

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1004 be amended to read as follows:

- 1 Page 16, between lines 28 and 29, begin a new paragraph and insert:
2 "SECTION 12. IC 6-1.1-4-4, AS AMENDED BY P.L.198-2001,
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 4. (a) A general reassessment, involving a
5 physical inspection of all real property in Indiana, shall begin July 1,
6 2000, and each fourth year thereafter. Each reassessment shall be
7 completed on or before March 1, of the immediately following
8 even-numbered year, and shall be the basis for taxes payable in the year
9 following the year in which the general assessment is to be completed.
10 **However, the general reassessment scheduled to begin under this**
11 **subsection on July 1, 2000, shall be completed on or before March**
12 **1, 2003, and shall be the basis for taxes first due and payable in**
13 **2004.**
14 (b) In order to ensure that assessing officials and members of each
15 county property tax assessment board of appeals are prepared for a
16 general reassessment of real property, the ~~state board~~ **department** of
17 ~~tax commissioners~~ **local government finance** shall give adequate
18 advance notice of the general reassessment to the county and township
19 taxing officials of each county.
20 SECTION 13. IC 6-1.1-4-32, AS ADDED BY P.L.151-2001,
21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 32. (a) As used in this section, "qualifying
23 county" means a county having a population of more than four hundred
24 thousand (400,000) but less than seven hundred thousand (700,000).
25 (b) Notwithstanding IC 6-1.1-4-15 and IC 6-1.1-4-17, a township
26 assessor in a qualifying county may not appraise property, or have
27 property appraised, for the general reassessment of real property to be
28 completed for the March 1, ~~2002~~, **2003**, assessment date. Completion
29 of that general reassessment in a qualifying county is instead governed
30 by this section. The only duty of:
31 (1) a township assessor in a qualifying county; or

1 (2) a county assessor of a qualifying county;
 2 with respect to that general reassessment is to provide to the state board
 3 of tax commissioners or the state board's contractor under subsection
 4 (c) any support and information requested by the state board or the
 5 contractor.

6 (c) The state board of tax commissioners **or its successor, the**
 7 **department of local government finance**, shall select and contract
 8 with a nationally recognized certified public accounting firm with
 9 expertise in the appraisal of real property to appraise property for the
 10 general reassessment of real property in a qualifying county to be
 11 completed for the March 1, ~~2002~~, **2003**, assessment date. The contract
 12 applies for the appraisal of land and improvements with respect to all
 13 classes of real property in the qualifying county. The contract must
 14 include:

15 (1) a provision requiring the appraisal firm to:

16 (A) prepare a detailed report of:

- 17 (i) expenditures made after July 1, 1999, and before the date
 18 of the report from the qualifying county's reassessment fund
 19 under ~~IC 6-1.1-4-28~~; **section 28.5 of this chapter**; and
 20 (ii) the balance in the reassessment fund as of the date of the
 21 report; and

22 (B) file the report with:

- 23 (i) the legislative body of the qualifying county;
 24 (ii) the prosecuting attorney of the qualifying county;
 25 (iii) the ~~state board department of tax commissioners~~; **local**
 26 **government finance**; and
 27 (iv) the attorney general;

28 (2) a fixed date by which the appraisal firm must complete all
 29 responsibilities under the contract;

30 (3) a provision requiring the appraisal firm to use the land values
 31 determined for the qualifying county under ~~IC 6-1.1-4-13.6~~;
 32 **section 13.6 of this chapter**;

33 (4) a penalty clause under which the amount to be paid for
 34 appraisal services is decreased for failure to complete specified
 35 services within the specified time;

36 (5) a provision requiring the appraisal firm to make periodic
 37 reports to the state board of tax commissioners;

38 (6) a provision stipulating the manner in which, and the time
 39 intervals at which, the periodic reports referred to in subdivision
 40 (5) are to be made;

41 (7) a precise stipulation of what service or services are to be
 42 provided;

43 (8) a provision requiring the appraisal firm to deliver a report of
 44 the assessed value of each parcel in a township in the qualifying
 45 county to the ~~state board department of tax commissioners~~; **local**
 46 **government finance**; and

47 (9) any other provisions required by the state board of tax

1 commissioners.

2 (d) After receiving the report of assessed values from the appraisal
3 firm, the ~~state board department of tax commissioners local~~
4 **government finance** shall give notice to the taxpayer and the county
5 assessor, by mail, of the amount of the reassessment. The notice of
6 reassessment is subject to appeal by the taxpayer to the ~~state Indiana~~
7 ~~board of tax commissioners~~. Except as provided in subsection (e), the
8 procedures and time limitations that apply to an appeal to the ~~state~~
9 **Indiana board of tax commissioners** of a determination of the county
10 property tax assessment board of appeals under IC 6-1.1-15 apply to an
11 appeal under this subsection. A determination by the ~~state Indiana~~
12 ~~board of tax commissioners~~ of an appeal under this subsection is
13 subject to appeal to the tax court under IC 6-1.1-15.

14 (e) In order to obtain a review by the ~~state Indiana board of tax~~
15 ~~commissioners~~ under subsection (d), the taxpayer must file a petition
16 for review with the appropriate county assessor within forty-five (45)
17 days after the notice of the ~~state board department of tax~~
18 ~~commissioners local government finance~~ is given to the taxpayer
19 under subsection (d).

20 (f) The ~~state board department of tax commissioners local~~
21 **government finance** shall mail the notice required by subsection (d)
22 within ninety (90) days after the board receives the report for a parcel
23 from the professional appraisal firm.

24 (g) The cost of a contract under this section shall be paid from the
25 property reassessment fund of the qualifying county established under
26 ~~IC 6-1.1-4-27: section 27.5 of this chapter.~~

27 (h) Notwithstanding IC 4-13-2, a period of seven (7) days is
28 permitted for each of the following to review and act under IC 4-13-2
29 on a contract of the state board of tax commissioners **or its successor,**
30 **the department of local government finance**, under this section:

- 31 (1) The commissioner of the department of administration.
32 (2) The director of the budget agency.
33 (3) The attorney general.
34 (4) The governor.

35 **A contract issued under this section by the state board of tax**
36 **commissioners shall be treated as the contract of the department**
37 **of local government finance for all purposes.**

38 (i) With respect to a general reassessment of real property to be
39 completed under ~~IC 6-1.1-4-4 section 4 of this chapter~~ for an
40 assessment date after the March 1, ~~2002; 2003~~, assessment date, the
41 ~~state board department of tax commissioners local government~~
42 **finance** shall initiate a review with respect to the real property in a
43 qualifying county or a township in a qualifying county, or a portion of
44 the real property in a qualifying county or a township in a qualifying
45 county. The ~~state board department of local government finance~~ may
46 contract to have the review performed by an appraisal firm. The ~~state~~
47 **board department of local government finance** or its contractor shall

1 determine for the real property under consideration and for the
2 qualifying county or township the variance between:

- 3 (1) the total assessed valuation of the real property within the
4 qualifying county or township; and
5 (2) the total assessed valuation that would result if the real
6 property within the qualifying county or township were valued in
7 the manner provided by law.

8 (j) If:

- 9 (1) the variance determined under subsection (i) exceeds ten
10 percent (10%); and
11 (2) the **state board of tax commissioners department of local
12 government finance** determines after holding hearings on the
13 matter that a special reassessment should be conducted;

14 the **state board department of local government finance** shall
15 contract for a special reassessment by an appraisal firm to correct the
16 valuation of the property.

17 (k) If the variance determined under subsection (i) is ten percent
18 (10%) or less, the **state board department of tax commissioners local
19 government finance** shall determine whether to correct the valuation
20 of the property under:

- 21 (1) sections 9 and 10 of this chapter; or
22 (2) IC 6-1.1-14-10 and IC 6-1.1-14-11.

23 (l) The **state board department of tax commissioners local
24 government finance** shall give notice by mail to a taxpayer of a
25 hearing concerning the **state board's intent of the department of local
26 government finance** to cause the taxpayer's property to be reassessed
27 under this section. The time fixed for the hearing must be at least ten
28 (10) days after the day the notice is mailed. The **state board
29 department of local government finance** may conduct a single
30 hearing under this section with respect to multiple properties. The
31 notice must 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' comments
35 and objections with respect to the **state board's intent of the
36 department of local government finance** to reassess property
37 under this chapter.

38 (m) If the **state board department of tax commissioners local
39 government finance** determines after the hearing that property should
40 be reassessed under this section, the **state board department of local
41 government finance** shall:

- 42 (1) cause the property to be reassessed under this section;
43 (2) mail a certified notice of its final determination to the county
44 auditor of the qualifying county in which the property is located;
45 and
46 (3) notify the taxpayer by mail of its final determination.

47 (n) A reassessment may be made under this section only if the

1 notice of the final determination under subsection (l) is given to the
2 taxpayer within the same period prescribed in IC 6-1.1-9-3 or
3 IC 6-1.1-9-4.

4 (o) If the ~~state board department~~ of tax commissioners local
5 **government finance** contracts for a special reassessment of property
6 under this section, the ~~state board department of local government~~
7 **finance** shall forward the bill for services of the contractor to the
8 county auditor, and the county shall pay the bill from the county
9 reassessment fund.

10 (p) A township assessor in a qualifying county or a county assessor
11 of a qualifying county shall provide information requested in writing
12 by the ~~state board department~~ of tax commissioners local **government**
13 **finance** or the ~~state board's its~~ contractor under this section not later
14 than seven (7) days after receipt of the written request from the state
15 board or the contractor. If a township assessor or county assessor fails
16 to provide the requested information within the time permitted in this
17 subsection, the ~~state board department~~ of tax commissioners local
18 **government finance** or the ~~state board's its~~ contractor may seek an
19 order of the tax court under IC 33-3-5-2.5 for production of the
20 information.

21 (q) The provisions of this section are severable in the manner
22 provided in IC 1-1-1-8(b).

23 SECTION 14. IC 6-1.1-4-33 IS ADDED TO THE INDIANA CODE
24 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
25 **UPON PASSAGE]: Sec. 33. (a) This section applies only to property**
26 **taxes first due and payable in 2003.**

27 **(b) Notwithstanding the rulemaking authority granted to the**
28 **department of local government finance under IC 6-1.1, the repeal**
29 **of various provisions in 50 IAC 2.2 by LSA Document #00-108, and**
30 **the repeal of various provisions in 50 IAC 5.1 by LSA Document**
31 **#01-347, the determination of the assessed value of tangible real**
32 **property on an assessment date in calendar year 2002 shall be**
33 **made in accordance with the:**

34 **(1) statutes; and**

35 **(2) rules of the state board of tax commissioners (before its**
36 **termination);**

37 **in effect on July 1, 2001, and any statute enacted by the general**
38 **assembly in 2002 that applies to an assessment date in 2002.**

39 **(c) This section expires January 1, 2004."**

40 Page 151, delete lines 1 through 3, begin a new paragraph and
41 insert:

42 **"(b) Subject to subsection (c), the effective date of 50 IAC 2.3, 50**
43 **IAC 5.2 (to the extent that it applies to the assessment of real**
44 **property) and any other rule to the extent that it applies to the**
45 **assessment of real property and is adopted by the state board of**
46 **tax commissioners or the department of local government finance**
47 **after January 1, 2001, and March 1, 2003, are delayed and first**

1 **apply to assessment dates after January 1, 2003. This subsection**
2 **does not prohibit the department of local government from issuing**
3 **procedural rules or guidelines or prescribing forms that are**
4 **consistent with the requirements of subsection (c)."**

5 Page 157, after line 15, begin a new paragraph and insert:
6 "SECTION 158. **An emergency is declared for this act.**"

7 Re-number all SECTIONS consecutively.
 (Reference is to EHB 1004 as printed February 22, 2002.)

Senator BLADE