

HOUSE BILL No. 1030

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-12-25.2.

Synopsis: Property tax deduction for mortise and tenon barn. Permits a person to receive a 100% deduction against the assessed value of certain mortise and tenon barns.

Effective: Upon passage.

Cherry, Thompson, Clere, Lehman

January 9, 2012, read first time and referred to Committee on Ways and Means.

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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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1030



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 6-1.1-12-25.2 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 25.2. (a) The following**
4 **definitions apply throughout this section:**

5 (1) "Eligible applicant" means:

- 6 (A) an owner of an eligible mortise and tenon barn; and
- 7 (B) a person that is buying property, including an eligible
- 8 mortise and tenon barn, under a contract that:

- 9 (i) gives the person a right to obtain title to the property
- 10 upon fulfilling the terms of the contract;
- 11 (ii) does not permit the owner to terminate the contract
- 12 as long as the person buying the property complies with
- 13 the terms of the contract;
- 14 (iii) specifies that during the term of the contract the
- 15 person must pay the property taxes on the property; and
- 16 (iv) has been recorded with the county recorder.

17 (2) "Eligible mortise and tenon barn" means a barn that:



1 (A) was built using heavy wooden timbers, joined together
2 with wood pegged mortise and tenon joinery, that form an
3 exposed structural frame;

4 (B) was originally placed in service for an agricultural
5 purpose before 1936; and

6 (C) has, on an assessment date, substantially the same size,
7 design, and construction as the original structure.

8 (b) An eligible applicant is entitled to a deduction against the
9 assessed value of the structure and foundation of an eligible
10 mortise and tenon barn. The deduction is equal to one hundred
11 percent (100%) of the assessed value of the structure and
12 foundation of the eligible mortise and tenon barn.

13 (c) An eligible applicant who desires to obtain the deduction
14 provided by this section must file a certified deduction application
15 with the auditor of the county in which the eligible mortise and
16 tenon barn is located. The application may be filed in person or by
17 mail. The application must contain the information and be in the
18 form prescribed by the department of local government finance. If
19 mailed, the mailing must be postmarked on or before the last day
20 for filing.

21 (d) Subject to subsection (e) and section 45 of this chapter, the
22 application must be filed during the year preceding the year in
23 which the deduction will first be applied. Upon verification of the
24 application by the assessor of the township in which the property
25 is subject to assessment or the county assessor (if there is no
26 township assessor for the township), the county auditor shall allow
27 the deduction.

28 (e) The auditor of a county shall, in a particular year, apply the
29 deduction provided under this section to each person that received
30 the deduction in the preceding year unless the county auditor
31 determines that the person is no longer eligible for the deduction.
32 A person that receives a deduction under this section in a
33 particular year and that remains eligible for the deduction in the
34 following year is not required to file an application for the
35 deduction in the following year. A person that received a deduction
36 under this section in a particular year and that becomes ineligible
37 for the deduction in the following year shall notify the auditor of
38 the county in which the property is located of the ineligibility in the
39 year in which the person becomes ineligible. However, a deduction
40 under this section does not terminate following the removal of less
41 than all the joint owners of property or buyers of property under
42 a contract described in subsection (a), if at least one (1) of the

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1 **remaining owners or buyers continues to qualify for the deduction**
2 **under this section.**

3 **SECTION 2. An emergency is declared for this act.**

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