

HOUSE BILL No. 1345

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-36-18.

Synopsis: Cancellation of certain property taxes. Permits the department of local government finance under certain circumstances to cancel property taxes imposed on: (1) a nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes; or (2) any other entity organized as a church or religious entity.

Effective: July 1, 2012.

Smith V

January 11, 2012, read first time and referred to Committee on Ways and Means.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1345



A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-36-18 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2012]: **Sec. 18. (a) This section applies to property taxes that are**
4 **due and unpaid after June 30, 2012, regardless of whether the**
5 **property taxes were imposed for an assessment date occurring**
6 **before or after July 1, 2012.**
7 **(b) The authority granted by this section to cancel property**
8 **taxes under this section does not limit any other procedure or**
9 **remedy provided by law, including retroactive reinstatement of a**
10 **property tax exemption under IC 6-1.1-11-4.**
11 **(c) The department of local government finance may cancel,**
12 **with the approval of the attorney general, any property taxes,**
13 **together with any accrued interest and penalties on property taxes,**
14 **assessed against real or personal property owned by:**
15 **(1) a nonprofit corporation:**
16 **(A) established under or subject to IC 23-17; and**
17 **(B) organized for educational, literary, scientific, religious,**



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- or charitable purposes; or
- (2) any other entity organized as a church or religious entity.
- (d) The department of local government finance may cancel property taxes under this section only if:
 - (1) a petition requesting that the department of local government finance cancel the property taxes is submitted to the department of local government finance;
 - (2) the petition filed with the department of local government finance is signed and approved by:
 - (A) the county auditor, county assessor, and county treasurer of the county in which the property is located; and
 - (B) the township assessor of the township where the property is located, if there is a township assessor for the township where the property is located;
 - (3) the department of local government finance determines that the cancellation of the property taxes is in the best interest of the state and the taxing units that would otherwise be entitled to receive the property taxes; and
 - (4) either:
 - (A) the property for which cancellation of property taxes is being requested would have been exempt from property taxation for the assessment date for which property taxes were imposed if a timely exemption application had been filed for that assessment date; or
 - (B) property taxes were imposed on the property for which cancellation of property taxes is being requested before the property was acquired by the petitioner and, after the petitioner acquired the property, the property is owned, operated, and used for a purpose that entitles the petitioner to a property tax exemption under IC 6-1.1-10.
- (e) In making a decision as to whether an action to cancel property taxes is in the best interest of the state and the taxing units that would otherwise be entitled to receive the property taxes, the department of local government finance shall take into account the following:
 - (1) Where the petitioner's facilities are located.
 - (2) The services that the petitioner provides to the petitioner's members and the community.
 - (3) The economic and social conditions existing in the petitioner's service area.
 - (4) Any other factors that show that the presence of the

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1 **petitioner in the taxing district where the petitioner is located**
2 **is beneficial to the taxing units and residents in the taxing**
3 **district.**

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