

# HOUSE BILL No. 1102

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-15-19.

**Synopsis:** Expenses of property tax appeals. Provides that a county may adopt an ordinance establishing a county property tax appeals defense fund for the purpose of paying expenses incurred by a county in litigating and resolving property tax disputes. Allows a county to adopt an ordinance authorizing the retention by the county of a percentage, not to exceed 5%, of the property taxes, penalties, and interest for which a taxpayer is determined to be liable after a property tax appeal is final or settled.

**Effective:** July 1, 2014.

---

---

## Niemeyer

---

---

January 9, 2014, read first time and referred to Committee on Ways and Means.

---

---



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1102

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 6-1.1-15-19 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2014]: **Sec. 19. (a) The following definitions apply throughout**  
4 **this section:**  
5 (1) "Fiscal body" has the meaning set forth in IC 36-1-2-6.  
6 (2) "Fund" refers to a county property tax appeals defense  
7 fund established by an ordinance adopted under subsection  
8 (b).  
9 (b) The fiscal body of a county may adopt an ordinance to  
10 establish a county property tax appeals defense fund for the  
11 purpose of paying expenses incurred by the county in litigating and  
12 otherwise resolving disputes with taxpayers involving property tax  
13 issues, including:  
14 (1) appraisal fees;  
15 (2) attorney's fees;  
16 (3) expert witness fees; and



- 1           **(4) mediator fees.**
- 2           **(c) A fund consists of the following:**
- 3               **(1) A part of the property taxes, penalties, and interest for**  
4               **which a taxpayer is determined to be liable after the**  
5               **taxpayer's appeal is final or settled, determined in accordance**  
6               **with subsection (d).**
- 7               **(2) Appropriations by the county and other taxing units in the**  
8               **county to the fund.**
- 9               **(3) Interest derived from investment of money in the fund.**
- 10           **(d) This subsection applies to a county if an ordinance adopted**  
11           **under subsection (b) is in effect in the county. Each year, the fiscal**  
12           **body of the county shall estimate, in the course of determining the**  
13           **county's budget for the following year, the amount of the county's**  
14           **expected expenses for the litigation and resolution of property tax**  
15           **disputes during the following year. The fiscal body of a county may**  
16           **adopt an ordinance that specifies a percentage, not to exceed five**  
17           **percent (5%), of the amount of the property taxes, penalties, and**  
18           **interest for which a taxpayer is determined to be liable after a**  
19           **property tax appeal is final or settled to be retained by the county**  
20           **and deposited in the county's fund.**
- 21           **(e) The county treasurer of a county that establishes a fund**  
22           **under subsection (b) shall administer the fund.**
- 23           **(f) Money in a fund not required to pay obligations of the fund**  
24           **may be invested in the manner other public funds are invested.**  
25           **Interest derived from investment of money in a fund is credited to**  
26           **the fund.**
- 27           **(g) At the conclusion of a year, an amount equal to the least total**  
28           **amount of money, if any, held in the fund on any day in the period**  
29           **consisting of the year and the two (2) immediately preceding years**  
30           **reverts to the county general fund. At the conclusion of the year in**  
31           **which a fund is established under this section and the two (2)**  
32           **immediately succeeding years, the least total amount of money held**  
33           **in the fund on any day in the period consisting of the year and the**  
34           **two (2) immediately preceding years equals zero (0). At the**  
35           **conclusion of a year, the amount of money in a fund that does not**  
36           **revert to the county general fund equals:**
- 37               **(1) the total amount of money in the fund at the conclusion of**  
38               **the year; minus**
- 39               **(2) an amount equal to the least total amount of money held**  
40               **in the fund on any day in the period consisting of the year and**  
41               **the two (2) immediately preceding years.**

