LEGISLATIVE SERVICES AGENCY

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FISCAL IMPACT STATEMENT

LS 6815 | **NOTE PREPARED:** Dec 28, 2011
BILL NUMBER: HB 1072 | **BILL AMENDED:**

SUBJECT: Tax Administration.

FIRST AUTHOR: Rep. Espich | **BILL STATUS:** As Introduced
FIRST SPONSOR:

FUNDS AFFECTED: X **GENERAL** | **IMPACT:** State & Local
DEDICATED
FEDERAL

Summary of Legislation: *Adoption Dates*: This bill changes dates for budget and levy adoption actions.

Reporting Requirements: The bill changes certain property tax-related reporting requirements.

AV Exclusion: This bill specifies that the amount that may be excluded from assessed value for the purposes of calculating budgets, property tax rates, and property tax levies may not exceed 2% of net assessed value, rather than 2% of assessed value, without approval by the Department of Local Government Finance (DLGF).

Notices: The bill specifies that notices concerning final actions on budgets, property tax rates, and property tax levies shall be given electronically rather than in writing.

Circuit Breaker Allocation: This bill changes the formula for applying the circuit breaker among debt and nondebt levies.

Nonelected Bodies: The bill makes all political subdivisions with a nonelected governing body subject to review and adoption of the political subdivision's budget by a county, city, or town fiscal body. It also requires approval of the supplemental appropriations of a political subdivision with a nonelected governing body by a county, city, or town fiscal body.

Circuit Breaker Certification: This bill replaces a separate certification by county auditors concerning the amount of circuit breaker credits granted to taxpayers with an annual report by the DLGF.

Tax Bill Waiver: The bill permits waiver of tax bills under $5.

Property Tax Appeals: This bill extends period in which to file for a property tax appeal from 45 days to 60 days.

Hoosier Business Investment Tax Credit: The bill extends the sunset date for the Hoosier Business Investment Tax Credit from December 31, 2013, to December 31, 2015.

LOIT Adoption: This bill changes the procedures for submitting a certified copy of ordinances related to local income taxes to the state to require in all cases that the certified copy be sent to the Commissioner of the Department of State Revenue, the Director of the Budget Agency, and the Commissioner of the DLGF by certified mail within 10 days after adoption.

LOIT Distribution: The bill changes the schedule on which revenue from county adjusted gross income taxes and county economic development taxes are distributed to counties from a semiannual schedule to a monthly schedule. It eliminates provisions that provide for distribution of revenues from certain local income taxes on a quarterly basis in the initial year of adoption.

LOIT Repeals: This bill repeals: (1) authority to impose a local income tax to fund the expenses of prosecuting a capital case in Parke County; (2) authority to impose a local income tax to provide revenue for remediation of a superfund site in Tippecanoe County; and (3) expired authority to grant a tax rate to replace revenue lost from elimination of the inventory tax.

The bill also replaces population references in the local income tax law to certain counties with the names of the counties and makes technical corrections.

Effective Date: Upon passage; January 1, 2012 (retroactive); July 1, 2012.

Explanation of State Expenditures: *Reporting Requirements*: Under current law, the DLGF must annually publish a report containing tax rates, abstract real property AV, utility AV, and various other AV breakdowns. Under this bill, the DLGF would not be required to publish these reports.

Some of the property types that are the subject of some of the reports are no longer taxed, such as individual personal property and inventory. The DLGF collects some of the data required for the reports from county assessors on forms designed for this specific purpose.

The DLGF would have reduced administrative costs associated with the forms design and the collection and publication of this information under this proposal. More detailed parcel-level assessment and tax bill data is already being collected from county assessors and county auditors, so there would be no loss of information collected from the counties under this proposal.

Reporting Requirements - Parcel Data: Under current law, county assessors must submit an electronic data file containing detailed parcel characteristics and assessments to the Legislative Services Agency (LSA) and the DLGF by September 30th of the assessment year. Under this bill county assessors would have to submit a second, updated file by March 14th of the following year. The data is processed by LSA, the State Budget Agency, and DLGF. This provision would increase state costs for processing the additional data submissions, including staff time and data storage requirements.

Exemptions: Under current law, counties must forward duplicate copies of all property tax exemption applications to the DLGF. The DLGF is required to review all applications and may deny an exemption if the DLGF determines that the property does not qualify for an exemption. The DLGF must also currently make an annual report to the executive director of LSA that includes the numbers of applications forwarded, investigated, and denied.

Under this bill, the DLGF would have discretion to review the applications and would not be required to make an annual report. The DLGF would have reduced administrative costs associated with application review and compilation of the report.

Circuit Breaker Certification: Under current law, county auditors must annually certify the amount of circuit breaker credits in the county to the DLGF. The certification must include the amount by which each taxing unit's property tax distribution is reduced. Under this bill, the DLGF would prepare the report and publish on the DLGF website. The breakdown by taxing unit can be computed from the information contained in the county auditor's abstracts.

Notices: Under current law, the DLGF must give written notification to taxing units regarding any revision, reduction, or increase that the DLGF proposes in a unit's levy or rate. The taxing unit has 10 days to respond in written form. This bill would require that these communications are to be made electronically. This provision could reduce the cost of postage and it would also eliminate any delay caused by the time it takes the mail service to deliver the notice and response.

LOIT Distribution: This bill changes the schedule for the distribution of CAGIT and CEDIT revenue to counties from a semiannual schedule to a monthly schedule. Currently, CAGIT and CEDIT distributions (except for CEDIT distributions for homestead credit rates) are on a monthly basis, according to the State Budget Agency.

Explanation of State Revenues: *Hoosier Business Investment Tax Credit* - The bill extends the Hoosier Business Investment (HBI) tax credit for two years by changing the sunset date from December 31, 2013, to December 31, 2015. This would allow the Indiana Economic Development Corporation (IEDC) to award new tax credits for qualified investment occurring in 2014 and 2015. The potential amount of new credits that might be certified by the IEDC in 2014 and 2015 is indeterminable.

Background Information - The IEDC Board is authorized to award the HBI tax credit for expenditures on qualified investment determined to foster job creation and higher wages in Indiana. The maximum credit that the IEDC may award is 10% of the qualified investment made by the taxpayer. A taxpayer may claim the credit against the adjusted gross income (AGI) tax, insurance premiums tax, or the financial institutions tax. The credit is nonrefundable and may not be carried back. Unused tax credits may be carried over for up to nine years after the year in which the investment is made, unless a shorter carryover period is stipulated by the IEDC Board. The amount of HBI tax credits claimed on tax returns by individual and corporate taxpayers since 2006 is reported in the table below.

Tax Year	Individual Returns	Credits Claimed	Corporate Returns	Credits Claimed
2006	41	$111,987	35	$19,740,201
2007	627	$1,788,135	21	$2,970,514
2008	264	$1,028,627	19	$8,602,397
2009	91	$1,409,098	N/A	N/A
N/A = Data not available at this time.				

Explanation of Local Expenditures: *Reporting Requirements - Debt*: Currently, a taxing unit that issues debt or enters into a lease must supply the DLGF with information regarding the debt issue or lease by December 31 of the year of issue. Under this bill, taxing units would be required to supply a debt issuance report within one month of the date of issue. The report would have to be submitted electronically to the DLGF. Under the bill, the DLGF would be prohibited from approving appropriations associated with the debt issue or lease if the report has not been submitted.

Taxing units must currently submit an annual report to the DLGF that lists all outstanding bonds and leases. Under this bill, the annual report would no longer be required, but the DLGF may annually require taxing units to verify the information held in the DLGF debt database. Taxing units could have reduced administrative expenditures associated with compiling an annual report.

Reporting Requirements - Parcel Data: After county assessors roll their assessment data to county auditors, the assessors start work on the next assessment year. This provision would require county assessors to maintain the previous year's assessment data while working with the live data for the following year. The additional data submission requirement under this bill would increase county costs significantly for programming updates, processing, and consulting services.

Circuit Breaker Certification: County auditors would have a reduction in administrative expenses associated with preparing circuit breaker certifications to the DLGF.

Explanation of Local Revenues: *Property Tax Appeals*: Under current law, a taxpayer may appeal an assessment or deduction to the county property tax assessment board of appeals (PTABOA) by filing a notice within 45 days after the date of a notice that an action was taken, or within 45 days after the tax statement is mailed if a notice of assessment is not given. In both cases, this bill extends the filing period from 45 days to 60 days.

AV Exclusion: Under current law, county auditors may, for specific reasons, exclude the AV of certain properties from the tax base used to calculate property tax rates. The excluded amount is limited to 2% of a taxing *unit's gross* AV. Under this bill, the exclusion limit would be 2% of the *net* AV of the taxing *district*.

Taxing *units* are political subdivisions such as counties, townships, cities, towns, school districts, libraries, and special units. Taxing *districts* are geographical areas that are served by a unique combination of taxing units. Taxing units may serve several taxing districts.

The change from a unit limit to a district limit could reduce the exclusion amount in some cases such as when a taxing unit's excluded AV is concentrated in specific geographical areas. The change from gross to net AV could also reduce exclusion limits because total gross AV includes exempt properties but net AV does not.

When AV is excluded from the tax base, the calculated tax rate is higher. This is done to try to account for AV on which billed taxes may not be collected. If AV exclusions are reduced, then tax rates could decline and the lower tax rate could lead to property tax shortfalls for some taxing units. On the other hand, lower tax rates may also result in lower circuit breaker credit losses for some taxing units.

Under both current law and this bill, county auditors may appeal to the DLGF to reduce a taxing unit's AV by an amount that exceeds the exclusion limitation.

Nonbinding Review: Under current law, civil taxing units in a county without a board of tax adjustment must submit their estimated budget, levy, and tax rate to the county fiscal body for review at least 45 days before the unit adopts the budget. The county fiscal body must perform a review and must issue a nonbinding recommendation regarding the proposal at least 15 days before the taxing unit adopts its budget. In addition to civil taxing units, this bill would require school corporations to submit their estimated levy and tax rate (but not their budget) to the county fiscal body for review.

Circuit Breaker Allocation: Currently, certain levies are exempt from the calculation of property tax limits under the circuit breaker law. These include levies that are approved in a referendum and levies in Lake and St. Joseph Counties for debt incurred before July 1, 2008. Under current law, when a taxing unit distributes tax receipts among its funds, the total amount collected from exempted funds must be allocated to the appropriate fund without any adjustment for circuit breaker credits. The tax loss created by the circuit breaker credits is allocated among the nonexempt funds.

Under this provision, both exempt levies and any debt service levies that are not exempt would be referred to as "protected taxes". The total amount of protected taxes collected would be allocated to the appropriate fund without any adjustment for circuit breaker credits. The tax loss created by the circuit breaker credits would be allocated among the unprotected funds.

Under current law, if the amount available in a debt service fund is insufficient to pay obligations because of circuit breaker losses, the unit must transfer money from its other funds. This provision would eliminate the need to make the transfer.

Nonelected Bodies: Under current law, certain taxing units whose governing bodies are appointed rather than elected must submit their proposed budgets and tax levies to the fiscal body of the city, town, or county. These taxing units include:

(1) Conservancy Districts;
(2) Solid waste management districts;
(3) Fire protection districts; and
(4) Any civil taxing units (not schools) whose proposed budget increase exceeds the income-based assessed value growth quotient (AVGQ).

Under this bill, all taxing units with appointed governing bodies, including school corporations, regardless of the percentage change in the proposed budget would be subject to review. In addition, the bill would require additional appropriations for these units to be adopted by ordinance of the city, town, or county before approval by the DLGF.

Tax Bill Waiver: Under current law, if a property tax bill equals less than $5, the tax bill is increased to $5 by adding a statement processing fee. Under this provision, a county council may, by ordinance, elect not to collect taxes or special assessments that do not exceed $5. This provision could reduce property tax revenues for all taxing units in the county but could save the county the expense of processing and mailing the small tax bills and then processing the payments. The decision to waive these bills would be a local decision.

Cumulative Fund Adoption: Under current law, a taxing unit may establish a cumulative fund by giving notice to the affected taxpayers and holding a public hearing. Taxpayers may object by filing a petition with the county auditor within 30 days after the publication of the hearing notice. The county auditor must forward the petition to the DLGF, and the DLGF must make a determination after the public hearing.

Under this bill, the 30-day appeal window would begin after the taxing unit publishes a notice of adoption of the cumulative fund after the public hearing. This provision would give taxpayers more time to appeal. It could also eliminate unnecessary appeals in a case where the taxing unit does not adopt the cumulative fund.

LOIT Repeals: This bill repeals the authority to impose the following LOIT rates:
(1) an additional CAGIT rate to help fund the expenses of prosecuting a capital case in Parke County;
(2) an additional CEDIT rate of up to 0.25% to help fund remediation of a superfund site in Tippecanoe County; and
(3) expired authority for a CEDIT tax rate used to provide homestead credits to mitigate tax shifts from the elimination of inventory taxes in counties that opted for the elimination before the statewide elimination took effect. (The ability for any county to adopt this CEDIT rate still exists in another section of the code).

Parke County adopted the additional 0.25% CAGIT rate for the purpose above effective October 1, 2007, but rescinded that rate effective October 1, 2009. Also, Tippecanoe County adopted the additional 0.25% CEDIT rate effective July 1, 1994, but rescinded that rate effective July 1, 1998.

State Agencies Affected: Legislative Services Agency; Department of Local Government Finance; State Budget Agency; Department of State Revenue; Indiana Economic Development Corporation.

Local Agencies Affected: County assessors; County auditors; County treasurers; Taxing units with appointed governing bodies; Counties imposing local option income taxes.

Information Sources: OFMA Income Tax Databases; Bob Lain, State Budget Agency, 317-232-3471.

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