

SENATE BILL No. 353

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-10-45.

Synopsis: County option exemption for personal property. Permits a county council to approve a property tax exemption for all new personal property located in the county. Allows the county council to limit the exemption to a maximum dollar amount of new personal property.

Effective: July 1, 2013.

Hershman

January 8, 2013, read first time and referred to Committee on Tax and Fiscal Policy.

C
O
P
Y



First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C
o
p
y

SENATE BILL No. 353



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 6-1.1-10-45 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 45. (a) The following definitions apply throughout**
4 **this section:**

- 5 (1) "Exemption" refers to an exemption authorized in an
6 ordinance adopted under this section.
- 7 (2) "Fiscal body" refers to the fiscal body of a county as
8 specified in IC 36-1-2-6.
- 9 (3) "New personal property" means, for purposes of an
10 ordinance adopted under this section, tangible personal
11 property that a person acquires:
 - 12 (A) after the effective date of the ordinance; and
 - 13 (B) in:
 - 14 (i) an arms length transaction from an entity that is not
 - 15 an affiliate of the person, if the tangible personal
 - 16 property has been previously used in Indiana before the
 - 17 person acquires the tangible personal property; or



1 (ii) any manner, if the tangible personal property has
 2 never been previously used in Indiana before the person
 3 acquires the tangible personal property.

4 (4) "Ordinance" refers to an ordinance adopted under this
 5 section.

6 (b) After conducting a public hearing on the proposed ordinance
 7 as provided in subsection (e), a fiscal body may adopt an ordinance
 8 to exempt new personal property located in the county from
 9 property taxation. The ordinance must specify the duration of the
 10 exemption. A fiscal body may amend an ordinance in the manner
 11 provided for adopting an ordinance.

12 (c) An ordinance adopted under subsection (b) may provide for
 13 the uniform exemption of all new personal property located in the
 14 county from property taxation. Instead of exempting all new
 15 personal property located in the county, the ordinance may limit
 16 the exemption:

- 17 (1) to a maximum dollar amount of new personal property;
 18 (2) to improvements made or property initially installed or
 19 placed in service in the county after a date specified in the
 20 ordinance; or

21 (3) by using both types of limits in subdivisions (1) and (2).

22 (d) After a public hearing on the proposed ordinance, a fiscal
 23 body may rescind an ordinance adopted under subsection (b).

24 (e) Before adopting an ordinance under this section, a fiscal
 25 body shall conduct a public hearing on the proposed ordinance.

26 The fiscal body shall:

- 27 (1) publish notice of the public hearing in accordance with
 28 IC 5-3-1; and
 29 (2) not later than ten (10) days before the public hearing, file
 30 the notice with each taxing unit in the county.

31 (f) An ordinance adopted under this section does not apply to an
 32 assessment date occurring in the same year in which the ordinance
 33 is adopted.

34 (g) The fiscal body shall provide a certified copy of an ordinance
 35 adopted under this section to the department of local government
 36 finance and the county auditor.

37 (h) A taxpayer is not required to file an application to qualify
 38 for an exemption permitted under this section.

39 (i) The department of local government finance shall
 40 incorporate an exemption established under this section in the
 41 personal property return form to be used each year for filing under
 42 this article to permit the taxpayer to enter the exemption on the

C
O
P
Y



1 form. If a taxpayer fails to enter the exemption on the form, the
2 township assessor, the county assessor if there is no township
3 assessor for the township, or the department of local government
4 finance if the department of local government finance assesses the
5 personal property, shall:

- 6 (1) determine the amount of the exemption; and
7 (2) within the period established in IC 6-1.1-16-1, issue a
8 notice of assessment to the taxpayer that reflects the
9 application of the exemption to the personal property.

C
o
p
y

