

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1656 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 taxation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 6-1.1-8.2-6 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) To obtain the
- 8 credit provided by section 4 of this chapter for a particular calendar
- 9 year, a taxpayer must file with the department of local government
- 10 finance an accurate statement of the qualified expenditures that entitle
- 11 the taxpayer to a credit. The statement must be filed:
- 12 (1) in the form prescribed by the department of local government
- 13 finance; and
- 14 (2) with the statement required for the calendar year to which the
- 15 credit applies under IC 6-1.1-8-19.
- 16 (b) **The county property tax assessment board of appeals may**
- 17 **waive noncompliance with respect to a filing deadline or a clerical**
- 18 **error in the manner allowed under IC 6-1.1-20.9-11.3.**
- 19 SECTION 2. IC 6-1.1-11-3.6 IS ADDED TO THE INDIANA
- 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 21 [EFFECTIVE UPON PASSAGE]: Sec. 3.6. (a) **As used in this section,**
- 22 **"clerical error" includes mathematical errors and omitted**
- 23 **signatures.**
- 24 (b) **The county property tax assessment board of appeals may**

1 by resolution, with respect to an exemption under this chapter,
2 waive noncompliance with:

- 3 (1) a filing deadline applicable to an application or another
4 document that is required to be filed under this chapter; or
5 (2) a clerical error in an application or another document that
6 is required to be filed under this chapter;

7 if the taxpayer otherwise qualifies for the exemption and the
8 document is filed or the clerical error is corrected before the
9 resolution is adopted. The resolution must specifically identify the
10 property, exemptions, and taxpayer that are affected by the
11 resolution, specifically identify the noncompliance that is the
12 subject of the resolution, and include a finding that the
13 noncompliance has been corrected before the adoption of the
14 resolution.

15 (c) The county property tax assessment board of appeals shall
16 certify a copy of a resolution adopted under this section to the
17 taxpayer and the department of local government finance.

18 (d) If a noncompliance with this chapter has been corrected and
19 a resolution is adopted under this section, the taxpayer shall be
20 treated as if the taxpayer had complied with the procedural
21 requirements of this chapter. However, if the county property tax
22 assessment board of appeals determines that granting the relief
23 permitted by this section would result in a delay in the issuance of
24 tax bills, require the recalculation of tax rates or tax levies for a
25 particular year, or otherwise cause an undue burden on a taxing
26 unit, the county property tax assessment board of appeals may
27 require that the exemption that the taxpayer would be entitled to
28 receive for a particular year be applied to a subsequent year in the
29 manner prescribed by the department of local government finance.

30 SECTION 3. IC 6-1.1-12-0.3 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE UPON PASSAGE]: **Sec. 0.3. The county property tax
33 assessment board of appeals may waive noncompliance with
34 respect to a filing deadline or a clerical error under this chapter in
35 the manner in which a designating body may waive noncompliance
36 under IC 6-1.1-12.1-9.5.**

37 SECTION 4. IC 6-1.1-12.2-12 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a)** To qualify
39 for the deduction, the taxpayer must claim the deduction, in the manner
40 prescribed by the department of local government finance, on the
41 taxpayer's personal property tax return filed under IC 6-1.1-3 or
42 IC 6-1.1-8 (or an amended return filed within the time allowed under
43 this article) for the abated property to which the deduction applies.

44 (b) **The county property tax assessment board of appeals may
45 waive noncompliance with respect to a filing deadline or a clerical
46 error in the manner allowed under IC 6-1.1-12-0.3.**

47 SECTION 5. IC 6-1.1-12.3-17 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) To qualify
 2 for the deduction, the taxpayer must claim the deduction, in the manner
 3 prescribed by the department of local government finance, on the
 4 taxpayer's personal property tax return filed under IC 6-1.1-3 or
 5 IC 6-1.1-8 (or an amended return filed within the time allowed under
 6 this article) for the abatement property to which the deduction applies.

7 **(b) The county property tax assessment board of appeals may**
 8 **waive noncompliance with respect to a filing deadline or a clerical**
 9 **error in the manner allowed under IC 6-1.1-12-0.3.**

10 SECTION 6. IC 6-1.1-12.4-2, AS ADDED BY P.L.193-2005,
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 2. (a) For purposes of this section, an increase
 13 in the assessed value of real property is determined in the same manner
 14 that an increase in the assessed value of real property is determined for
 15 purposes of IC 6-1.1-12.1.

16 (b) This subsection applies only to a development, redevelopment,
 17 or rehabilitation that is first assessed after March 1, 2005, and before
 18 March 2, 2009. Except as provided in subsection (h) and sections 4, 5,
 19 and 8 of this chapter, an owner of real property that:

- 20 (1) develops, redevelops, or rehabilitates the real property; and
 21 (2) creates or retains employment from the development,
 22 redevelopment, or rehabilitation;

23 is entitled to a deduction from the assessed value of the real property.

24 (c) The deduction under this section is first available in the year in
 25 which the increase in assessed value resulting from the development,
 26 redevelopment, or rehabilitation occurs and continues for the following
 27 two (2) years. The amount of the deduction that a property owner may
 28 receive with respect to real property located in a county for a particular
 29 year equals the lesser of:

- 30 (1) two million dollars (\$2,000,000); or
 31 (2) the product of:

- 32 (A) the increase in assessed value resulting from the
 33 development, rehabilitation, or redevelopment; multiplied by
 34 (B) the percentage from the following table:

35 YEAR OF DEDUCTION	PERCENTAGE
36 1st	75%
37 2nd	50%
38 3rd	25%

39 (d) A property owner that qualifies for the deduction under this
 40 section must file a notice to claim the deduction in the manner
 41 prescribed by the department of local government finance under rules
 42 adopted by the department of local government finance under
 43 IC 4-22-2 to implement this chapter. The township assessor shall:

- 44 (1) inform the county auditor of the real property eligible for the
 45 deduction as contained in the notice filed by the taxpayer under
 46 this subsection; and

- 1 (2) inform the county auditor of the deduction amount.
- 2 (e) The county auditor shall:
- 3 (1) make the deductions; and
- 4 (2) notify the county property tax assessment board of appeals of
- 5 all deductions approved;
- 6 under this section.
- 7 (f) The amount of the deduction determined under subsection (c)(2)
- 8 is adjusted to reflect the percentage increase or decrease in assessed
- 9 valuation that results from:
- 10 (1) a general reassessment of real property under IC 6-1.1-4-4; or
- 11 (2) an annual adjustment under IC 6-1.1-4-4.5.
- 12 (g) If an appeal of an assessment is approved that results in a
- 13 reduction of the assessed value of the real property, the amount of the
- 14 deduction under this section is adjusted to reflect the percentage
- 15 decrease that results from the appeal.
- 16 (h) The deduction under this section does not apply to a facility
- 17 listed in IC 6-1.1-12.1-3(e).
- 18 **(i) The county property tax assessment board of appeals may**
- 19 **waive noncompliance with respect to a filing deadline or a clerical**
- 20 **error in the manner allowed under IC 6-1.1-12-0.3.**
- 21 SECTION 7. IC 6-1.1-20.9-7 IS ADDED TO THE INDIANA
- 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 23 [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) As used in this section,**
- 24 **"clerical error" includes mathematical errors and omitted**
- 25 **signatures.**
- 26 **(b) The county property tax assessment board of appeals may**
- 27 **by resolution, with respect to a credit under this chapter, waive**
- 28 **noncompliance with:**
- 29 **(1) a filing deadline applicable to an application or another**
- 30 **document that is required to be filed under this chapter; or**
- 31 **(2) a clerical error in an application or another document that**
- 32 **is required to be filed under this chapter;**
- 33 **if the taxpayer otherwise qualifies for the credit and the document**
- 34 **is filed or the clerical error is corrected before the resolution is**
- 35 **adopted. The resolution must specifically identify the property,**
- 36 **credit, and taxpayer that are affected by the resolution, specifically**
- 37 **identify the noncompliance that is the subject of the resolution, and**
- 38 **include a finding that the noncompliance has been corrected before**
- 39 **the adoption of the resolution.**
- 40 **(c) The county property tax assessment board of appeals shall**
- 41 **certify a copy of a resolution adopted under this section to the**
- 42 **taxpayer and the department of local government finance.**
- 43 **(d) If a noncompliance with this chapter has been corrected and**
- 44 **a resolution is adopted under this section, the taxpayer shall be**
- 45 **treated as if the taxpayer had complied with the procedural**
- 46 **requirements of this chapter. However, if the county property tax**
- 47 **assessment board of appeals determines that granting the relief**

1 **permitted by this section would result in a delay in the issuance of**
 2 **tax bills, require the recalculation of tax rates or tax levies for a**
 3 **particular year, or otherwise cause an undue burden on a taxing**
 4 **unit, the county property tax assessment board of appeals may**
 5 **require that the credit that the taxpayer would be entitled to**
 6 **receive for a particular year be applied to a subsequent year in the**
 7 **manner prescribed by the department of local government finance.**

8 SECTION 8. IC 6-1.1-40-11 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A person
 10 that desires to obtain the deduction provided by section 10 of this
 11 chapter must file a certified deduction application, on forms prescribed
 12 by the department of local government finance, with:

- 13 (1) the auditor of the county in which the new manufacturing
- 14 equipment and inventory is located; and
- 15 (2) the department of local government finance.

16 A person that timely files a personal property return under
 17 IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment
 18 is installed or the inventory is subject to assessment must file the
 19 application between March 1 and May 15 of that year.

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

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

30 (c) A deduction application must be filed under this section in the
 31 year in which the new manufacturing equipment is installed or the
 32 inventory is subject to assessment and in each of the immediately
 33 succeeding nine (9) years.

34 (d) The department of local government finance shall review and
 35 verify the correctness of each application and shall notify the county
 36 auditor of the county in which the property is located that the
 37 application is approved or denied or that the amount of the deduction
 38 is altered. Upon notification of approval of the application or of
 39 alteration of the amount of the deduction, the county auditor shall make
 40 the deduction.

41 (e) If the ownership of new manufacturing equipment changes, the
 42 deduction provided under section 10 of this chapter continues to apply
 43 to that equipment if the new owner:

- 44 (1) continues to use the equipment in compliance with any
- 45 standards established under section 7(c) of this chapter; and
- 46 (2) files the applications required by this section.

1 (f) The amount of the deduction is:

2 (1) the percentage under section 10 of this chapter that would
3 have applied if the ownership of the property had not changed;
4 multiplied by

5 (2) the assessed value of the equipment for the year the deduction
6 is claimed by the new owner.

7 **(g) The commission may waive noncompliance with respect to**
8 **a filing deadline or a clerical error under this chapter in the**
9 **manner in which a designating body may waive noncompliance**
10 **under IC 6-1.1-12.1-9.5.**

11 SECTION 9. IC 6-1.1-42-27 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) A property
13 owner who desires to obtain the deduction provided by section 24 of
14 this chapter must file a certified deduction application, on forms
15 prescribed by the department of local government finance, with the
16 auditor of the county in which the property is located. Except as
17 otherwise provided in subsection (b) or (e), the deduction application
18 must be filed before May 10 of the year in which the addition to
19 assessed valuation is made.

20 (b) If notice of the addition to assessed valuation or new assessment
21 for any year is not given to the property owner before April 10 of that
22 year, the deduction application required by this section may be filed not
23 later than thirty (30) days after the date such a notice is mailed to the
24 property owner at the address shown on the records of the township
25 assessor.

26 (c) The certified deduction application required by this section must
27 contain the following information:

28 (1) The name of each owner of the property.

29 (2) A certificate of completion of a voluntary remediation under
30 IC 13-25-5-16.

31 (3) Proof that each owner who is applying for the deduction:

32 (A) has never had an ownership interest in an entity that
33 contributed; and

34 (B) has not contributed;

35 a contaminant (as defined in IC 13-11-2-42) that is the subject of
36 the voluntary remediation, as determined under the written
37 standards adopted by the department of environmental
38 management.

39 (4) Proof that the deduction was approved by the appropriate
40 designating body.

41 (5) A description of the property for which a deduction is claimed
42 in sufficient detail to afford identification.

43 (6) The assessed value of the improvements before remediation
44 and redevelopment.

45 (7) The increase in the assessed value of improvements resulting
46 from remediation and redevelopment.

1 (8) The amount of the deduction claimed for the first year of the
2 deduction.

3 (d) A certified deduction application filed under subsection (a) or
4 (b) is applicable for the year in which the addition to assessed value or
5 assessment of property is made and each subsequent year to which the
6 deduction applies under the resolution adopted under section 24 of this
7 chapter.

8 (e) A property owner who desires to obtain the deduction provided
9 by section 24 of this chapter but who has failed to file a deduction
10 application within the dates prescribed in subsection (a) or (b) may file
11 a deduction application between March 1 and May 10 of a subsequent
12 year which is applicable for the year filed and the subsequent years
13 without any additional certified deduction application being filed for
14 the amounts of the deduction which would be applicable to such years
15 under this chapter if such a deduction application had been filed in
16 accordance with subsection (a) or (b).

17 (f) On verification of the correctness of a certified deduction
18 application by the assessor of the township in which the property is
19 located, the county auditor shall, if the property is covered by a
20 resolution adopted under section 24 of this chapter, make the
21 appropriate deduction.

22 (g) The amount and period of the deduction provided for property
23 by section 24 of this chapter are not affected by a change in the
24 ownership of the property if the new owner of the property:

- 25 (1) is a person that:
- 26 (A) has never had an ownership interest in an entity that
27 contributed; and
28 (B) has not contributed;
29 a contaminant (as defined in IC 13-11-2-42) that is the subject of
30 the voluntary remediation, as determined under the written
31 standards adopted by the department of environmental
32 management;
- 33 (2) continues to use the property in compliance with any
34 standards established under sections 7 and 23 of this chapter; and
35 (3) files an application in the manner provided by subsection (e).

36 (h) The township assessor shall include a notice of the deadlines for
37 filing a deduction application under subsections (a) and (b) with each
38 notice to a property owner of an addition to assessed value or of a new
39 assessment.

40 **(i) The designating body may waive noncompliance with respect**
41 **to a filing deadline or a clerical error under this chapter in the**
42 **manner in which a designating body may waive noncompliance**
43 **under IC 6-1.1-12.1-9.5.**

44 SECTION 10. IC 6-1.1-44-6 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) To obtain a
46 deduction under this chapter, a manufacturer must file an application

1 on forms prescribed by the department of local government finance
 2 with the auditor of the county in which the investment property is
 3 located. A person that timely files a personal property return under
 4 IC 6-1.1-3-7(a) for the year in which the investment property is
 5 installed must file the application between March 1 and May 15 of that
 6 year. A person that obtains a filing extension under IC 6-1.1-3-7(b) for
 7 the year in which the investment property is installed must file the
 8 application between March 1 and the extended due date for that year.

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

- 11 (1) The name of the owner of the investment property.
- 12 (2) A description of the investment property.
- 13 (3) Proof of purchase of the investment property and proof of the
 14 date the investment property was installed.
- 15 (4) The amount of the deduction claimed.

16 **(c) The county property tax assessment board of appeals may**
 17 **waive noncompliance with respect to a filing deadline or a clerical**
 18 **error in the manner allowed under IC 6-1.1-12-0.3.**

19 SECTION 11. IC 6-1.1-45-10, AS ADDED BY P.L.214-2005,
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 10. (a) A taxpayer that desires to claim the
 22 deduction provided by section 9 of this chapter for a particular year
 23 shall file a certified application, on forms prescribed by the department
 24 of local government finance, with the auditor of the county where the
 25 property for which the deduction is claimed was located on the
 26 assessment date. The application may be filed in person or by mail. If
 27 mailed, the mailing must be postmarked on or before the last day for
 28 filing. The application must be filed before May 10 of the assessment
 29 year to obtain the deduction.

30 (b) A taxpayer shall include on an application filed under this
 31 section all information that the department of local government finance
 32 and the corporation require to determine eligibility for the deduction
 33 provided under this chapter.

34 **(c) The county property tax assessment board of appeals may**
 35 **waive noncompliance with respect to a filing deadline or a clerical**
 36 **error in the manner allowed under IC 6-1.1-12-0.3."**

37 Renumber all SECTIONS consecutively.

(Reference is to HB 1656 as printed February 16, 2007.)

Representative Buell