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# HOUSE BILL No. 1704

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1; IC 6-1.5-5.

**Synopsis:** Determination of true tax value. Provides that the rules of the department of local government finance are the only basis for determining the true tax value of tangible property and that local assessing officials may not use different assessment standards. Provides that in an administrative review of an assessment a taxpayer is not required to introduce evidence of a fair market value appraisal or capitalization of income if the assessment under review is not determined using those factors.

**Effective:** Upon passage.

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### Smith M

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January 26, 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. 1704**



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 UPON PASSAGE]: 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). **Subject to section 1.5 of this chapter**, the  
 4 taxpayer may present the taxpayer's reasons for disagreement with the  
 5 assessment. The county or township official referred to in subsection  
 6 (a) must present the basis for the assessment decision on these items to  
 7 the board of appeals at the hearing and the reasons the taxpayer's  
 8 appeal should be denied on those items. The board of appeals shall  
 9 have a written record of the hearing and prepare a written statement of  
 10 findings and a decision on each item not later than sixty (60) days after  
 11 the hearing, except as provided in subsections (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 6-1.1-15-1.5 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) This section applies if**  
 30 **the county or township official referred to in section 1(a) of this**  
 31 **chapter does not include as a factor in determining the assessment**  
 32 **of the tangible property under review under section 1 of this**  
 33 **chapter:**  
 34 (1) a fair market value appraisal of the property; or  
 35 (2) the capitalization of income received from the use of the  
 36 property.  
 37 (b) Subject to subsection (c)(1), the taxpayer sustains the  
 38 taxpayer's burden of proof in a review under section 1 of this  
 39 chapter of an assessment determined as described in subsection (a)  
 40 if the taxpayer:  
 41 (1) does not introduce into evidence the type of information  
 42 referred to in subsection (a); and

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1           **(2) introduces evidence that supports the correct assessment**  
 2           **of the property based on the rules of the department of local**  
 3           **government finance exclusive of the type of information**  
 4           **referred to in subsection (a).**

5           **(c) With respect to a review under section 1 of this chapter of an**  
 6           **assessment determined as described in subsection (a):**

7           **(1) the taxpayer may elect to introduce into evidence the type**  
 8           **of information referred to in subsection (a); and**

9           **(2) the property tax assessment board of appeals may not**  
 10           **require the taxpayer to introduce into evidence the type of**  
 11           **information referred to in subsection (a) in order to sustain**  
 12           **the taxpayer's burden of proof in the review.**

13           SECTION 3. IC 6-1.1-15-4, AS AMENDED BY P.L.154-2006,  
 14           SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15           UPON PASSAGE]: Sec. 4. (a) After receiving a petition for review  
 16           which is filed under section 3 of this chapter, the Indiana board shall  
 17           conduct a hearing at its earliest opportunity. **The review is subject to**  
 18           **section 4.5 of this chapter.** The Indiana board may:

19           (1) assign:

20           (A) full;

21           (B) limited; or

22           (C) no;

23           evidentiary value to the assessed valuation of tangible property  
 24           determined by stipulation submitted as evidence of a comparable  
 25           sale; and

26           (2) correct any errors that may have been made, and adjust the  
 27           assessment in accordance with the correction.

28           (b) If the Indiana board conducts a site inspection of the property as  
 29           part of its review of the petition, the Indiana board shall give notice to  
 30           all parties of the date and time of the site inspection. The Indiana board  
 31           is not required to assess the property in question. The Indiana board  
 32           shall give notice of the date fixed for the hearing, by mail, to the  
 33           taxpayer and to the appropriate township assessor, county assessor, and  
 34           county auditor. With respect to an appeal of the assessment of real  
 35           property or personal property filed after June 30, 2005, the notice must  
 36           include the following:

37           (1) The action of the county property tax assessment board of  
 38           appeals with respect to the appealed items.

39           (2) A statement that a taxing unit receiving the notice from the  
 40           county auditor under subsection (c) may:

41           (A) attend the hearing; and

42           (B) offer testimony.

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1 The Indiana board shall give these notices at least thirty (30) days  
 2 before the day fixed for the hearing. The property tax assessment board  
 3 of appeals that made the determination under appeal under this section  
 4 may, with the approval of the county executive, file an amicus curiae  
 5 brief in the review proceeding under this section. The expenses  
 6 incurred by the property tax assessment board of appeals in filing the  
 7 amicus curiae brief shall be paid from the property reassessment fund  
 8 under IC 6-1.1-4-27.5. The executive of a taxing unit may file an  
 9 amicus curiae brief in the review proceeding under this section if the  
 10 property whose assessment is under appeal is subject to assessment by  
 11 that taxing unit.

12 (c) If, after receiving notice of a hearing under subsection (b), the  
 13 county auditor determines that the assessed value of the appealed items  
 14 constitutes at least one percent (1%) of the total gross certified assessed  
 15 value of a particular taxing unit for the assessment date immediately  
 16 preceding the assessment date for which the appeal was filed, the  
 17 county auditor shall send a copy of the notice to the affected taxing  
 18 unit. A taxing unit that receives a notice from the county auditor under  
 19 this subsection is not a party to the appeal. Failure of the county auditor  
 20 to send a copy of the notice to the affected taxing unit does not affect  
 21 the validity of the appeal or delay the appeal.

22 (d) If a petition for review does not comply with the Indiana board's  
 23 instructions for completing the form prescribed under section 3 of this  
 24 chapter, the Indiana board shall return the petition to the petitioner and  
 25 include a notice describing the defect in the petition. The petitioner  
 26 then has thirty (30) days from the date on the notice to cure the defect  
 27 and file a corrected petition. The Indiana board shall deny a corrected  
 28 petition for review if it does not substantially comply with the Indiana  
 29 board's instructions for completing the form prescribed under section  
 30 3 of this chapter.

31 (e) The Indiana board shall prescribe a form for use in processing  
 32 petitions for review of actions by the county property tax assessment  
 33 board of appeals. The Indiana board shall issue instructions for  
 34 completion of the form. The form must require the Indiana board to  
 35 indicate agreement or disagreement with each item that is:

- 36 (1) if the county or township official held a preliminary  
 37 conference under section 1(f) of this chapter, indicated on the  
 38 petition submitted under that section by the taxpayer and the  
 39 official; and  
 40 (2) included in the county property tax assessment board of  
 41 appeals' findings, record, and determination under section 2.1(d)  
 42 of this chapter.

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1 The form must also require the Indiana board to indicate the issues in  
 2 dispute and its reasons in support of its resolution of those issues.

3 (f) After the hearing the Indiana board shall give the petitioner, the  
 4 township assessor, the county assessor, and the county auditor:

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

9 The county auditor shall provide copies of the documents described in  
 10 subdivisions (1) through (3) to the taxing units entitled to notice under  
 11 subsection (c).

12 (g) Except as provided in subsection (h), the Indiana board shall  
 13 conduct a hearing not later than nine (9) months after a petition in  
 14 proper form is filed with the Indiana board, excluding any time due to  
 15 a delay reasonably caused by the petitioner.

16 (h) With respect to an appeal of a real property assessment that  
 17 takes effect on the assessment date on which a general reassessment of  
 18 real property takes effect under IC 6-1.1-4-4, the Indiana board shall  
 19 conduct a hearing not later than one (1) year after a petition in proper  
 20 form is filed with the Indiana board, excluding any time due to a delay  
 21 reasonably caused by the petitioner.

22 (i) Except as provided in subsection (j), the Indiana board shall  
 23 make a determination not later than the later of:

24 (1) ninety (90) days after the hearing; or  
 25 (2) the date set in an extension order issued by the Indiana board.

26 (j) With respect to an appeal of a real property assessment that takes  
 27 effect on the assessment date on which a general reassessment of real  
 28 property takes effect under IC 6-1.1-4-4, the Indiana board shall make  
 29 a determination not later than the later of:

30 (1) one hundred eighty (180) days after the hearing; or  
 31 (2) the date set in an extension order issued by the Indiana board.

32 (k) The Indiana board may not extend the final determination date  
 33 under subsection (i) or (j) by more than one hundred eighty (180) days.  
 34 If the Indiana board fails to make a final determination within the time  
 35 allowed by this section after a hearing, the entity that initiated the  
 36 petition may:

37 (1) take no action and wait for the Indiana board to make a final  
 38 determination; or  
 39 (2) petition for judicial review under section 5(g) of this chapter.

40 (l) A final determination must include separately stated findings of  
 41 fact for all aspects of the determination. Findings of ultimate fact must  
 42 be accompanied by a concise statement of the underlying basic facts of

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1 record to support the findings. Findings must be based exclusively  
 2 upon the evidence on the record in the proceeding and on matters  
 3 officially noticed in the proceeding. Findings must be based upon a  
 4 preponderance of the evidence.

5 (m) The Indiana board may limit the scope of the appeal to the  
 6 issues raised in the petition and the evaluation of the evidence  
 7 presented to the county property tax assessment board of appeals in  
 8 support of those issues only if all persons participating in the hearing  
 9 required under subsection (a) agree to the limitation. A person  
 10 participating in the hearing required under subsection (a) is entitled to  
 11 introduce evidence that is otherwise proper and admissible without  
 12 regard to whether that evidence has previously been introduced at a  
 13 hearing before the county property tax assessment board of appeals.

14 (n) The Indiana board:

15 (1) may require the parties to the appeal to file not more than five  
 16 (5) business days before the date of the hearing required under  
 17 subsection (a) documentary evidence or summaries of statements  
 18 of testimonial evidence; and

19 (2) may require the parties to the appeal to file not more than  
 20 fifteen (15) business days before the date of the hearing required  
 21 under subsection (a) lists of witnesses and exhibits to be  
 22 introduced at the hearing.

23 (o) A party to a proceeding before the Indiana board shall provide  
 24 to another party to the proceeding the information described in  
 25 subsection (n) if the other party requests the information in writing at  
 26 least ten (10) days before the deadline for filing of the information  
 27 under subsection (n).

28 (p) The county assessor may:

29 (1) appear as an additional party if the notice of appearance is  
 30 filed before the review proceeding; or

31 (2) with the approval of the township assessor, represent the  
 32 township assessor;

33 in a review proceeding under this section.

34 (q) The Indiana board may base its final determination on a  
 35 stipulation between the respondent and the petitioner. If the final  
 36 determination is based on a stipulated assessed valuation of tangible  
 37 property, the Indiana board may order the placement of a notation on  
 38 the permanent assessment record of the tangible property that the  
 39 assessed valuation was determined by stipulation. The Indiana board  
 40 may:

41 (1) order that a final determination under this subsection has no  
 42 precedential value; or

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1 (2) specify a limited precedential value of a final determination  
2 under this subsection.

3 SECTION 4. IC 6-1.1-15-4.5 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) This section applies if  
6 the property tax assessment board of appeals does not include as  
7 a factor in determining the assessment of the tangible property  
8 under review under section 4 of this chapter:**

- 9 (1) a fair market value appraisal of the property; or
- 10 (2) the capitalization of income received from the use of the  
11 property.

12 (b) Subject to subsection (c)(1), the taxpayer sustains the  
13 taxpayer's burden of proof in a review under section 4 of this  
14 chapter of an assessment determined as described in subsection (a)  
15 if the taxpayer:

- 16 (1) does not introduce into evidence the type of information  
17 referred to in subsection (a); and
- 18 (2) introduces evidence that supports the correct assessment  
19 of the property based on the rules of the department of local  
20 government finance exclusive of the type of information  
21 referred to in subsection (a).

22 (c) With respect to a review under section 4 of this chapter of an  
23 assessment determined as described in subsection (a):

- 24 (1) the taxpayer may elect to introduce into evidence the type  
25 of information referred to in subsection (a); and
- 26 (2) the Indiana board may not require the taxpayer to  
27 introduce into evidence the type of information referred to in  
28 subsection (a) in order to sustain the taxpayer's burden of  
29 proof in the review.

30 SECTION 5. IC 6-1.1-31-5 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) Subject to  
32 this article;** The rules adopted by the department of local government  
33 finance are the **only** basis for determining the true tax value of tangible  
34 property.

35 (b) ~~Local~~ Assessing officials ~~members of the county property tax~~  
36 ~~assessment board of appeals;~~ and county assessors shall:

- 37 (1) comply with the rules, appraisal manuals, bulletins, and  
38 directives adopted by the department of local government finance;
- 39 (2) use the property tax forms, property tax returns, and notice  
40 forms prescribed by the department; and
- 41 (3) collect and record the data required by the department.

42 (c) In assessing tangible property, the ~~township assessors;~~ ~~members~~

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1 of the county property tax assessment board of appeals, assessing  
2 officials and county assessors may not:

3 (1) consider factors in addition to other than those prescribed by  
4 the department of local government finance; if the use of the  
5 additional factors is first approved by the department. Each  
6 township assessor, of the county property tax assessment board of  
7 appeals; and the county assessor shall indicate on his records for  
8 each individual assessment whether:

9 (1) only the factors contained in the department's rules, forms, and  
10 returns have been considered; or

11 (2) factors in addition to those contained in the department's rules,  
12 forms, and returns have been considered.

13 (2) establish guidelines or procedures for the assessment of  
14 tangible property that differ from the rules adopted by the  
15 department of local government finance for assessment of the  
16 tangible property.

17 (d) A technical failure by an assessing official or a county  
18 assessor to comply with the procedures of a specific assessing  
19 method in a rule of the department of local government finance:

20 (1) constitutes a violation of the rule regardless of whether the  
21 official or assessor claims that the assessing method used  
22 results in a reasonable measure of true tax value; and

23 (2) in itself shows that the assessment is not a reasonable  
24 measure of true tax value.

25 SECTION 6. IC 6-1.5-5-2, AS AMENDED BY P.L.154-2006,  
26 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 UPON PASSAGE]: Sec. 2. (a) After receiving a petition for review that  
28 is filed under a statute listed in section 1(a) of this chapter, the Indiana  
29 board shall, at its earliest opportunity:

30 (1) conduct a hearing; or

31 (2) cause a hearing to be conducted by an administrative law  
32 judge.

33 **The review is subject to section 2.5 of this chapter.** The Indiana  
34 board may determine to conduct the hearing under subdivision (1) on  
35 its own motion or on request of a party to the appeal.

36 (b) In its resolution of a petition, the Indiana board may:

37 (1) assign:

38 (A) full;

39 (B) limited; or

40 (C) no;

41 evidentiary value to the assessed valuation of tangible property  
42 determined by stipulation submitted as evidence of a comparable

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- 1 sale; and  
 2 (2) correct any errors that may have been made, and adjust the  
 3 assessment in accordance with the correction.  
 4 (c) The Indiana board shall give notice of the date fixed for the  
 5 hearing by mail to:  
 6 (1) the taxpayer;  
 7 (2) the department of local government finance; and  
 8 (3) the appropriate:  
 9 (A) township assessor;  
 10 (B) county assessor; and  
 11 (C) county auditor.  
 12 (d) With respect to an appeal of the assessment of real property or  
 13 personal property filed after June 30, 2005, the notices required under  
 14 subsection (c) must include the following:  
 15 (1) The action of the department of local government finance with  
 16 respect to the appealed items.  
 17 (2) A statement that a taxing unit receiving the notice from the  
 18 county auditor under subsection (e) may:  
 19 (A) attend the hearing;  
 20 (B) offer testimony; and  
 21 (C) file an amicus curiae brief in the proceeding.  
 22 (e) If, after receiving notice of a hearing under subsection (c), the  
 23 county auditor determines that the assessed value of the appealed items  
 24 constitutes at least one percent (1%) of the total gross certified assessed  
 25 value of a particular taxing unit for the assessment date immediately  
 26 preceding the assessment date for which the appeal was filed, the  
 27 county auditor shall send a copy of the notice to the affected taxing  
 28 unit. A taxing unit that receives a notice from the county auditor under  
 29 this subsection is not a party to the appeal. Failure of the county auditor  
 30 to send a copy of the notice to the affected taxing unit does not affect  
 31 the validity of the appeal or delay the appeal.  
 32 (f) The Indiana board shall give the notices required under  
 33 subsection (c) at least thirty (30) days before the day fixed for the  
 34 hearing.  
 35 SECTION 7. IC 6-1.5-5-2.5 IS ADDED TO THE INDIANA CODE  
 36 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 37 **UPON PASSAGE]: Sec. 2.5. (a) This section applies if the**  
 38 **department of local government finance does not include as a**  
 39 **factor in determining the assessment of the tangible property**  
 40 **under review under section 2 of this chapter:**  
 41 (1) a fair market value appraisal of the property; or  
 42 (2) the capitalization of income received from the use of the

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property.

(b) Subject to subsection (c)(1), the taxpayer sustains the taxpayer's burden of proof in a review under section 2 of this chapter of an assessment determined as described in subsection (a) if the taxpayer:

(1) does not introduce into evidence the type of information referred to in subsection (a); and

(2) introduces evidence that supports the correct assessment of the property based on the rules of the department of local government finance exclusive of the type of information referred to in subsection (a).

(c) With respect to a review under section 2 of this chapter of an assessment determined as described in subsection (a):

(1) the taxpayer may elect to introduce into evidence the type of information referred to in subsection (a); and

(2) the Indiana board may not require the taxpayer to introduce into evidence the type of information referred to in subsection (a) in order to sustain the taxpayer's burden of proof in the review.

SECTION 8. [EFFECTIVE UPON PASSAGE] IC 6-1.1-15-1, IC 6-1.1-15-4, IC 6-1.1-31-5, and IC 6-1.5-5-2, all as amended by this act, and IC 6-1.1-15-1.5, IC 6-1.1-15-4.5, and IC 6-1.5-5-2.5, all as added by this act, apply only to administrative reviews initiated after the effective date of this act under IC 6-1.1-15-1, as amended by this act, IC 6-1.1-15-3, or IC 6-1.5-5-1.

SECTION 9. An emergency is declared for this act.

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