

Adopted	Rejected
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COMMITTEE REPORT

YES:	22
NO:	1

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred Senate Bill 142, 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:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 taxation and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 3-8-1-23, AS AMENDED BY P.L.146-2008,
- 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2012]: Sec. 23. (a) ~~Subject to subsection (b)~~; A candidate for
- 9 the office of county assessor must:
- 10 (1) have resided in the county for at least one (1) year before the
- 11 election, as provided in Article 6, Section 4 of the Constitution of
- 12 the State of Indiana; ~~and~~
- 13 (2) own real property located in the county upon taking office;
- 14 **and**
- 15 **(3) fulfill the requirements of subsections (b) through (d), as**

1 **applicable.**

2 (b) A candidate for the office of county assessor who runs in an
3 election after June 30, 2008, must have attained the certification of a
4 level two assessor-appraiser under IC 6-1.1-35.5.

5 (c) A candidate for the office of county assessor who:

6 **(1) did not hold the office of county assessor on January 1,**
7 **2012; and**

8 **(2) runs in an election after January 1, 2012;**
9 must have attained the certification of a level three assessor-appraiser
10 under IC 6-1.1-35.5.

11 **(d) A candidate for the office of county assessor who:**

12 **(1) held the office of county assessor on January 1, 2012; and**

13 **(2) runs in an election after January 1, 2016;**

14 **must have attained the certification of a level three**
15 **assessor-appraiser under IC 6-1.1-35.5."**

16 Page 2, delete lines 36 through 42, begin a new paragraph and
17 insert:

18 "SECTION 3. IC 6-1.1-15-1, AS AMENDED BY P.L.172-2011,
19 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2012]: Sec. 1. (a) A taxpayer may obtain a review by the
21 county board of a county or township official's action with respect to
22 either or both of the following:

23 (1) The assessment of the taxpayer's tangible property.

24 (2) A deduction for which a review under this section is
25 authorized by any of the following:

26 (A) IC 6-1.1-12-25.5.

27 (B) IC 6-1.1-12-28.5.

28 (C) IC 6-1.1-12-35.5.

29 (D) IC 6-1.1-12.1-5.

30 (E) IC 6-1.1-12.1-5.3.

31 (F) IC 6-1.1-12.1-5.4.

32 (b) At the time that notice of an action referred to in subsection (a)
33 is given to the taxpayer, the taxpayer shall also be informed in writing
34 of:

35 (1) the opportunity for a review under this section, including a
36 preliminary informal meeting under subsection (h)(2) with the
37 county or township official referred to in this subsection; and

38 (2) the procedures the taxpayer must follow in order to obtain a

1 review under this section.

2 (c) In order to obtain a review of an assessment or deduction
3 effective for the assessment date to which the notice referred to in
4 subsection (b) applies, the taxpayer must file a notice in writing with
5 the county or township official referred to in subsection (a) not later
6 than forty-five (45) days after the date of the notice referred to in
7 subsection (b).

8 (d) A taxpayer may obtain a review by the county board of the
9 assessment of the taxpayer's tangible property effective for an
10 assessment date for which a notice of assessment is not given as
11 described in subsection (b). To obtain the review, the taxpayer must file
12 a notice in writing with the township assessor, or the county assessor
13 if the township is not served by a township assessor. The right of a
14 taxpayer to obtain a review under this subsection for an assessment
15 date for which a notice of assessment is not given does not relieve an
16 assessing official of the duty to provide the taxpayer with the notice of
17 assessment as otherwise required by this article. The notice to obtain
18 a review must be filed not later than the later of:

- 19 (1) May 10 of the year; or
20 (2) forty-five (45) days after the date of the tax statement mailed
21 by the county treasurer, regardless of whether the assessing
22 official changes the taxpayer's assessment.

23 (e) A change in an assessment made as a result of a notice for
24 review filed by a taxpayer under subsection (d) after the time
25 prescribed in subsection (d) becomes effective for the next assessment
26 date. A change in an assessment made as a result of a notice for review
27 filed by a taxpayer under subsection (c) or (d) remains in effect from
28 the assessment date for which the change is made until the next
29 assessment date for which the assessment is changed under this article.

30 (f) The written notice filed by a taxpayer under subsection (c) or (d)
31 must include the following information:

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

35 (g) The filing of a notice under subsection (c) or (d):

- 36 (1) initiates a review under this section; and
37 (2) constitutes a request by the taxpayer for a preliminary
38 informal meeting with the official referred to in subsection (a).

1 (h) A county or township official who receives a notice for review
2 filed by a taxpayer under subsection (c) or (d) shall:

- 3 (1) immediately forward the notice to the county board; and
4 (2) attempt to hold a preliminary informal meeting with the
5 taxpayer to resolve as many issues as possible by:

6 (A) discussing the specifics of the taxpayer's assessment or
7 deduction;

8 (B) reviewing the taxpayer's property record card;

9 (C) explaining to the taxpayer how the assessment or
10 deduction was determined;

11 (D) providing to the taxpayer information about the statutes,
12 rules, and guidelines that govern the determination of the
13 assessment or deduction;

14 (E) noting and considering objections of the taxpayer;

15 (F) considering all errors alleged by the taxpayer; and

16 (G) otherwise educating the taxpayer about:

17 (i) the taxpayer's assessment or deduction;

18 (ii) the assessment or deduction process; and

19 (iii) the assessment or deduction appeal process.

20 (i) Not later than ten (10) days after the informal preliminary
21 meeting, the official referred to in subsection (a) shall forward to the
22 county auditor and the county board the results of the conference on a
23 form prescribed by the department of local government finance that
24 must be completed and signed by the taxpayer and the official. The
25 form must indicate the following:

26 (1) If the taxpayer and the official agree on the resolution of all
27 assessment or deduction issues in the review, a statement of:

28 (A) those issues; and

29 (B) the assessed value of the tangible property or the amount
30 of the deduction that results from the resolution of those issues
31 in the manner agreed to by the taxpayer and the official.

32 (2) If the taxpayer and the official do not agree on the resolution
33 of all assessment or deduction issues in the review:

34 (A) a statement of those issues; and

35 (B) the identification of:

36 (i) the issues on which the taxpayer and the official agree;

37 and

38 (ii) the issues on which the taxpayer and the official

- 1 disagree.
- 2 (j) If the county board receives a form referred to in subsection
- 3 (i)(1) before the hearing scheduled under subsection (k):
- 4 (1) the county board shall cancel the hearing;
- 5 (2) the county official referred to in subsection (a) shall give
- 6 notice to the taxpayer, the county board, the county assessor, and
- 7 the county auditor of the assessment or deduction in the amount
- 8 referred to in subsection (i)(1)(B); and
- 9 (3) if the matter in issue is the assessment of tangible property,
- 10 the county board may reserve the right to change the assessment
- 11 under IC 6-1.1-13.
- 12 (k) If:
- 13 (1) subsection (i)(2) applies; or
- 14 (2) the county board does not receive a form referred to in
- 15 subsection (i) not later than one hundred twenty (120) days after
- 16 the date of the notice for review filed by the taxpayer under
- 17 subsection (c) or (d);
- 18 the county board shall hold a hearing on a review under this subsection
- 19 not later than one hundred eighty (180) days after the date of that
- 20 notice. The county board shall, by mail, give notice of the date, time,
- 21 and place fixed for the hearing to the taxpayer and the county or
- 22 township official with whom the taxpayer filed the notice for review.
- 23 The taxpayer and the county or township official with whom the
- 24 taxpayer filed the notice for review are parties to the proceeding before
- 25 the county board.
- 26 (l) At the hearing required under subsection (k):
- 27 (1) the taxpayer may present the taxpayer's reasons for
- 28 disagreement with the assessment or deduction; and
- 29 (2) the county or township official with whom the taxpayer filed
- 30 the notice for review must present:
- 31 (A) the basis for the assessment or deduction decision; and
- 32 (B) the reasons the taxpayer's contentions should be denied.
- 33 (m) The official referred to in subsection (a) may not require the
- 34 taxpayer to provide documentary evidence at the preliminary informal
- 35 meeting under subsection (h). The county board may not require a
- 36 taxpayer to file documentary evidence or summaries of statements of
- 37 testimonial evidence before the hearing required under subsection (k).
- 38 If the action for which a taxpayer seeks review under this section is the

1 assessment of tangible property, the taxpayer is not required to have an
2 appraisal of the property in order to do the following:

3 (1) Initiate the review.

4 (2) Prosecute the review.

5 (n) The county board shall prepare a written decision resolving all
6 of the issues under review. The county board shall, by mail, give notice
7 of its determination not later than one hundred twenty (120) days after
8 the hearing under subsection (k) to the taxpayer, the official referred to
9 in subsection (a), the county assessor, and the county auditor.

10 (o) If the maximum time elapses:

11 (1) under subsection (k) for the county board to hold a hearing; or

12 (2) under subsection (n) for the county board to give notice of its
13 determination;

14 the taxpayer may initiate a proceeding for review before the Indiana
15 board by taking the action required by section 3 of this chapter at any
16 time after the maximum time elapses.

17 **(p) This subsection applies to a hearing held under subsection**
18 **(k) with respect to a notice filed after June 30, 2012, under**
19 **subsection (d) requesting the review of an assessment or deduction.**
20 **Except as provided in subsection (q), a taxpayer who fails to**
21 **appear at a hearing held under subsection (k) concerning the**
22 **review of an assessment or deduction is subject to a penalty of fifty**
23 **dollars (\$50) for the taxpayer's failure to appear. A penalty**
24 **imposed under this subsection must be added to the taxpayer's**
25 **property tax statement of current and delinquent taxes and special**
26 **assessments under IC 6-1.1-22-8.1.**

27 **(q) A taxpayer is not required to pay a penalty for a failure to**
28 **appear as described in subsection (p) under the following**
29 **circumstances:**

30 **(1) The notice filed by the taxpayer concerns the assessment**
31 **of or a deduction from the assessed value of the taxpayer's**
32 **homestead (as defined in IC 6-1.1-12-37), and the taxpayer is**
33 **representing himself or herself before the county board.**

34 **(2) The taxpayer withdraws the request for a review at least**
35 **five (5) days before the hearing.**

36 **(3) The taxpayer submitted a written request to reschedule**
37 **the hearing and has not failed to appear at any previous**
38 **hearing held under subsection (k) concerning the taxpayer's**

- 1 **request for a review.**
- 2 **(4) The county board waives the penalty at its own**
- 3 **discretion."**
- 4 Delete pages 3 through 6.
- 5 Page 7, delete lines 1 through 7.
- 6 Page 7, line 17, after "specifies" insert **"each property subject to**
- 7 **the power of attorney and"**.
- 8 Page 7, delete lines 18 through 20.
- 9 Page 7, line 21, delete "or" and insert **"not more than"**.
- 10 Page 7, line 21, delete "," and insert ".".
- 11 Page 7, delete lines 22 through 42, begin a new paragraph and
- 12 insert:
- 13 "SECTION 5. IC 6-1.1-35.5-4.5, AS ADDED BY P.L.219-2007,
- 14 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2012]: Sec. 4.5. (a) The department of local government
- 16 **finance** shall:
- 17 (1) administer a program for level three assessor-appraiser
- 18 certifications; and
- 19 (2) design a curriculum for level three assessor-appraiser
- 20 certification candidates that:
- 21 (A) ~~consists of~~ **specifies educational criteria for acceptable**
- 22 tested courses offered by:
- 23 (i) nationally recognized assessing organizations; ~~and~~
- 24 (ii) **postsecondary educational institutions; or**
- 25 (iii) **other education delivery organizations;**
- 26 **in each subject matter area of the curriculum; and**
- 27 (B) requires superior knowledge of assessment administration
- 28 and property valuation concepts.
- 29 **(b) The department shall:**
- 30 (1) **maintain a representative list of acceptable courses that**
- 31 **meet the criteria for the level three assessor-appraiser**
- 32 **certification curriculum designed under subsection (a)(2); and**
- 33 (2) **furnish a procedure by which a candidate may seek the**
- 34 **department's approval for a course that is not on the**
- 35 **representative list of acceptable courses described in**
- 36 **subdivision (1).**
- 37 ~~(b)~~ (c) The department of local government finance may adopt rules
- 38 under IC 4-22-2 to implement this section.

1 SECTION 6. IC 6-1.5-3-5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2012]: **Sec. 5. (a) There is appropriated to the Indiana board**
4 **from the state general fund two hundred fifty thousand dollars**
5 **(\$250,000) for the Indiana board's use in carrying out the purposes**
6 **of this section in the state fiscal year beginning July 1, 2012, and**
7 **ending June 30, 2013. The amount appropriated by this section is**
8 **in addition to any other amounts appropriated to the Indiana**
9 **board for its use before July 1, 2013.**

10 **(b) Money appropriated by subsection (a) must be used for the**
11 **following purposes:**

12 **(1) To hire additional personnel to reduce the number of**
13 **appeals pending before the Indiana board.**

14 **(2) To pay the expenses incurred in conducting the additional**
15 **appeals.**

16 **(c) Before July 15, 2012, the budget agency shall allot to the**
17 **Indiana board the amount appropriated by subsection (a) and any**
18 **other amounts appropriated to the Indiana board but not yet**
19 **allotted.**

20 SECTION 7. IC 6-1.5-3-6 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2012]: **Sec. 6. (a) This section applies to money appropriated to**
23 **the Indiana board for state fiscal years beginning after June 30,**
24 **2012.**

25 **(b) Notwithstanding any other law, money appropriated to the**
26 **Indiana board may not be reverted to the state general fund until**
27 **the number of appeals pending before the Indiana board is reduced**
28 **to less than one thousand (1,000).**

29 SECTION 8. IC 6-1.5-3-7 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2012]: **Sec. 7. Before August 1, 2013, the Indiana board shall**
32 **report to the budget committee:**

33 **(1) whether the additional resources made available under**
34 **sections 5 and 6 of this chapter have enabled the Indiana**
35 **board to significantly reduce the number of appeals pending**
36 **before the Indiana board; and**

37 **(2) whether additional resources are needed to manage the**
38 **Indiana board's caseload."**

- 1 Delete page 8.
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 142 as reprinted January 25, 2012.)

and when so amended that said bill do pass.

Representative Espich