

HOUSE BILL No. 1207

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-36-19.

Synopsis: Property tax exemptions. 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; (2) an entity organized as a church or religious entity; or (3) a cemetery corporation, firm, or association.

Effective: July 1, 2018.

Taylor J

January 9, 2018, read first time and referred to Committee on Ways and Means.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1207

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 6-1.1-36-19 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 19. (a) This section applies to property taxes that are**
4 **due and unpaid after June 30, 2018, regardless of whether the**
5 **property taxes were imposed for an assessment date occurring**
6 **before or after July 1, 2018.**
7 **(b) The authority granted by this section to cancel property**
8 **taxes does not limit any other procedure or remedy provided by**
9 **law, including retroactive reinstatement of a property tax**
10 **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,**



- 1 or charitable purposes;
- 2 (2) an entity organized as a church or religious entity; or
- 3 (3) a cemetery corporation, firm, or association that is
- 4 organized under the laws of this state.
- 5 (d) The department of local government finance may cancel
- 6 property taxes under this section only if:
- 7 (1) a petition requesting that the department of local
- 8 government finance cancel the property taxes is submitted to
- 9 the department of local government finance;
- 10 (2) the petition filed with the department of local government
- 11 finance is signed and approved by:
- 12 (A) the county auditor, county assessor, and county
- 13 treasurer of the county in which the property is located;
- 14 and
- 15 (B) the township assessor of the township where the
- 16 property is located, if there is a township assessor for the
- 17 township where the property is located;
- 18 (3) the department of local government finance determines
- 19 that the cancellation of the property taxes is in the best
- 20 interest of the state and the taxing units that would otherwise
- 21 be entitled to receive the property taxes; and
- 22 (4) either:
- 23 (A) the property for which cancellation of property taxes
- 24 is being requested would have been exempt from property
- 25 taxation for the assessment date for which property taxes
- 26 were imposed if a timely exemption application had been
- 27 filed for that assessment date; or
- 28 (B) property taxes were imposed on the property for which
- 29 cancellation of property taxes is being requested before the
- 30 property was acquired by the petitioner and, after the
- 31 petitioner acquired the property, the property is owned,
- 32 operated, and used for a purpose that entitles the
- 33 petitioner to a property tax exemption under IC 6-1.1-10.
- 34 (e) In making a decision as to whether an action to cancel
- 35 property taxes is in the best interest of the state and the taxing
- 36 units that would otherwise be entitled to receive the property taxes,
- 37 the department of local government finance shall take into account
- 38 the following:
- 39 (1) Where the petitioner's facilities are located.
- 40 (2) The services that the petitioner provides to the petitioner's
- 41 members and the community.
- 42 (3) The economic and social conditions existing in the



1 **petitioner's service area.**
2 **(4) Any other factors that show that the presence of the**
3 **petitioner in the taxing district where the petitioner is located**
4 **is beneficial to the taxing units and residents in the taxing**
5 **district.**

