

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 388 be amended to read as follows:

1 Page 2, between lines 32 and 33, begin a new paragraph and insert:
2 "SECTION 2. IC 6-1.1-20.6-7, AS AMENDED BY P.L.146-2008,
3 SECTION 222, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]; Sec. 7. (a) This
5 subsection expires January 1, 2009. In the case of a credit authorized
6 under section 6 of this chapter or provided by section 6.5(a) or 6.5(b)
7 of this chapter for property taxes first due and payable in a calendar
8 year:
9 (1) a person is entitled to a credit against the person's property tax
10 liability for property taxes first due and payable in that calendar
11 year attributable to:
12 (A) the person's qualified residential property located in the
13 county, in the case of a calendar year before 2008; or
14 (B) the person's homestead. (as defined in IC 6-1.1-20.9-1)
15 property located in the county, in the case of a calendar year
16 after 2007 and before 2009; and
17 (2) the amount of the credit is the amount by which the person's
18 property tax liability attributable to:
19 (A) the person's qualified residential property, in the case of a
20 calendar year before 2008; or
21 (B) the person's homestead property, in the case of a calendar
22 year after 2007 and before 2009;
23 for property taxes first due and payable in that calendar year exceeds
24 two percent (2%) of the gross assessed value that is the basis for

1 determination of property taxes on the qualified residential property (in
 2 the case of a calendar year before 2008) or the person's homestead
 3 property (in the case of a calendar year after 2007 and before 2009) for
 4 property taxes first due and payable in that calendar year, as adjusted
 5 under subsection (b).

6 (b) This subsection expires January 1, 2009. This subsection applies
 7 to property taxes first due and payable in 2008. The amount of a credit
 8 to which a person is entitled under subsection (a) in a county shall be
 9 determined without including a taxpayer's property tax liability for
 10 tuition support. Notwithstanding any other provision of this chapter, a
 11 school corporation's tuition support property tax levy collections may
 12 not be reduced because of a credit under this chapter.

13 (c) This subsection ~~applies to property taxes first due and payable~~
 14 ~~in~~ **expires January 1, 2009**. A person is entitled to a credit against the
 15 person's property tax liability for property taxes first due and payable
 16 in 2009. The amount of the credit is the amount by which the person's
 17 property tax liability attributable to the person's:

- 18 (1) homestead exceeds one and five-tenths percent (1.5%);
- 19 (2) residential property exceeds two and five-tenths percent
 20 (2.5%);
- 21 (3) long term care property exceeds two and five-tenths percent
 22 (2.5%);
- 23 (4) agricultural land exceeds two and five-tenths percent (2.5%);
- 24 (5) nonresidential real property exceeds three and five-tenths
 25 percent (3.5%); or
- 26 (6) personal property exceeds three and five-tenths percent
 27 (3.5%);

28 of the gross assessed value of the property that is the basis for
 29 determination of property taxes for that calendar year.

30 (d) This subsection ~~applies to property taxes first due and payable~~
 31 ~~in~~ **expires January 1, 2009**. Property taxes imposed after being
 32 approved by the voters in a referendum or local public question shall
 33 not be considered for purposes of calculating a person's credit under
 34 this section.

35 (e) This subsection ~~applies to property taxes first due and payable~~
 36 ~~in~~ **expires January 1, 2009**. As used in this subsection, "eligible
 37 county" means only a county for which the general assembly
 38 determines in 2008 that limits to property tax liability under this
 39 chapter are expected to reduce in 2010 the aggregate property tax
 40 revenue that would otherwise be collected by all units of local
 41 government and school corporations in the county by at least twenty
 42 percent (20%). Property taxes imposed in an eligible county to pay debt
 43 service or make lease payments for bonds or leases issued or entered
 44 into before July 1, 2008, shall not be considered for purposes of
 45 calculating a person's credit under this section.

46 SECTION 3. IC 6-1.1-20.6-7.5, AS ADDED BY P.L.146-2008,

1 SECTION 223, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 7.5.(a) A
 3 person is entitled to a credit against the person's property tax liability
 4 for property taxes first due and payable after ~~2009~~: **2008**. The amount
 5 of the credit is the amount by which the person's property tax liability
 6 attributable to the person's:

- 7 (1) homestead exceeds one percent (1%);
- 8 (2) residential property exceeds two percent (2%);
- 9 (3) long term care property exceeds two percent (2%);
- 10 (4) agricultural land exceeds two percent (2%);
- 11 (5) nonresidential real property exceeds three percent (3%); or
- 12 (6) personal property exceeds three percent (3%);

13 of the gross assessed value of the property that is the basis for
 14 determination of property taxes for that calendar year.

15 (b) This subsection applies to property taxes first due and payable
 16 after ~~2009~~: **2008**. Property taxes imposed after being approved by the
 17 voters in a referendum or local public question shall not be considered
 18 for purposes of calculating a person's credit under this section.

19 (c) This subsection applies to property taxes first due and payable
 20 after ~~2009~~: **2008**. As used in this subsection, "eligible county" means
 21 only a county for which the general assembly determines in 2008 that
 22 limits to property tax liability under this chapter are expected to reduce
 23 in 2010 the aggregate property tax revenue that would otherwise be
 24 collected by all units of local government and school corporations in
 25 the county by at least twenty percent (20%). Property taxes imposed in
 26 an eligible county to pay debt service or make lease payments for
 27 bonds or leases issued or entered into before July 1, 2008, shall not be
 28 considered for purposes of calculating a person's credit under this
 29 section."

30 Page 4, between lines 8 and 9, begin a new paragraph and insert:

31 "SECTION 6. [EFFECTIVE UPON PASSAGE] **The department**
 32 **of local government finance may adopt temporary rules under this**
 33 **SECTION in the manner provided under IC 4-22-2-37.1 for the**
 34 **adoption of emergency rules to implement IC 6-1.1-20.6-7 and**
 35 **IC 6-1.1-20.6-7.5, both as amended by this act. The rules may**
 36 **include authority for a county auditor to reconcile any difference**
 37 **in the tax liability imposed on property in a year that results from**
 38 **the amendments made to IC 6-1.1-20.6-7 and IC 6-1.1-20.6-7.5 by**
 39 **this act on a separate billing for an installment under IC 6-1.1-7-7**
 40 **or 6-1.1-22-9 or a reconciling statement under IC 6-1.1-22.5-12.**
 41 **Notwithstanding IC 4-22-2-37.1, a temporary rule adopted under**
 42 **this SECTION expires on the earliest of the following dates:**

- 43 (1) **The date specified in the temporary rule.**
- 44 (2) **The date on which another temporary rule adopted under**
 45 **this SECTION or a permanent rule adopted under IC 4-22-2**
 46 **supersedes or repeals the earlier adopted temporary rule.**

- 1 **(3) December 1, 2010."**
- 2 Renumber all SECTIONS consecutively.
 (Reference is to ESB 388 as printed March 17, 2009.)

Representative Crawford