



February 3, 2017

SENATE BILL No. 386

DIGEST OF SB 386 (Updated February 1, 2017 2:03 pm - DI 84)

Citations Affected: IC 6-1.1.

Synopsis: Review of assessments and deductions. Provides that before a hearing to be held by a county property tax assessment board of appeals (PTABOA) to review an action taken by a county or township official with respect to an assessment of a taxpayer's property or a reviewable deduction claimed by a taxpayer, the county or township official and the taxpayer must exchange the information that each party is relying on to support each party's respective position on each disputed issue concerning the assessment or deduction.

Effective: July 1, 2017.

Niemeyer

January 10, 2017, read first time and referred to Committee on Local Government.
February 2, 2017, reported favorably — Do Pass.

SB 386—LS 6696/DI 113



February 3, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 386

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 6-1.1-15-1, AS AMENDED BY P.L.149-2016,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. (a) Except as provided in section 1.5 of this
4 chapter, a taxpayer may obtain a review by the county board of a
5 county or township official's action with respect to any of the following,
6 or any combination of the following:
7 (1) The assessment of the taxpayer's tangible property.
8 (2) A deduction for which a review under this section is
9 authorized by any of the following:
10 (A) IC 6-1.1-12-25.5.
11 (B) IC 6-1.1-12-28.5.
12 (C) IC 6-1.1-12-35.5.
13 (D) IC 6-1.1-12.1-5.
14 (E) IC 6-1.1-12.1-5.3.
15 (F) IC 6-1.1-12.1-5.4.
16 (3) A determination concerning a common area under
17 IC 6-1.1-10-37.5.

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

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

7 (2) the procedures the taxpayer must follow in order to obtain a
8 review under this section.

9 (c) In order to obtain a review of an assessment or deduction
10 effective for the assessment date to which the notice referred to in
11 subsection (b) applies, the taxpayer must file a notice in writing with
12 the county or township official referred to in subsection (a) not later
13 than forty-five (45) days after the date of the notice referred to in
14 subsection (b).

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

26 (1) May 10 of the year; or

27 (2) forty-five (45) days after the date of the tax statement mailed
28 by the county treasurer, regardless of whether the assessing
29 official changes the taxpayer's assessment.

30 (e) A change in an assessment made as a result of a notice for
31 review filed by a taxpayer under subsection (d) after the time
32 prescribed in subsection (d) becomes effective for the next assessment
33 date. A change in an assessment made as a result of a notice for review
34 filed by a taxpayer under subsection (c) or (d) remains in effect from
35 the assessment date for which the change is made until the next
36 assessment date for which the assessment is changed under this article.

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

39 (1) The name of the taxpayer.

40 (2) The address and parcel or key number of the property.

41 (3) The address and telephone number of the taxpayer.

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



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

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

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

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

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

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

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

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

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

- (G) otherwise educating the taxpayer about:

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

- (ii) the assessment or deduction process; and

- (iii) the assessment or deduction appeal process; **and**

- (H) exchanging any information that the taxpayer or the county or township official is relying on at the time of the preliminary informal hearing to support each respective party's positions on each disputed issue concerning the assessment or deduction.**

(i) Not later than ten (10) days after the informal preliminary meeting, the official referred to in subsection (a) shall forward to the county auditor and the county board the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. The official referred to in subsection (a) must attest on the form that the official described to the taxpayer the taxpayer's right to a review of the issues by the county board under this chapter and the taxpayer's right to appeal to the Indiana board of tax review and to the Indiana tax court. The form must indicate the following:

- (1) Notwithstanding section 2.5 of this chapter, if the taxpayer and the official agree on the resolution of all assessment or deduction issues in the review, a statement of:

- (A) those issues; and

- (B) the assessed value of the tangible property or the amount



1 of the deduction that results from the resolution of those issues
 2 in the manner agreed to by the taxpayer and the official.
 3 (2) If the taxpayer and the official do not agree on the resolution
 4 of all assessment or deduction issues in the review:
 5 (A) a statement of those issues; and
 6 (B) the identification of:
 7 (i) the issues on which the taxpayer and the official agree;
 8 and
 9 (ii) the issues on which the taxpayer and the official
 10 disagree.
 11 (j) If the county board receives a form referred to in subsection
 12 (i)(1) before the hearing scheduled under subsection (k):
 13 (1) the county board shall cancel the hearing;
 14 (2) the county official referred to in subsection (a) shall give
 15 notice to the taxpayer, the county board, the county assessor, and
 16 the county auditor of the assessment or deduction in the amount
 17 referred to in subsection (i)(1)(B); and
 18 (3) if the matter in issue is the assessment of tangible property,
 19 the county board may reserve the right to change the assessment
 20 under IC 6-1.1-13.
 21 (k) If:
 22 (1) subsection (i)(2) applies; or
 23 (2) the county board does not receive a form referred to in
 24 subsection (i) not later than one hundred twenty (120) days after
 25 the date of the notice for review filed by the taxpayer under
 26 subsection (c) or (d);
 27 the county board shall hold a hearing on a review under this subsection
 28 not later than one hundred eighty (180) days after the date of that
 29 notice. The county board shall, by mail, give at least thirty (30) days
 30 notice of the date, time, and place fixed for the hearing to the taxpayer,
 31 the taxpayer's representative (if any), and the county or township
 32 official with whom the taxpayer filed the notice for review. The
 33 taxpayer and the county or township official with whom the taxpayer
 34 filed the notice for review are parties to the proceeding before the
 35 county board. A taxpayer may request a continuance of the hearing by
 36 filing, at least twenty (20) days before the hearing date, a request for
 37 continuance with the board and the county or township official with
 38 evidence supporting a just cause for the continuance. The board shall,
 39 not later than ten (10) days after the date the request for a continuance
 40 is filed, either find that the taxpayer has demonstrated a just cause for
 41 a continuance and grant the taxpayer the continuance, or deny the
 42 continuance. A taxpayer may request that the board take action without



the taxpayer being present and that the board make a decision based on the evidence already submitted to the board by filing, at least eight (8) days before the hearing date, a request with the board and the county or township official. A taxpayer may withdraw a petition by filing, at least eight (8) days before the hearing date, a notice of withdrawal with the board and the county or township official.

(l) At the hearing required under subsection (k):

(1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment or deduction; and

(2) the county or township official with whom the taxpayer filed the notice for review must present:

(A) the basis for the assessment or deduction decision; and

(B) the reasons the taxpayer's contentions should be denied.

A penalty of fifty dollars (\$50) shall be assessed against the taxpayer if the taxpayer or representative fails to appear at the hearing and, under subsection (k), the taxpayer's request for continuance is denied, or the taxpayer's request for continuance, request for the board to take action without the taxpayer being present, or withdrawal is not timely filed. A taxpayer may appeal the assessment of the penalty to the Indiana board or directly to the tax court. The penalty may not be added as an amount owed on the property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

(m) ~~The official referred to in subsection (a) may not require the taxpayer to provide documentary evidence at the preliminary informal meeting under subsection (h). The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (k).~~ **At the preliminary informal meeting, in order to facilitate understanding and the resolution of disputed issues, a county or township official and the taxpayer shall exchange the information that each party is relying on to support the party's respective position on each disputed issue concerning the assessment or deduction. If additional information is obtained by the county or township official or the taxpayer after the preliminary informal meeting and before the hearing held by the county board, the party obtaining the information shall provide the information to the other party. If the county or township official or the taxpayer obtains additional information and provides the information to the other party for the first time at the hearing held by the county board, the county board, unless waived by the receiving party, shall continue the hearing until a future hearing date of the county board so that the receiving party has an opportunity to review all**



1 **the information that the offering party is relying on to support the**
 2 **offering party's positions on the disputed issues concerning the**
 3 **assessment or deduction.** If the action for which a taxpayer seeks
 4 review under this section is the assessment of tangible property, the
 5 taxpayer is not required to have an appraisal of the property in order to
 6 do the following:

7 (1) Initiate the review.

8 (2) Prosecute the review.

9 (n) The county board shall prepare a written decision resolving all
 10 of the issues under review. The written decision may be in the form of
 11 a stipulated determination under section 2.5 of this chapter. The county
 12 board shall, by mail, give notice of its determination not later than:

13 (1) one hundred twenty (120) days after the hearing under
 14 subsection (k); or

15 (2) thirty (30) days after an entry of a stipulated determination
 16 under section 2.5 of this chapter;

17 to the taxpayer, the official referred to in subsection (a), the county
 18 assessor, and the county auditor.

19 (o) If the maximum time elapses:

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

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

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



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 386, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 386 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0

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