



April 10, 2009

**ENGROSSED  
SENATE BILL No. 285**

DIGEST OF SB 285 (Updated April 7, 2009 11:34 am - DI 92)

**Citations Affected:** IC 5-28; IC 6-1.1.

**Synopsis:** Property tax payments. Permits a county legislative body to authorize the transmission by electronic mail of property tax statements and related information. Charges the county treasurer and county auditor with the administration of the program. Requires the designation of a single electronic mail address for joint owners and entities other than individuals. If the electronic mail is not received, requires the county treasurer to mail a hard copy of the statement. Directs the department of local government finance to create a form for taxpayers to authorize the transmission by electronic mail. Allows for automatic deductions of payments for property taxes and special assessments from any account held by a financial institution, not just from a checking account. Requires a county to distribute to political subdivisions in the county at the normal semiannual distribution date revenue from monthly installment property tax collections. Provides that an enterprise zone shall not expire between December 1, 2008, and January 1, 2015, unless the fiscal body of the municipality in which the enterprise zone is located adopts a resolution requesting the enterprise zone board to allow the zone to expire. Requires county fiscal body approval of the county assessor's proposed appeal expenditures to appeal an assessment of an industrial facility by the department of local government finance.

**Effective:** December 1, 2008 (retroactive); July 1, 2009.

**Holdman, Hershman, Buck, Taylor**

(HOUSE SPONSORS — PEARSON, LEHMAN, PRYOR, MICHAEL)

January 7, 2009, read first time and referred to Committee on Local Government.  
January 22, 2009, amended, reported favorably — Do Pass.  
January 26, 2009, read second time, ordered engrossed. Engrossed.  
January 29, 2009, read third time, passed. Yeas 43, nays 0.

**HOUSE ACTION**

February 25, 2009, read first time and referred to Committee on Ways and Means.  
April 9, 2009, amended, reported — Do Pass.

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April 10, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 285



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 5-28-15-10, AS ADDED BY P.L.4-2005,  
2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 DECEMBER 1, 2008 (RETROACTIVE)]: Sec. 10. (a) **Subject to**  
4 **subsection (b)**, an enterprise zone expires ten (10) years after the day  
5 on which it is designated by the board.  
6 **(b) In the period beginning December 1, 2008, and ending**  
7 **December 31, 2014, an enterprise zone shall not expire under this**  
8 **section unless the fiscal body of the municipality in which the**  
9 **enterprise zone is located adopts a resolution requesting the board**  
10 **to allow the enterprise zone to expire. The fiscal body shall submit**  
11 **a copy of the resolution to the board at least sixty (60) days before**  
12 **the expiration date of the enterprise zone (as determined without**  
13 **regard to the moratorium on expirations provided by this**  
14 **subsection). The board shall allow an enterprise zone to expire in**  
15 **compliance with any request it receives under this subsection.**  
16 **(c) The two (2) year period immediately before the day on which the**  
17 **enterprise zone expires is the phaseout period. During the phaseout**

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1 period, the board may review the success of the enterprise zone based  
2 on the following criteria and may, with the consent of the budget  
3 committee, renew the enterprise zone, including all provisions of this  
4 chapter, for five (5) years:

- 5 (1) Increases in capital investment in the zone.
- 6 (2) Retention of jobs and creation of jobs in the zone.
- 7 (3) Increases in employment opportunities for residents of the  
8 zone.

9 ~~(b)~~ **(d)** If an enterprise zone is renewed under subsection ~~(a)~~, **(c)**, the  
10 two (2) year period immediately before the day on which the enterprise  
11 zone expires is another phaseout period. During the phaseout period,  
12 the board may review the success of the enterprise zone based on the  
13 criteria set forth in subsection ~~(a)~~ **(c)** and, with the consent of the  
14 budget committee, may again renew the enterprise zone, including all  
15 provisions of this chapter, for a final period of five (5) years. The zone  
16 may not be renewed after the expiration of this final five (5) year  
17 period.

18 SECTION 2. IC 6-1.1-8.5-11 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) A taxpayer or  
20 the county assessor of the qualifying county in which the industrial  
21 facility is located may appeal an assessment by the department of local  
22 government finance made under this chapter to the Indiana board. An  
23 appeal under this section shall be conducted in the same manner as an  
24 appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. An assessment  
25 made under this chapter that is not appealed under this section is a final  
26 unappealable order of the department of local government finance.

27 (b) The Indiana board shall hold a hearing on the appeal and issue  
28 an order within one (1) year after the date the appeal is filed.

29 **(c) The county assessor of a qualifying county may not expend  
30 public money appealing an assessment under this section unless the  
31 following requirements are met before a petition of review is  
32 submitted to the Indiana board:**

- 33 **(1) The county assessor submits to the county fiscal body a  
34 written estimate of the cost of the appeal.**
- 35 **(2) The county fiscal body adopts a resolution approving the  
36 county assessor's proposed expenditure to carry out the  
37 appeal.**
- 38 **(3) The total amount of the proposed expenditure is in  
39 accordance with an appropriation made by the county fiscal  
40 body in the manner provided by law.**

41 SECTION 3. IC 6-1.1-17-3, AS AMENDED BY P.L.146-2008,  
42 SECTION 147, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The proper officers of a  
2 political subdivision shall formulate its estimated budget and its  
3 proposed tax rate and tax levy on the form prescribed by the  
4 department of local government finance and approved by the state  
5 board of accounts. The political subdivision shall give notice by  
6 publication to taxpayers of:

- 7 (1) the estimated budget;
- 8 (2) the estimated maximum permissible levy;
- 9 (3) the current and proposed tax levies of each fund; and
- 10 (4) the amounts of excessive levy appeals to be requested.

11 In the notice, the political subdivision shall also state the time and  
12 place at which a public hearing will be held on these items. The notice  
13 shall be published twice in accordance with IC 5-3-1 with the first  
14 publication at least ten (10) days before the date fixed for the public  
15 hearing. Beginning in 2009, the duties required by this subsection must  
16 be completed before August 10 of the calendar year. A political  
17 subdivision shall provide the estimated budget and levy information  
18 required for the notice under subsection (b) to the county auditor on the  
19 schedule determined by the department of local government finance.

20 (b) Beginning in 2010, **except as provided in IC 6-1.1-22-8.1(i)**,  
21 before October 1 of a calendar year, the county auditor shall mail to the  
22 last known address of each person liable for any property taxes, as  
23 shown on the tax duplicate, or to the last known address of the most  
24 recent owner shown in the transfer book, a statement that includes:

- 25 (1) the assessed valuation as of the assessment date in the current  
26 calendar year of tangible property on which the person will be  
27 liable for property taxes first due and payable in the immediately  
28 succeeding calendar year and notice to the person of the  
29 opportunity to appeal the assessed valuation under  
30 IC 6-1.1-15-1(c) (before July 1, 2008) or IC 6-1.1-15-1 (after June  
31 30, 2008);

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

- 37 (A) the estimated budget and proposed tax rate and tax levy  
38 formulated by the political subdivision under subsection (a);
- 39 (B) any deductions or exemptions that apply to the assessed  
40 valuation of the tangible property;
- 41 (C) any credits that apply in the determination of the tax  
42 liability; and

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1 (D) the county auditor's best estimate of the effects on the tax  
 2 liability that might result from actions of:  
 3 (i) the county board of tax adjustment; or  
 4 (ii) the department of local government finance;  
 5 (3) a prominently displayed notation that:  
 6 (A) the estimate under subdivision (2) is based on the best  
 7 information available at the time the statement is mailed; and  
 8 (B) based on various factors, including potential actions by:  
 9 (i) the county board of tax adjustment; or  
 10 (ii) the department of local government finance;  
 11 it is possible that the tax liability as finally determined will  
 12 differ substantially from the estimate;  
 13 (4) comparative information showing the amount of property  
 14 taxes for which the person is liable to each political subdivision  
 15 on the tangible property for taxes first due and payable in the  
 16 current year; and  
 17 (5) the date, time, and place at which the political subdivision will  
 18 hold a public hearing on the political subdivision's estimated  
 19 budget and proposed tax rate and tax levy as required under  
 20 subsection (a).  
 21 (c) The department of local government finance shall:  
 22 (1) prescribe a form for; and  
 23 (2) provide assistance to county auditors in preparing;  
 24 statements under subsection (b). Mailing the statement described in  
 25 subsection (b) to a mortgagee maintaining an escrow account for a  
 26 person who is liable for any property taxes shall not be construed as  
 27 compliance with subsection (b).  
 28 (d) The board of directors of a solid waste management district  
 29 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may  
 30 conduct the public hearing required under subsection (a):  
 31 (1) in any county of the solid waste management district; and  
 32 (2) in accordance with the annual notice of meetings published  
 33 under IC 13-21-5-2.  
 34 (e) The trustee of each township in the county shall estimate the  
 35 amount necessary to meet the cost of township assistance in the  
 36 township for the ensuing calendar year. The township board shall adopt  
 37 with the township budget a tax rate sufficient to meet the estimated cost  
 38 of township assistance. The taxes collected as a result of the tax rate  
 39 adopted under this subsection are credited to the township assistance  
 40 fund.  
 41 (f) This subsection expires January 1, 2009. A county shall adopt  
 42 with the county budget and the department of local government finance

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1 shall certify under section 16 of this chapter a tax rate sufficient to raise  
2 the levy necessary to pay the following:

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

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

8 A budget, tax rate, or tax levy adopted by a county fiscal body or  
9 approved or modified by a county board of tax adjustment that is less  
10 than the levy necessary to pay the costs described in subdivision (1) or  
11 (2) shall not be treated as a final budget, tax rate, or tax levy under  
12 section 11 of this chapter.

13 SECTION 4. IC 6-1.1-22-8.1, AS AMENDED BY P.L.3-2008,  
14 SECTION 53, AND AS AMENDED BY P.L.146-2008, SECTION  
15 251, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2009]: Sec. 8.1. (a) This section applies only to  
17 property taxes and special assessments first due and payable after  
18 December 31, 2007.

19 (b) The county treasurer shall:

20 (1) **except as provided in subsection (i)**, mail to the last known  
21 address of each person liable for any property taxes or special  
22 assessment, as shown on the tax duplicate or special assessment  
23 records, or to the last known address of the most recent owner  
24 shown in the transfer book; and

25 (2) transmit by written, electronic, or other means to a mortgagee  
26 maintaining an escrow account for a person who is liable for any  
27 property taxes or special assessments, as shown on the tax  
28 duplicate or special assessment records;

29 a statement in the form required under subsection (c). *However, for*  
30 *property taxes first due and payable in 2008, the county treasurer may*  
31 *choose to use a tax statement that is different from the tax statement*  
32 *prescribed by the department under subsection (c). If a county chooses*  
33 *to use a different tax statement, the county must still transmit (with the*  
34 *tax bill) the statement in either color type or black-and-white type.*

35 (c) The department of local government finance shall prescribe a  
36 form, subject to the approval of the state board of accounts, for the  
37 statement under subsection (b) that includes at least the following:

38 (1) A statement of the taxpayer's current and delinquent taxes and  
39 special assessments.

40 (2) A breakdown showing the total property tax and special  
41 assessment liability and the amount of the taxpayer's liability that  
42 will be distributed to each taxing unit in the county.

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- 1 (3) An itemized listing for each property tax levy, including:
  - 2 (A) the amount of the tax rate;
  - 3 (B) the entity levying the tax owed; and
  - 4 (C) the dollar amount of the tax owed.
- 5 (4) Information designed to show the manner in which the taxes
- 6 and special assessments billed in the tax statement are to be used.
- 7 (5) A comparison showing any change in the assessed valuation
- 8 for the property as compared to the previous year.
- 9 (6) A comparison showing any change in the property tax and
- 10 special assessment liability for the property as compared to the
- 11 previous year. The information required under this subdivision
- 12 must identify:
  - 13 (A) the amount of the taxpayer's liability distributable to each
  - 14 taxing unit in which the property is located in the current year
  - 15 and in the previous year; and
  - 16 (B) the percentage change, if any, in the amount of the
  - 17 taxpayer's liability distributable to each taxing unit in which
  - 18 the property is located from the previous year to the current
  - 19 year.
- 20 (7) An explanation of the following:
  - 21 (A) The homestead credit and all property tax deductions.
  - 22 (B) The procedure and deadline for filing for the homestead
  - 23 credit and each deduction.
  - 24 (C) The procedure that a taxpayer must follow to:
    - 25 (i) appeal a current assessment; or
    - 26 (ii) petition for the correction of an error related to the
    - 27 taxpayer's property tax and special assessment liability.
  - 28 (D) The forms that must be filed for an appeal or a petition
  - 29 described in clause (C).
- 30 The department of local government finance shall provide the
- 31 explanation required by this subdivision to each county treasurer.
- 32 (8) A checklist that shows:
  - 33 (A) the homestead credit and all property tax deductions; and
  - 34 (B) whether the homestead credit and each property tax
  - 35 deduction applies in the current statement for the property
  - 36 transmitted under subsection (b).
- 37 (d) The county treasurer may mail or transmit the statement one (1)
- 38 time each year at least fifteen (15) days before the date on which the
- 39 first or only installment is due. Whenever a person's tax liability for a
- 40 year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this
- 41 chapter, a statement that is mailed must include the date on which the
- 42 installment is due and denote the amount of money to be paid for the

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1 installment. Whenever a person's tax liability is due in two (2)  
 2 installments, a statement that is mailed must contain the dates on which  
 3 the first and second installments are due and denote the amount of  
 4 money to be paid for each installment.

5 (e) All payments of property taxes and special assessments shall be  
 6 made to the county treasurer. The county treasurer, when authorized by  
 7 the board of county commissioners, may open temporary offices for the  
 8 collection of taxes in cities and towns in the county other than the  
 9 county seat.

10 (f) The county treasurer, county auditor, and county assessor shall  
 11 cooperate to generate the information to be included in the statement  
 12 under subsection (c).

13 (g) The information to be included in the statement under subsection  
 14 (c) must be simply and clearly presented and understandable to the  
 15 average individual.

16 (h) After December 31, 2007, a reference in a law or rule to  
 17 IC 6-1.1-22-8 (*expired January 1, 2008, and repealed*) shall be treated  
 18 as a reference to this section.

19 **(i) Transmission of statements and other information under this**  
 20 **subsection applies in a county only if the county legislative body**  
 21 **adopts an authorizing ordinance. Subject to subsection (j), in a**  
 22 **county in which an ordinance is adopted under this subsection for**  
 23 **property taxes and special assessments first due and payable after**  
 24 **2009, a person may direct the county treasurer and county auditor**  
 25 **to transmit the following to the person by electronic mail:**

26 (1) A statement that would otherwise be sent by the county  
 27 treasurer to the person by regular mail under subsection  
 28 (b)(1), including a statement that reflects installment payment  
 29 due dates under section 9.5 or 9.7 of this chapter.

30 (2) A provisional tax statement that would otherwise be sent  
 31 by the county treasurer to the person by regular mail under  
 32 IC 6-1.1-22.5-6.

33 (3) A reconciling tax statement that would otherwise be sent  
 34 by the county treasurer to the person by regular mail under  
 35 any of the following:

36 (A) Section 9 of this chapter.

37 (B) Section 9.7 of this chapter.

38 (C) IC 6-1.1-22.5-12, including a statement that reflects  
 39 installment payment due dates under IC 6-1.1-22.5-18.5.

40 (4) A statement that would otherwise be sent by the county  
 41 auditor to the person by regular mail under IC 6-1.1-17-3(b).

42 (5) Any other information that:

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- 1           **(A) concerns the property taxes or special assessments;**
- 2           **and**
- 3           **(B) would otherwise be sent:**
  - 4               **(i) by the county treasurer or the county auditor to the**
  - 5               **person by regular mail; and**
  - 6               **(ii) before the last date the property taxes or special**
  - 7               **assessments may be paid without becoming delinquent.**
- 8           **(j) For property with respect to which more than one (1) person**
- 9           **is liable for property taxes and special assessments, subsection (i)**
- 10           **applies only if all the persons liable for property taxes and special**
- 11           **assessments designate the electronic mail address for only one (1)**
- 12           **individual authorized to receive the statements and other**
- 13           **information referred to in subsection (i).**
- 14           **(k) Before 2010, the department of local government finance**
- 15           **shall create a form to be used to implement subsection (i). The**
- 16           **county treasurer and county auditor shall:**
  - 17               **(1) make the form created under this subsection available to**
  - 18               **the public;**
  - 19               **(2) transmit a statement or other information by electronic**
  - 20               **mail under subsection (i) to a person who, at least thirty (30)**
  - 21               **days before the anticipated general mailing date of the**
  - 22               **statement or other information, files the form created under**
  - 23               **this subsection:**
    - 24                   **(A) with the county treasurer; or**
    - 25                   **(B) with the county auditor; and**
  - 26               **(3) publicize the availability of the electronic mail option**
  - 27               **under this subsection through appropriate media in a manner**
  - 28               **reasonably designed to reach members of the public.**
- 29           **(l) The form referred to in subsection (k) must:**
  - 30               **(1) explain that a form filed as described in subsection (k)(2)**
  - 31               **remains in effect until the person files a replacement form to:**
    - 32                   **(A) change the person's electronic mail address; or**
    - 33                   **(B) terminate the electronic mail option under subsection**
    - 34                   **(i); and**
  - 35               **(2) allow a person to do at least the following with respect to**
  - 36               **the electronic mail option under subsection (i):**
    - 37                   **(A) Exercise the option.**
    - 38                   **(B) Change the person's electronic mail address.**
    - 39                   **(C) Terminate the option.**
    - 40                   **(D) For a person other than an individual, designate the**
    - 41                   **electronic mail address for only one (1) individual**
    - 42                   **authorized to receive the statements and other information**

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referred to in subsection (i).  
(E) For property with respect to which more than one (1) person is liable for property taxes and special assessments, designate the electronic mail address for only one (1) individual authorized to receive the statements and other information referred to in subsection (i).

(m) The form created under subsection (k) is considered filed with the county treasurer or the county auditor on the postmark date. If the postmark is missing or illegible, the postmark is considered to be one (1) day before the date of receipt of the form by the county treasurer or the county auditor.

(n) The county treasurer shall maintain a record that shows at least the following:

- (1) Each person to whom a statement or other information is transmitted by electronic mail under this section.
- (2) The information included in the statement.
- (3) Whether the person received the statement.

SECTION 5. IC 6-1.1-22-9, AS AMENDED BY P.L.146-2008, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Except as provided in subsections (b) and (c), the property taxes assessed for a year under this article are due in two (2) equal installments on May 10 and November 10 of the following year.

(b) Subsection (a) does not apply if any of the following apply to the property taxes assessed for the year under this article:

- (1) Subsection (c).
- (2) Subsection (d).
- ~~(3) Subsection (h).~~
- ~~(4) Subsection (i).~~
- ~~(5) (3) IC 6-1.1-7-7.~~
- ~~(6) (4) Section 9.5 of this chapter.~~

(c) A county council may adopt an ordinance to require a person to pay the person's property tax liability in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars (\$25). If the county council has adopted such an ordinance, then whenever a tax statement mailed under section 8.1 of this chapter shows that the person's property tax liability for a year is less than twenty-five dollars (\$25) for the property covered by that statement, the tax liability for that year is due in one (1) installment on May 10 of that year.

(d) If the county treasurer receives a copy of an appeal petition under IC 6-1.1-18.5-12(d) before the county treasurer mails or transmits statements under section 8.1(b) of this chapter, the county

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treasurer may:

(1) mail or transmit the statements without regard to the pendency of the appeal and, if the resolution of the appeal by the department of local government finance results in changes in levies, mail or transmit reconciling statements under subsection (e); or

(2) delay the mailing or transmission of statements under section 8.1(b) of this chapter so that:

(A) the due date of the first installment that would otherwise be due under subsection (a) is delayed by not more than sixty (60) days; and

(B) all statements reflect any changes in levies that result from the resolution of the appeal by the department of local government finance.

(e) A reconciling statement under subsection (d)(1) must indicate:

(1) the total amount due for the year;

(2) the total amount of the installments paid that did not reflect the resolution of the appeal under IC 6-1.1-18.5-12(d) by the department of local government finance;

(3) if the amount under subdivision (1) exceeds the amount under subdivision (2), the adjusted amount that is payable by the taxpayer:

(A) as a final reconciliation of all amounts due for the year; and

(B) not later than:

(i) November 10; or

(ii) the date or dates established under section 9.5 of this chapter; and

(4) if the amount under subdivision (2) exceeds the amount under subdivision (1), that the taxpayer may claim a refund of the excess under IC 6-1.1-26.

(f) If property taxes are not paid on or before the due date, the penalties prescribed in IC 6-1.1-37-10 shall be added to the delinquent taxes.

(g) Notwithstanding any other law, a property tax liability of less than five dollars (\$5) is increased to five dollars (\$5). The difference between the actual liability and the five dollar (\$5) amount that appears on the statement is a statement processing charge. The statement processing charge is considered a part of the tax liability.

**(h) This subsection applies only if a statement for payment of property taxes and special assessments by electronic mail is transmitted to a person under section 8.1(i) of this chapter. If a response to the transmission of electronic mail to a person indicates**

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1 that the electronic mail was not received, the county treasurer shall  
2 mail to the person a hard copy of the statement in the manner  
3 required by section 8.1(b) of this chapter for persons who do not  
4 opt to receive statements by electronic mail. The due date for the  
5 property taxes and special assessments under a statement mailed  
6 to a person under this subsection is the due date indicated in the  
7 statement transmitted to the person by electronic mail.

8 (i) In a county in which an authorizing ordinance is adopted  
9 under section 8.1(i) of this chapter, a person may direct the county  
10 treasurer to transmit a reconciling statement under subsection  
11 (d)(1) by electronic mail under section 8.1(i) of this chapter.

12 SECTION 6. IC 6-1.1-22-9.7, AS ADDED BY P.L.118-2008,  
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2009]: Sec. 9.7. (a) As used in this section, "current year"  
15 refers to the calendar year in which property taxes are first due and  
16 payable and are subject to payment under this section:

- 17 (1) by automatic deduction from ~~a checking~~ **an account of the**  
18 **taxpayer that is held by a financial institution;** or
- 19 (2) under a monthly installment plan.

20 (b) As used in this section, "monthly installment plan" means a plan  
21 that:

- 22 (1) is adopted under this section;
- 23 (2) provides for the monthly payment of tax liability; and
- 24 (3) does not involve an automatic deduction from ~~a checking~~ **an**  
25 **account of the taxpayer that is held by a financial institution.**

26 (c) As used in this section, "preceding year" refers to the calendar  
27 year that immediately precedes the current year.

28 (d) As used in this section, "tax liability" includes liability for  
29 special assessments and refers to liability for property taxes after the  
30 application of all allowed deductions and credits.

31 (e) After June 30, 2009, the county fiscal body (as defined in  
32 IC 36-1-2-6) may at any time adopt an ordinance to allow all county  
33 taxpayers to pay one (1) or more installments of property taxes by any  
34 combination of the following:

- 35 (1) Automatic monthly deductions from ~~a checking~~ **an account of**  
36 **the taxpayer that is held by a financial institution.**
- 37 (2) Payments under a monthly installment plan.

38 (f) An ordinance adopted under subsection (e):

- 39 (1) may apply to more than one (1) calendar year; and
- 40 (2) must include at least the following:
  - 41 (A) Identification of the property tax installment or
  - 42 installments for which payment:

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1 (i) by automatic deduction from ~~a checking~~ **an account of**  
2 **the taxpayer that is held by a financial institution;** or  
3 (ii) under a monthly installment plan;  
4 is authorized.

5 (B) Provisions for notice to county taxpayers of the option to  
6 pay one (1) or more property tax installments:  
7 (i) by automatic deduction from ~~a checking~~ **an account of**  
8 **the taxpayer that is held by a financial institution;** or  
9 (ii) under a monthly installment plan.

10 (C) Authority for the county treasurer to make available to  
11 county taxpayers a form to be completed by a taxpayer and  
12 submitted to the county treasurer to:  
13 (i) direct the county treasurer to accept payment of the  
14 taxpayer's property taxes by automatic deduction from ~~a~~  
15 ~~checking~~ **an account of the taxpayer that is held by a**  
16 **financial institution;** and  
17 (ii) authorize the **financial** institution that holds the  
18 taxpayer's ~~checking~~ account to deduct monthly the  
19 appropriate amount from the account and to pay that amount  
20 to the county treasurer.

21 However, this clause applies only if the county fiscal body has  
22 adopted an ordinance under this section to allow taxpayers to  
23 pay property taxes by automatic deductions from ~~a checking~~  
24 **an account of the taxpayer that is held by a financial**  
25 **institution.**

26 (D) Authority for the county treasurer to accept payment of the  
27 taxpayer's property taxes under a monthly installment plan.  
28 However, this clause applies only if the county fiscal body has  
29 adopted an ordinance under this section to allow taxpayers to  
30 pay property taxes by monthly installment payments under a  
31 monthly installment plan.

32 An ordinance adopted under subsection (e) may include a provision  
33 authorizing taxpayers to make monthly deductions or monthly  
34 installment payments in an amount determined by the taxpayer that is  
35 different from the amount otherwise determined by the county treasurer  
36 under subsection (h), (i), (j), or (k).

37 (g) If an ordinance is adopted under subsection (e) to allow  
38 taxpayers to pay property taxes by automatic deductions from ~~a~~  
39 ~~checking~~ **an account of the taxpayer that is held by a financial**  
40 **institution,** the county treasurer shall provide to each county taxpayer  
41 that submits to the county treasurer the form referred to in subsection  
42 (f)(2)(C) a statement that includes at least the following:

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- 1 (1) The amount to be deducted monthly from the taxpayer's
- 2 ~~checking~~ account.
- 3 (2) Identification of the day each month, as chosen by the
- 4 taxpayer, when the deduction will be made.
- 5 (3) A calculation of the amount to be deducted.
- 6 (4) An explanation of the manner in which property taxes for the
- 7 current year will be reconciled under subsection (n) and notice
- 8 that any property tax payments for the current year made by the
- 9 taxpayer by means other than automatic deduction from the
- 10 taxpayer's ~~checking~~ account will be taken into account in the
- 11 reconciliation.
- 12 (5) An explanation of the penalties that apply if there are
- 13 insufficient funds in the taxpayer's ~~checking~~ account to cover one
- 14 (1) or more automatic deductions.
- 15 (h) This subsection applies only if the county treasurer determines
- 16 that at the time the calculation under subsection (g)(3) is made the
- 17 amount of tax liability for the current year has not been determined.
- 18 Subject to subsections (i) and (j), the county treasurer shall do the
- 19 following:
- 20 (1) Determine the following:
- 21 (A) For a parcel of real property, the most recently determined
- 22 amount of tax liability that applied to the parcel for the
- 23 preceding year.
- 24 (B) For a personal property return, the most recently
- 25 determined amount of tax liability that applied for the personal
- 26 property return for the same location for the preceding year.
- 27 (C) For distributable property, the most recently determined
- 28 amount of tax liability that applied with respect to the
- 29 statement filed by the taxpayer under IC 6-1.1-8-19 for the
- 30 preceding year.
- 31 (D) For a mobile home subject to IC 6-1.1-7, the most recently
- 32 determined amount of tax liability that applied to the mobile
- 33 home for the preceding year.
- 34 (2) Determine the amount of the monthly deduction from the
- 35 taxpayer's ~~checking~~ account **of the taxpayer that is held by a**
- 36 **financial institution** or the amount due under a monthly
- 37 installment plan in the amount determined in the last STEP of the
- 38 following STEPS:
- 39 STEP ONE: Determine under subdivision (1) the amount of
- 40 tax liability that applied for the preceding year.
- 41 STEP TWO: Determine the quotient of:
- 42 (i) the number of property tax installments for the current

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1 year identified in the ordinance under subsection (f)(2)(A);  
 2 divided by  
 3 (ii) the total number of property tax installments for the  
 4 current year.  
 5 STEP THREE: Multiply the STEP ONE result by the STEP  
 6 TWO result.  
 7 STEP FOUR: Determine the quotient of:  
 8 (i) the STEP THREE result; divided by  
 9 (ii) the number of monthly deductions or, in the case of  
 10 payments under a monthly installment plan, the number of  
 11 monthly installments.  
 12 (i) The county treasurer may determine the monthly deduction or the  
 13 amount of the monthly installment due under a monthly installment  
 14 plan in an amount different from the amount determined under  
 15 subsection (h) if the county treasurer determines that changes in  
 16 circumstances have caused the amount determined under subsection  
 17 (h) to differ substantially from the tax liability likely to be determined  
 18 for the current year.  
 19 (j) This subsection applies only if before an ordinance is adopted  
 20 under subsection (e) the county treasurer determines to use provisional  
 21 property tax statements under IC 6-1.1-22.5 for the current year. For  
 22 purposes of determining the amount of the monthly deduction from the  
 23 ~~taxpayer's checking~~ **account of the taxpayer that is held by a**  
 24 **financial institution** or the amount of the taxpayer's monthly  
 25 installment payment under a monthly installment plan, the county  
 26 treasurer shall substitute for the tax liability that applied to the parcel  
 27 for the preceding year under subsection (h) the tax liability to be  
 28 indicated on the provisional statement.  
 29 (k) This subsection applies only if the county treasurer determines  
 30 that at the time the calculation under subsection (g)(3) is made the  
 31 amount of tax liability for the current year has been determined. The  
 32 amount of the monthly deduction from the ~~taxpayer's checking~~  
 33 **of the taxpayer that is held by a financial institution** or the amount  
 34 of the taxpayer's monthly installment payment under a monthly  
 35 installment plan is the amount of the tax liability for the current year  
 36 payable in the installment or installments identified in the ordinance  
 37 under subsection (f)(2)(A) divided by the number of monthly  
 38 deductions.  
 39 (l) Tax liability paid under this section by automatic deduction from  
 40 ~~a checking an~~ **account of the taxpayer that is held by a financial**  
 41 **institution** is not finally discharged and the person has not paid the tax  
 42 until the taxpayer's ~~checking~~ account is charged for the payment.

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1 (m) Penalties apply under IC 6-1.1-37-10 as specified in this section  
2 to taxes payable by automatic deduction from a ~~checking an~~ account  
3 **of the taxpayer that is held by a financial institution** or by monthly  
4 installment payments under a monthly installment plan under this  
5 section.

6 (n) After the last monthly ~~checking account~~ deduction **from an**  
7 **account of a taxpayer that is held by a financial institution** or last  
8 monthly installment payment under a monthly installment plan under  
9 this section for the current year has been made and after the amount of  
10 tax liability for the current year has been determined, the county  
11 treasurer shall issue a reconciling statement to the taxpayer. Each  
12 reconciling statement must indicate at least the following:

- 13 (1) The sum of:
  - 14 (A) the taxpayer's actual tax liability for the current year; plus
  - 15 (B) any penalty that applies for the current year.
- 16 (2) The total amount paid for the current year by automatic  
17 deductions, monthly installment payments under a monthly  
18 installment plan, and by means other than automatic deductions  
19 or monthly installment payments.
- 20 (3) If the amount under subdivision (1) exceeds the amount under  
21 subdivision (2), the deficiency is payable by the taxpayer:
  - 22 (A) as a final reconciliation of the tax liability; and
  - 23 (B) not later than thirty (30) days after the date of the  
24 reconciling statement.
- 25 (4) If the amount under subdivision (2) exceeds the amount under  
26 subdivision (1), that the county treasurer will apply the excess as  
27 a credit against the taxpayer's tax liability for the immediately  
28 succeeding calendar year unless the taxpayer makes a claim for  
29 refund of the excess under IC 6-1.1-26.

30 (o) The county ~~auditor treasurer~~ shall ~~distribute~~ **deposit the** tax  
31 collections under this section **under IC 5-13-6-3(a). The collections**  
32 **shall remain in the funds in which they are deposited until the**  
33 **county auditor makes the distributions** to the appropriate taxing  
34 units at the semiannual settlements under IC 6-1.1-27. However, this  
35 subsection does not prohibit a county treasurer from making an  
36 advance to a political subdivision under IC 5-13-6-3 of a portion of the  
37 taxes collected.

- 38 (p) IC 6-1.1-15:
  - 39 (1) does not apply to a statement provided under subsection (g);
  - 40 and
  - 41 (2) applies to a reconciling statement issued under subsection (n).
- 42 (q) The following apply to a taxpayer that makes automatic monthly

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deductions or monthly installments under this section:

(1) If a taxpayer makes automatic monthly deductions or monthly installments of property taxes in the amount determined by the county treasurer under subsection (h), (i), (j), or (k), the taxpayer's property tax payments shall not be considered delinquent for purposes of IC 6-1.1-37-10 and the taxpayer is not subject to penalties under that section.

(2) If: ~~a taxpayer:~~

(A) **a taxpayer** makes automatic monthly deductions or monthly installments of property taxes in an amount that is less than the amount determined by the county treasurer under subsection (h), (i), (j), or (k); and

(B) the total amount of property taxes paid by the taxpayer under automatic monthly deductions, monthly installments, or any other method by the May or November due date is less than the amount determined by the county treasurer under subsection (h), (i), (j), or (k) that should have been paid by the taxpayer for the May or November due date;

the penalty provisions of IC 6-1.1-37-10 apply to the delinquent property taxes.

(r) IC 6-1.1-37-10 applies to any amounts due under a reconciling statement issued under subsection (n) that are not paid within thirty (30) days after the date of the reconciling statement, as required under subsection (n)(3).

(s) For purposes of IC 6-1.1-24-1(a)(1):

(1) property taxes to be paid by automatic deduction or by monthly installments under a monthly installment plan under this section before June of the current year are considered to be the taxpayer's spring installment of property taxes; and

(2) payment on a reconciling statement issued under subsection (n) is considered to be due before the due date of the first installment of property taxes payable in the year immediately following the current year.

SECTION 7. IC 6-1.1-22.5-6, AS AMENDED BY P.L.118-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Except as provided in subsection (c), with respect to property taxes payable under this article on assessments determined for the 2003 assessment date or the assessment date in any later year, the county treasurer may, except as provided by section 7 of this chapter, use a provisional statement under this chapter if the county auditor fails to deliver the abstract for that assessment date to the county treasurer under IC 6-1.1-22-5 before March 16 of the year

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1 following the assessment date.

2 (b) The county treasurer shall give notice of the provisional  
3 statement, including disclosure of the method that is to be used in  
4 determining the tax liability to be indicated on the provisional  
5 statement, by publication one (1) time:  
6 (1) in the form prescribed by the department of local government  
7 finance; and  
8 (2) in the manner described in IC 6-1.1-22-4(b).

9 The notice may be combined with the notice required under section 10  
10 of this chapter.

11 (c) Subsection (a) does not apply if the county auditor fails to  
12 deliver the abstract as provided in IC 6-1.1-22-5(b).

13 (d) This subsection applies after June 30, 2009. Immediately upon  
14 determining to use provisional statements under subsection (a), the  
15 county treasurer shall give notice of the determination to the county  
16 fiscal body (as defined in IC 36-1-2-6).

17 **(e) In a county in which an authorizing ordinance is adopted**  
18 **under IC 6-1.1-22-8.1(i), a person may direct the county treasurer**  
19 **to transmit a provisional statement by electronic mail under**  
20 **IC 6-1.1-22-8.1(i).**

21 SECTION 8. IC 6-1.1-22.5-9, AS AMENDED BY P.L.219-2007,  
22 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2009]: Sec. 9. (a) Except as provided in ~~subsection~~  
24 **subsections** (b) ~~subsection~~ and (c) and section 12 of this chapter,  
25 property taxes billed on a provisional statement are due in two (2)  
26 equal installments on May 10 and November 10 of the year following  
27 the assessment date covered by the provisional statement.

28 (b) If in a county the notices of general reassessment under  
29 IC 6-1.1-4-4 or notices of assessment under IC 6-1.1-4-4.5 for an  
30 assessment date in a calendar year are given to the taxpayers in the  
31 county after March 26 of the immediately succeeding calendar year, the  
32 property taxes that would otherwise be due under subsection (a) on  
33 May 10 of the immediately succeeding calendar year are due on the  
34 later of:  
35 (1) May 10 of the immediately succeeding calendar year; or  
36 (2) forty-five (45) days after the mailing or transmittal of  
37 provisional statements.

38 (c) If subsection (b) applies, the property taxes that would otherwise  
39 be due under subsection (a) on November 10 of the immediately  
40 succeeding calendar year referred to in subsection (b) are due on the  
41 later of:  
42 (1) November 10 of the immediately succeeding calendar year; or

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1 (2) a date determined by the county treasurer that is not later than  
2 December 31 of the immediately succeeding calendar year.

3 **(d) This subsection applies only if a provisional statement for**  
4 **payment of property taxes and special assessments by electronic**  
5 **mail is transmitted to a person under IC 6-1.1-22-8.1(i). If a**  
6 **response to the transmission of electronic mail to a person indicates**  
7 **that the electronic mail was not received, the county treasurer shall**  
8 **mail to the person a hard copy of the provisional statement in the**  
9 **manner required by this chapter for persons who do not opt to**  
10 **receive statements by electronic mail. The due date for the**  
11 **property taxes and special assessments under a provisional**  
12 **statement mailed to a person under this subsection is the due date**  
13 **indicated in the statement transmitted to the person by electronic**  
14 **mail.**

15 SECTION 9. IC 6-1.1-22.5-12, AS AMENDED BY P.L.146-2008,  
16 SECTION 254, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Except as provided by  
18 subsection (c), each reconciling statement must indicate:

- 19 (1) the actual property tax liability under this article on the
- 20 assessment determined for the assessment date for the property
- 21 for which the reconciling statement is issued;
- 22 (2) the total amount paid under the provisional statement for the
- 23 property for which the reconciling statement is issued;
- 24 (3) if the amount under subdivision (1) exceeds the amount under
- 25 subdivision (2), that the excess is payable by the taxpayer:
  - 26 (A) as a final reconciliation of the tax liability; and
  - 27 (B) not later than:
    - 28 (i) thirty (30) days after the date of the reconciling
    - 29 statement;
    - 30 (ii) if the county treasurer requests in writing that the
    - 31 commissioner designate a later date, the date designated by
    - 32 the commissioner; or
    - 33 (iii) the date specified in an ordinance adopted under section
    - 34 18.5 of this chapter; and
  - 35 (4) if the amount under subdivision (2) exceeds the amount under
  - 36 subdivision (1), that the taxpayer may claim a refund of the excess
  - 37 under IC 6-1.1-26.

38 (b) If, upon receipt of the abstract referred to in section 6 of this  
39 chapter, the county treasurer determines that it is possible to complete  
40 the:

- 41 (1) preparation; and
- 42 (2) mailing or transmittal;

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1 of the reconciling statement at least thirty (30) days before the due date  
2 of the second installment specified in the provisional statement, the  
3 county treasurer may request in writing that the department of local  
4 government finance permit the county treasurer to issue a reconciling  
5 statement that adjusts the amount of the second installment that was  
6 specified in the provisional statement. If the department approves the  
7 county treasurer's request, the county treasurer shall prepare and mail  
8 or transmit the reconciling statement at least thirty (30) days before the  
9 due date of the second installment specified in the provisional  
10 statement.

11 (c) A reconciling statement prepared under subsection (b) must  
12 indicate:

13 (1) the actual property tax liability under this article on the  
14 assessment determined for the assessment date for the property  
15 for which the reconciling statement is issued;

16 (2) the total amount of the first installment paid under the  
17 provisional statement for the property for which the reconciling  
18 statement is issued;

19 (3) if the amount under subdivision (1) exceeds the amount under  
20 subdivision (2), the adjusted amount of the second installment  
21 that is payable by the taxpayer:

22 (A) as a final reconciliation of the tax liability; and

23 (B) not later than:

24 (i) November 10; or

25 (ii) if the county treasurer requests in writing that the  
26 commissioner designate a later date, the date designated by  
27 the commissioner; and

28 (4) if the amount under subdivision (2) exceeds the amount under  
29 subdivision (1), that the taxpayer may claim a refund of the excess  
30 under IC 6-1.1-26.

31 **(d) In a county in which an authorizing ordinance is adopted**  
32 **under IC 6-1.1-22-8.1(i), a person may direct the county treasurer**  
33 **to transmit a reconciling statement by electronic mail under**  
34 **IC 6-1.1-22-8.1(i).**

35 SECTION 10. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- Page 1, delete lines 1 through 17.
- Page 2, delete lines 1 through 32.
- Page 8, delete lines 11 through 12.
- Page 8, line 13, delete "(3)" and insert "(2)".
- Page 8, line 20, delete "(4)" and insert "(3)".
- Page 8, line 24, delete "(k)(3)" and insert "(k)(2)".
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 285 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

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 COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 285, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1 begin a new paragraph and insert:

"SECTION 1. IC 5-28-15-10, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 1, 2008 (RETROACTIVE)]: Sec. 10. (a) **Subject to subsection (b)**, an enterprise zone expires ten (10) years after the day on which it is designated by the board.

**(b) In the period beginning December 1, 2008, and ending December 31, 2014, an enterprise zone shall not expire under this section unless the fiscal body of the municipality in which the enterprise zone is located adopts a resolution requesting the board to allow the enterprise zone to expire. The fiscal body shall submit a copy of the resolution to the board at least sixty (60) days before the expiration date of the enterprise zone (as determined without regard to the moratorium on expirations provided by this**

ES 285—LS 6139/DI 52+



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**subsection). The board shall allow an enterprise zone to expire in compliance with any request it receives under this subsection.**

(c) The two (2) year period immediately before the day on which the enterprise zone expires is the phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the following criteria and may, with the consent of the budget committee, renew the enterprise zone, including all provisions of this chapter, for five (5) years:

- (1) Increases in capital investment in the zone.
- (2) Retention of jobs and creation of jobs in the zone.
- (3) Increases in employment opportunities for residents of the zone.

~~(b)~~ (d) If an enterprise zone is renewed under subsection ~~(a)~~ (c), the two (2) year period immediately before the day on which the enterprise zone expires is another phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the criteria set forth in subsection ~~(a)~~ (c) and, with the consent of the budget committee, may again renew the enterprise zone, including all provisions of this chapter, for a final period of five (5) years. The zone may not be renewed after the expiration of this final five (5) year period.

SECTION 2. IC 6-1.1-8.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) A taxpayer or the county assessor of the qualifying county in which the industrial facility is located may appeal an assessment by the department of local government finance made under this chapter to the Indiana board. An appeal under this section shall be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. An assessment made under this chapter that is not appealed under this section is a final unappealable order of the department of local government finance.

(b) The Indiana board shall hold a hearing on the appeal and issue an order within one (1) year after the date the appeal is filed.

**(c) The county assessor of a qualifying county may not expend public money appealing an assessment under this section unless the following requirements are met before a petition of review is submitted to the Indiana board:**

- (1) The county assessor submits to the county fiscal body a written estimate of the cost of the appeal.
- (2) The county fiscal body adopts a resolution approving the county assessor's proposed expenditure to carry out the appeal.
- (3) The total amount of the proposed expenditure is in

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**accordance with an appropriation made by the county fiscal body in the manner provided by law.**

Page 18, after line 19, begin a new paragraph and insert:

**"SECTION 10. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 285 as printed January 23, 2009.)

CRAWFORD, Chair

Committee Vote: yeas 24, nays 0.

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