

HOUSE BILL No. 1449

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-18.5.

Synopsis: Civil taxing unit maximum property tax levy. Eliminates the limitation on the amount of a civil taxing unit's maximum permissible property tax levy for the current year that results from imposition in the immediately preceding year of an actual levy that is lower than the maximum. Corrects cross-references.

Effective: Upon passage.

Thompson

January 23, 2007, read first time and referred to Committee on Ways and Means.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1449



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 6-1.1-18.5-1, AS AMENDED BY P.L.154-2006,
2 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1. As used in this chapter:
4 "Ad valorem property tax levy for an ensuing calendar year" means
5 the total property taxes imposed by a civil taxing unit for current
6 property taxes collectible in that ensuing calendar year.
7 "Adopting county" means any county in which the county adjusted
8 gross income tax is in effect.
9 "Civil taxing unit" means any taxing unit except a school
10 corporation.
11 "Maximum permissible ad valorem property tax levy for the
12 preceding calendar year" means the greater of:
13 (1) the remainder of:
14 ~~(A) the~~ civil taxing unit's maximum permissible ad valorem
15 property tax levy for the calendar year immediately preceding
16 the ensuing calendar year, as that levy was determined under
17 section 3 of this chapter; ~~minus~~



- 1 (B) one-half (1/2) of the remainder of:
- 2 (i) the civil taxing unit's maximum permissible ad valorem
- 3 property tax levy referred to in clause (A); minus
- 4 (ii) the civil taxing unit's ad valorem property tax levy for
- 5 the calendar year immediately preceding the ensuing
- 6 calendar year referred to in subdivision (2); or
- 7 (2) the civil taxing unit's ad valorem property tax levy for the
- 8 calendar year immediately preceding the ensuing calendar year,
- 9 as that levy was determined by the department of local
- 10 government finance in fixing the civil taxing unit's budget, levy,
- 11 and rate for that preceding calendar year under IC 6-1.1-17, and
- 12 after eliminating the effects of temporary excessive levy appeals
- 13 and temporary adjustments made to the working maximum levy
- 14 for the calendar year immediately preceding the ensuing calendar
- 15 year, as determined by the department of local government
- 16 finance.

17 "Taxable property" means all tangible property that is subject to the
 18 tax imposed by this article and is not exempt from the tax under
 19 IC 6-1.1-10 or any other law. For purposes of sections 2 and section 3
 20 of this chapter, the term "taxable property" is further defined in section
 21 6 of this chapter.

22 "Unadjusted assessed value" means the assessed value of a civil
 23 taxing unit as determined by local assessing officials and the
 24 department of local government finance in a particular calendar year
 25 before the application of an annual adjustment under IC 6-1.1-4-4.5 for
 26 that particular calendar year or any calendar year since the last general
 27 reassessment preceding the particular calendar year.

28 SECTION 2. IC 6-1.1-18.5-6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For purposes
 30 of STEP TWO of section 2(a) of this chapter and STEP TWO of
 31 section 2(b) of this chapter, the civil taxing unit's taxable property
 32 includes all taxable property located in the geographic area subject to
 33 the civil taxing unit's ad valorem property tax levy for the ensuing
 34 calendar year, regardless of whether that property was located in the
 35 geographic area subject to the civil taxing unit's ad valorem property
 36 tax levy in the calendar years for which the computation is made.

37 (b) For purposes of STEP TWO of section 2(a) of this chapter,
 38 STEP THREE of section 3(a) of this chapter and STEP THREE of
 39 section 3(b) of this chapter, the assessed value of taxable property is
 40 the assessed value of that property as determined by the department of
 41 local government finance in fixing the civil taxing unit's budget, levy,
 42 and rate for the applicable calendar year, excluding deductions allowed

COPY



1 under IC 6-1.1-12 or IC 6-1.1-12.1.
2 SECTION 3. [EFFECTIVE UPON PASSAGE] **IC 6-1.1-18.5-1 and**
3 **IC 6-1.1-18.5-6, both as amended by this act, apply only to**
4 **property taxes first due and payable after December 31, 2007.**
5 SECTION 4. **An emergency is declared for this act.**

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