

Newly Enacted Legislation

**Indiana League of Municipal Clerks & Treasurers
Annual Conference
2018**

Newly Enacted Legislation – Senate Bills



Senate Enrolled Act 6 – Public Law 86-2018

- **Makes technical corrections**

Senate Enrolled Act 27 – Public Law 43-2018

- **Amends IC 36-8-8-18**
- **Requires an agreement be reached on how much is contributed by the unit, police officer, or firefighter.**
- **Contributions can be paid in lump sums or installments not to exceed 30 years**

Newly Enacted Legislation – Senate Bills



Senate Enrolled Act 99 – Public Law 47-2018

- **Makes changes in seizing property under IC 34-24-1-2, IC 34-24-1-3, IC 34-24-1-4**
- **Under 34-24-1-4: proceeds from sale or money seized distributed**
 - **Pay attorney fees**
 - **1/3rd deposited into the forfeiture fund established by the prosecuting attorney**
 - **85% remaining shall be deposited in the general fund of the unit if property was seized by local law enforcement**
 - **Anything left – court shall order transferred to state common school fund.**

Newly Enacted Legislation – Senate Bills



Senate Enrolled Act 100 – Public Law 8 -2018

- **IC 36-8-24 is new**
- **Fire department may provide carbon monoxide testing**
- **Testing is to be a no cost – written form provided stating there was no charge**

Senate Enrolled Act 119 – Public Law 91-2018

- **New IC – 36-8-8-8.6**
- **Allows a member of the '77 plan to purchase service for work performed for an employer that does not participate**
- **Has to be a member of the '77 fund for at least a year**
- **Can't qualify if service requested qualified member in another retirement system**

Newly Enacted Legislation – Senate Bills



Senate Enrolled Act 125 – Public Law 93-2018

- **Registration of underground utility excavation contractors**
- **IC 8-1-26.5**
- **Excavation by a contractor under contract with utility must file with Secretary of State the contractor will comply with 811 statute**
- **Contractor to provide documentation of compliance before entering in contract**

Newly Enacted Legislation – Senate Bills



Senate Enrolled Act 266 – Public Law 164-2018

- **Motor vehicle safety**
 - **License plate display**
 - **Rules for trailers**
 - **Requirements for headlamps and window tint**
 - **Some rules for speeding in a school zone**

Newly Enacted Legislation – Senate Bills



Senate Enrolled Act 269 – Public Law 165-2018

- **Road and Utility Repair**
- **City/town denies petition to close railroad crossing – INDOT has to schedule appeal within 60 days**
- **Establishment of a regional water, sewer, or solid waste district – notice has to be provided to city or town executive**
- **Existing regional water, sewer, or solid waste district wishes to extend territory – notice has to be provided to city or town executive**

Newly Enacted Legislation – Senate Bills



Senate Enrolled Act 296 – Public Law 99 -2018

- **Order for necessary repairs to property issued under the unsafe building law can be enforced against new owner if property is sold**

Senate Enrolled Act 347 – Public Law 125-2018

- **Consolidated or second class city – can sell bonds at negotiated sale after June 30, 2018 and before July 1, 2021**
- **This change doesn't apply to refinancing bonds and some revenue bonds issued for a limited purpose**

Newly Enacted Legislation – Senate Bills



Senate Enrolled Act 362 – Public Law 126-2018

- **New water & wastewater utilities created after June 30, 2018 will be governed by IURC for at least 10 years.**
- **New utilities must have life cycle cost-benefit analysis, capital asset management plan, and cyber security plan.**

Senate Enrolled Act 386 – Public Law 61-2018

- **Financing flood control improvements – applies to Indianapolis only**

Newly Enacted Legislation – Senate Bills



Senate Enrolled Act 392 – Public Law 171-2018

- **Establishes a process to divide/transfer land owned by city/town and to assess the value of land that city/town owns that has been divided**
- **Amends law exempting a town legislative body from giving notice of a meeting concerning routine administrative functions.**
- **Provides if a public record is electronic, city/town shall provide electronic copy or paper copy at the requester's option [IC 5-14-3-3(j)]**
- **Prohibits (with some exceptions) charging a fee for providing a public record my email [IC 5-14-3-8(b)(3)]**



Newly Enacted Legislation – Senate Bills

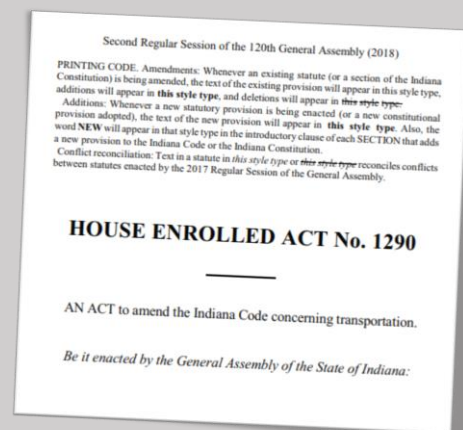
Senate Enrolled Act 393 – Public Law 104-2018

- **Can't adopt an ordinance requiring installation of an automatic fire sprinkler system**
- **Other fire related items**
- **Applicants for building permits for class 1 or 2 structures have to notify city/town of use of engineered lumber**
- **City/town has to notify fire department within 90 days of issuing the permit**



Newly Enacted Legislation – House Bills

House Bills





Newly Enacted Legislation – House Bills

House Enrolled Act 1290 – Public Law 185-2018

- **Various changes to certain surcharges and taxes, including distribution methods**
- **Provides that funds distributed to cities/towns from the motor vehicle highway account, each city/town must use at least 50% of the money for construction, reconstruction, and preservation of the city/town's highways**
- **Current law provided “. . . construction, reconstruction, and *maintenance* . . . “**



Newly Enacted Legislation – House Bills

House Enrolled Act 1290 – Public Law 185-2018

(7) The term "preservation" means the preventative treatment, nonstructural treatment, rehabilitation, or structural repairs made to transportation infrastructure and related drainage that are included in an asset management plan approved by the Indiana department of transportation in collaboration with the local technical assistance program at Purdue University.

Newly Enacted Legislation – House Bills



House Enrolled Act 1290 – Public Law 185-2018

- **Changes the population threshold for filing Annual Operational Report**
 - **Population greater than 15,000**
- **Changes the date SBOA certifies list to Auditor of State**
 - **Now June 15th**
- **Establishes New Harmony and Wabash River bridge authority**

Newly Enacted Legislation – House Bills



House Enrolled Act 1004 – Public Law 72-2018

- **Public Works Projects less than \$50,000**
- **Contractor requirements for drug testing program**
- **Police Pension Board meeting and reporting dates**
- **Park Board appointments**
- **Interim Study Committee - Publication of Legal Notices**

Newly Enacted Legislation – House Bills



House Enrolled Act 1035 – Public Law 73-2018

Short Term Rentals

- **Short term rental permit for each property/dwelling unit**
- **Issuance within thirty days**
- **Initial Permit Fee of \$150**
- **Revocation of Permit**

Newly Enacted Legislation – House Bills



House Enrolled Act 1036 – Public Law 66-2018

- **Overpayment of Benefits**
- **Instruction by DWD to withhold amounts from income**
- **Employer may collect a fee of \$12**

Newly Enacted Legislation – House Bills



House Enrolled Act 1057 – Public Law 24-2018

- **Change in court cost - IC 33-37-4-1(c)**
 - **Pretrial Diversion Program Fee - Applies to criminal actions**
 - **Initial User's Fee - Misdemeanor - Remains at \$50**
 - **Initial User's Fee - Felony - \$75**
 - **Monthly User's Fee - increases from \$10 to \$20**
 - **Additional program fee or cost approved by the court is now allowed**

Newly Enacted Legislation – House Bills



House Enrolled Act 1070 – Public Law 74-2018

- **Rotary fund**
 - **Purposes**
 - **Transfer of profits at board's discretion**
 - **Transfer of profits at the end of the fiscal year**
- **Indianapolis Airport Authority board membership**

Newly Enacted Legislation – House Bills



House Enrolled Act 1089 – Public Law 138-2018

St. Joseph River Basin Commission

- **Board membership**
- **Cooperative Agreement**
 - Plan to improve water quality**
 - Plan to mitigate flooding**
- **Political subdivisions in Elkhart, Kosciusko, LaGrange, Noble, St. Joseph, and Steuben counties**

Newly Enacted Legislation – House Bills



House Enrolled Act 1109 – Public Law 179-2018

Nonactive Members**Former Employees****Annual payments - death benefit fund coverage****Removes charitable contributions as a voluntary benefit deduction (1977)**

Newly Enacted Legislation – House Bills



House Enrolled Act 1140 – Public Law 76-2018

- **Interlocal Agreements**

- **Allows a county to enter into an inter-local agreement with a city or town within the county to use its**
 - **municipal ordinance violations bureau or**
 - **city/town court**
- **Sums collected by a violations clerk or city or town court that involve the county shall be accounted for and paid as provided in the inter-local agreement.**

Newly Enacted Legislation – House Bills



House Enrolled Act 1242 – Special Session

- **Redevelopment Commission**
- **Annual presentation to all taxing units**
- **Attendance at public meeting of governing body of taxing unit**

House Enrolled Act 1256 – Public Law 183-2018

- **Titling of Redevelopment Property**
- **City (or town) of ____ Department of Redevelopment**



Newly Enacted Legislation – House Bills

House Enrolled Act 1257 – Public Law 37-2018

- **IC 5-22-13-2 Purchases from “qualified agency”**
- **“individual with a disability”**
- **Fair Market Price within 10% of average price estimates or quotes**

House Enrolled Act 1262 – Public Law 117-2018

- **IC 5-13-9-5 Investment of CDs – ordinance expires in 1 year**
- **IC 5-13-9-11 Local Government Investment Pool – clearinghouse**
- **Tax Intercept Program**



Newly Enacted Legislation – House Bills

House Enrolled Act 1263 – Public Law 184-2018

- **County Council may impose tax rate under LIT expenditure rate**
 - **Between 0.1% and 0.2%**
 - **No more than 20 years**
 - **For correctional and rehab facilities in the county**
- **Distributed directly to the county first**
- **Regional Jails**

Newly Enacted Legislation – House Bills



House Enrolled Act 1267 – Public Law 196-2018

- **Water Infrastructure Task Force**
 - **Study of drinking water, wastewater and storm water systems**
 - **Empirical decision making tool to prioritize projects**
 - **Long Term Plan**
- **Indiana Finance Authority Study –NPDES – Stormwater Program**
- **Interim Study Committee – Efforts to reduce non-point source impacts on water quality**

Newly Enacted Legislation – House Bills



House Enrolled Act 1278 – Public Law 207-2018

- **City Clerk or Clerk-Treasurer**
 - **Receive filing of Notice of Intent**
 - **Receive filing of Petition**
 - **Retain paper copy of petition**
 - **Publish notice of hearing and mail copy to landowners**
- **Legislative Body may not pass an amending ordinance to increase the boundaries of a district.**
- **Costs may be reimbursed to the city or town**

Newly Enacted Legislation – House Bills



House Enrolled Act 1311 – Public Law 147-2018

- **Inspection of salvage vehicles by police officer (IC 9-22-3-15)**
 - **Council must adopt ordinance establishing fee**
 - **Fee may not exceed \$5**
 - **Must be deposited into local law enforcement continuing education fund**
- **Parking Meter Fees (IC 36-9-12-4)**
May be used to pay the cost of maintenance and operation of a municipally owned park where parking meters are located.

Newly Enacted Legislation – House Bills



House Enrolled Act 1323 – Public Law 188-2018

- **Heavy Equipment Rental Excise Tax**
 - **Adds IC 6-6-15**
 - **Removes from personal property taxes**
 - **Replaces with the Heavy Equipment Rental Excise Tax**
 - **Apportioned and Distributed in same manner as property taxes**
 - **Distributions before Jan. 1, 2020 must go to Levy Excess Fund.**
 - **Distributions after Dec. 31, 2019 allocated as property tax collections**

Newly Enacted Legislation – House Bills



House Enrolled Act 1374 – Public Law 189-2018

- **Structural changes to IFA**
- **Northern IN Commuter Transportation District and West Lake Corridor Project**
 - **Payment made directly by State Treasurer**
- **Continues current appropriations for water and wastewater programs**

Newly Enacted Legislation – Other Bills of Interest



- SEA 380 - Improvements in Historic Districts**
- SEA 411 - Distressed Utilities**
- SEA 419 - Professional & Occupational Licenses**
- HEA 1007 - Mental Health Access**
- HEA 1023 - Annexation Remonstrance Waivers**
- HEA 1027 - Riverboat Admissions & Wagering Tax – Dearborn County**
- HEA 1056 - Innkeeper Taxes**
- HEA 1065 - Broad Band Grants to qualified broadband providers**
- HEA 1073 - Child Care Location and Safety**
- HEA 1230 (SS) - School Safety**
- HEA 1233 - Environmental Management Matters**
- HEA 1245 - Occupational Licenses**
- HEA 1288 - Economic Development**
- HEA 1358 - Intersection Safety Study**

Newly Enacted Legislation – Resolution 18-02 –
Interim Study Committee



Topics of Interest:

- ✓ **Allocation of local income tax revenue when taxing units reorganize**
- ✓ **Sales and innkeeper's tax on short term rental properties**
- ✓ **Regional Development Tax Credit**
- ✓ **Inclusion of residential property in TIF allocation area**
- ✓ **Publication of city/town receipts and expenditures**
- ✓ **Consolidation and revision of public works statutes**
- ✓ **Opioid Treatment programs**
- ✓ **Water Infrastructure Task Force**

Search for Bills



www.iga.in.gov

Search
Code
Bills
Legislators

Enter bill number

All
 Senate
 House
 Enrolled

Annual Operational Report - Update



State Form 5400 (9-10)
Presented by State Board of Accounts

City and Town Form Number 220
County Form Number 15

_____ COUNTY, INDIANA

_____ OF _____
(City or Town) (Name of State)
(City and Town Form 220 Only)

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS
(IC 8-17-4.5)

FOR THE YEAR ENDED
DECEMBER 31, 20_____



Other Important Topics – Filing of Required Reports

**Annual Financial Report**

- **IC 5-11-1-4**
- **Due 60 days after fiscal year end**

100-R Personnel Compensation Report

- **IC 5-11-13-1**
- **Due January 31**

Late Filing

- **Audit Finding**
- **Subpoena Process**

Other Important Topics

**Accounting for Redevelopment Authorities**

- **IC 36-7-14.5-7**
 - **Separate body corporate and politic**
 - **Instrumentality**
 - **Subject to audit by State Board of Accounts**
- **IC 36-7-14.5-9**
 - **Secretary-Treasurer**

Other Important Topics

**Update on Corrective Action Plans**

- **Submission of CAP**
- **Review Process**
- **Acceptance**
- **Verification**
- **Best Practices**



Contact Information

Susan Gordon, CPA

Todd Caldwell

Directors of Audit Services

cities.towns@sboa.in.gov

317-232-2513

**Indiana State Board of Accounts
302 W. Washington St., Rm E418
Indianapolis, IN 46204**