
HOUSE BILL No. 1632

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1.

Synopsis: Property taxes. Changes from August 10 to October 30 the date by which certain actions on a political subdivision's budget, rate, and levy must be taken and by which the county auditor must mail a property tax information statement to each taxpayer. Applies this change beginning in 2009. Provides that the statement, instead of a published notice, triggers the taxpayer's opportunity for appeal of a political subdivision's budget, rate, and levy to the department of local government finance. Provides that the statement does not trigger a taxpayer's right to appeal to the county property tax assessment board of appeals a property assessment for which notice was not given. Removes limitations on the department's authority to increase a political subdivision's budget, rate, and levy. Requires the department to prescribe a post card form to give taxpayers notice of assessment actions.

Effective: Upon passage; July 1, 2007.

Friend

January 23, 2007, read first time and referred to Committee on Ways and Means.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1632



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

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

1 SECTION 1. IC 6-1.1-15-1, AS AMENDED BY P.L.162-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 1. (a) A taxpayer may obtain a review by the
4 county property tax assessment board of appeals of a county or
5 township official's action with respect to the assessment of the
6 taxpayer's tangible property if the official's action requires the giving
7 of notice to the taxpayer. At the time that notice is given to the
8 taxpayer, the taxpayer shall also be informed in writing of:
9 (1) the opportunity for review under this section, including an
10 informal preliminary conference with the county or township
11 official referred to in this subsection; and
12 (2) the procedures the taxpayer must follow in order to obtain
13 review under this section.
14 (b) In order to appeal an assessment effective for the assessment
15 date that applies to property taxes first due and payable in the current
16 calendar year:
17 (1) the taxpayer must request in writing a preliminary conference



1 with the county or township official referred to in subsection (a)
 2 not later than forty-five (45) days after notice of a change in the
 3 assessment for the current calendar year is given to the taxpayer;
 4 or
 5 (2) if ~~the current year is:~~
 6 ~~(A) before 2010 and a~~ notice of a change in assessment is not
 7 given to the taxpayer, the taxpayer must request in writing a
 8 preliminary conference with the county or township official
 9 referred to in subsection (a) on or before May 10 of the year in
 10 which the assessment date occurs. ~~and~~
 11 ~~(B) if the current calendar year is a calendar year after 2009;~~
 12 ~~not later than forty-five (45) days after notice of the statement~~
 13 ~~under IC 6-1.1-17-3.~~

14 The preliminary conference required under this subsection is a
 15 prerequisite to a review by the county property tax assessment board of
 16 appeals under subsection (i).

17 (c) A change in an assessment made as a result of an appeal filed:
 18 (1) in the same year that notice of a change in the assessment is
 19 given to the taxpayer; and

20 (2) after the time prescribed in subsection (b);
 21 becomes effective for the next assessment date.

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

29 (e) The written request for a preliminary conference that is required
 30 under subsection (b) must include the following information:

- 31 (1) The name of the taxpayer.
- 32 (2) The address and parcel or key number of the property.
- 33 (3) The address and telephone number of the taxpayer.

34 (f) The county or township official referred to in subsection (a)
 35 shall, not later than thirty (30) days after the receipt of a written request
 36 for a preliminary conference, attempt to hold a preliminary conference
 37 with the taxpayer to resolve as many issues as possible by:

- 38 (1) discussing the specifics of the taxpayer's reassessment;
- 39 (2) reviewing the taxpayer's property record card;
- 40 (3) explaining to the taxpayer how the reassessment was
 41 determined;
- 42 (4) providing to the taxpayer information about the statutes, rules,

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- 1 and guidelines that govern the determination of the reassessment;
- 2 (5) noting and considering objections of the taxpayer;
- 3 (6) considering all errors alleged by the taxpayer; and
- 4 (7) otherwise educating the taxpayer about:
 - 5 (A) the taxpayer's reassessment;
 - 6 (B) the reassessment process; and
 - 7 (C) the reassessment appeal process.

8 Not later than ten (10) days after the conference, the county or
 9 township official referred to in subsection (a) shall forward to the
 10 county auditor and the county property tax assessment board of appeals
 11 the results of the conference on a form prescribed by the department of
 12 local government finance that must be completed and signed by the
 13 taxpayer and the official. The official and the taxpayer shall each retain
 14 a copy of the form for their records.

15 (g) The form submitted to the county property tax assessment board
 16 of appeals under subsection (f) must specify the following:

- 17 (1) The physical characteristics of the property in issue that bear
 18 on the assessment determination.
- 19 (2) All other facts relevant to the assessment determination.
- 20 (3) A list of the reasons the taxpayer believes that the assessment
 21 determination by the county or township official referred to in
 22 subsection (a) is incorrect.
- 23 (4) An indication of the agreement or disagreement by the official
 24 with each item listed under subdivision (3).
- 25 (5) The reasons the official believes that the assessment
 26 determination is correct.

27 (h) If after the conference there are no items listed on the form
 28 submitted to the county property tax assessment board of appeals under
 29 subsection (f) on which there is disagreement:

- 30 (1) the county or township official referred to in subsection (a)
 31 shall give notice to the taxpayer, the county property tax
 32 assessment board of appeals, and the county assessor of the
 33 assessment in the amount agreed to by the taxpayer and the
 34 official; and
- 35 (2) the county property tax assessment board of appeals may
 36 reserve the right to change the assessment under IC 6-1.1-13.

37 (i) If after the conference there are items listed in the form
 38 submitted under subsection (f) on which there is disagreement, the
 39 county property tax assessment board of appeals shall hold a hearing.
 40 The taxpayer and county or township official whose original
 41 determination is under review are parties to the proceeding before the
 42 board of appeals. Except as provided in subsections (k) and (l), the

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1 hearing must be held not later than ninety (90) days after the official's
 2 receipt of the taxpayer's written request for a preliminary conference
 3 under subsection (b). The taxpayer may present the taxpayer's reasons
 4 for disagreement with the assessment. The county or township official
 5 referred to in subsection (a) must present the basis for the assessment
 6 decision on these items to the board of appeals at the hearing and the
 7 reasons the taxpayer's appeal should be denied on those items. The
 8 board of appeals shall have a written record of the hearing and prepare
 9 a written statement of findings and a decision on each item not later
 10 than sixty (60) days after the hearing, except as provided in subsections
 11 (k) and (l).

12 (j) If the township assessor does not attempt to hold a preliminary
 13 conference, the taxpayer may file a request in writing with the county
 14 assessor for a hearing before the property tax assessment board of
 15 appeals. If the board determines that the county or township official
 16 referred to in subsection (a) did not attempt to hold a preliminary
 17 conference, the board shall hold a hearing. The taxpayer and the county
 18 or township official whose original determination is under review are
 19 parties to the proceeding before the board of appeals. The hearing must
 20 be held not later than ninety (90) days after the receipt by the board of
 21 appeals of the taxpayer's hearing request under this subsection. The
 22 requirements of subsection (i) with respect to:

23 (1) participation in the hearing by the taxpayer and the township
 24 assessor or county assessor; and

25 (2) the procedures to be followed by the county board;
 26 apply to a hearing held under this subsection.

27 (k) This subsection applies to a county having a population of more
 28 than three hundred thousand (300,000). In the case of a petition filed
 29 after December 31, 2000, the county property tax assessment board of
 30 appeals shall:

31 (1) hold its hearing not later than one hundred eighty (180) days
 32 instead of ninety (90) days after the filing of the petition; and

33 (2) have a written record of the hearing and prepare a written
 34 statement of findings and a decision on each item not later than
 35 one hundred twenty (120) days after the hearing.

36 (l) This subsection applies to a county having a population of three
 37 hundred thousand (300,000) or less. With respect to an appeal of a real
 38 property assessment that takes effect on the assessment date on which
 39 a general reassessment of real property takes effect under IC 6-1.1-4-4,
 40 the county property tax assessment board of appeals shall:

41 (1) hold its hearing not later than one hundred eighty (180) days
 42 instead of ninety (90) days after the filing of the petition; and

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1 (2) have a written record of the hearing and prepare a written
 2 statement of findings and a decision on each item not later than
 3 one hundred twenty (120) days after the hearing.
 4 (m) The county property tax assessment board of appeals:
 5 (1) may not require a taxpayer to file documentary evidence or
 6 summaries of statements of testimonial evidence before the
 7 hearing required under subsection (i) or (j); and
 8 (2) may amend the form submitted under subsection (f) if the
 9 board determines that the amendment is warranted.
 10 (n) Upon receiving a request for a preliminary conference under
 11 subsection (b), the county or township official referred to in subsection
 12 (a) shall notify the county auditor in writing that the assessment is
 13 under appeal. With respect to an appeal of the assessment of real
 14 property or personal property filed after June 30, 2005, the notice must
 15 include the appellant's name and address, the assessed value of the
 16 appealed items for the assessment date immediately preceding the
 17 assessment date for which the appeal was filed, and the assessed value
 18 of the appealed items on the most recent assessment date. If the county
 19 auditor determines that the assessed value of the appealed items
 20 constitutes at least one percent (1%) of the total gross certified assessed
 21 value of a particular taxing unit for the assessment date immediately
 22 preceding the assessment date for which the appeal was filed, the
 23 county auditor shall send a copy of the notice to the affected taxing
 24 unit. Failure of the county auditor to send a copy of the notice to the
 25 affected taxing unit does not affect the validity of the appeal or delay
 26 the appeal.
 27 SECTION 2. IC 6-1.1-17-3, AS AMENDED BY P.L.162-2006,
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2007]: Sec. 3. (a) The proper officers of a political subdivision
 30 shall formulate its estimated budget and its proposed tax rate and tax
 31 levy on the form prescribed by the department of local government
 32 finance and approved by the state board of accounts. The political
 33 subdivision shall give notice by publication to taxpayers of:
 34 (1) the estimated budget;
 35 (2) the estimated maximum permissible levy;
 36 (3) the current and proposed tax levies of each fund; ~~and~~
 37 (4) the amounts of excessive levy appeals to be requested; **and**
 38 **(5) the current and proposed tax rates of each fund.**
 39 In the notice, the political subdivision shall also state the time and
 40 place at which a public hearing will be held on these items. The notice
 41 shall be published twice in accordance with IC 5-3-1 with the first
 42 publication at least ten (10) days before the date fixed for the public

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1 hearing. Beginning in 2009, the duties required by this subsection must
 2 be completed before ~~August 10~~ **October 30** of the calendar year. A
 3 political subdivision shall provide the estimated budget and levy
 4 information required for the notice under subsection (b) to the county
 5 auditor on the schedule determined by the department of local
 6 government finance.

7 (b) Beginning in 2009, before ~~August 10~~ **October 30** of a calendar
 8 year, the county auditor shall mail to the last known address of each
 9 person liable for any property taxes, as shown on the tax duplicate, or
 10 to the last known address of the most recent owner shown in the
 11 transfer book, a statement that includes:

12 (1) the assessed valuation as of the assessment date in the current
 13 calendar year of tangible property on which the person will be
 14 liable for property taxes first due and payable in the immediately
 15 succeeding calendar year and notice to the person of the
 16 opportunity to appeal the assessed valuation under
 17 IC 6-1.1-15-1(b);

18 (2) the amount of property taxes for which the person will be
 19 liable to each political subdivision on the tangible property for
 20 taxes first due and payable in the immediately succeeding
 21 calendar year, taking into account all factors that affect that
 22 liability, including:

23 (A) the estimated budget and proposed tax rate and tax levy
 24 formulated by the political subdivision under subsection (a);

25 (B) any deductions or exemptions that apply to the assessed
 26 valuation of the tangible property;

27 (C) any credits that apply in the determination of the tax
 28 liability; and

29 (D) the county auditor's best estimate of the effects on the tax
 30 liability that might result from actions of the county board of
 31 tax adjustment or the department of local government finance;

32 (3) a prominently displayed notation that:

33 (A) the estimate under subdivision (2) is based on the best
 34 information available at the time the statement is mailed; and

35 (B) based on various factors, including potential actions by the
 36 county board of tax adjustment or the department of local
 37 government finance, it is possible that the tax liability as
 38 finally determined will differ substantially from the estimate;

39 (4) comparative information showing the amount of property
 40 taxes for which the person is liable to each political subdivision
 41 on the tangible property for taxes first due and payable in the
 42 current year; and

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1 (5) the date, time, and place at which the political subdivision will
 2 hold a public hearing on the political subdivision's estimated
 3 budget and proposed tax rate and tax levy as required under
 4 subsection (a):

5 **(5) instructions on the manner in which the person may**
 6 **initiate an appeal under section 13 of this chapter of any of**
 7 **the following for any political subdivision to which the person**
 8 **is liable for property taxes:**

9 **(A) The proposed budget.**

10 **(B) One (1) or more tax levies.**

11 **(C) One (1) or more tax rates.**

12 (c) The department of local government finance shall:

13 (1) prescribe a form for; and

14 (2) provide assistance to county auditors in preparing;
 15 statements under subsection (b). Mailing the statement described in
 16 subsection (b) to a mortgagee maintaining an escrow account for a
 17 person who is liable for any property taxes shall not be construed as
 18 compliance with subsection (b).

19 (d) The board of directors of a solid waste management district
 20 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
 21 conduct the public hearing required under subsection (a):

22 (1) in any county of the solid waste management district; and

23 (2) in accordance with the annual notice of meetings published
 24 under IC 13-21-5-2.

25 (e) The trustee of each township in the county shall estimate the
 26 amount necessary to meet the cost of township assistance in the
 27 township for the ensuing calendar year. The township board shall adopt
 28 with the township budget a tax rate sufficient to meet the estimated cost
 29 of township assistance. The taxes collected as a result of the tax rate
 30 adopted under this subsection are credited to the township assistance
 31 fund.

32 (f) A county shall adopt with the county budget and the department
 33 of local government finance shall certify under section 16 of this
 34 chapter a tax rate sufficient to raise the levy necessary to pay the
 35 following:

36 (1) The cost of child services (as defined in IC 12-19-7-1) of the
 37 county payable from the family and children's fund.

38 (2) The cost of children's psychiatric residential treatment
 39 services (as defined in IC 12-19-7.5-1) of the county payable from
 40 the children's psychiatric residential treatment services fund.

41 A budget, tax rate, or tax levy adopted by a county fiscal body or
 42 approved or modified by a county board of tax adjustment that is less

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1 than the levy necessary to pay the costs described in subdivision (1) or
 2 (2) shall not be treated as a final budget, tax rate, or tax levy under
 3 section 11 of this chapter.

4 SECTION 3. IC 6-1.1-17-5.6 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.6. (a) This section
 6 applies only to a school corporation that is located in a city having a
 7 population of more than one hundred five thousand (105,000) but less
 8 than one hundred twenty thousand (120,000).

9 (b) Before February 1 of each year, the officers of the school
 10 corporation shall meet to fix the budget for the school corporation for
 11 the ensuing budget year, with notice given by the same officers.
 12 However, if a resolution adopted under subsection (d) is in effect, the
 13 officers shall meet to fix the budget for the ensuing budget year before
 14 September 20.

15 (c) Each year, at least two (2) days before the first meeting of the
 16 county board of tax adjustment held under IC 6-1.1-29-4, the school
 17 corporation shall file with the county auditor:

18 (1) a statement of the tax rate and tax levy fixed by the school
 19 corporation for the ensuing budget year; **and**
 20 (2) two (2) copies of the budget adopted by the school corporation
 21 for the ensuing budget year. **and**
 22 ~~(3) any written notification from the department of local~~
 23 ~~government finance under section 16(i) of this chapter that~~
 24 ~~specifies a proposed revision, reduction, or increase in the budget~~
 25 ~~adopted by the school corporation for the ensuing budget year.~~

26 Each year the county auditor shall present these items to the county
 27 board of tax adjustment at the board's first meeting.

28 (d) The governing body of the school corporation may adopt a
 29 resolution to cease using a school year budget year and return to using
 30 a calendar year budget year. A resolution adopted under this subsection
 31 must be adopted after January 1 and before July 1. The school
 32 corporation's initial calendar year budget year following the adoption
 33 of a resolution under this subsection begins on January 1 of the year
 34 following the year the resolution is adopted. The first six (6) months of
 35 the initial calendar year budget for the school corporation must be
 36 consistent with the last six (6) months of the final school year budget
 37 fixed by the department of local government finance before the
 38 adoption of a resolution under this subsection.

39 (e) A resolution adopted under subsection (d) may be rescinded by
 40 a subsequent resolution adopted by the governing body. If the
 41 governing body of the school corporation rescinds a resolution adopted
 42 under subsection (d) and returns to a school year budget year, the

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1 school corporation's initial school year budget year begins on July 1
2 following the adoption of the rescinding resolution and ends on June
3 30 of the following year. The first six (6) months of the initial school
4 year budget for the school corporation must be consistent with the last
5 six (6) months of the last calendar year budget fixed by the department
6 of local government finance before the adoption of a rescinding
7 resolution under this subsection.

8 SECTION 4. IC 6-1.1-17-9 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The county board
10 of tax adjustment shall complete the duties assigned to it under this
11 chapter on or before October 1st of each year, except that in a
12 consolidated city and county and in a county containing a second class
13 city, the duties of this board need not be completed until November 1
14 of each year.

15 (b) If the county board of tax adjustment fails to complete the duties
16 assigned to it within the time prescribed in this section or to reduce
17 aggregate tax rates so that they do not exceed the maximum rates
18 permitted under IC 6-1.1-18, the county auditor shall calculate and fix
19 the tax rate within each political subdivision of the county so that the
20 maximum rate permitted under IC 6-1.1-18 is not exceeded.

21 (c) When the county auditor calculates and fixes tax rates, ~~he the~~
22 **auditor** shall send a certificate notice of the rate ~~he has~~ fixed to each
23 political subdivision of the county. ~~He shall send these notices within~~
24 ~~five (5) days after publication of the notice required by section 12 of~~
25 ~~this chapter.~~

26 (d) When the county auditor calculates and fixes tax rates, ~~his the~~
27 **auditor's** action shall be treated as if it were the action of the county
28 board of tax adjustment.

29 SECTION 5. IC 6-1.1-17-12 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. **In each year**
31 **before 2009**, as soon as the budgets, tax rates, and tax levies are
32 approved or modified by the county board of tax adjustment, the county
33 auditor shall within fifteen (15) days prepare a notice of the tax rates
34 to be charged on each one hundred dollars (\$100) of assessed valuation
35 for the various funds in each taxing district. The notice shall also
36 inform the taxpayers of the manner in which they may initiate an
37 appeal of the county board's action. The county auditor shall post the
38 notice at the county courthouse and publish it in two (2) newspapers
39 which represent different political parties and which have a general
40 circulation in the county.

41 SECTION 6. IC 6-1.1-17-13, AS AMENDED BY P.L.228-2005,
42 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2007]: Sec. 13. (a) **In each year before 2009**, ten (10) or
 2 more taxpayers or one (1) taxpayer that owns property that represents
 3 at least ten percent (10%) of the taxable assessed valuation in the
 4 political subdivision may initiate an appeal from the county board of
 5 tax adjustment's action on a political subdivision's budget by filing a
 6 statement of their objections with the county auditor. The statement
 7 must be filed not later than ten (10) days after the publication of the
 8 notice required by section 12 of this chapter. The statement shall
 9 specifically identify the provisions of the budget and tax levy to which
 10 the taxpayers object. The county auditor shall forward the statement,
 11 with the budget, to the department of local government finance.

12 (b) The department of local government finance shall:

13 (1) subject to subsection (c), give notice to the first ten (10)
 14 taxpayers whose names appear on the petition, or to the taxpayer
 15 that owns property that represents at least ten percent (10%) of
 16 the taxable assessed valuation in the political subdivision in the
 17 case of an appeal initiated by that taxpayer, of the date, time, and
 18 location of the hearing on the objection statement filed under
 19 subsection (a);

20 (2) conduct a hearing on the objection; and

21 (3) after the hearing:

22 (A) consider the testimony and evidence submitted at the
 23 hearing; and

24 (B) mail the department's:

25 (i) written determination; and

26 (ii) written statement of findings;

27 to the first ten (10) taxpayers whose names appear on the
 28 petition, or to the taxpayer that owns property that represents
 29 at least ten percent (10%) of the taxable assessed valuation in
 30 the political subdivision in the case of an appeal initiated by
 31 that taxpayer.

32 The department of local government finance may hold the hearing in
 33 conjunction with the hearing required under IC 6-1.1-17-16.

34 (c) The department of local government finance shall provide
 35 written notice to:

36 (1) the first ten (10) taxpayers whose names appear on the
 37 petition; or

38 (2) the taxpayer that owns property that represents at least ten
 39 percent (10%) of the taxable assessed valuation in the political
 40 subdivision, in the case of an appeal initiated by that taxpayer;

41 at least five (5) days before the date of the hearing.

42 SECTION 7. IC 6-1.1-17-13.5 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: **Sec. 13.5. (a) In each year after 2008,**
3 **a taxpayer that is liable for property taxes to a political subdivision**
4 **may initiate an appeal of any of the following for the political**
5 **subdivision by filing a statement of objections with the county**
6 **auditor:**

- 7 (1) The proposed budget.
- 8 (2) One (1) or more tax levies.
- 9 (3) One (1) or more tax rates.

10 **The statement must be filed not later than ten (10) days after the**
11 **date the county auditor mails a notice to the person under section**
12 **3(b) of this chapter. The statement must specifically identify the**
13 **provisions to which the taxpayer objects. The county auditor shall**
14 **forward the statement, with the budget, to the department of local**
15 **government finance.**

16 (b) **If the department of local government finance receives**
17 **under subsection (a) at least ten (10) statements with respect to a**
18 **particular political subdivision, the department shall:**

- 19 (1) **give notice:**
 - 20 (A) **to the first ten (10) taxpayers whose petitions the**
 - 21 **department receives of the date, time, and location of the**
 - 22 **hearing on the objection statement filed under subsection**
 - 23 **(a); and**
 - 24 (B) **at least five (5) days before the date of the hearing;**
- 25 (2) **conduct a hearing on the objection; and**
- 26 (3) **after the hearing:**
 - 27 (A) **consider the testimony and evidence submitted at the**
 - 28 **hearing; and**
 - 29 (B) **mail the department's:**
 - 30 (i) **written determination; and**
 - 31 (ii) **written statement of findings;**

32 **to the taxpayers given notice under subdivision (1).**
33 **The department of local government finance may hold the hearing**
34 **in conjunction with the hearing required under IC 6-1.1-17-16.**

35 SECTION 8. IC 6-1.1-17-15 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. A political
37 subdivision may appeal to the department of local government finance
38 for an increase in its tax rate or tax levy as fixed by the county board of
39 tax adjustment or the county auditor. **In each year before 2009,** to
40 initiate the appeal, the political subdivision must file a statement with
41 the department of local government finance not later than ten (10) days
42 after publication of the notice required by section 12 of this chapter. **In**

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1 **each year after 2008, to initiate the appeal, the political subdivision**
2 **must file a statement with the department of local government**
3 **finance not later than ten (10) days after the date the county**
4 **auditor sends notice to the political subdivision under section 9(c)**
5 **of this chapter.** The legislative body of the political subdivision must
6 authorize the filing of the statement by adopting a resolution. The
7 resolution must be attached to the statement of objections, and the
8 statement must be signed by the following officers:

9 (1) In the case of counties, by the board of county commissioners
10 and by the president of the county council.

11 (2) In the case of all other political subdivisions, by the highest
12 executive officer and by the presiding officer of the legislative
13 body.

14 SECTION 9. IC 6-1.1-17-16, AS AMENDED BY P.L.2-2006,
15 SECTION 38, AS AMENDED BY P.L.154-2006, SECTION 44, AND
16 AS AMENDED BY P.L.169-2006, SECTION 9, IS CORRECTED
17 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
18 2007]: Sec. 16. (a) Subject to the limitations and requirements
19 prescribed in this section, the department of local government finance
20 may revise, reduce, or increase a political subdivision's budget by fund,
21 tax rate, or tax levy which the department reviews under section 8 or
22 10 of this chapter.

23 (b) Subject to the limitations and requirements prescribed in this
24 section, the department of local government finance may review,
25 revise, reduce, or increase the budget by fund, tax rate, or tax levy of
26 any of the political subdivisions whose tax rates compose the aggregate
27 tax rate within a political subdivision whose budget, tax rate, or tax
28 levy is the subject of an appeal initiated under this chapter.

29 (c) Except as provided in subsections (i) and (j), ~~and (k)~~, before the
30 department of local government finance reviews, revises, reduces, or
31 increases a political subdivision's budget by fund, tax rate, or tax levy
32 under this section, the department must hold a public hearing on the
33 budget, tax rate, and tax levy. The department of local government
34 finance shall hold the hearing in the county in which the political
35 subdivision is located. The department of local government finance
36 may consider the budgets by fund, tax rates, and tax levies of several
37 political subdivisions at the same public hearing. At least five (5) days
38 before the date fixed for a public hearing, the department of local
39 government finance shall give notice of the time and place of the
40 hearing and of the budgets by fund, levies, and tax rates to be
41 considered at the hearing. The department of local government finance
42 shall publish the notice in two (2) newspapers of general circulation

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1 published in the county. However, if only one (1) newspaper of general
2 circulation is published in the county, the department of local
3 government finance shall publish the notice in that newspaper.

4 (d) Except as provided in subsection (i), ~~IC 6-1.1-19; IC 20-45;~~
5 ~~IC 20-46; or IC 6-1.1-18.5;~~ the department of local government finance
6 may not increase a political subdivision's budget by fund, tax rate, or
7 tax levy to an amount which exceeds the amount originally fixed by the
8 political subdivision. ~~However, if the department of local government~~
9 ~~finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy,~~
10 ~~or budget of the political subdivision, the maximum amount by which~~
11 ~~the department may increase the tax rate, tax levy, or budget is the~~
12 ~~amount originally fixed by the political subdivision, and not the~~
13 ~~amount that was incorrectly published or omitted in the notice~~
14 ~~described in IC 5-3-1-2.3(b).~~ The department of local government
15 finance shall give the political subdivision written notification
16 specifying any revision, reduction, or increase the department proposes
17 in a political subdivision's tax levy or tax rate. The political subdivision
18 has ~~one (1) week~~ two (2) weeks from the date the political subdivision
19 receives the notice to provide a written response to the department of
20 local government finance's Indianapolis office. ~~specifying how to make~~
21 ~~the required reductions in the amount budgeted by fund.~~ The response
22 may include budget reductions, reallocation of levies, a revision in the
23 amount of miscellaneous revenues, and further review of any other
24 item about which, in the view of the political subdivision, the
25 department is in error. The department of local government finance
26 shall ~~make reductions~~ consider the adjustments as specified in the
27 political subdivision's response if the response is provided as required
28 by this subsection and ~~sufficiently specifies all necessary reductions.~~
29 ~~The department of local government finance may make a revision, a~~
30 ~~reduction, or an increase in a political subdivision's budget only by~~
31 ~~fund; shall deliver a final decision to the political subdivision.~~

32 (e) The department of local government finance may not approve a
33 levy for lease payments by a city, town, county, library, or school
34 corporation if the lease payments are payable to a building corporation
35 for use by the building corporation for debt service on bonds and if:

- 36 (1) no bonds of the building corporation are outstanding; or
- 37 (2) the building corporation has enough legally available funds on
38 hand to redeem all outstanding bonds payable from the particular
39 lease rental levy requested.

40 (f) The department of local government finance shall certify its
41 action to:

- 42 (1) the county auditor;

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- 1 (2) the political subdivision if the department acts pursuant to an
- 2 appeal initiated by the political subdivision;
- 3 (3) the *taxpayer that initiated an appeal under section 13 or 13.5*
- 4 *of this chapter, or, if the appeal was initiated by multiple*
- 5 *taxpayers:*
- 6 (A) *the first ten (10) taxpayers whose names appear on a*
- 7 *petition filed under section 13 of this chapter; the statement*
- 8 *filed to initiate the appeal; or*
- 9 (B) **the taxpayers given notice under section 13.5(b)(1) of**
- 10 **this chapter; and**
- 11 (4) a taxpayer that owns property that represents at least ten
- 12 percent (10%) of the taxable assessed valuation in the political
- 13 subdivision.
- 14 (g) The following may petition for judicial review of the final
- 15 determination of the department of local government finance under
- 16 subsection (f):
- 17 (1) If the department acts under an appeal initiated by a political
- 18 subdivision, the political subdivision.
- 19 (2) If the department:
- 20 (A) acts under an appeal initiated by *one (1) or more* taxpayers
- 21 under section 13 **or 13.5** of this chapter; *or*
- 22 (B) *fails to act on the appeal before the department certifies its*
- 23 *action under subsection (f);*
- 24 a taxpayer who signed ~~the petition under that section; a statement~~
- 25 ~~filed to initiate the appeal.~~
- 26 (3) If the department acts under an appeal initiated by the county
- 27 auditor under section 14 of this chapter, the county auditor.
- 28 (4) A taxpayer that owns property that represents at least ten
- 29 percent (10%) of the taxable assessed valuation in the political
- 30 subdivision.
- 31 The petition must be filed in the tax court not more than forty-five (45)
- 32 days after the department certifies its action under subsection (f).
- 33 (h) The department of local government finance is expressly
- 34 directed to complete the duties assigned to it under this section not later
- 35 than February 15th of each year for taxes to be collected during that
- 36 year.
- 37 (i) ~~Subject to the provisions of all applicable statutes, the~~
- 38 ~~department of local government finance may increase a political~~
- 39 ~~subdivision's tax levy to an amount that exceeds the amount originally~~
- 40 ~~fixed by the political subdivision if the increase is:~~
- 41 ~~(1) requested in writing by the officers of the political~~
- 42 ~~subdivision;~~

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- 1 (2) either:
- 2 (A) based on information first obtained by the political
- 3 subdivision after the public hearing under section 3 of this
- 4 chapter; or
- 5 (B) results from an inadvertent mathematical error made in
- 6 determining the levy; and
- 7 (3) published by the political subdivision according to a notice
- 8 provided by the department.

9 (†) (i) The department of local government finance shall annually
 10 review the budget by fund of each school corporation not later than
 11 April 1. The department of local government finance shall give the
 12 school corporation written notification specifying any revision,
 13 reduction, or increase the department proposes in the school
 14 corporation's budget by fund. A public hearing is not required in
 15 connection with this review of the budget.

16 (‡) (j) **In each year before 2009**, the department of local
 17 government finance may hold a hearing under subsection (c) only if the
 18 notice required in ~~IC 6-1.1-17-12~~ **section 12 of this chapter** is
 19 published at least ten (10) days before the date of the hearing.

20 SECTION 10. IC 6-1.1-29-9, AS AMENDED BY P.L.2-2006,
 21 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2007]: Sec. 9. (a) A county council may adopt an ordinance
 23 to abolish the county board of tax adjustment. This ordinance must be
 24 adopted by July 1 and may not be rescinded in the year it is adopted.
 25 Notwithstanding IC 6-1.1-17, IC 6-1.1-18, IC 20-45, IC 20-46,
 26 IC 12-19-7, IC 12-19-7.5, IC 36-8-6, IC 36-8-7, IC 36-8-7.5,
 27 IC 36-8-11, IC 36-9-3, IC 36-9-4, and IC 36-9-13, if such an ordinance
 28 is adopted, this section governs the treatment of tax rates, tax levies,
 29 and budgets that would otherwise be reviewed by a county board of tax
 30 adjustment under IC 6-1.1-17.

31 (b) The time requirements set forth in IC 6-1.1-17 govern all filings
 32 and notices.

33 (c) A tax rate, tax levy, or budget that otherwise would be reviewed
 34 by the county board of tax adjustment is considered and must be treated
 35 for all purposes as if the county board of tax adjustment approved the
 36 tax rate, tax levy, or budget. **In each year before 2009**, this includes
 37 the notice of tax rates that is required under IC 6-1.1-17-12.

38 SECTION 11. [EFFECTIVE UPON PASSAGE] (a) **Before**
 39 **January 1, 2008, the department of local government finance shall**
 40 **prescribe under IC 6-1.1-31-1(a)(2) a post card form to be used**
 41 **beginning in 2008 to give taxpayers notice of assessment actions.**

42 (b) **This SECTION expires January 1, 2008.**

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1 SECTION 12. **An emergency is declared for this act.**

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