

# New Legislation

County Auditor Spring Conference  
May 2021

1

## HB 1001 Budget Bill

- IC 6-3.6-9-19 is added effective 7-1-23 that the Department of Revenue will provide a report to each county regarding local income tax collected
- IC 35-47-2-3(d) is added that after June 30, 2021, the law enforcement agency that accepts an application for a handgun license shall not collect a fee from the person applying for the handgun license



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2

## HB 1002 Civil Immunity Related to COVID 19

- Specifies that a government entity or employee is not liable if a loss results from an act or omission arising from COVID-19 unless the act or omission constitutes gross negligence, willful or wanton misconduct or intentional misrepresentation.



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3

## HB 1030 Removal of County Elected Officer

- IC 36-2-8.7 effective 7-1-21
- Allows a county executive and county fiscal body to adopt identical resolutions to initiate an action in court to remove a county officer for failing to be physically present in the county officer's office.
- Applies to Auditor, Treasurer, Recorder, Surveyor and Assessor
- Public hearing held by Commissioners
- Public hearing held by Council
- If adoption of resolution, filed with Clerk of the Circuit Court
- A county officer must be physically present in the county officer's office during regular office hours for a reasonable amount of time each month.



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4

## HB 1056 Recording Requirements

- Amends IC 32-21-2 and is effective 2-18-21
- Adds new section IC 32-21-2-1.7 that defines proof with respect to a notarial act.
- Amends IC 32-21-2-3 that any instrument to be recorded must have one of the following notarial acts: (1) an acknowledgement (2) a proof.
- Specifies who can perform a notarial act
- To be recorded an instrument must meet the requirements of article 32-21; have acknowledgement or proof; and must be in compliance with IC 36-2-11.



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5

## HB 1110 Small Claims Court

- Raises the threshold for small claims court from claims that don't exceed \$8,000 to claims that don't exceed \$10,000



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6

## HB 1166 Property Tax Assessment Appeals

- If assessed value is increased for any reason other than annual adjustment factor and property owner appeals and prevails, assessed value may not be increased until next four-year cyclical assessment cycle.
- Certified level two and level three assessor-appraisers may serve as tax representatives under certain circumstances
- Taxpayer may file a written complaint with DLGF if taxpayer has reason to believe that assessing official failed to follow standards
- Notice of right to submit written complaint must be included on notice of assessment or reassessment



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7

## HB 1169 Cybersecurity Incidents

- IC 4-13.1-2-9 - Requires a political subdivision to report any cybersecurity incident to the State office of IOT without unreasonable delay and not later than two business days after discovery in a format prescribed by the chief information officer.



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8

## HB 1191 Energy Matters

- Amends IC 36-1-3-13 (Home Rule) that a unit does not have the power, except for purposes of complying with building and fire safety laws to (1) require that a particular component, design or type of material be used in construction; (2) prohibit the use of a particular component, design or type of material (3) require that a building be retrofitted with a particular component, design or type of material or (5) prohibit the sale, installation or use of: (A) natural gas powered home heating equipment, home appliances, or outdoor heating appliances, torches, lamps or other decorative features or (B) outdoor grills and stoves.



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9

## HB 1231 Lien Removal Fees

- Amends IC 36-2-7-10 and is effective 7-1-2021
- Adds a subsection to section (c) on fees: a \$25 fee to release a lien regardless on the number of liens held by the political subdivision on the property for a property sold or transferred under IC 6-1.1-24-6.1 or IC 36-1-11
- If the county containing a consolidated city has established a housing trust fund and adopted an ordinance authorizing a \$10 fee. The \$10 fee per document may be charged.



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10

## HB 1255 Probate and Property Matters

- Makes changes to IC 32-21-2.5 Uniform Real Property Electronic Recording. Effective 7-1-22 all Recorders will have to accept electronic documents and electronic fees.
- Makes changes to IC 36-2-11-3 that requires a public notice on the website if the Recorder office will be closed more than 3 business days under an executive order.



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11

## HB 1271 DLGF

- IC 5-1-11-1 - Extends sunset date for provisions that permit the sale of bonds at a negotiated sale to July 1, 2023 and now includes Counties in that provision.
- IC 6-1.1-5.5-4 - Sales Disclosure Fee increases to \$20 effective 7-1-21
- IC 6-1.1-17-0.7 - Requires Auditor to notify DLGF of any annexations that took place and were effective on or after Jan. 1 of preceding year but before Jan. 1 of current year
- Amends various statutes to prevents property being included in more than one TIF area in future allocation areas.



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12

## HB 1271

- IC 6-1.1-20-3.6 effective 7-1-21 - Controlled project with intent to issue debt and impose a debt service, the Auditor will calculate the estimated percentage of property tax increase on a homestead or business property and that estimate will be included in the public question. DLGF shall prescribe the manner.
- Effective 7-1-21 - Adds language that FIT and CVET may be used for any legal purpose.
- IC 33-32-5-1 effective 7-1-21 – Local fee for marriage certificate increased to \$10 for Indiana resident with \$2 to be placed in Clerk’s Record Perpetuation fund and \$8 into General fund



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13

## HB 1271 DLGF

- IC 36-1-8-5.1 - After December 31, 2020 and before January 1, 2025, a unit may transfer 15% of the political subdivision’s annual budget to the Rainy Day Fund. After January 1, 2025 that amount reverts to 10% of annual budget
- Provides that 25 taxpayers of a political subdivision must sign a written request for certain public hearings on budgets, tax rates or tax levies.
- Political subdivisions must include an appropriation for bond proceeds in its budget for the ensuing year.



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14

## HB 1285 Bureau of Motor Vehicles

- Wheel Tax and Excise Surtax are to be remitted to County not more than 21 days after collection effective 1-1-22
- Provides that the first year the wheel tax or excise surtax is changed, the prior rate will be used for vehicle registrations effective 1-1-22
- IC 6-3.5-4 and IC 6-3.5-7



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15

## HB 1383 Judicial Officers

- IC 36-1-8.5-2 effective 7-1-21 – adds to definition of covered person a current or former probation officer or a current or former corrections officer.
- IC 36-1-8.5 governs the restriction of addresses on a public property data base website.



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16



## HB 1405 Insurance Matters

- IC 12-26-5-2 - Provides that a Sheriff may be reimbursed by an insurance company for the non-emergency transport of a nonincarcerated person to a mental health facility if transport is more than 30 miles.



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17

## HB 1407 Proceeds from the Sale of a Capital Asset

- IC 36-1-14-3 effective 4-8-21
- Nonprofit Foundation should include a formal spending policy within its investment policy for an annual spend rate up to 5%
- County may transfer back to the foundation excess money received from the foundations spend rate
- If interest earned exceeds 5%, that amount is added to principal.
- Requires board of foundation to establish one or more separate accounts for the principal and income.



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18

## HB 1437 Electronic Meetings and Signatures

- Allows a member of a governing body of a political subdivision to participate in a meeting electronically as long as:
- A written policy is adopted establishing procedures
- Technology allows simultaneous communication between members and public
- 50% of members are physically present
- Bill allows member attending electronically to be counted for quorum
- Member attending electronically can participate in final action taken
- Provides that if a statute requires a manual signature for attesting an obligation, an electronic signature has the same forces and effect as a manual signature



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19

## HB 1576 Transportation Management Plans

- Requires Indiana Department of Transportation to post asset management plans approved by the Department on an internet website not later than July 1, 2022



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20

## SB 28 Tax Sales

- IC 6-1.1-24-5.3 effective 7-1-21 - Prohibits a person who is delinquent in the payment of personal property tax or subject to a personal property tax judgment from bidding on or purchasing a tract at a tax sale.
- IC 6-1.1-24-5.7 is created as a new section of code for the forfeiture of a tax sale purchase by an ineligible bidder. Effective 7-1-21
- IC 6-1.1-24-7 County Treasurer is to pay all taxes and assessments that accrue on the tract of real estate through the time that the record owner is divested of title from the tax sale surplus fund for the tract for real property for which a tax sale certificate is sold.



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21

## SB 98 Interstate Compact Transportation Fund

- IC 11-13-435-8 effective 7-1-21 - Allows a community corrections agency to access funds from the county offender transportation fund to defray the cost of transporting offenders and delinquent children as requested by a court, probation department, community corrections agency or county sheriff



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22

## SB 195 Proof of Mailing Date

- IC 6-1.1-37-10 effective 7-1-21 - Provides that payment mailed to the county treasurer with metered postage is timely received if:
  - Envelope is properly addressed, has sufficient postage and the metered postage has a date that is on or before due date and envelope is received not later than 5 business days after the due date
- Provides that taxpayer is subject to 5% penalty if payment is
  - Mailed or deposited with a parcel carrier by the 30<sup>th</sup> day after the due date and the postmark, certificate of delivery or other evidence indicates the date of mailing or deposit or was mailed and affixed with a metered postage stamp with a date not later than the 30<sup>th</sup> day after the due date



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23

## SB 214 Low Income Housing

- IC 6-1.1-10-16.7 effective 1-1-22 - Reinstates provisions for property tax exemption for improvements on real property that are constructed, rehabilitated or acquired for the purpose of providing low income housing. Provides that payments in lieu of taxes (PILOTS) may be required from property owners claiming this exemption.
- IC 36-1-8-14.3 Political Subdivision may adopt an ordinance and PILOTS would be deposited into affordable housing fund.
- IC 36-2-6-23 County adopts an ordinance and PILOTS would be distributed in the same manner as property tax
- IC 36-3-2-12 Consolidated city



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24

## SB 234 Withholding tax remittance

- Requires DOR to provide written notice, by electronic means, to each employer whose employer's Form WH-1 monthly withholding tax remittance is past due.
- IC 6-8.1-18 Requires each payroll service provider to annual register with DOR beginning January 1, 2022
- Provides that a payroll service provider contract must include a provision that specifies if the payroll service provider fails to deposit or remit withholding taxes when due and the failure is caused by error or omission by provider, the provider shall reimburse the penalties and interest of the business client



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25

## SB 332 Publication of Notice

- IC 5-3-1-2 effective 7-1-2021 – A political subdivision that is required to publish a notice two or more times may make the first publication in the newspaper and all subsequent publications on the official website of the political subdivision
- IC 5-3-5 is added for Electronic Publication of Notices. The notice must be on the official web site where the notice is easily accessible and remain on the site for not less than 7 days after the last posting date required by law.
- Proof of publication must be maintained



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26

## SB 336 BPP Tax Exemption

- IC 6-1.1-3-7.2 and is effective 1-1-2022
- The acquisition cost threshold for the business personal property tax exemption is increased from \$40,000 to \$80,000



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27

## Questions

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28