

SENATE JOINT RESOLUTION No. 10

DIGEST OF INTRODUCED RESOLUTION

Citations Affected: Article 10 of the Constitution of the State of Indiana.

Synopsis: Homesteads exempt from property tax. Exempts homesteads from property taxation. This proposed amendment has not been previously agreed to by a general assembly.

Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

Young R Michael, Waltz

January 4, 2012, read first time and referred to Committee on Tax and Fixcal Policy.

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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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SENATE JOINT RESOLUTION No. 10

A JOINT RESOLUTION proposing an amendment to Article 10 of the Constitution of the State of Indiana.

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

- 1 SECTION 1. The following amendments to the Constitution of the
- 2 State of Indiana are proposed and agreed to by this, the One Hundred
- 3 Seventeenth General Assembly of the State of Indiana, and are referred
- 4 to the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. ARTICLE 10, SECTION 1 OF THE CONSTITUTION
- 6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
- 7 FOLLOWS: Section 1. (a) Subject to this section, the General
- 8 Assembly shall provide, by law, for a uniform and equal rate of
- 9 property assessment and taxation and shall prescribe regulations to
- 10 secure a just valuation for taxation of all property, both real and
- 11 personal.
- 12 (b) A provision of this section permitting the General Assembly to
- 13 exempt property from taxation also permits the General Assembly to



1 exercise its legislative power to enact property tax deductions and
 2 credits for the property. The General Assembly may impose reasonable
 3 filing requirements for an exemption, deduction, or credit.

4 (c) The General Assembly may exempt from property taxation any
 5 property in any of the following classes:

6 (1) Property being used for municipal, educational, literary,
 7 scientific, religious, or charitable purposes.

8 (2) Tangible personal property other than property being held as
 9 an investment.

10 (3) Intangible personal property.

11 ~~(4)~~ (d) Tangible property, including curtilage, **is exempt from**
 12 **property tax if the property is** used as a principal place of residence
 13 by an:

14 ~~(A)~~ (1) owner of the property;

15 ~~(B)~~ (2) individual who is buying the tangible property under a
 16 contract; or

17 ~~(C)~~ (3) individual who has a beneficial interest in the owner of the
 18 tangible property.

19 ~~(d)~~ (e) The General Assembly may exempt any motor vehicles,
 20 mobile homes (not otherwise exempt under this section), airplanes,
 21 boats, trailers, or similar property, provided that an excise tax in lieu of
 22 the property tax is substituted therefor.

23 ~~(e)~~ (f) This subsection applies to property taxes first due and
 24 payable in 2012 and thereafter. The following definitions apply to
 25 subsection ~~(f)~~: (g):

26 (1) "Other residential property" means tangible property (other
 27 than tangible property described in subsection ~~(c)~~~~(4)~~ (d)) that is
 28 used for residential purposes.

29 (2) "Agricultural land" means land devoted to agricultural use.

30 (3) "Other real property" means real property that is not tangible
 31 property described in subsection ~~(c)~~~~(4)~~; (d), is not other
 32 residential property, and is not agricultural land.

33 ~~(f)~~ (g) This subsection applies to property taxes first due and
 34 payable in 2012 and thereafter. The General Assembly shall, by law,
 35 limit a taxpayer's property tax liability as follows:

36 ~~(1)~~ A taxpayer's property tax liability on tangible property
 37 described in subsection ~~(c)~~~~(4)~~ may not exceed one percent (1%)
 38 of the gross assessed value of the property that is the basis for the
 39 determination of property taxes:

40 ~~(2)~~ (1) A taxpayer's property tax liability on other residential
 41 property may not exceed two percent (2%) of the gross assessed
 42 value of the property that is the basis for the determination of

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1 property taxes.

2 ~~(3)~~ (2) A taxpayer's property tax liability on agricultural land may
3 not exceed two percent (2%) of the gross assessed value of the
4 land that is the basis for the determination of property taxes.

5 ~~(4)~~ (3) A taxpayer's property tax liability on other real property
6 may not exceed three percent (3%) of the gross assessed value of
7 the property that is the basis for the determination of property
8 taxes.

9 ~~(5)~~ (4) A taxpayer's property tax liability on personal property
10 (other than personal property that is tangible property described
11 in subsection ~~(c)~~(4) (d) or personal property that is other
12 residential property) within a particular taxing district may not
13 exceed three percent (3%) of the gross assessed value of the
14 taxpayer's personal property that is the basis for the determination
15 of property taxes within the taxing district.

16 ~~(g)~~ (h) This subsection applies to property taxes first due and
17 payable in 2012 and thereafter. Property taxes imposed after being
18 approved by the voters in a referendum shall not be considered for
19 purposes of calculating the limits to property tax liability under
20 subsection ~~(f)~~: (g).

21 ~~(h)~~ (i) As used in this subsection, "eligible county" means only a
22 county for which the General Assembly determines in 2008 that limits
23 to property tax liability as described in subsection ~~(f)~~ (g) are expected
24 to reduce in 2010 the aggregate property tax revenue that would
25 otherwise be collected by all units of local government and school
26 corporations in the county by at least twenty percent (20%). The
27 General Assembly may, by law, provide that property taxes imposed in
28 an eligible county to pay debt service or make lease payments for
29 bonds or leases issued or entered into before July 1, 2008, shall not be
30 considered for purposes of calculating the limits to property tax liability
31 under subsection ~~(f)~~: (g). Such a law may not apply after December 31,
32 2019.

33 **SECTION 3. (a) This amendment first applies to the assessment**
34 **date that occurs after February in the year that immediately**
35 **follows the date that the proposed amendment is ratified by a**
36 **majority of the state's voters voting on the question.**

37 **(b) If the voters ratify the amendments to the Constitution of the**
38 **State of Indiana proposed by this joint resolution, this SECTION**
39 **does not become a part of the Constitution of the State of Indiana.**

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