in which the representative or other witness is compensated.

(c) This subsection applies to a petition that is filed with the property tax assessment board of appeals or the state board of tax commissioners before the adoption of a rule under subsection (a) that establishes new standards for:

- (1) the presentation of evidence or testimony; or
- (2) the practice of representatives.

The property tax assessment board of appeals or the state board of tax commissioners may not dismiss a petition solely for failure to comply with the rule adopted under subsection (a) without providing the petitioner with an opportunity to present evidence, testimony, or representation in compliance with the rule.

SECTION 58. IC 6-1.1-31.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) After December 31, 1998, each county shall maintain a state certified computer system that has the capacity to:

- (1) process and maintain assessment records;
- (2) process and maintain standardized property tax forms;
- (3) process and maintain standardized property assessment notices;
- (4) maintain complete and accurate assessment records for the county; and
- (5) process and compute complete and accurate assessments in accordance with Indiana law.

The county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county except in a county with a township assessor elected under IC 36-6-5-1 in every township. In a county with an elected township assessor under IC 36-6-5-1 in every township, the ~~county assessor~~ **elected township assessors** shall select a computer system based on a majority vote of the township assessors in the county.

(b) All information on the computer system shall be readily accessible to:

- (1) township assessors;
- (2) the county assessor;
- (3) the board; ~~and~~
- (4) members of the county property tax assessment board of appeals; ~~and~~
- (5) **the Indiana board of tax review.**

(c) The certified system used by the counties must be compatible

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with the data export and transmission requirements in a standard format prescribed by the board. The certified system must be maintained in a manner that ensures prompt and accurate transfer of data to the board.

(d) All standardized property forms and notices on the certified computer system shall be maintained by the township assessor and the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county.

SECTION 59. IC 6-1.1-34-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. Each year in which a general assessment of real property becomes effective, the **state Indiana** board of tax ~~commissioners review~~ shall compute a new assessment ratio for each ~~school~~ **school** corporation and a new state average assessment ratio. In all other years, the board may compute a new assessment ratio for a school corporation and a new state average assessment ratio if the board finds that there has been sufficient reassessment of one (1) or more classes of property in the school district. When the **state Indiana** board of tax ~~commissioners~~ computes a new assessment ratio for a school corporation, the board shall publish the new ratio.

SECTION 60. IC 6-1.1-34-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A school corporation's assessment ratio for a particular year equals:

- (1) the total assessed valuation of the property within the school district; divided by
- (2) the total true tax value which the **state Indiana** board of tax ~~commissioners review~~ determines would result if the property within the school district were valued in the manner provided by law.

SECTION 61. IC 6-1.1-34-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The state average assessment ratio for a particular year equals:

- (1) the sum of the assessed valuations of the property within all the school corporations of this state; divided by
- (2) the sum of the true tax values which the **state Indiana** board of tax ~~commissioners review~~ determines would result if the property within all the school corporations of this state were valued in the manner provided by law.

SECTION 62. IC 6-1.1-34-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. In order to compute the assessment ratio for a school corporation, the **state Indiana** board of tax ~~commissioners review~~ shall first make a random sampling of the

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assessed values and true tax values of the following classes of real and personal property:

- (1) Residential.
- (2) Farm.
- (3) Commercial.
- (4) Industrial.

SECTION 63. IC 6-1.1-34-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. When computing the assessment ratio for a school corporation, the **state Indiana** board of tax **commissioners review** shall weight the ratio to reflect the relative importance of each class of property within the school district. Before calculating a school corporation's assessment ratio, the **state Indiana** board of tax **commissioners** shall discuss the weight to be given to each class of property with:

- (1) residents of the school district; and
- (2) elected officials or other individuals who are familiar with the economic base of the school district.

SECTION 64. IC 6-1.1-34-6, AS AMENDED BY P.L.273-1999, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) After the **state Indiana** board of tax **commissioners review** calculates a new assessment ratio for a school corporation and before publishing the new ratio, the board shall send a notice of the new assessment ratio to the county auditor, the county assessor, and the governing body of the school corporation. The **state Indiana** board of tax **commissioners** shall send these notices before March 2 of each year in which the board calculates a new assessment ratio for the school corporation.

(b) Within thirty (30) days after notification of a new assessment ratio, the county auditor, the county assessor, or the governing body of the school corporation may:

- (1) examine and verify the **state Indiana** board of tax **commissioners' review's** data; and
- (2) make suggestions concerning the values established by the board.

(c) Before April 15 of each year in which the board calculates a new assessment ratio for the school corporation, the **state Indiana** board of tax **commissioners review** shall publish the new assessment ratio.

SECTION 65. IC 6-1.1-34-7, AS AMENDED BY P.L.273-1999, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. Each year in which the **state Indiana** board of tax **commissioners review** computes a new assessment ratio for a school corporation, the board shall also compute

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a new adjustment factor for the school corporation. If the school corporation's assessment ratio for a year is more than ninety-nine percent (99%) but less than one hundred one percent (101%) of the state average assessment ratio for that year, the school corporation's adjustment factor is the number one (1). In all other cases, the school corporation's adjustment factor equals (1) the state average assessment ratio for a year, divided by (2) the school corporation's assessment ratio for that year. The ~~state Indiana~~ board of ~~tax commissioners~~ shall notify the school corporation of its new adjustment factor before March 2 of the year in which the board calculates the new adjustment factor.

SECTION 66. IC 6-1.1-34-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. In order to perform the duties assigned to it under this chapter, the ~~state Indiana~~ board of ~~tax commissioners~~ **review**:

- (1) shall conduct continuing studies of all property which is subject to assessment in this state;
- (2) may request access to all local and state official records;
- (3) may secure information from the federal government or from public or private agencies;
- (4) may inspect a person's books, records, or property if the item is relevant to information which the board needs in order to implement this chapter; and
- (5) may adopt appropriate forms and procedures.

SECTION 67. IC 6-1.1-34-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. If a state or local official or employee does not give the ~~state Indiana~~ board of ~~tax commissioners~~ **review** access to official records which the board has asked to examine under section 9(2) of this chapter, the official's or employee's action is evidence of misconduct in the office or position which he holds.

SECTION 68. IC 6-1.1-34-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. Information which the ~~state Indiana~~ board of ~~tax commissioners~~ **review** has obtained from the federal government or a public agency under section 9(3) of this chapter is subject to the provider's rules and regulations, if any, which concern the confidential nature of the information. In addition, the information compiled by the board under this chapter is confidential until publication of the assessment ratio and then loses its confidential character only to the extent that it is used in determining the ratio.

SECTION 69. IC 6-1.1-34-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. If the ~~state Indiana~~



board of tax ~~commissioners review~~ employs additional personnel in order to perform the duties assigned to the board under this chapter, the board shall select the employees in the manner prescribed in ~~1971~~, IC 6-1.1-30-9.

SECTION 70. IC 6-1.1-35.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In any year in which an assessing official, a county assessor, or a member of a county property tax assessment board of appeals takes office for the first time, the state board of tax commissioners shall conduct training sessions determined under the rules adopted by the state board of tax commissioners under IC 4-22-2 for these new officials. These sessions must be held **in Marion County and in** at ~~sufficient~~ **least four (4) other** convenient locations throughout Indiana. **The sessions shall be held at times that are sufficient to provide each county assessor and assessing official with an opportunity to attend the training.**

(b) Any new assessing official, county assessor, or member of a county property tax assessment board of appeals who attends a required session is entitled to receive the per diem per session set by the state board of tax commissioners by rule adopted under IC 4-22-2 and a mileage allowance from the county in which the official resides.

(c) A person is entitled to a mileage allowance under this section only for travel between the person's place of work and the training session nearest to the person's place of work.

SECTION 71. IC 6-1.1-35.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Each year the state board of tax commissioners shall conduct the continuing education sessions required in the rules adopted by the state board of tax commissioners for all assessing officials, county assessors, and all members of, and hearing officers for, the county property tax assessment board of appeals. These sessions must be conducted at sufficient convenient locations throughout Indiana.

(b) **Sessions must be offered a number of times that are sufficient to provide each level one assessor and level two assessor with an opportunity to attend continuing education sessions every two (2) years to maintain certification for each level under IC 6-1.1-35.5.**

(c) Any assessing official, county assessor, or member of, and hearing officers for, the county property tax assessment board of appeals who attends required sessions is entitled to receive a mileage allowance and the per diem per session set by the state board of tax commissioners by rule adopted under IC 4-22-2 from the county in which the official resides. A person is entitled to a mileage allowance



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under this section only for travel between the person's place of work and the training session nearest to the person's place of work.

SECTION 72. IC 6-1.1-35.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The training programs prescribed by this chapter must be designed so that the attendees at a program are prepared to train their subordinates. **In addition, the training programs must include:**

- (1) a course on basic assessment administration with an examination; and
- (2) the information necessary to obtain a level one certification under rules adopted by the state board of tax commissioners.

SECTION 73. IC 6-1.1-35.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The level one examination shall be given in the month of July, and the level two examination shall be given in the month of August. Both level examinations also shall be offered annually immediately following the conference of state board of tax commissioners and at any other times that coordinate with ~~applicable courses of instruction~~. **training sessions conducted under IC 6-1.1-35.2-2.** The state board of tax commissioners may also give either or both examinations at other times throughout the year.

(b) Examinations shall be held **each year, at the times prescribed in subsection (a), in Indianapolis at a location and at not less than four (4) other convenient locations** chosen by the state board of tax commissioners.

(c) **The state board of tax commissioners may not limit the number of individuals who take the examination and shall provide an opportunity for all enrollees at each session to take the examination at that session.**

SECTION 74. IC 6-1.1-35.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The state board of tax commissioners shall certify all persons who successfully perform **on** an examination under this chapter and shall furnish ~~them~~ **each successful examinee** with a certificate that prominently displays the name of the successful examinee and the fact that ~~he~~ **the person** is a level one or level two certified Indiana assessor-appraiser.

(b) **The state board of tax commissioners shall revoke the certification of an individual if the state board reasonably determines that the individual committed fraud or misrepresentation with respect to the preparation, administration, or taking of the examination. The state board of tax commissioners**

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shall give notice and hold a hearing to consider all of the evidence about the fraud or misrepresentation before deciding whether to revoke the individual's certification.

SECTION 75. IC 6-1.1-36-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. In order to discharge their official duties, the following officials may administer oaths and affirmations:

- (1) Assessing officials.
- (2) County assessors.
- (3) County auditors.
- (4) Members of a county property tax assessment board of appeals.
- (5) Members of the state board of tax commissioners.

(6) Members of the Indiana board of tax review.

SECTION 76. IC 6-1.1-37-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) If a taxpayer is entitled to a property tax refund or credit because an assessment is decreased, the taxpayer shall also be paid, or credited with, interest on the excess taxes that he paid at the rate of ~~six~~ **four** percent (~~6%~~) (**4%**) per annum.

(b) For purposes of this section **and except as provided in subsection (c)**, the interest shall be computed from the date on which the taxes were paid or due, whichever is later, to the date of the refund or credit.

(c) **This subsection applies if a taxpayer who is entitled to a refund or credit does not make a written request for the refund or credit to the county auditor within forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, or the Indiana tax court that entitles the taxpayer to the refund or credit. In the case of a taxpayer described in this subsection, the interest shall be computed from the date on which the taxes were paid or due to the date that is forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, or the Indiana tax court.**

SECTION 77. IC 6-1.1-37-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11.5. (a) **If a taxpayer is entitled to a property tax refund or credit because an assessment is decreased, the taxpayer shall also be paid, or credited with, interest on the excess taxes that the taxpayer paid at the rate of four percent (4%) per annum.**



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(b) For purposes of this section and except as provided in subsection (c), the interest shall be computed from the date on which the taxes were paid or due, whichever is later, to the date of the refund or credit.

(c) This subsection applies if a taxpayer who is entitled to a refund or credit does not make a written request for the refund or credit to the county auditor within forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the Indiana board of tax review, or the Indiana tax court that entitles the taxpayer to the refund or credit. In the case of a taxpayer described in this subsection, the interest shall be computed from the date on which the taxes were paid or due to the date that is forty-five (45) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, the Indiana board of tax review, or the Indiana tax court.

SECTION 78. IC 6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

ARTICLE 1.5. INDIANA BOARD OF TAX REVIEW

Chapter 1. Definitions

Sec. 1. The definitions in IC 6-1.1-1 apply throughout this article.

Sec. 2. "Major political party" has the meaning set forth in IC 3-5-2-30.

Sec.3. "Indiana board" refers to the Indiana board of tax review established under this article.

Chapter 2. Establishment of Board

Sec. 1. (a) A state agency to be known as the Indiana board of tax review is hereby established. The Indiana board is composed of four (4) lay members. The governor shall appoint the members of the Indiana board. The members of the Indiana board shall elect the chairperson of the board.

(b) Two (2) members of the Indiana board must be members of one major political party, and two (2) members of the board must be members of the other major political party.

(c) Except as provided in subsections (d) and (e), the term of office of an Indiana board member is four (4) years.

(d) The initial terms of office of the Indiana board are as follows:

- (1) For one (1) board member, one (1) year.
- (2) For one (1) board member, two (2) years.

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(3) For one (1) board member, three (3) years.

(4) For one (1) board member, four (4) years.

(e) An Indiana board member appointed to fill a vacancy shall serve for the unexpired term of the member's predecessor.

(f) Any three (3) members of the Indiana board constitute a quorum for the transaction of business. Action may be taken by the Indiana board only upon the vote of a majority of the whole board.

Sec. 2. (a) Before performing any official duties, each lay member of the Indiana board shall execute:

(1) a surety bond in the amount of ten thousand dollars (\$10,000), with a surety approved by the governor; and

(2) an oath of office.

(b) The surety bond shall be payable to the state and shall be conditioned on the faithful discharge of the Indiana board member's duties. The executed surety bond and oath of office shall be filed in the office of the secretary of state.

Sec. 3. After a hearing on the matter, the governor may remove a member of the Indiana board for incompetency, neglect, or inefficiency.

Sec. 4. The Indiana board shall meet in continuous session throughout each calendar year in quarters provided by the state in the city of Indianapolis. The state shall provide the Indiana board with the supplies and printing that the board needs to transact business.

Sec. 5. The Indiana board shall keep a record of its proceedings and orders. The Indiana board's record is a public record. A copy of the appropriate portion of the record is sufficient evidence in all courts or proceedings to prove an action, rule, or order of the Indiana board if the copy is certified by a lay member of the board.

Sec. 6. The Indiana board shall establish:

(1) a division of appeals; and

(2) a division of data analysis.

Chapter 3. Employees

Sec. 1. (a) To properly and efficiently perform its duties, the Indiana board may, subject to the limitations in subsections (c) and (d), hire employees under this section.

(b) Each member and each employee of the Indiana board shall receive:

(1) an annual salary to be fixed in the manner prescribed in IC 4-12-1-13; and

(2) the same mileage and travel allowances that other state employees receive.



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(c) The Indiana board shall select the following employees in the manner prescribed in this section:

- (1) Supervisors.
- (2) Administrative law judges and other employees who are selected to work in the Indiana board's division of appeals.
- (3) Employees who are selected to work in the Indiana board's division of data analysis.
- (4) Employees who are selected to perform the other duties assigned to the Indiana board under this article.

Sec. 2. The Indiana board may delegate to an employee the board's powers with respect to any duty of the board.

Sec. 3. (a) The Indiana board may, by written order, appoint administrative law judges.

(b) An administrative law judge may conduct any hearing that the Indiana board is required by law to hold. In the written order by which the Indiana board appoints an administrative law judge, the board shall prescribe the duties of the position. The Indiana board may have different administrative law judges simultaneously conduct numerous hearings.

Chapter 4. Appeals of Determinations by Assessing Officials

Sec. 1. (a) The Indiana board shall conduct an impartial review of all appeals concerning:

- (1) the assessed valuation of tangible property;
- (2) property tax deductions;
- (3) property tax exemptions; or
- (4) property tax credits;

that are made from a determination by an assessing official or a county property tax assessment board of appeals to the Indiana board under any law.

(b) Appeals described in this section shall be conducted under IC 6-1.1-15.

Chapter 5. Appeals of Final Determinations by the State Board of Tax Commissioners

Sec. 1. (a) The Indiana board shall conduct impartial review of all appeals of final determinations of the state board of tax commissioners made under the following:

- (1) IC 6-1.1-8.
- (2) IC 6-1.1-12.1.
- (3) IC 6-1.1-14.
- (4) IC 6-1.1-16.
- (5) IC 6-1.1-26-2.

(b) Each notice of final determination issued by the state board

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of tax commissioners under a section listed in subsection (a) shall give the taxpayer notice of:

- (1) the opportunity for review under this section; and
- (2) the procedures the taxpayer must follow in order to obtain review under this section.

(c) In order to obtain a review by the Indiana board under this section, the taxpayer must file a petition for review with the appropriate county assessor within forty-five (45) days after the notice of the state board of tax commissioners' action is given to the taxpayer.

(d) The county assessor shall transmit the petition for review to the Indiana board within ten (10) days after it is filed.

Sec. 2. (a) After receiving a petition for review that is filed under a section listed in section 1 of this chapter, the division of appeals of the Indiana board shall conduct a hearing at its earliest opportunity.

(b) In its resolution of a petition, the Indiana board may correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(c) The division of appeals of the Indiana board shall give notice of the date fixed for the hearing, by mail, to:

- (1) the taxpayer;
- (2) the state board of tax commissioners; and
- (3) the appropriate:
 - (A) township assessor;
 - (B) county assessor; and
 - (C) county auditor.

(d) The division of appeals of the Indiana board shall give the notices required under subsection (c) at least ten (10) days before the day fixed for the hearing.

Sec. 3. The Indiana board shall prescribe a form for use in processing petitions for review of actions by the state board of tax commissioners. The Indiana board shall issue instructions for completion of the form.

Sec. 4. (a) The administrative law judge who conducts a hearing shall submit a written report of findings of fact and conclusions of law to the Indiana board.

(b) After reviewing the report of the administrative law judge, the Indiana board may take additional evidence or hold additional hearings.

(c) The Indiana board shall base its final determination on:

- (1) the report of the administrative law judge;



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- (2) any additional evidence taken by the Indiana board; and
- (3) any records that the Indiana board considers relevant.

Sec. 5. After the hearing, the Indiana board shall give the petitioner, the township assessor, the county assessor, the county auditor, and the state board of tax commissioners:

- (1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and
- (2) notice of the procedures the petitioner or the state board of tax commissioners must follow in order to obtain court review of the final determination of the Indiana board.

Sec. 6. (a) The division of appeals of the Indiana board shall conduct a hearing within six (6) months after a petition in proper form is filed with the division, excluding any time due to a delay reasonably caused by the petitioner.

(b) The Indiana board shall make a final determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by the Indiana board. However, the Indiana board may not extend the final determination date by more than one hundred eighty (180) days.

(c) The failure of the Indiana board to make a final determination within the time allowed by this section shall be treated as a final determination of the Indiana board to deny the petition.

Sec. 7. A final determination of the Indiana board is subject to appeal under IC 6-1.1-15.

Sec. 8. In order to obtain information that is necessary to the Indiana board's conduct of a necessary or proper inquiry, the Indiana board or a board administrative law judge may:

- (1) subpoena and examine witnesses;
- (2) administer oaths; and
- (3) subpoena and examine books or papers that are in the hands of any person.

Sec. 9. (a) The Indiana board may file an affidavit with a circuit court of this state if:

- (1) the Indiana board has requested that a person give information or produce books or records; and
- (2) the person has not complied with the request.

(b) An affidavit filed under subsection (a) must state that the person has not complied with the request of the Indiana board to give information or produce books or records.

(c) When an affidavit is filed under subsection (a), the circuit court shall issue a writ that directs the person to appear at the

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office of the Indiana board and to give the requested information or produce the requested books or records. The appropriate county sheriff shall serve the writ. Disobedience of the writ is punishable as a contempt of the court that issued the writ.

(d) If a writ is issued under this section, the cost incurred in filing the affidavit, in the issuance of the writ, and in the service of the writ shall be charged to the person against whom the writ is issued. If a writ is not issued, all costs shall be charged to the county in which the circuit court proceedings are held, and the board of commissioners of that county shall allow a claim for the costs.

(e) IC 6-1.1-15, as in effect before July 1, 2001, applies to an appeal initiated before July 1, 2001, of a final determination of the state board of tax commissioners.

Chapter 6. Data Analysis

Sec. 1. The division of data analysis shall do the following:

- (1) **Compile an electronic data base including the following:**
 - (A) **Information from the local government data base maintained by the state board of tax commissioners, categorized by taxing district and taxing unit.**
 - (B) **Information on sales of real and personal property, including information from sales disclosure forms filed under IC 6-1.1-5.5.**
 - (C) **Personal property assessed values and data entries on personal property return forms.**
 - (D) **Real property assessed values and data entries on real property assessment records, including data received under IC 6-1.1-4-25.**
 - (E) **Information on property tax exemptions, deductions, and credits.**
 - (F) **Any other data relevant to the accurate determination of real property and personal property tax assessments.**
- (2) **Analyze the data compiled under this section for the purpose of performing the functions of the division of data analysis under section 2 of this chapter.**
- (3) **Conduct continuing studies of personal and real property tax deductions, abatements, and exemptions used throughout Indiana. The Indiana board shall, before May 1 of each even-numbered year, report on the studies at a meeting of the budget committee and submit a report on the studies to the legislative services agency for distribution to the members of the legislative council.**



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Sec. 2. The division of data analysis shall:

- (1) conduct continuing studies in the areas in which the state board of tax commissioners operates;
- (2) make periodic field surveys and audits of tax rolls, plat books, building permits, real estate transfers, gross income tax returns, federal income tax returns, and other data that may be useful in checking property valuations or taxpayer returns;
- (3) make test checks of property valuations to serve as the bases for special reassessments ordered by the Indiana board under chapter 7 of this article;
- (4) conduct biennially a coefficient of dispersion study for each township and county in the state;
- (5) conduct quadrennially a sales assessment ratio study for each township and county in the state;
- (6) compute school assessment ratios under IC 6-1.1-34; and
- (7) report annually to the executive director of the legislative services agency the information obtained or determined by the division of data analysis under this section.

Sec. 3. To perform its duties, the division of data analysis may do the following:

- (1) Request access to any local or state official records.
- (2) Secure information from the federal government or from public or private agencies.
- (3) Inspect a person's books, records, or property.
- (4) Conduct a review of either all or a random sampling of personal or real property assessments.
- (5) Employ professional appraisal firms to assist in making test checks of property valuations.
- (6) Recommend changes in property tax administration.
- (7) Use any other device or technique to equalize tax burdens or to implement this chapter.

Sec. 4. Information that has been provided to the division of data analysis by the federal government or by a public agency is subject to the provider's rules and regulations, if any, that concern the confidential nature of the information.

Chapter 7. Special Reassessments

Sec. 1. With respect to any township or county for any year, the Indiana board may initiate a review to determine whether to order a special reassessment under this chapter. The review may apply to real property, personal property, or both.

Sec. 2. If the Indiana board determines under section 1 of this

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chapter to initiate a review with respect to the real property within a township or county, or a portion of the real property within a township or county, the division of data analysis of the Indiana board shall determine for the real property under consideration and for the township or county the variance between:

- (1) the total assessed valuation of the real property within the township or county; and
- (2) the total assessed valuation that would result if the real property within the township or county were valued in the manner provided by law.

Sec. 3. If the Indiana board determines under section 1 of this chapter to initiate a review with respect to personal property within a township or county, or a portion of the personal property within a township or county, the division of data analysis of the Indiana board shall determine for the personal property under consideration and for the township or county the variance between:

- (1) the total assessed valuation of the personal property within the township or county; and
- (2) the total assessed valuation that would result if the personal property within the township or county were valued in the manner provided by law.

Sec. 4. The determination of the Indiana board under section 2 or 3 of this chapter must be based on a statistically valid assessment ratio study.

Sec. 5. If a determination of the Indiana board to order a special reassessment under this chapter is based on a coefficient of dispersion study, the Indiana board shall publish the coefficient of dispersion study for the township or county in accordance with IC 5-3-1-2(j).

Sec. 6. (a) If:

- (1) the variance determined under section 2 or 3 of this chapter exceeds twenty percent (20%); and
- (2) the Indiana board determines after holding hearings under section 7 of this chapter that a special reassessment should be conducted;

the Indiana board shall contract for a special reassessment to be conducted under this chapter to correct the valuation of the property.

(b) If the variance determined under section 2 or 3 of this chapter is twenty percent (20%) or less, the Indiana board shall provide to the state board of tax commissioners notice of the

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variance and the Indiana board's documentation of the variance. The state board of tax commissioners shall determine whether to correct the valuation of the property under:

- (1) IC 6-1.1-4-9 and IC 6-1.1-4-10; or
- (2) IC 6-1.1-14-10 and IC 6-1.1-14-11.

Sec. 7. (a) The Indiana board shall give notice by mail to a taxpayer of a hearing concerning the Indiana board's intent to cause the taxpayer's property to be reassessed under section 6(a) of this chapter. The time fixed for the hearing must be at least ten (10) days after the day the notice is mailed. The Indiana board may conduct a single hearing under this section with respect to multiple properties. The notice shall state:

- (1) the time of the hearing;
- (2) the location of the hearing; and
- (3) that the purpose of the hearing is to hear taxpayers' comments and objections with respect to the Indiana board's intent to reassess property under this chapter.

(b) If the Indiana board determines after the hearing that property should be reassessed under this chapter, the Indiana board shall:

- (1) cause the property to be reassessed under section 6(a) of this chapter;
- (2) mail a certified notice of its final determination to the county auditor of the county in which the property is located; and
- (3) notify the taxpayer by mail of its final determination.

(c) A reassessment may be made under this section only if the notice of the final determination under subsection (b)(3) of this chapter is given to the taxpayer within the same period prescribed in IC 6-1.1-9-3 or IC 6-1.1-9-4.

Sec. 8. If the Indiana board orders a special reassessment of property under this chapter, the Indiana board shall forward the bill for services of the reassessment contractor to the county auditor, and the county shall pay the bill from the county reassessment fund.

Chapter 8. Adoption of Rules

Sec. 1. (a) Subject to subsection (b), the Indiana board shall adopt rules under IC 4-22-2 to govern the practice of representatives in proceedings before the Indiana board under this article.

(b) A rule adopted under subsection (a) may not:

- (1) restrict the ability of a representative to practice before



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the Indiana board based on the fact that the representative is not an attorney admitted to the Indiana bar; or

(2) restrict the admissibility of the written or oral testimony of a representative or other witness before the Indiana board based upon the manner in which the representative or other witness is compensated.

(c) This subsection applies to a petition that is filed with the Indiana board before the adoption of a rule under subsection (a) that establishes new standards for:

(1) the presentation of evidence or testimony; or

(2) the practice of representatives.

The Indiana board may not dismiss the petition solely for failure to comply with the rule adopted under subsection (a) without providing the petitioner an opportunity to present evidence, testimony, or representation in compliance with the rule.

SECTION 79. IC 6-6-5.5-12, AS ADDED BY P.L.181-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to excise taxes imposed by this chapter before March 1, ~~2001~~. **2002.**

(b) The excise tax imposed by this chapter is hereby determined to be equivalent to an average property tax rate of six dollars (\$6) on each one hundred dollars (\$100) of taxable value. For the purpose of limitations on indebtedness of political or municipal corporations imposed by Article 13, Section 1 of the Constitution of the State of Indiana, commercial vehicles subject to tax under this chapter shall be deemed to be taxable property within each such political or municipal corporation where the owner resides as shown on the records of the bureau or where the commercial vehicle is based as shown on the records of the department. The assessed valuation of such vehicles shall be determined by multiplying the amount of the tax by one hundred (100) and dividing the product by six dollars (\$6).

(c) This section expires March 1, ~~2001~~. **2002.**

SECTION 80. IC 6-6-5.5-13, AS ADDED BY P.L.181-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 13. (a) This section applies to excise taxes imposed by this chapter after February 28, ~~2001~~. **2002.**

(b) The excise tax imposed by this chapter is hereby determined to be equivalent to an average property tax rate of two dollars (\$2) on each one hundred dollars (\$100) of taxable value. For the purpose of limitations on indebtedness of political or municipal corporations imposed by Article 13, Section 1 of the Constitution of the State of Indiana, commercial vehicles subject to tax under this chapter shall be



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deemed to be taxable property within each such political or municipal corporation where the owner resides as shown on the records of the bureau or where the commercial vehicle is based, as shown on the records of the department. The assessed valuation of such vehicles shall be determined by multiplying the amount of the tax by one hundred (100) and dividing the product by two dollars (\$2).

SECTION 81. IC 8-3-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. In all proceedings by or before the department as provided in this chapter, and in all proceedings in any court in this state as provided in this chapter, the department and such courts shall receive in evidence all schedules of rates and charges and rules in force by such carriers in this state and filed with the department as provided in this chapter and of all such rates and rules as shall be adopted by the department or ordered observed by any court of this state as provided in this chapter without formal proof thereof being made, and the department and such courts shall likewise also receive in evidence the contents of all reports made to the department by such carriers as required in this chapter, and of all official and statistical reports and publications, published by the bureau of statistics in this state, or by the state board of tax commissioners, **by the Indiana board of tax review**, by the Interstate Commerce Commission, by the department having control of the federal census and of the United States commissioner of corporations, without formal proof being offered concerning authenticity.

SECTION 82. IC 33-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The tax court is a court of limited jurisdiction. The tax court has exclusive jurisdiction over any case that arises under the tax laws of this state and that is an initial appeal of a final determination made by:

- (1) the department of state revenue with respect to a listed tax (as defined in IC 6-8.1-1-1); or
- (2) the **state Indiana board of tax commissioners review**.

(b) The tax court also has:

- (1) any other jurisdiction conferred by statute; **and**
- (2) **exclusive jurisdiction over any case that was an initial appeal initiated before July 1, 2001, of a final determination made by the state board of tax commissioners.**

(c) The cases over which the tax court has exclusive original jurisdiction are referred to as original tax appeals in this chapter. The tax court does not have jurisdiction over a case unless:

- (1) the case is an original tax appeal; or
- (2) the tax court has otherwise been specifically assigned



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jurisdiction by statute.

(d) A taxpayer that appeals to the tax court shall, at the time the appeal is filed, elect to have all evidentiary hearings in the appeal conducted in one (1) of the following counties:

- (1) Allen County.
- (2) Jefferson County.
- (3) Lake County.
- (4) Marion County.
- (5) St. Joseph County.
- (6) Vanderburgh County.
- (7) Vigo County.

(e) A taxpayer that is an appellee in an appeal to the tax court shall, within thirty (30) days after it receives notice of the appeal, elect to have all evidentiary hearings in the appeal conducted in a county listed in subsection (d).

(f) The tax court does not have jurisdiction over a case that is an appeal from a final determination made by the department of state revenue under IC 4-32 other than a final determination concerning the gaming card excise tax established under IC 4-32-15.

SECTION 83. IC 33-3-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) A taxpayer who wishes to initiate an original tax appeal must file a petition in the tax court to set aside the final determination of the department of state revenue or the **state Indiana** board of tax **commissioners review**. If a taxpayer fails to comply with any statutory requirement for the initiation of an original tax appeal, the tax court does not have jurisdiction to hear the appeal.

(b) A taxpayer who wishes to enjoin the collection of a tax pending the original tax appeal must file a petition with the tax court to enjoin the collection of the tax. The petition must set forth a summary of:

- (1) the issues that the petitioner will raise in the original tax appeal; and
- (2) the equitable considerations for which the tax court should order the collection of the tax to be enjoined.

(c) After a hearing on the petition filed under subsection (b), the tax court may enjoin the collection of the tax pending the original tax appeal, if the tax court finds that:

- (1) the issues raised by the original tax appeal are substantial;
- (2) the petitioner has a reasonable opportunity to prevail in the original tax appeal; and
- (3) the equitable considerations favoring the enjoining of the collection of the tax outweigh the state's interests in collecting the

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tax pending the original tax appeal.

(d) This section does not apply to a final determination of the department of state revenue under IC 4-32 other than a final determination concerning the gaming card excise tax established under IC 4-32-15.

SECTION 84. IC 33-3-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) The tax court shall establish a small claims docket for processing:

- (1) claims for refunds from the department of state revenue that do not exceed five thousand dollars (\$5,000) for any year; and
- (2) appeals of final determinations of assessed value made by the **state Indiana** board of tax ~~commissioners~~ **review** that do not exceed forty-five thousand dollars (\$45,000).

(b) The tax court shall adopt rules and procedures under which cases on the small claims docket are heard and decided.

SECTION 85. IC 33-3-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) With respect to determinations as to whether any issues or evidence may be heard in an original tax appeal **of a final determination of the department of state revenue or the Indiana board of tax review** that was not heard in the administrative hearing or proceeding, the tax court is governed by the law that applied before the creation of the tax court to appeals to trial courts of final determinations made by the department of state revenue and the state board of tax commissioners.

(b) The tax court is governed by the law that applied before July 1, 2001, to appeals to the tax court of final determinations made by the state board of tax commissioners with respect to:

- (1) the standard of review for determining whether to reverse final determinations of the Indiana board of tax review; and
- (2) the burden of proof in the proceeding.

(c) Judicial review of disputed issues of fact in an original tax appeal of a final determination of the Indiana board of tax review must be confined to:

- (1) the record of the proceeding before the Indiana board, including its division of appeals; and
- (2) any additional evidence taken under section 14.5 of this chapter.

The tax court may not try the cause de novo or, except as provided in subsections (a) and (b), substitute its judgment for that of the Indiana board, including its division of appeals. Judicial review is limited to only those issues raised before the Indiana board, including its division of appeals, or otherwise described by the



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Indiana board, including its division of appeals, in its final determination.

(d) A person may obtain judicial review of an issue that was not raised before the Indiana board of tax review only to the extent that the:

- (1) issue concerns whether a person who was required to be notified of the commencement of a proceeding under this chapter was notified in substantial compliance with the applicable law; or
- (2) interests of justice would be served by judicial resolution of an issue arising from a change in controlling law occurring after the Indiana board's action.

SECTION 86. IC 33-3-5-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 14.5. (a) The tax court may receive evidence in addition to that contained in the record of the final determination of the Indiana board of tax review, including its division of appeals, only if it relates to the validity of the final determination at the time it was taken and is needed to decide disputed issues regarding one (1) or both of the following:**

- (1) Improper constitution as a decision making body or grounds for disqualification of those taking the agency action.
- (2) Unlawfulness of procedure or decision making process.
- (3) New issues raised by the Indiana board of tax review in its final determination.

This subsection applies only if the additional evidence could not, by due diligence, have been discovered and raised in the administrative proceeding giving rise to a proceeding for judicial review.

(b) The tax court may remand a matter to the Indiana board of tax review before final disposition of a petition for review with directions that the Indiana board or its division of appeals, as appropriate, conduct further factfinding or that the Indiana board or its division of appeals, as appropriate, prepare an adequate record, if:

- (1) the Indiana board or its division of appeals failed to prepare or preserve an adequate record;
- (2) the Indiana board or its division of appeals improperly excluded or omitted evidence from the record; or
- (3) a relevant law changed after the action of the Indiana board or its division of appeals and the tax court determines that the new provision of law may control the outcome.



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(c) This subsection applies if the record for a judicial review prepared under IC 6-1.1-15-6 contains an inadequate record of a site inspection. Rather than remand a matter under subsection (b), the tax court may take additional evidence not contained in the record relating only to observations and other evidence collected during a site inspection conducted by a hearing officer or other employee of the Indiana board of tax review. The evidence may include the testimony of a hearing officer only for purposes of verifying or rebutting evidence regarding the site inspection that is already contained in the record.

SECTION 87. IC 33-3-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) The tax court shall render its decisions in writing.

(b) A decision of the tax court remanding the matter of assessment of property under IC 6-1.1-15-8 to the ~~state~~ **Indiana** board of tax ~~commissioners review~~ shall specify the issues on remand on which the ~~state Indiana~~ board of tax ~~commissioners~~ is to act.

(c) The decisions of the tax court may be appealed directly to the supreme court.

SECTION 88. IC 36-1-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2002]: Sec. 2. It is the intent of the general assembly that the amount of debt incurred by a political subdivision after February 28, ~~2001~~, **2002**, not exceed, in the aggregate, the amount of debt that the political subdivision could have incurred under:

- (1) Article 13, Section 1 of the Constitution of the State of Indiana; and
- (2) any statute imposing an assessed value limitation on the aggregate amount of bonds that a political subdivision may issue; if property were assessed at thirty-three and one-third percent (33.33%) of true tax value.

SECTION 89. IC 36-2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The county fiscal body shall fix the compensation of officers, deputies, and other employees whose compensation is payable from the county general fund, county highway fund, county health fund, county park and recreation fund, aviation fund, or any other fund from which the county auditor issues warrants for compensation. This includes the power to:

- (1) fix the number of officers, deputies, and other employees;
- (2) describe and classify positions and services;
- (3) adopt schedules of compensation; and
- (4) hire or contract with persons to assist in the development of



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schedules of compensation.

(b) **The county fiscal body shall fix the compensation of a county assessor who has attained a level two certification under IC 6-1.1-35.5 at an amount that is one thousand dollars (\$1,000) more than the compensation of an assessor who has not attained a level two certification. The county fiscal body shall fix the compensation of a county or township deputy assessor who has attained a level two certification under IC 6-1.1-35.5 at an amount that is five hundred dollars (\$500) more than the compensation of a county or township deputy assessor who has not attained a level two certification.**

(c) Notwithstanding subsection (a), the board of each local health department shall prescribe the duties of all its officers and employees, recommend the number of positions, describe and classify positions and services, adopt schedules of compensation, and hire and contract with persons to assist in the development of schedules of compensation.

(~~e~~) (d) This section does not apply to community corrections programs (as defined in IC 11-12-1-1 and IC 35-38-2.6-2).

SECTION 90. IC 36-2-7-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The county fiscal body may grant to the county assessor, in addition to the compensation fixed under IC 36-2-5, a per diem for each day that the assessor is engaged in general reassessment activities, **including service on the county land valuation commission.** This section applies regardless of whether professional assessing services are provided under a contract to one (1) or more townships in the county.

SECTION 91. IC 36-4-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to second class cities.

(b) The fiscal officer is the head of the city department of finance. The fiscal officer shall do the following:

- (1) Prescribe the form of reports and accounts to be submitted to the department.
- (2) Sign and issue all warrants on the city treasury.
- (3) Audit and revise all accounts and trusts in which the city is concerned.
- (4) Keep separate accounts for each item of appropriation made for each city department, including a statement showing the amount drawn on each appropriation, the unpaid contracts charged against it, and the balance remaining.
- (5) At the end of each fiscal year, submit under oath to the city



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legislative body a report of the accounts of the city published in pamphlet form and showing revenues, receipts, expenditures, and the sources of revenues.

(6) Maintain custody of the records of the department and turn them over to the fiscal officer's successor in office.

(7) Perform duties prescribed by statute concerning the negotiation of city bonds, notes, and warrants.

(8) Keep a register of bonds of the city and of transfers of those bonds.

(9) Manage the finances and accounts of the city and make investments of city money, subject to the ordinances of the legislative body.

(10) Issue city licenses on payment of the license fee.

(11) Collect fees as fixed by ordinance.

(12) Pay into the city treasury, once each week, all fees and other city money collected by the department during the preceding week, specifying the source of each item.

(13) Prescribe payroll and account forms for all city offices.

(14) Prescribe the manner in which salaries shall be drawn.

(15) Prescribe the manner in which creditors, officers, and employees shall be paid.

(16) Provide that all salaries are payable monthly, unless the legislative body establishes more frequent payments.

(17) Notify the city executive of the failure of any city officer to collect money due the city or to pay city money into the city treasury.

(18) Draw warrants on the city treasury for miscellaneous city expenditures not made under the direction of a department and not specifically fixed by statute.

(19) Examine for proper form concerning city taxes the tax duplicates held by the county auditor and county treasurer.

SECTION 92. IC 36-6-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When performing the real property reassessment duties prescribed by IC 6-1.1-4, ~~an elected~~ a township assessor may receive per diem compensation, in addition to salary, at a rate fixed by the county fiscal body, for each day that he is engaged in reassessment activities, **including service on the county land valuation commission.**

(b) Subsection (a) applies regardless of whether professional assessing services are provided to a township under contract.

SECTION 93. [EFFECTIVE JULY 1, 2000] **(a) IC 6-1.1-1-3, as amended by this act, and all changes in tax rates, deductions, and**

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limits on indebtedness made by this act apply only to budget years and property taxes first due and payable after December 31, 2002. Notwithstanding P.L.6-1997, the effective date for each of the following SECTIONS of P.L.6-1997 is March 1, 2002, instead of March 1, 2001:

SECTIONS 2 through 3;
 SECTIONS 46 through 52;
 SECTIONS 57 through 58;
 SECTIONS 81 through 83;
 SECTIONS 85 through 86;
 SECTIONS 127 through 188;
 SECTIONS 193 through 201; and
 SECTIONS 208 through 238.

(b) For the purpose of computing:

- (1) the assessed value growth quotient under IC 6-1.1-18.5-2; and
- (2) any other value that requires the use of an assessed value from a date before March 1, 2002;

for a budgetary appropriation, state distribution, or property tax levy first due and payable after December 31, 2002, the assessed value from a date before March 1, 2002, must first be increased from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value before the computation is made.

(c) For the purpose of computing:

- (1) a tax rate under IC 6-1.1-19-1.5; and
- (2) any other value that requires the use of a tax rate from a date before March 1, 2002;

for a budgetary appropriation, state distribution, or property tax levy first due and payable after December 31, 2002, a tax rate from a date before January 1, 2003, must first be reduced by dividing the tax rate by three (3) before the computation is made.

(d) The state board of tax commissioners shall adjust the tax rates of all taxing units to eliminate the effects of changing assessed values from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value.

(e) If a maximum property tax rate has not been adjusted by P.L.6-1997 or another act to eliminate the effects of changing assessed values from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value, the state board of tax commissioners shall adjust



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the maximum tax rate to eliminate the effects of changing assessed values from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value.

(f) The state board of tax commissioners shall prepare the initial schedule of adjusted assessed values for all political subdivisions under IC 36-1-15 not later than July 1, 2002.

(g) It is the intent of the general assembly that all adjustments necessary to implement IC 6-1.1-1-3, as amended by this act, be made without raising the revenues available to governmental units more than would have occurred if this act were not enacted. The state board of tax commissioners shall provide fiscal officers in the taxing units, assessing officials, and members of the board of tax adjustment with instructions on how to implement this SECTION.

(h) The state board of tax commissioners shall submit recommendations before November 1, 2000, to the executive director of the legislative services agency concerning any legislation needed to implement the changes described in this SECTION.

(i) If an assessed value limitation on the aggregate amount of bonds that a political subdivision may issue has not been adjusted by P.L.6-1997 to eliminate the effects of changing assessed values from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value, the state board of tax commissioners shall adjust the assessed value limitation to eliminate the effects of changing assessed values from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value.

(j) The state board of tax commissioners shall, if necessary to protect owners of bonds payable in whole or in part from tax increment, adjust the base assessed value to neutralize the effect of changing assessed values under this act from thirty-three and thirty-three hundredths percent (33.33%) of true tax value to one hundred percent (100%) of true tax value under the following statutes:

- (1) IC 6-1.1-39;
- (2) IC 8-22-3.5;
- (3) IC 36-7-14;
- (4) IC 36-7-14.5;
- (5) IC 36-7-15.1; and
- (6) IC 36-7-30.

SECTION 94. [EFFECTIVE UPON PASSAGE] (a) The



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commission on state tax and financing policy (IC 2-5-3) shall study the issue of annual adjustments to the true tax values of real property in Indiana and the need for periodic physical inspections of real property. The commission may recommend to the general assembly any statutory changes necessary or desirable to implement a system for making annual adjustments and any changes to the laws governing general reassessments when an annual adjustment system is in place.

(b) This SECTION expires January 1, 2002.

SECTION 95. [EFFECTIVE UPON PASSAGE] (a) IC 6-1.1-3-7.5, IC 6-1.1-15-1, IC 6-1.1-15-4, IC 6-1.1-15-5, IC 6-1.1-15-9, and IC 6-1.1-16-1, all as amended by this act, apply to property taxes first due and payable after December 31, 2000.

(b) IC 6-1.1-10-16, as amended by this act, applies to property taxes first due and payable after December 31, 2001.

(c) IC 6-1.1-26-5, as amended by this act, applies to refunds on refund claims filed after June 30, 2000.

SECTION 96. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) As used in this SECTION, "board" refers to the state board of tax commissioners.

(c) As used in this SECTION:

(1) "Next general reassessment" means the general reassessment of real property to be completed under IC 6-1.1-4-4 on or before March 1, 2002.

(2) "1997 cost tables" means the cost tables for real property other than land that were:

(A) developed under a contract between the board and a company that evaluates real property costs;

(B) based on January 1, 1997, costs;

(C) written with definitions of some of the models for the assessment of real property improvements different from the models used in the rule that applied to the general reassessment under IC 6-1.1-4-4 for the March 1, 1995 assessment date, and with the addition and deletion of some models; and

(D) provided to the board by the company for use in the rules for the appraisal of real property in the general reassessment that was scheduled to begin July 1, 1997 (before the general reassessment was canceled under P.L.6-1997, SECTION 242).

(3) "Reassessment rule" means the rule that the board adopts



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under IC 6-1.1-31-9(a) for the next general reassessment.

(d) Notwithstanding IC 6-1.1-31-9(a), the board shall adopt the reassessment rule before June 30, 2000.

(e) The board shall contract with the company that developed the 1997 cost tables to update the 1997 cost tables to 1999 costs using objectively verifiable data based on nationally recognized evaluations of costs of real property. The board shall use the updated costs in the reassessment rule.

(f) The board shall contract with the company that developed the 1997 cost tables for the development of tables to be used for the determination of physical depreciation in the appraisal of real property other than land in the next general reassessment. The board shall use the updated tables in the reassessment rule. The tables shall:

- (1) be based on objectively verifiable data; and
- (2) incorporate consideration of the following characteristics of the real property:
 - (A) Condition.
 - (B) Quality of construction.
 - (C) Age.

(g) The board shall include in the reassessment rule ascertainable standards for the application of assessment procedures and methodology as required in applicable court decisions.

(h) Except for the differences identified in subsections (e), (f), and (g), the board shall, to the extent possible, retain in the reassessment rule the elements of real property appraisal procedures and methodology incorporated in the rule that applied to the general reassessment of real property as of the March 1, 1995 assessment date.

(i) The board shall incorporate in the reassessment rule the changes in the standards with respect to the adoption of rules by the board under IC 6-1.1-31-6, as amended by this act, and the determination of assessed value under SECTION 93 of this act.

(j) This SECTION expires July 1, 2002.

SECTION 97. [EFFECTIVE UPON PASSAGE] (a) A committee is established to review the progress and impact of the reassessment scheduled to be completed under IC 6-1.1-4-4 on or before March 1, 2002. The committee consists of:

- (1) the commissioners of the state board of tax commissioners;
- (2) two (2) township assessors; and
- (3) two (2) county assessors.



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(b) The president pro tempore of the Indiana senate and the speaker of the Indiana house of representatives shall each designate one (1) township assessor and one (1) county assessor member of the committee. The township assessor members of the committee may not belong to the same political party. The county assessor members of the committee may not belong to the same political party.

(c) The committee established under subsection (a) shall compile four (4) written reports covering the status of the general reassessment. Each report must include the following:

- (1) The increases in assessments of the various types of real property.
- (2) The number and percentage of parcels completed by the end of the month before the report is due.
- (3) Positive feedback and problems occurring in the general reassessment, including whether the reassessment of the percentage of parcels required under IC 6-1.1-4-21 has been accomplished and, if not, a plan for meeting the schedule.

(d) The committee shall deliver a report to the legislative services agency on or before December 1, 2000, March 1, 2001, July 1, 2001, and December 31, 2001, for distribution to the members of the legislative council.

(e) The township assessor and county assessor members of the committee shall, before March 1, 2001, deliver a report to the state board of tax commissioners advising the state board on means to:

- (1) obtain complete information on sales disclosure forms under IC 6-1.1-5.5; and
- (2) enforce the filing of correctly completed forms.

(f) When performing duties under this SECTION, the township assessor and county assessor members of the committee may receive per diem compensation, in addition to salary, at a rate fixed by the state board of tax commissioners, for each day of service on the committee.

SECTION 98. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the state board of tax commissioners.

(b) This SECTION applies to a special reassessment previously ordered by the board of all real property in a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(c) The reassessment shall be completed before March 1, 2001.

(d) Notwithstanding any other law or judicial decision, the board shall conduct the reassessment. The board may contract



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with a third party to conduct the reassessment and may delegate to the contractor the board's powers with respect to any duty or responsibility of the board in conducting the reassessment. The board shall consult with local assessing officials to determine what assistance, if any, the local assessing officials shall provide to conduct the reassessment.

(e) The board shall forward the bill for the cost of the reassessment to the county auditor and the county shall pay the expenses pursuant to IC 6-1.1-4-29.

SECTION 99. [EFFECTIVE JULY 1, 2001] (a) A petition for review to the state board of tax commissioners under IC 6-1.1-15-3 with respect to which the state board has not issued a final determination before July 1, 2001, is transferred from the state board to the Indiana board of tax review on July 1, 2001.

(b) The state board of tax commissioners shall transfer by August 1, 2001, the records relating to each petition for review under this SECTION.

(c) This SECTION expires January 1, 2002.

SECTION 100. [EFFECTIVE JULY 1, 2001] (a) The Indiana board of tax review shall conduct coefficient of dispersion and sales assessment ratio studies under IC 6-1.5-6 that apply to the 2002 assessment year.

(b) This SECTION expires January 1, 2003.

SECTION 101. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-1.1-4-27, as amended by this act, with respect to the reassessment fund established for the general reassessment to be completed on or before March 1, 2002, under IC 6-1.1-4-4, as amended by this act, the state board of tax commissioners may approve a levy under IC 6-1.1-4-27 for property taxes due in 2001 if the state board determines it is appropriate because the estimated cost of the general reassessment has changed.

(b) This SECTION expires January 1, 2002.

SECTION 102. [EFFECTIVE JULY 1, 2001] Notwithstanding IC 33-3-5-2, as amended by this act, the tax court has exclusive jurisdiction over any case that arises under the tax laws of this state and that is an initial appeal initiated after July 1, 2001, of a final determination made by the state board of tax commissioners if the following apply:

- (1) The tax court would have had jurisdiction over the case if the appeal had been initiated before July 1, 2001.
- (2) This act does not provide that the final determination is



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subject to appeal to the Indiana board of tax review.

SECTION 103. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 6-1.1-4-13.6; IC 6-1.1-12.1-5.8; IC 6-1.1-30-9.

SECTION 104. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 6-1.1-15-4; IC 6-1.1-15-5; IC 6-1.1-15-6; IC 6-1.1-15-9; IC 6-1.1-15-12; IC 6-1.1-33; IC 6-1.1-37-11."

Page 1, delete lines 15 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 8.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1005 as printed January 18, 2000.)

BORST, Chairperson

Committee Vote: Yeas 10, Nays 5.

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