

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1410 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 information.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 6-1.1-12-37, AS AMENDED BY P.L.113-2010,
- 7 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 UPON PASSAGE]: Sec. 37. (a) The following definitions apply
- 9 throughout this section:
- 10 (1) "Dwelling" means any of the following:
- 11 (A) Residential real property improvements that an individual
- 12 uses as the individual's residence, including a house or garage.
- 13 (B) A mobile home that is not assessed as real property that an
- 14 individual uses as the individual's residence.
- 15 (C) A manufactured home that is not assessed as real property
- 16 that an individual uses as the individual's residence.
- 17 (2) "Homestead" means an individual's principal place of
- 18 residence:
- 19 (A) that is located in Indiana;
- 20 (B) that:
- 21 (i) the individual owns;
- 22 (ii) the individual is buying under a contract, recorded in the
- 23 county recorder's office, that provides that the individual is
- 24 to pay the property taxes on the residence;

1 (iii) the individual is entitled to occupy as a
 2 tenant-stockholder (as defined in 26 U.S.C. 216) of a
 3 cooperative housing corporation (as defined in 26 U.S.C.
 4 216); or

5 (iv) is a residence described in section 17.9 of this chapter
 6 that is owned by a trust if the individual is an individual
 7 described in section 17.9 of this chapter; and

8 (C) that consists of a dwelling and the real estate, not
 9 exceeding one (1) acre, that immediately surrounds that
 10 dwelling.

11 Except as provided in subsection (k), the term does not include
 12 property owned by a corporation, partnership, limited liability
 13 company, or other entity not described in this subdivision.

14 (b) Each year a homestead is eligible for a standard deduction from
 15 the assessed value of the homestead for an assessment date. The
 16 deduction provided by this section applies to property taxes first due
 17 and payable for an assessment date only if an individual has an interest
 18 in the homestead described in subsection (a)(2)(B) on:

19 (1) the assessment date; or

20 (2) any date in the same year after an assessment date that a
 21 statement is filed under subsection (e) or section 44 of this
 22 chapter, if the property consists of real property.

23 Subject to subsection (c), the auditor of the county shall record and
 24 make the deduction for the individual or entity qualifying for the
 25 deduction.

26 (c) Except as provided in section 40.5 of this chapter, the total
 27 amount of the deduction that a person may receive under this section
 28 for a particular year is the lesser of:

29 (1) sixty percent (60%) of the assessed value of the real property,
 30 mobile home not assessed as real property, or manufactured home
 31 not assessed as real property; or

32 (2) forty-five thousand dollars (\$45,000).

33 (d) A person who has sold real property, a mobile home not assessed
 34 as real property, or a manufactured home not assessed as real property
 35 to another person under a contract that provides that the contract buyer
 36 is to pay the property taxes on the real property, mobile home, or
 37 manufactured home may not claim the deduction provided under this
 38 section with respect to that real property, mobile home, or
 39 manufactured home.

40 (e) Except as provided in sections 17.8 and 44 of this chapter and
 41 subject to section 45 of this chapter, an individual who desires to claim
 42 the deduction provided by this section must file a certified statement in
 43 duplicate, on forms prescribed by the department of local government
 44 finance, with the auditor of the county in which the homestead is
 45 located. The statement must include:

46 (1) the parcel number or key number of the property and the name

- 1 of the city, town, or township in which the property is located;
 2 (2) the name of any other location in which the applicant or the
 3 applicant's spouse owns, is buying, or has a beneficial interest in
 4 residential real property;
 5 (3) the names of:
 6 (A) the applicant and the applicant's spouse (if any):
 7 (i) as the names appear in the records of the United States
 8 Social Security Administration for the purposes of the
 9 issuance of a Social Security card and Social Security
 10 number; or
 11 (ii) that they use as their legal names when they sign their
 12 names on legal documents;
 13 if the applicant is an individual; or
 14 (B) each individual who qualifies property as a homestead
 15 under subsection (a)(2)(B) and the individual's spouse (if any):
 16 (i) as the names appear in the records of the United States
 17 Social Security Administration for the purposes of the
 18 issuance of a Social Security card and Social Security
 19 number; or
 20 (ii) that they use as their legal names when they sign their
 21 names on legal documents;
 22 if the applicant is not an individual; and
 23 (4) either:
 24 (A) the last ~~five (5)~~ **four (4)** digits of the applicant's Social
 25 Security number and the last ~~five (5)~~ **four (4)** digits of the
 26 Social Security number of the applicant's spouse (if any); or
 27 (B) if the applicant or the applicant's spouse (if any) do not
 28 have a Social Security number, any of the following for that
 29 individual:
 30 (i) The last five (5) digits of the individual's driver's license
 31 number.
 32 (ii) The last five (5) digits of the individual's state
 33 identification card number.
 34 (iii) If the individual does not have a driver's license or a
 35 state identification card, the last five (5) digits of a control
 36 number that is on a document issued to the individual by the
 37 federal government and determined by the department of
 38 local government finance to be acceptable.
 39 If a form or statement provided to the county auditor under this section,
 40 IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or
 41 part or all of the Social Security number of a party or other number
 42 described in subdivision (4)(B) of a party, the telephone number and
 43 the Social Security number or other number described in subdivision
 44 (4)(B) included are confidential. The statement may be filed in person
 45 or by mail. If the statement is mailed, the mailing must be postmarked
 46 on or before the last day for filing. The statement applies for that first

1 year and any succeeding year for which the deduction is allowed. With
 2 respect to real property, the statement must be completed and dated in
 3 the calendar year for which the person desires to obtain the deduction
 4 and filed with the county auditor on or before January 5 of the
 5 immediately succeeding calendar year. With respect to a mobile home
 6 that is not assessed as real property, the person must file the statement
 7 during the twelve (12) months before March 31 of the year for which
 8 the person desires to obtain the deduction.

9 (f) If an individual who is receiving the deduction provided by this
 10 section or who otherwise qualifies property for a deduction under this
 11 section:

12 (1) changes the use of the individual's property so that part or all
 13 of the property no longer qualifies for the deduction under this
 14 section; or

15 (2) is no longer eligible for a deduction under this section on
 16 another parcel of property because:

17 (A) the individual would otherwise receive the benefit of more
 18 than one (1) deduction under this chapter; or

19 (B) the individual maintains the individual's principal place of
 20 residence with another individual who receives a deduction
 21 under this section;

22 the individual must file a certified statement with the auditor of the
 23 county, notifying the auditor of the change of use, not more than sixty
 24 (60) days after the date of that change. An individual who fails to file
 25 the statement required by this subsection is liable for any additional
 26 taxes that would have been due on the property if the individual had
 27 filed the statement as required by this subsection plus a civil penalty
 28 equal to ten percent (10%) of the additional taxes due. The civil penalty
 29 imposed under this subsection is in addition to any interest and
 30 penalties for a delinquent payment that might otherwise be due. One
 31 percent (1%) of the total civil penalty collected under this subsection
 32 shall be transferred by the county to the department of local
 33 government finance for use by the department in establishing and
 34 maintaining the homestead property data base under subsection (i) and,
 35 to the extent there is money remaining, for any other purposes of the
 36 department. This amount becomes part of the property tax liability for
 37 purposes of this article.

38 (g) The department of local government finance shall adopt rules or
 39 guidelines concerning the application for a deduction under this
 40 section.

41 (h) This subsection does not apply to property in the first year for
 42 which a deduction is claimed under this section if the sole reason that
 43 a deduction is claimed on other property is that the individual or
 44 married couple maintained a principal residence at the other property
 45 on March 1 in the same year in which an application for a deduction is
 46 filed under this section or, if the application is for a homestead that is

1 assessed as personal property, on March 1 in the immediately
 2 preceding year and the individual or married couple is moving the
 3 individual's or married couple's principal residence to the property that
 4 is the subject of the application. The county auditor may not grant an
 5 individual or a married couple a deduction under this section if:

6 (1) the individual or married couple, for the same year, claims the
 7 deduction on two (2) or more different applications for the
 8 deduction; and

9 (2) the applications claim the deduction for different property.

10 (i) The department of local government finance shall provide secure
 11 access to county auditors to a homestead property data base that
 12 includes access to the homestead owner's name and the numbers
 13 required from the homestead owner under subsection (e)(4) for the sole
 14 purpose of verifying whether an owner is wrongly claiming a deduction
 15 under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or
 16 IC 6-3.5.

17 (j) The department of local government finance shall work with
 18 county auditors to develop procedures to determine whether a property
 19 owner that is claiming a standard deduction or homestead credit is not
 20 eligible for the standard deduction or homestead credit because the
 21 property owner's principal place of residence is outside Indiana.

22 (k) As used in this section, "homestead" includes property that
 23 satisfies each of the following requirements:

24 (1) The property is located in Indiana and consists of a dwelling
 25 and the real estate, not exceeding one (1) acre, that immediately
 26 surrounds that dwelling.

27 (2) The property is the principal place of residence of an
 28 individual.

29 (3) The property is owned by an entity that is not described in
 30 subsection (a)(2)(B).

31 (4) The individual residing on the property is a shareholder,
 32 partner, or member of the entity that owns the property.

33 (5) The property was eligible for the standard deduction under
 34 this section on March 1, 2009.

35 (l) If a county auditor terminates a deduction for property described
 36 in subsection (k) with respect to property taxes that are:

37 (1) imposed for an assessment date in 2009; and

38 (2) first due and payable in 2010;

39 on the grounds that the property is not owned by an entity described in
 40 subsection (a)(2)(B), the county auditor shall reinstate the deduction if
 41 the taxpayer provides proof that the property is eligible for the
 42 deduction in accordance with subsection (k) and that the individual
 43 residing on the property is not claiming the deduction for any other
 44 property.

45 (m) For assessments dates after 2009, the term "homestead"
 46 includes:

- 1 (1) a deck or patio;
 2 (2) a gazebo; or
 3 (3) another residential yard structure, as defined in rules adopted
 4 by the department of local government finance (other than a
 5 swimming pool);
 6 that is assessed as real property and attached to the dwelling.
- 7 SECTION 2. IC 6-1.1-22-8.1, AS AMENDED BY P.L.1-2010,
 8 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 8.1. (a) The county treasurer shall:
- 10 (1) except as provided in subsection (h), mail to the last known
 11 address of each person liable for any property taxes or special
 12 assessment, as shown on the tax duplicate or special assessment
 13 records, or to the last known address of the most recent owner
 14 shown in the transfer book; and
 15 (2) transmit by written, electronic, or other means to a mortgagee
 16 maintaining an escrow account for a person who is liable for any
 17 property taxes or special assessments, as shown on the tax
 18 duplicate or special assessment records;
 19 a statement in the form required under subsection (b). However, for
 20 property taxes first due and payable in 2008, the county treasurer may
 21 choose to use a tax statement that is different from the tax statement
 22 prescribed by the department under subsection (b). If a county chooses
 23 to use a different tax statement, the county must still transmit (with the
 24 tax bill) the statement in either color type or black-and-white type.
- 25 (b) The department of local government finance shall prescribe a
 26 form, subject to the approval of the state board of accounts, for the
 27 statement under subsection (a) that includes at least the following:
- 28 (1) A statement of the taxpayer's current and delinquent taxes and
 29 special assessments.
 30 (2) A breakdown showing the total property tax and special
 31 assessment liability and the amount of the taxpayer's liability that
 32 will be distributed to each taxing unit in the county.
 33 (3) An itemized listing for each property tax levy, including:
 34 (A) the amount of the tax rate;
 35 (B) the entity levying the tax owed; and
 36 (C) the dollar amount of the tax owed.
 37 (4) Information designed to show the manner in which the taxes
 38 and special assessments billed in the tax statement are to be used.
 39 (5) A comparison showing any change in the assessed valuation
 40 for the property as compared to the previous year.
 41 (6) A comparison showing any change in the property tax and
 42 special assessment liability for the property as compared to the
 43 previous year. The information required under this subdivision
 44 must identify:
 45 (A) the amount of the taxpayer's liability distributable to each
 46 taxing unit in which the property is located in the current year

- 1 and in the previous year; and
- 2 (B) the percentage change, if any, in the amount of the
- 3 taxpayer's liability distributable to each taxing unit in which
- 4 the property is located from the previous year to the current
- 5 year.
- 6 (7) An explanation of the following:
- 7 (A) Homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or
- 8 another law that are available in the taxing district where the
- 9 property is located.
- 10 (B) All property tax deductions that are available in the taxing
- 11 district where the property is located.
- 12 (C) The procedure and deadline for filing for any available
- 13 homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or
- 14 another law and each deduction.
- 15 (D) The procedure that a taxpayer must follow to:
- 16 (i) appeal a current assessment; or
- 17 (ii) petition for the correction of an error related to the
- 18 taxpayer's property tax and special assessment liability.
- 19 (E) The forms that must be filed for an appeal or a petition
- 20 described in clause (D).
- 21 (F) The procedure and deadline that a taxpayer must follow
- 22 and the forms that must be used if a credit or deduction has
- 23 been granted for the property and the taxpayer is no longer
- 24 eligible for the credit or deduction.
- 25 (G) Notice that an appeal described in clause (D) requires
- 26 evidence relevant to the true tax value of the taxpayer's
- 27 property as of the assessment date that is the basis for the taxes
- 28 payable on that property.
- 29 The department of local government finance shall provide the
- 30 explanation required by this subdivision to each county treasurer.
- 31 (8) A checklist that shows:
- 32 (A) homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or
- 33 another law and all property tax deductions; and
- 34 (B) whether each homestead credit and property tax deduction
- 35 applies in the current statement for the property transmitted
- 36 under subsection (a).
- 37 (9) This subdivision applies to any property for which a deduction
- 38 or credit is listed under subdivision (8) if the notice required
- 39 under this subdivision was not provided to a taxpayer on a
- 40 reconciling statement under IC 6-1.1-22.5-12. The statement must
- 41 include in 2010, 2011, and 2012 a notice that must be returned by
- 42 the taxpayer to the county auditor with the taxpayer's verification
- 43 of the items required by this subdivision. The notice must explain
- 44 the tax consequences and applicable penalties if a taxpayer
- 45 unlawfully claims a standard deduction under IC 6-1.1-12-37 on:
- 46 (A) more than one (1) parcel of property; or

1 (B) property that is not the taxpayer's principal place of
2 residence or is otherwise not eligible for the standard
3 deduction.

4 The notice must include a place for the taxpayer to indicate, under
5 penalties of perjury, for each deduction and credit listed under
6 subdivision (8), whether the property is eligible for the deduction
7 or credit listed under subdivision (8). The notice must also
8 include a place for each individual who qualifies the property for
9 a deduction or credit listed in subdivision (8) to indicate the name
10 of the individual and the name of the individual's spouse (if any),
11 as the names appear in the records of the United States Social
12 Security Administration for the purposes of the issuance of a
13 Social Security card and Social Security number (or that they use
14 as their legal names when they sign their names on legal
15 documents), and either the last ~~five (5)~~ **four (4)** digits of each
16 individual's Social Security number or, if an individual does not
17 have a Social Security number, the numbers required from the
18 individual under IC 6-1.1-12-37(e)(4)(B). The notice must
19 explain that the taxpayer must complete and return the notice with
20 the required information and that failure to complete and return
21 the notice may result in disqualification of property for deductions
22 and credits listed in subdivision (8), must explain how to return
23 the notice, and must be on a separate form printed on paper that
24 is a different color than the tax statement. The notice must be
25 prepared in the form prescribed by the department of local
26 government finance and include any additional information
27 required by the department of local government finance. This
28 subdivision expires January 1, 2015.

29 (c) The county treasurer may mail or transmit the statement one (1)
30 time each year at least fifteen (15) days before the date on which the
31 first or only installment is due. Whenever a person's tax liability for a
32 year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this
33 chapter, a statement that is mailed must include the date on which the
34 installment is due and denote the amount of money to be paid for the
35 installment. Whenever a person's tax liability is due in two (2)
36 installments, a statement that is mailed must contain the dates on which
37 the first and second installments are due and denote the amount of
38 money to be paid for each installment. If a statement is returned to the
39 county treasurer as undeliverable and the forwarding order is expired,
40 the county treasurer shall notify the county auditor of this fact. Upon
41 receipt of the county treasurer's notice, the county auditor may, at the
42 county auditor's discretion, treat the property as not being eligible for
43 any deductions under IC 6-1.1-12 or any homestead credits under
44 IC 6-1.1-20.4 and IC 6-3.5-6-13.

45 (d) All payments of property taxes and special assessments shall be
46 made to the county treasurer. The county treasurer, when authorized by

1 the board of county commissioners, may open temporary offices for the
2 collection of taxes in cities and towns in the county other than the
3 county seat.

4 (e) The county treasurer, county auditor, and county assessor shall
5 cooperate to generate the information to be included in the statement
6 under subsection (b).

7 (f) The information to be included in the statement under subsection
8 (b) must be simply and clearly presented and understandable to the
9 average individual.

10 (g) After December 31, 2007, a reference in a law or rule to
11 IC 6-1.1-22-8 (expired January 1, 2008, and repealed) shall be treated
12 as a reference to this section.

13 (h) Transmission of statements and other information under this
14 subsection applies in a county only if the county legislative body adopts
15 an authorizing ordinance. Subject to subsection (i), in a county in
16 which an ordinance is adopted under this subsection for property taxes
17 and special assessments first due and payable after 2009, a person may
18 direct the county treasurer and county auditor to transmit the following
19 to the person by electronic mail:

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

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

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

30 (A) Section 9 of this chapter.

31 (B) Section 9.7 of this chapter.

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

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

36 (5) Any other information that:

37 (A) concerns the property taxes or special assessments; and

38 (B) would otherwise be sent:

39 (i) by the county treasurer or the county auditor to the person
40 by regular mail; and

41 (ii) before the last date the property taxes or special
42 assessments may be paid without becoming delinquent.

43 (i) For property with respect to which more than one (1) person is
44 liable for property taxes and special assessments, subsection (h) applies
45 only if all the persons liable for property taxes and special assessments
46 designate the electronic mail address for only one (1) individual

1 authorized to receive the statements and other information referred to
2 in subsection (h).

3 (j) Before 2010, the department of local government finance shall
4 create a form to be used to implement subsection (h). The county
5 treasurer and county auditor shall:

6 (1) make the form created under this subsection available to the
7 public;

8 (2) transmit a statement or other information by electronic mail
9 under subsection (h) to a person who, at least thirty (30) days
10 before the anticipated general mailing date of the statement or
11 other information, files the form created under this subsection:

12 (A) with the county treasurer; or

13 (B) with the county auditor; and

14 (3) publicize the availability of the electronic mail option under
15 this subsection through appropriate media in a manner reasonably
16 designed to reach members of the public.

17 (k) The form referred to in subsection (j) must:

18 (1) explain that a form filed as described in subsection (j)(2)
19 remains in effect until the person files a replacement form to:

20 (A) change the person's electronic mail address; or

21 (B) terminate the electronic mail option under subsection (h);

22 and

23 (2) allow a person to do at least the following with respect to the
24 electronic mail option under subsection (h):

25 (A) Exercise the option.

26 (B) Change the person's electronic mail address.

27 (C) Terminate the option.

28 (D) For a person other than an individual, designate the
29 electronic mail address for only one (1) individual authorized
30 to receive the statements and other information referred to in
31 subsection (h).

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

37 (l) The form created under subsection (j) is considered filed with the
38 county treasurer or the county auditor on the postmark date. If the
39 postmark is missing or illegible, the postmark is considered to be one
40 (1) day before the date of receipt of the form by the county treasurer or
41 the county auditor.

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

44 (1) Each person to whom a statement or other information is
45 transmitted by electronic mail under this section.

46 (2) The information included in the statement.

- 1 (3) Whether the person received the statement."
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1410 as printed February 11, 2011.

Representative Goodin