

SENATE BILL No. 204

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-25-6.

Synopsis: Property tax liens in tax allocation areas. Indicates which property of a taxpayer is subject to a property tax lien to secure the taxpayer's payment obligations to protect the bond or lease obligations of a redevelopment commission in an allocation area. Specifies the effective date of the lien. Permits enforcement in the same manner that a lien for property taxes is enforced with respect to the obligations to which a taxpayer agrees after June 30, 2005, regardless of whether the agreement provides for a lien, except that the lien is inferior to a first mortgage lien.

Effective: July 1, 2005.

Dillon

January 4, 2005, read first time and referred to Committee on Judiciary.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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SENATE BILL No. 204



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

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

1 SECTION 1. IC 36-7-25-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. **(a) As used in this**
 3 **section, "lien" refers to a property tax lien.**
 4 **(b)** A commission may enter into an agreement with a taxpayer in
 5 an allocation area that limits the taxpayer's rights to challenge the
 6 taxpayer's assessment or property taxes or that guarantees, enhances,
 7 or otherwise further secures bonds or lease obligations of the
 8 commission. ~~The~~
 9 **(c) This subsection applies to an** obligation to make payments
 10 under a taxpayer agreement **or an amended agreement** that ~~guarantee;~~
 11 **enhance is made under subsection (b) before July 1, 2005, and that**
 12 **guarantees, enhances,** or otherwise further ~~secure~~ secures bonds or
 13 lease obligations of the commission. ~~under this section shall be treated~~
 14 ~~in the same manner as;~~ property taxes for purposes of ~~IC 6-1.1-22-13~~
 15 If, and to the extent that, the taxpayer agreement **or amended**
 16 **agreement** provides for a **property tax lien for payments a taxpayer**
 17 **is obligated to make under the agreement or amended agreement,**



1 the lien applies in the same manner that a lien for property taxes
 2 applies under IC 6-1.1-22-13.

3 (d) If an agreement or amended agreement referred to in
 4 subsection (c) specifies the property to which the lien attaches and
 5 specifies the effective date of the lien, the lien:

6 (1) attaches to the property specified in the agreement or
 7 amended agreement; and
 8 (2) is effective as of the date specified in the agreement or
 9 amended agreement.

10 (e) If an agreement or amended agreement referred to in
 11 subsection (c) does not specify the property to which the lien
 12 attaches but specifies the effective date of the lien, the lien:

13 (1) attaches to:

14 (A) the real property of the taxpayer located in the
 15 allocation area; and
 16 (B) the depreciable personal property of the taxpayer
 17 located in the allocation area if, and to the extent that, the
 18 definition of "property taxes" under IC 36-7-14-39(a) or
 19 IC 36-7-15.1-26(a) has been modified in a resolution to
 20 include taxes imposed under IC 6-1.1 on depreciable
 21 personal property, as allowed under IC 36-7-14 or
 22 IC 36-7-15.1, whichever applies; and
 23 (2) is effective as of the date specified in the agreement or
 24 amended agreement.

25 (f) If an agreement or amended agreement referred to in
 26 subsection (c) specifies the property to which the lien attaches but
 27 does not specify the effective date of the lien, the lien:

28 (1) attaches to the property specified in the agreement or
 29 amended agreement; and
 30 (2) is effective on the date the agreement or amended
 31 agreement was executed.

32 (g) If an agreement or amended agreement referred to in
 33 subsection (c) does not specify the property to which the lien
 34 attaches and does not specify the effective date of the lien, the lien:

35 (1) attaches to:

36 (A) the real property of the taxpayer located in the
 37 allocation area; and
 38 (B) the depreciable personal property of the taxpayer
 39 located in the allocation area if, and to the extent that, the
 40 definition of "property taxes" under IC 36-7-14-39(a) or
 41 IC 36-7-15.1-26(a) has been modified in a resolution to
 42 include taxes imposed under IC 6-1.1 on depreciable

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1 personal property, as allowed under IC 36-7-14 or
 2 IC 36-7-15.1, whichever applies; and
 3 (2) is effective on the date the agreement or amended
 4 agreement was executed.

5 (h) This subsection applies to an obligation to make payments
 6 under a taxpayer agreement or an amended agreement that is
 7 made under subsection (b) after June 30, 2005, and that
 8 guarantees, enhances, or otherwise further secures bonds or lease
 9 obligations of the commission. A lien attaches for payments a
 10 taxpayer is obligated to make under the taxpayer agreement or
 11 amended agreement regardless of whether the agreement or
 12 amended agreement provides for a lien. The lien applies in the
 13 same manner that a lien for property taxes applies under
 14 IC 6-1.1-22-13, except that the lien is inferior to a first mortgage
 15 lien on real property.

16 (i) If an agreement or amended agreement referred to in
 17 subsection (h) provides for a lien, specifies the property to which
 18 the lien attaches, and specifies the effective date of the lien, the lien
 19 attaches as described in subsection (d).

20 (j) If an agreement or amended agreement referred to in
 21 subsection (h) provides for a lien, does not specify the property to
 22 which the lien attaches, but specifies the effective date of the lien,
 23 the lien attaches as described in subsection (e).

24 (k) If an agreement or amended agreement referred to in
 25 subsection (h) provides for a lien, specifies the property to which
 26 the lien attaches, but does not specify the effective date of the lien,
 27 the lien attaches as described in subsection (f).

28 (l) If an agreement or amended agreement referred to in
 29 subsection (h):

30 (1) provides for a lien, does not specify the property to which
 31 the lien attaches, and does not specify the effective date of the
 32 lien; or
 33 (2) does not provide for a lien;
 34 the lien attaches as described in subsection (g).

35 (m) A lien:

36 (1) attaches to property; and
 37 (2) is effective;

38 as specified in this section without further action by the
 39 commission unless further action is required by the agreement or
 40 amended agreement referred to in subsection (b).

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