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**TITLE 50 DEPARTMENT OF LOCAL
GOVERNMENT FINANCE**

LSA Document #03-235

January 12, 2004

The Honorable Jerry Denbo, Chair
Administrative Rules Oversight Committee

Re: Notice of Delay in Adoption of Rule to Assess the Real Property of Major Industrial Facilities

Dear Representative Denbo:

Notice of Delay

This is to notify you that pursuant to IC 4-22-2-19, that the Department of Local Government Finance was unable to begin the rulemaking process within (60) sixty days after the effective date of the statute *[sic.]* that authorizes the rule.¹ IC 6-1.1-8.7-9, effective July 1, 2002, states that the Department of Local Government Finance shall adopt rules under IC 4-22-2 to carry out the particular section.

Reasons for Delay

This rule establishes standards for the Department to utilize when assessing the real property of industrial facilities located in Indiana. This rule also provides instructions to local assessing officials and taxpayers that will assist them with informing the Department whether or not the industrial property needs to be reassessed by the Department. Due to a procedural error described above it appears that the Department did not begin to promulgate a rule within sixty (60) days of the Indiana General Assembly granting it authority to do so. The Department seeks now to fulfill its statutory duties by informing the Committee of its error.

Expected Date to Begin

The Department of Local Government Finance will hold a public hearing January 23, 2004 at 11:00 a.m. on its proposed rule to governing the assessment of real property of industrial facilities. A copy of the proposed rule is attached.

Your understanding of these circumstances is greatly appreciated. If you have any further concerns or require additional information, please do not hesitate to contact me, at 317-232-5895 or by e-mail, hscheel@tcb.state.in.us. Thank you.

Sincerely,

Heather A. Scheel
General Counsel

Copy to: Sen. Luke Kenley
Sarah Burkman, Attorney for the Committee
Chuck Mayfield, Fiscal Analyst for Committee

¹ Notice of Intent was originally published April 1, 2002. This notice was published within 60 days of the effective date of the statute that granted the Department its authority to promulgate rules. The promulgation process did not result in adoption of a rule within one year, thus the Department was required to start the promulgation process over. A new notice of Intent was published September 1, 2003.