

INDIANA LEAGUE OF MUNICIPAL CLERKS & TREASURERS

Annual Conference

JUNE 14, 2022
MICHIGAN CITY

Indiana State Board of Accounts

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HEA 1002 – UTILITY RECEIPTS TAX

P.L. 138-2022 EFFECTIVE UPON PASSAGE

- Repeals the utility receipts and utility services use taxes
- IC 8-1-2-4.2 (**New**) – Requires a utility that is subject to the jurisdiction of the Indiana utility regulatory commission (IURC) to file a rate adjustment with the IURC that adjusts the utility's rates and charges to reflect the repeal of the utility receipts tax.
- IC 8-1-2-4.3 (**New**) – Requires a utility not under the jurisdiction of the IURC to adjust the utility's rates and charges to reflect the repeal of the utility receipts tax.
- Requires each utility to provide notice to the utility's customers that the adjustment in rates and charges reflects the repeal of the utility receipts tax.

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HEA 1011 – SALE OF A CAPITAL ASSET

P.L. 157-2022 EFFECTIVE UPON PASSAGE

IC 5-13-9.3-3 (Amended) allows a town to invest the proceeds received from the sale of a capital asset made after December 15, 2021, and before January 1, 2023, in the same manner as the next generation trust fund if the proceeds from the sale exceed \$24,000,000 but do not exceed \$26,000,000.

IC 5-13-9.3-3(b) Ordinance required

IC 8-14-15.2-9 Next Generation Trust Fund Investments

IC 5-13-9.3-4 (Amended) requires the fiscal body of the town to contract with a financial institution eligible to receive public funds of a political subdivision to assist the town in its investment program.

IC 5-13-4-10 & IC 5-13-8-1 Definition of Financial Institution

Note: Under current law, a political subdivision is authorized to invest the proceeds received from the sale of certain capital assets in the same manner as the next generation trust fund only if the proceeds exceed \$50,000,000.

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HEA 1034 – REDEVELOPMENT

P.L. 46 EFFECTIVE JULY 1, 2022

IC 36-7-25-6 (Amended)

Provides that a lien resulting from an agreement between a redevelopment commission and a taxpayer in an allocation area takes priority over any existing or subsequent mortgage, other lien, or other encumbrance on the property, and must have parity with a state property tax lien under IC 6-1.1-22-13.

Provides that a lien resulting from a taxpayer agreement will have the priority of real property taxes and may be enforced and collected in all respects as real property taxes.



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HEA 1034 – REDEVELOPMENT

P.L. 46 EFFECTIVE JULY 1, 2022

IC 36-7-25-7 (Amended)

- Amends the definition of “eligible entity” to include a person whose principal functions include the provision of marketing and advertising of land located in an allocation area.
- Provides that an RDC, or two or more RDCs acting jointly, may contract with an eligible entity to provide marketing and advertising of land located in an allocation area.
- Imposes a limitation on the amount available to spend on the marketing and advertising of land in an allocation area.

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HEA 1093 – SCHOOL RESOURCE OFFICERS

P.L. 139-2022 EFFECTIVE JULY 1, 2022

- IC 20-26-18.2-1 (Amended) defines a school resource officer as a law enforcement officer who has completed the appropriate training, been assigned to the school during school hours and is employed by a law enforcement agency; reserve officer or school corporation police officer
- IC 20-26-18.2-2 (Amended) After June 30, 2023, if a school enters into a contract for a school resource officer, the school must enter into a memorandum of understanding with the law enforcement agency that employs or appointed the law enforcement officer who will perform the duties of a school resource officer.
 - *The memorandum of understanding entered into under subsection (a) must state the nature and scope of a school resource officer's duties and responsibilities.*
 - *A school resource officer's duties and responsibilities include the duty to assist the school corporation's school safety specialist with the development and implementation of a school safety plan...*

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HEA 1130 AND SEA 83 OPEN MEETINGS

P.L. 116-2022 AND P.L. 124-2022 EFFECTIVE JULY 1, 2022

- IC 5-14-1.5-3.7 (Amended)
- Changes the circumstances in which the governing body of local political subdivision may hold a virtual meeting during a declared disaster emergency without any of the governing body members being physically present.
 - *“...if a disaster emergency is in effect for all or part of the area within the governing body’s jurisdiction, the members of a governing body are not required to be physically present at a meeting: if the meeting in person would present an imminent risk to the health and safety of the members of the public and the governing body who attend the meeting....”*

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HEA 1193 – OPIOID SETTLEMENT P.L. 72-2022 EFFECTIVE UPON PASSAGE

IC 4-6-15-2 (Amended) May opt back in before **July 15**

IC 4-6-15-4 (Amended) Distributions will be in **two** parts

- 1. Based on formula in settlement documents
 - **unrestricted**
- 2. Based on formula in settlement documents
 - **restricted** to the programs or treatment, prevention and care that are best practices as defined or required by the settlement documents or court order.
 - If distribution for 2 is less than \$1,000 the distribution will go to the county



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HEA 1214 – RENTAL ASSISTANCE APPLICATION

P.L. 164-2022 EFFECTIVE UPON PASSAGE

- IC 32-31-10 (New)
- (a) This section applies to:...(2) any political subdivision that distributes rental assistance funds made available by the federal government in response to the coronavirus disease (COVID-19) pandemic.
- (b) Not later than August 31, 2022: ... (2) any political subdivision to which this section applies; shall create a designated landlord application in addition to the tenant application process.
- (c) A designated landlord application process must require that any application by a landlord for rental assistance funds made available by the federal government in response to the coronavirus disease pandemic must be signed and certified by the tenant.

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HEA 1246 FIRE PROTECTION TERRITORIES

P.L. 95-2022 EFFECTIVE JULY 1, 2022

- IC 36-7-14-1.7 (New)
- Participating unit's proceeds of property taxes imposed to meet the unit's obligations to a FPT are exempt from (1) areas needing redevelopment (2) redevelopment project areas (3) urban renewal areas or (4) economic development areas established after December 31, 2021



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HEA 1286 –SOLID WASTE CONTRACTS

P.L. 37-2022 EFFECTIVE JULY 1, 2022

IC 36-9-30-5 (Amended)

If a contract for the collection or disposal of solid waste will yield a gross revenue to a contractor of greater than \$25,000, a city or town may comply with IC 36-1-12-4 **or IC 36-9-30-5.3.**

- IC 36-1-12-4 – Bidding Procedures
- IC 36-9-30-5.3 – Request for Proposal Process (new)
- Does not apply to the city of Indianapolis

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HEA 1286 – SOLID WASTE CONTRACTS

P.L. 37-2022 EFFECTIVE JULY 1, 2022

IC 36-9-30-5.3 (New)

- IC 36-9-30-5.3(c) Board may enter into contract upon such terms and conditions as may be agreed upon for the collection and disposal of solid waste.
- IC 36-9-30-5.3(d) Procedure for contract amendment, extension, etc.
- IC 36-9-30-5.3(e) Costs and factors which must be considered in the selection of a contractor



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HEA 1286 – SOLID WASTE CONTRACTS

P.L. 37-2022 EFFECTIVE JULY 1, 2022

IC 36-9-30-5.3 Request for Proposal Process (New)

- (g) prequalification of proposers
- (h) proposed request for proposals and notice
- (i) requirements for notice
- (j) period for submission of comments on proposed request for proposals and qualifications of persons seeking prequalification
- (k) selection of proposers and adoption of request for proposals
- (l) & (m) requirements for request for proposals
- (n) evaluation of proposals, including factors to consider
- (o) public hearing requirements
- (p) contract award requirements – *must be in form of resolution & include certain findings*

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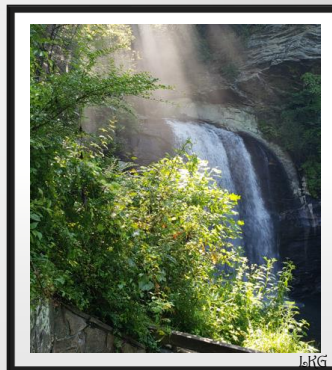
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SEA 78 – 1977 FUND

P.L. 85-2022 EFFECTIVE JULY 1, 2022

- IC 36-8-8-5 (Amended)
- After July 1, 2022, if the system board determines that a new police officer or firefighter in PERF should be a member of the 1977 fund, the system board shall require the employer to:
 - (1) transfer the member into the 1977 fund; and
 - (2) contribute the amount that the system board determines is necessary to fund fully the member's service credit in the 1977 fund for all service earned as a police officer or firefighter in PERF.



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SEA 134 – APPROPRIATION OF DONATED MONEY

P.L. 87-2022 EFFECTIVE UPON PASSAGE

- IC 3-5-3-1 (**Amended**) A political subdivision may not accept private donations to prepare, administer or conduct elections or to employ individuals on a temporary basis for preparing, administering or conducting elections.
- IC 36-1-30 (**New**) Requires all local units of government to submit to the SBOA a report of each individual employee employed by the governmental unit whose salary is funded in whole or part from donated money.
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SEA 163 – TOWN CONTROLLER P.L. 56-2022 EFFECTIVE JULY 1, 2022

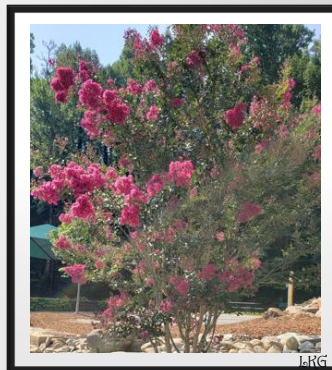
IC 36-4-1-1 (**Amended**) Second class city population threshold changed to 34,000

IC 36-5-6.5 (**New**) Town with a population of 34,000 may create the office of town controller; appointed by the town legislative body by ordinance

IC 36-5-6-6.5(e) (**New**) - Duties of Town Clerk*
*applies only to town adopting ordinance under IC 36-5-6.5

IC 36-5-6.5 (**New**) - Duties of Town Controller

IC 5-4-1-18 (**Amended**) – Public Official Bond for Town Controller



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SEA 36I – ECONOMIC DEVELOPMENT

P.L. 135-2022 EFFECTIVE JULY 1, 2022

IC 36-I-29.5 (New)

- Establishes IC 36-I-29.5 for a Workforce Retention and Recruitment Program and Fund
- The program established by the executive of the unit is for the purpose of recruiting and retaining the current and future workforce needed to provide substantial economic impact to the unit including providing incentives in the form of grants or loans to qualified workers
- The fund shall consist of any private grants or contributions, appropriations to the fund included in the unit's budget, transfers of money to the fund and any repayments to the fund.

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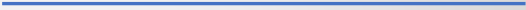
SEA 166 - PUBLIC PRIVATE AGREEMENTS

P.L. 57-2022 EFFECTIVE JULY 1, 2022

- IC 5-23-2 (New Sections) Definitions added
- IC 5-23-8 (New)
 - A governmental body may enter into a public-private agreement with respect to a transportation project, if the governmental body complies with the statutory requirements under IC 5-23.
 - A governmental body may also enter into a development agreement with a private party for the development, construction, and financing of a privately owned and operated transportation or infrastructure project if the development agreement meets statutory requirements.
 - Provides guidelines for transportation and infrastructure projects under IC 5-23

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THANK YOU !!!

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