

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WITHDRAWN	Noes _____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

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 239 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-1.1-3-22, AS AMENDED BY P.L.245-2003,
- 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JANUARY 1, 2010 (RETROACTIVE)]: Sec. 22. (a) Except to the
- 6 extent that it conflicts with a statute and subject to subsection (f), 50
- 7 IAC 4.2 (as in effect January 1, 2001), which was formerly
- 8 incorporated by reference into this section, is reinstated as a rule.
- 9 (b) Tangible personal property within the scope of 50 IAC 4.2 (as
- 10 in effect January 1, 2001) shall be assessed on the assessment dates in
- 11 calendar years 2003 and thereafter in conformity with 50 IAC 4.2 (as
- 12 in effect January 1, 2001), **except that a minimum valuation may not**
- 13 **be applied to the total valuation of a taxpayer's assessable**
- 14 **depreciable personal property used for agricultural purposes**
- 15 **under 50 IAC 4.2-4-9 (as in effect January 1, 2001) or any similar**
- 16 **rule for an assessment date after 2009.**
- 17 (c) The publisher of the Indiana Administrative Code shall publish
- 18 50 IAC 4.2 (as in effect January 1, 2001) in the Indiana Administrative
- 19 Code.
- 20 (d) 50 IAC 4.3 and any other rule to the extent that it conflicts with
- 21 this section is void.
- 22 (e) A reference in 50 IAC 4.2 to a governmental entity that has been
- 23 terminated or a statute that has been repealed or amended shall be
- 24 treated as a reference to its successor.

1 (f) **Except as provided in subsection (g)**, the department of local  
 2 government finance may not amend or repeal the following (all as in  
 3 effect January 1, 2001):

- 4 (1) 50 IAC 4.2-4-3(f).
- 5 (2) 50 IAC 4.2-4-7.
- 6 (3) 50 IAC 4.2-4-9.
- 7 (4) 50 IAC 4.2-5-7.
- 8 (5) 50 IAC 4.2-5-13.
- 9 (6) 50 IAC 4.2-6-1.
- 10 (7) 50 IAC 4.2-6-2.
- 11 (8) 50 IAC 4.2-8-9.

12 (g) **The department of local government finance may amend 50**  
 13 **IAC 4.2-4-9 (as in effect January 1, 2001) to conform to subsection**  
 14 **(b).**"

15 Page 47, between lines 14 and 15, begin a new paragraph and insert:  
 16 "SECTION 19. IC 6-1.1-20.6-7.5, AS ADDED BY P.L.146-2008,  
 17 SECTION 223, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 7.5. (a) A  
 19 person is entitled to a credit against the person's property tax liability  
 20 for property taxes first due and payable after 2009. The amount of the  
 21 credit is the amount by which the person's property tax liability:

22 (1) **for taxes first due and payable in 2010** attributable to the  
 23 person's:

- 24 (1) ~~(A)~~ **(A)** homestead exceeds one percent (1%);
- 25 (2) ~~(B)~~ **(B)** residential property exceeds two percent (2%);
- 26 (3) ~~(C)~~ **(C)** long term care property exceeds two percent (2%);
- 27 (4) ~~(D)~~ **(D)** agricultural land exceeds two percent (2%);
- 28 (5) ~~(E)~~ **(E)** nonresidential real property exceeds three percent  
 29 (3%); or
- 30 (6) ~~(F)~~ **(F)** personal property exceeds three percent (3%); or

31 (2) **for taxes first due and payable after 2010** attributable to  
 32 the person's:

- 33 (A) **homestead exceeds one percent (1%);**
- 34 (B) **residential property exceeds two percent (2%);**
- 35 (C) **long term care property exceeds two percent (2%);**
- 36 (D) **agricultural land exceeds two percent (2%);**
- 37 (E) **nonresidential real property exceeds three percent**  
 38 **(3%);**
- 39 (F) **agricultural personal property exceeds two percent**  
 40 **(2%); or**
- 41 (G) **nonagricultural personal property exceeds three**  
 42 **percent (3%);**

43 of the gross assessed value of the property that is the basis for  
 44 determination of property taxes for that calendar year.

45 (b) This subsection applies to property taxes first due and payable  
 46 after 2009. Property taxes imposed after being approved by the voters

1 in a referendum or local public question shall not be considered for  
2 purposes of calculating a person's credit under this section.  
3 (c) This subsection applies to property taxes first due and payable  
4 after 2009. As used in this subsection, "eligible county" means only a  
5 county for which the general assembly determines in 2008 that limits  
6 to property tax liability under this chapter are expected to reduce in  
7 2010 the aggregate property tax revenue that would otherwise be  
8 collected by all units of local government and school corporations in  
9 the county by at least twenty percent (20%). Property taxes imposed in  
10 an eligible county to pay debt service or make lease payments for  
11 bonds or leases issued or entered into before July 1, 2008, shall not be  
12 considered for purposes of calculating a person's credit under this  
13 section."  
14 Renumber all SECTIONS consecutively.  
(Reference is to ESB 239 as printed February 22, 2010.)

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Representative Ruppel