

# NEW LEGISLATION

COUNTY AUDITOR'S SPRING CONFERENCE

May, 2017

## SB 128 - Regional Infrastructure

- ▶ Effective 4/28/17 and amends IC 4-4-11-0.4 for the Indiana Finance Authority to assume all powers, duties, and agreements relating to the infrastructure revolving loan fund established by IC 4-10-19. Currently the State Budget Agency oversees this fund.
- ▶ Adds a new subsection to IC 4-4-11-15.4(d) that applies to any political subdivision that has failed to pay when due the principal or interest arising from an agreement with the IFA. The fiscal officer of the county shall reduce the amount of revenues or property held, possessed, maintained, controlled or otherwise in the custody of the county by an amount equal to the amount of the political subdivision's unpaid obligation. The amount reduced will be paid to the IFA for payment of the unpaid obligation and the county will notify the political subdivision that the amount was reduced and remitted to the IFA.

## SB 128 - Regional Infrastructure

- ▶ Effective 4/28/17 and adds subsection (e) to IC 4-4-11-14.4 which provides for the order of funds to be used to pay the unpaid obligation of the political subdivision to the IFA for loans or agreements with the IFA.
  - ▶ First, reduce from local income tax distribution under IC 6-3.6-9
  - ▶ Second from any other revenues or other money or property that:
    - ▶ Is held, possessed, maintained, or controlled by, or otherwise in the custody of the county or a department, an agency or an instrumentality of the county and
    - ▶ Would otherwise be available for distribution to the political subdivision

## SB 128 - Regional Infrastructure

- ▶ Effective 7-1-17 and amends IC 36-7.5-4-16 that if a political subdivision fails to make pay or transfer any amounts they agreed to pay or transfer to the regional development authority pursuant to the terms of any bond, note, debenture, warrant, contractual agreement, or any other promise or agreement, the authority would notify the Treasurer of State or the fiscal officer of a city or county and the unpaid obligation would be withheld from any amounts otherwise payable to the city, county or political subdivision.
- ▶ The deduction would be made first from any amounts otherwise payable to the city, county or other political subdivision, second from local income tax distributions and third from any other revenues or money otherwise available for distribution.

## SB 152 - Local Redevelopment

- ▶ Amends IC 4-6-12-3 and is effective 7-1-17
  - ▶ Eliminates Blight Register
- ▶ Amends IC 4-6-12-9 and is effective 7-1-17
  - ▶ Adds additional fees collected by the Clerk to the State's homeowner protection fund. This fund receives a portion of the fee for recording a mortgage.
- ▶ Amends IC 36-7-14-19 - Adds some changes to Redevelopment Commission's authority to purchase land. For properties that are not for sale at auction; or have a total purchase price (including land and structures, if any) of at least \$25,000, the RDC may not pay more than average of two independent appraisals of fair market.

## SB 152 - Local Redevelopment

- ▶ Effective 7-1-17 and adds a new section 19.5 to IC 36-7-14 on the purchase of property by the Redevelopment Commission
- ▶ May purchase property from a willing seller that is:
  - ▶ Blighted
  - ▶ Unsafe
  - ▶ Abandoned
  - ▶ Foreclosed
  - ▶ Structurally damaged
- ▶ May purchase if the sale price is less than \$25,000 or property is being sold by another governmental agency - if the RDC has sufficient fund balance or issues an obligation from public funds.

## SB 152 - Local Redevelopment

- ▶ Section 19.5 continued: If the sale price is greater than \$25,000, the RDC must obtain 2 independent appraisals. Any agreement by the RDC to purchase under this subdivision for an amount greater than the highest appraisal or to purchase by making payments over 3 years or a pay a price that exceeds \$5,000,000 is subject to approval by the legislative body of the unit.
- ▶ All real property and interests in real property acquired by the redevelopment commission are free and clear of all governmental liens, assessments and other governmental charges, except for current property taxes, which must be prorated to the date of acquisition.

## SB 322 - DNA for Felony Arrests

- ▶ Effective 7-1-17 and amends IC 10-13-6 on the Indiana DNA data base to add that DNA will be collected from a person arrested for a felony. There are procedures for removal of the profile from the DNA database in IC 10-13-6-8 for collections of DNA from a person arrested for a felony.
- ▶ Effective 7-1-17 and amends IC 33-37-5-26.2. The DNA sample processing fee collected by the Clerk's will increase to \$3 from the current fee of \$2.

## SB 346 - Donation of Funds

- ▶ Amends IC 36-1-14-1 and is effective upon passage and adds a new subsection that is effective 4-21-17 for the donation of proceeds from the sale of a facility (hospital) to a nonprofit community foundation if the donation occurs after December 31, 2015. investment trusts established by a county prior to 1990 to hold the proceeds from the sale of the hospital.
  - ▶ DLGF may not lower the tax levy due to:
    - ▶ Donation of proceeds of money to a foundation
    - ▶ Distribution from the endowment to the unit
    - ▶ Return of donation to the **general fund**
- ▶ Adds a new section 4 to IC 36-1-14 regarding investment trust funds established by a county prior to 1990 to hold the proceeds from the sale of a hospital.

## SB 348 - Sign Ordinances

- ▶ Effective 7-1-17 and adds section 11 to IC 36-1-3 on Home Rule. The new section states that an ordinance on the number or size of signs is not enforceable beginning 60 days before an election and ending on the sixth day after the election. However, the political subdivision may continue to enforce an ordinance or regulation relating to number or size of signs if necessary to ensure public safety.
- ▶ The new section also includes what is meant by sign in this section.
  - ▶ “sign refers to a sign , the surface of which is not greater than 32 square feet. For purposes of determining the surface area of as sign under this section, if a sign consists of two (2) faces, only the surface area of one (1) of the faces is considered if both of the following apply: (1) the faces are mounted back to back . (2) The measure of the angle between the faces is not more than fifteen degrees.”

## SB 386 - Property Tax Matters

- ▶ Effective 7-1-17 and amends IC 6-1.1-11-3 to extend the deadline to file an application for an exemption. The current deadline to file an application for a deadline is April 1 of the year containing the assessment date, but the deadline may be extended up to three years from that date if:
  - ▶ The property on which the person seeking an exemption was exempt from taxation for the tax year immediately before the deadline in subsection (a); and
  - ▶ The person seeking the exemption would have been eligible for the exemption on the deadline set forth in subsection (a).
  
- ▶ Note, this does not extend the deadline for filing an appeal of the denial of an exemption.

## SB 386 - Property Tax Matters

- ▶ Effective 7-1-17 and amends 6-1.1-15.
- ▶ IC 6-1.1-15-1 is repealed and IC 6-1.1-15-1.1 is added as a new section.
- ▶ A taxpayer may appeal an assessment by filing a notice in writing, related to:
  - ▶ (1) The assessed value of the property
  - ▶ (2) The assessment was against the wrong person
  - ▶ (3) The approval, denial or omission of a deduction, credit, exemption, abatement or tax cap
  - ▶ (4) A clerical, mathematical, or typographical mistake
  - ▶ (5) The description of the real property
  - ▶ (6) The legality or constitutionality of a property tax or assessment.

## SB 386 - Property Tax Matters

- ▶ IC 6-1.1-14-1.1 (continued) - the taxpayer may appeal the assessed value of the property not later than
  - ▶ For assessments before January 1, 2019, the earlier of:
    - ▶ 45 days after the date on which the assessment notice is mailed by county; or
    - ▶ 45 days after the tax statement is mailed by the county treasurer
  - ▶ For assessments after December 31, 2018, the earlier of:
    - ▶ June 15 of the assessment year, in assessment is mailed before May 1 of assessment year
    - ▶ June 15 of the year in which the tax statement is mailed if notice of assessment is mailed after May 1
- ▶ The taxpayer may appeal an error in assessment under (2) through (6) not later than 3 years after the taxes were first due.

## SB 386 - Property Tax Matters

- ▶ IC 6-1.1-15-1.1 (continued) - An appeal under this section applies only to the tax year corresponding to the tax statement, unless action regarding a prior tax year is reflected for the first time in the tax statement.
- ▶ A taxpayer may not appeal under this section any error related to the following:
  - ▶ (1) The denial of a deduction, exemption, abatement, or credit if the authority to approve or deny is not vested in the county board, county auditor, county assessor or township assessor.
  - ▶ (2) The calculation of interest and penalties
  - ▶ (3) A matter under subsection (a) if a separate appeal or review process is statutorily prescribed.

## SB 386 - Property Tax Matters

- ▶ Effective 7-1-17 and adds a new section, 1.2 to IC 6-1.1-15 regarding an informal meeting between the taxpayer and the county or township assessor. At the meeting, the official and the taxpayer shall exchange information in order to facilitate understanding of the disputed issues.
- ▶ The official shall report on the results of the informal meeting. If the parties agree to a resolution, that should be stated on the report. If the meeting is not held or no resolution is reached, that shall be reported on the form.
- ▶ If the county board receives the report and agreed upon resolution, they will vote to accept or deny the agreed resolution.
- ▶ A hearing shall be scheduled within 180 days of the written notice. The hearing would be vacated if the board agrees to accept a resolution. The county assessor may assess a penalty of \$50 for failure to appear at hearing.

## SB 386 - Property Tax Matters

- ▶ Effective 7-1-17 and repeals IC 6-1.1-15-11 and IC 6-1.1-15-12 on refunds. Procedures for refunds are found in IC 6-1.1-26-3.1
- ▶ Adds a new section 12.1 to IC 6-1.1-15 on correction of errors.
  - ▶ (a) A county auditor shall correct errors in conformity with a determination of appeal by the county board, the board of tax review, DLGF or a court
  - ▶ (b) upon discovery, the county auditor will correct errors regarding description of property and identity of the taxpayer
  - ▶ (c) upon discovery, the auditor will correct errors regarding a tax cap, credit, exemption or deduction (subject to the approval of DLGF if applicable)
  - ▶ (d) upon discovery, the auditor will correct errors regarding computation of taxes, penalties, delinquent taxes carried forward, or an overpayment, if approved by the county treasurer



## SB 386 - Property Tax Matters

- ▶ IC 6-1.1-15-12.1 ( continued) - A county auditor shall notify the taxpayer of a correction of error under (b), (c), and (d). If the correction of error results in a refund, the refund shall be applied under IC 6-1.1-26
- ▶ A taxpayer may challenge a county auditor's action under (b) or (c) as outlined in section 1.1 of this chapter.
- ▶ Except in accordance with subsection (a) on the determination by the county board, the board of tax review, DLGF or a court, an error corrected under this section may not be applied to tax years earlier than the immediate three prior years.
- ▶ IC 6-1.1-15-13 and IC 6-1.1-15-14 is repealed.

## SB 386 - Property Tax Matters

- ▶ Effective 7-1-17 - repeals IC 6-1.1-26-1 and replaces it with IC 6-1.1-26-1.1
- ▶ A person, including heirs, personal representatives, or successors may file a claim for a refund. If an appeal is filed under IC 6-1.1-15 the notice of appeal is treated as a claim for refund filed as of the date of final disposition.
- ▶ A claim for refund must be filed within the later of 3 years after the tax is paid or 3 years after the disposition of the appeal.
- ▶ A claim must state that a payment was made in excess of the taxes due
  - ▶ Disposition of appeal, proof of an error in penalties, interest or delinquent tax or proof of an overpayment by the claimant
- ▶ A taxpayer may not raise a claim that should be raised under IC 6-1.1-15
- ▶ A taxpayer is not entitled to a refund if a credit has been applied

## SB 386 - Property Tax Matters

- ▶ Effective 7-1-17 IC 6-1.1-26-2 is repealed and replaced by IC 6-1.1-26-2.1
- ▶ The county auditor shall approve or deny a claim for refund
- ▶ If the county auditor approves the claim, it is forwarded to the county treasurer and county assessor for approval or denial
- ▶ If the county auditor, treasurer and assessor approve the claim for refund, it is paid from general fund and interest shall be computed from the date on which the taxes were due or paid, whichever is later to the date on which the county auditor and county treasurer approve the refund.
- ▶ If the refund is denied, the auditor will send a notice to the claimant.
- ▶ The general fund is repaid during settlement in June or December of both, but no later than the December settlement

## SB 386- Property Tax Matters

- ▶ Effective 7-1-17 IC 6-1.1-26-3 is repealed and IC 6-1.1-26-3.1 is added
- ▶ If a determination in a review or appeal authorized under IC 6-1.1-15 results in an overpayment by the taxpayer during the same year to which the assessment appeal relates, the taxpayer is entitled to a credit in the amount of the overpayment on the next successive tax installment due in that tax year. After the credit is applied, the county auditor shall determine if a further amount is due and pay that further amount without a claim or an appropriation. If the taxpayer no longer owns the property on which the tax was assessed, the lawful claimant should receive a refund. If the credit is not applied or a refund is not paid, the taxpayer or lawful claimant may file a claim under section 1.1

## SB 386 - Property Tax Matters

- ▶ Effective 7-1-17. IC 6-1.1-26-4 is repealed and IC 6-1.1-26-4.1 is added
- ▶ This section applies to any refund resulting from an assessment appeal for an assessment date prior to 1-1-2020. If the resulting refund exceed \$100,000 or more, the auditor may elect to apply credits in equal installments over 5 years. If the claimant no longer owns the property on which the appeal was filed, a credit is not applied and the refund may be paid in equal installments over a period of not more than five years.
- ▶ IC 6-1.1-26-5 is repealed
- ▶ IC 6-1.1-26-7 is added that if a determination is made by the court that an overpayment has occurred, the court must specify instructions to the county auditor and county treasurer on providing the relief.

## SB 386 - Property Tax Matters

- ▶ Effective July 1, 2017 and repeals IC 6-1.1-37-10.7 that had allowed a waiver for penalties due to a death in the immediate family of the taxpayer.
- ▶ Effective July 1, 2017 and repeals IC 6-1.1-37-11 that prescribed interest payments for when an assessment is decreased and a refund or credit is due.
- ▶ Effective July 1, 2017 and repeals IC 6-1.1-37-14 that allowed for a installment payment of credits over five years when the total amount owed to the taxpayer exceeded \$100,000.
- ▶ Effective 1-1-2000 (retroactive) for assessments dates between 1/1/2000 and 3/1/2013 for property that could have been exempted by a not-for-profit or the spouse of a deceased veteran who served prior to 11/12/18. Prescribes procedures by which taxes, penalty and interest may be removed.

## SB 402 - County Homes

- ▶ Effective 4/25/17 and adds a new section, 7 to IC 12-30-1 on the General Provision concerning a County Home. This new section allows the Board of County Commissioners to delegate the board's duties under this article and contract for the services, including the management of the county home for reasonable terms and conditions. This action under this section is not a discontinuance under section 6, unless the limit's the ultimate responsibility of the Commissioners over the county home.
- ▶ Effective 4/25/17 and adds a subsection to IC 12-30-2-9 to read that a person delegated under IC 12-30-1-7 may make an appointment, removal or dismissal of an employee under this section if the person was delegated the authority to do so.

## SB 443 - Uniform Business Organization

- ▶ Adds IC 23-.05 effective January 1, 2018 called Uniform Business Organizations Administrative Provisions
- ▶ Adds IC 23-0.5-4 - Which retains the requirement that an individual or a general partnership other than a limited liability partnership, conducting or transacting business shall file for record, in the office of the recorder of each county, a certificate stating assumed name to be used (Replaces IC 23-15-1)
- ▶ The Recorder is to maintain a record of the certificates filed and an index of the certificates and notice of dissolution
- ▶ The Recorder is to charge a fee in accordance with IC 36-2-7-10 for each certificate, notice of dissolution or discontinuance.

## SB 449 - Omitted Personal Property Audit

- ▶ Effective 7/1/17 and amends IC 6-1.1-36-12 on contracts for discovery of omitted property. Subsection (b) regarding the special non-reverting fund is amended to add that “Except as provided in subdivision (3)...the contract must specify a monetary threshold set by the county assessor and that when the money in that fund exceeds the threshold, the county auditor shall distribute the money in excess of the threshold to the appropriate taxing units in the county using the property tax rates of each taxing unit in effect at the time of the distribution.”
- ▶ Effective 7/1/17 and amends subsection (c) that the contract may not provide for payments under the contract that are based on increases in assessed value or revenue attributed to the discovery of undervalued or omitted property. Adds subsection (d) that the contract may not exceed three years.

## SB 455- Tax Administration of Mobile Homes

- ▶ Effective 1-1-18 and amends IC 6-1.1-7-3 regarding reporting the placement of a mobile home on any land must be reported to the assessor within 30 days. The prior statute required reporting within 10 days.
- ▶ Adds a subsection (b) for mobile home communities and required reporting to the assessor. If a sale or lease of a mobile home previously held as inventory occurs or if the statute of a mobile home is changed to inventory the person operating the mobile home community is required to report:
  - ▶ Notice of the sale or lease on the mobile home or change in status to inventory
  - ▶ The name of the owner as shown on the title of the mobile home
  - ▶ The Vehicle Identification Number
  - ▶ A copy of the title or other documentation of ownership
  - ▶ A copy of the most recent permit to move, if applicable

## SB 455 - Tax Administration of Mobile Homes

- ▶ Effective 7-1-17 and adds a new section to IC 6-1.1-23 on provisions for collection of delinquent personal property taxes. The new section provides that a county treasurer may choose to use a new chapter, IC 6-1.1-23.5 to collect delinquent property taxes, penalties and collection expenses for a mobile home or chose to use IC 6-1.1-23. If elected to use 23.5, the county treasurer must continues to use those provisions until the delinquent taxes, penalties and collection expenses are collected or the mobile home is sold or otherwise disposed of.

## SB 455 - Tax Administration of Mobile Homes

- ▶ Effective 1-1-18 and adds a new chapter, IC 6-1.1-23.5 for the collection of delinquent personal property taxes attributable to a mobile home.
- ▶ Section 2 adds definitions
- ▶ Section 3 adds the allowable costs that may be charged under this chapter to the taxpayer. The fees are deposited into the general fund.
- ▶ Section 4 allows for an annual auction list to be prepared.
- ▶ Section 5 requires a written demand be served by certified mail, in person or by proof of certificate of mailing. This also states what must be included in the demand.
- ▶ Section 6 allows for an agreement between the taxpayer and the treasurer to make payments on the amount owed.

## SB 455 - Tax Administration of Mobile Homes

- ▶ Section 7 allows for the removal of the mobile home from the auction list if all delinquencies are paid or the taxpayer enters into an agreement with the Treasurer for payments.
- ▶ Section 8 allows the county executive to designate a mobile home as not suitable for tax sale.
- ▶ Section 9 requires the Treasurer to prepare notice of the auction.
- ▶ Section 10 describes the methods for publishing the notice
- ▶ Section 11 addresses the request for information in an alternative form for the notices.
- ▶ Section 12, 13 and 14 requires the application for judgement and court review.

## SB 455 - Tax Administration of Mobile Homes

- ▶ Section 15 describes the auction and application of proceeds received.
- ▶ Section 16 covers when a purchaser fails to pay the bid price and allows a 255 civil penalty.
- ▶ Section 17 authorizes the application of proceeds that are less than the sum owed for delinquent taxes, penalties, and collection expenses.
- ▶ Section 8 provides when no bid is received.
- ▶ Section 19 prescribes who would be an ineligible bidder for the auction.
- ▶ Amends IC 16-14-27-31 to increase the information needed to be contained in a register maintained by a mobile home community operator.

## SB 456 - War Memorials

- ▶ Effective 7-1-17 and amends portions of IC 10-18-2 on world war memorials to allow a county or city maintaining a world war memorial to sell or donate the memorial, by ordinance to a not-for-profit organization. Ownership of the memorial reverts to the county or city if the not-for-profit dissolves or is unable to maintain the memorial
- ▶ Effective 7-1-17 and amends IC 10-18-3 on City and County war memorials and also allows the city or county to sell or donate a memorial under this chapter to a not-for-profit to maintain. Ownership of the memorial reverts to the county or city if the not-for-profit is dissolved or is unable to maintain the memorial.
- ▶ There provisions for city and township memorials

## SB 505 - County Recorder Matters

- ▶ Effective 7-1-17 and amends IC 6-1.1-12-37 on homestead deduction to allow a memorandum of contract recorded in the county recorder's office as evidence of residence with the same requirements as a recorded contract.
- ▶ Effective 7-1-17 and amends IC 24-9-9-1 and IC 24-9-9-2 for the \$3 mortgage fee collected by the recorder. The fee is included in the new flat rate, however \$2.50 of the fee for each mortgage will continue to be sent to the state at settlement.
- ▶ Effective 1-1-18, and amends IC 32-21-2-15 to allow for electronic recordings of documents relating to real property and must follow the requirements in a new chapter IC 32-21-2.5 on Uniform Real Property Electronic Recording Act.



## SB 505 - County Recorder Matters

- ▶ Effective 7-1-17 and adds a new chapter 32-21-2.5 called Uniform Real Property Electronic Recording Act
- ▶ Section 1 through 6 provide definitions including:
  - ▶ A document means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form and is eligible to be recorded in the land records maintained by a county recorder
  - ▶ Electronic Document means a document that is received by a county recorder in an electronic form.
  - ▶ Electronic signature means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with intent to sign the document.

## SB 505 - County Recorder Matters

- ▶ Effective 1-1-18; Establishes IC 32-21-2.5-8
  - ▶ Implementation must follow standards established by the electronic recording commission established under IC 32-21-2.5-9
  - ▶ The Recorder may receive, index, store, archive and transmit electronic documents.
  - ▶ The Recorder may provide for access to, and for search and retrieval of documents and information by electronic means
  - ▶ A Recorder who accepts electronic documents for recording shall continue to accept paper documents and place entries for both types of documents in the same index

## SB 505 - County Recorder Matters

- ▶ Establishes IC 32-21-2.5-9 on the electronic recording commission which shall be established to adopt standards of implementation before 1-1-18. The commission consists of five members appointed by the governor:
  - ▶ 3 of the members must be county recorders
  - ▶ One of the members must be employed in Indiana in the banking or mortgage lending industry
  - ▶ One of the members must be employed in Indiana in the land title industry.

## SB 505 - Recorder Fees

- ▶ Effective 7-1-15
  - ▶ Recording deed or other instrument, other than mortgage \$25
  - ▶ Recording mortgage \$55
  - ▶ Pages larger than 8 ½ by 14 inches-first page \$25
    - ▶ Each additional page \$5 per page
  - ▶ Attesting to the release, partial release or assignment \$7 per transaction
    - ▶ Fee under subsection 1 \$25
  - ▶ Copies of records-pages smaller than 11 by 17 \$1 per page
  - ▶ Copies of records-pages larger than 11 by 17 \$5 per page
  - ▶ Acknowledgement/Certification \$5

## SB 505 - Recorder Fees

- ▶ IC 36-2-7-10(d) establishes how the fees collected will be allocated for all counties that do not have a consolidated city.
- ▶ Recording any deed or other instrument other than mortgage
  - ▶ County general \$8
  - ▶ County surveyor's corner perpetuation \$5
  - ▶ County recorder's records perpetuation fund \$10
  - ▶ County Identification security protection fund \$1
  - ▶ Elected officer's training fund \$1

## SB 505 - Recorder Fees

- ▶ IC 36-2-7-10(e) continues for allocation of costs for recording a mortgage, other than for a county with a consolidated city
  - ▶ County general \$34
  - ▶ County surveyor's corner perpetuation \$5
  - ▶ County recorder's records perpetuation \$11.50
  - ▶ Auditor of State \$2.50
  - ▶ County identification security protection \$1
  - ▶ County elected officers training \$1

## SB 505 - Identification Security Fund

- ▶ Effective 7-1-17 - Amends IC 36-2-7.5-11 for the County identification security protection fund
  - ▶ The fund does not revert to county general however; money in a fund may be transferred to the county recorder's perpetuation fund for the uses set forth in IC 36-2-7-10(f)
    - ▶ The primary purpose of the fund is purchase, upgrade, implement or maintain redacting technology or to secure protection measures used in the office of the county recorder.
    - ▶ The fund must be appropriated by the council

## SB 505 - Affordable Housing Fee

- ▶ Affordable Housing Fee-Counties without a consolidated city
- ▶ Fee is found in IC 36-2-7-10(c)(8).
- ▶ Effective 7-1-17, the fee is \$10 for each document recorded.
- ▶ IC 36-2-7-10(j) allocates the fee at 60% to local affordable housing funds and 40% to the State for the State's affordable housing and community development fund.
  - ▶ To charge this fee, at least one unit in the county must establish an affordable housing fund and the county fiscal body must adopt an ordinance authorizing the fee

## SB 505 - Affordable Housing Fee

- ▶ Affordable housing fee for counties with a consolidated city
- ▶ IC 36-2-7-10(c)(9) allows the county to charge \$2.50 for the first page and \$1 for each additional page of each document recorded.
- ▶ IC 36-2-7-10(k) allocates this fee at 60% to the local housing trust fund and 40% to the State for deposit into the affordable housing and community development fund.
- ▶ Effective 7-1-17 a new section is added - IC 36-2-7-10.7 which allows the county to adopt an alternative ordinance charging a flat \$10 per document fee and all of the fee would be placed in the local housing trust fund.

## SB 505 - Bulk Copies

- ▶ Effective 7-1-17 and adds a new section to IC 36-2-7-10.1
- ▶ The county executive shall establish by ordinance the manner and form in which the county recorder may provide bulk form copies. The ordinance must establish the use of disk, tape, drum or other electronic medium or by electronically transmitting the copies or both
- ▶ The bulk user must submit a written request identifying the requested bulk form copies with reasonable particularity. Unless refused, the recorder shall supply the bulk form copies as prescribed by ordinance in an reasonable time after the later of the following events:

## SB 505 - Bulk Copies

### ▶ Bulk user request-continues

- ▶ (1) the recorder's archival process is complete and bulk form copies become available in the recorder's office
- ▶ (2) the bulk form user executes a contract that meets the requirements of subsection (g) with;
  - ▶ (A) the county recorder; and
  - ▶ (B) if the county recorder uses a third party to provide bulk copy services, the county recorder's designee

## SB 505 - Bulk Copies

### ▶ Effective 7-1-17 subsection (d) and (e) is added to IC 36-2-7-10.1 on fees

- ▶ Ten cents (\$0.10) per page for a copy of recorded document, including the instrument's book and page, if applicable
- ▶ Ten cents (\$0.10) per recorded document for a copy of the indices used by the county recorder for finding, retrieving and viewing a recorded document.

However, if the county executive makes a finding and determination that costs of producing bulk form copies, including watermark exceed the fee above and pass an ordinance, the fee can be increased to \$0.20 per page for copies of recorded documents and copies of indices instead of the \$0.10 per page above.

All fees charged for bulk form copies are deposited into the recorder's record perpetuation fund.

## SB 505 - Bulk Copies

- ▶ Effective 7-1-17 adds a new subsection (g) to IC 36-2-7-10.1 for contracts.
- ▶ A bulk user must enter into a contract with the county recorder and if the county recorder uses a third party to provide bulk form copies, the county recorder's designee in order to receive bulk form copies. The contract must be in writing and must require the bulk form user not to do any of the following:
  - ▶ Except as provided in subsection (h), provide transfer or allow the transfer of any copy of a recorded document obtained by the bulk user
  - ▶ Engage in unauthorized access to recorded documents.
  - ▶ Engage in unauthorized alteration or recorded documents.

## SB 505 - Memorandums

- ▶ Effective 7-1-15 and amends IC 36-2-11-20 to add that a memorandum of a contract as well as a memorandum of a lease may be recorded in lieu of the lease or contract if the memorandum is executed and acknowledged by the parties and contains:
  - ▶ The names of the **parties**
  - ▶ The term of the lease **or contract**
  - ▶ Any option of the lessee to renew or extend the lease **or of the purchaser to renew or extend the term of the contract**
  - ▶ The specific legal description of the real estate or a survey or plot plan authorized under subsection (i) showing the location of the **real estate**.

## SB 507 - Economic Development

- ▶ Effective 7-1-17 and amends IC 36-7-12-36 regarding reporting requirements for economic development commissions. The statute now reads that the each commission shall file a report within 30 days of the initial meeting and each subsequent January 31 with the fiscal body that it serves. There is no longer a requirement to file the report with the director of the Indiana Development Corporation. The report must contain:
  - ▶ Information on the operations, activities, and financial expenditures of the commission during the preceding calendar year
  - ▶ And any other information required by the fiscal body that the commission serves.

## SB 515 -Set Off of Refunds

- ▶ Effective 1-1-18 and amends IC 6-8.1-9.5 on the set-off of income tax refunds. It expands the definition of a claimant agency to include “a unit of local government that has an interlocal agreement with a clearinghouse established under section 3.5 of this chapter.” A unit of local government means a county, city, town, township, and any other political subdivision, commission or agency, including a school corporation.
- ▶ Effective 1-1-18 and amends IC 6-8.1-9.5 by adding a new chapter 3.5. The department of revenue may enter into a contract with a nonprofit entity that represents units of local government exclusively in Indiana to establish a clearinghouse. The purposes of the clearinghouse are outlined in this chapter. Only one clearinghouse may be registered with the department and the local unit of government must enter into an interlocal agreement with that clearing house.



## SB 515 - Set off of Refunds

- ▶ Effective 1-1-2018 and adds a new section, 3.7 to IC 6-8.1-9.5-3.7 that outlines the responsibilities of the local unit before they may submit the debt for a set off of refunds. This includes a written notice to the debtor, and holding an informal hearing with the debtor if debt is contested.
- ▶ Effective 1-1-18 and amends 6-8.1-9.5-10 to allow for a local collection fee not to exceed \$20. The fee is distributed to the clearinghouse.
- ▶ Effective 1-1-18 and amends IC 6-8.1-9.5-12 to add the local units to the priority of claims when there is more than one claimant agency.

## SB 539- Notaries

- ▶ Effective 7-1-17 and adds a new chapter to IC 33-42-0.5 which provides definitions. Repeals chapters 1,2,3,4, and 8.
- ▶ Chapter 9 - Notarial Acts
- ▶ Chapter 10 - Official Seals and Stamping Devices
- ▶ Chapter 12 - Commission Requirements and Qualifications
- ▶ Chapter 13 - Notary Discipline
- ▶ Chapter 14 - Notary Fees
  - ▶ Includes the provision that a public official or deputy or appointee of the public official may not charge for services of a notary in connection with official business of that office.

## SB 539 - Notaries

- ▶ Effective 7-1-17 and adds new chapters:
- ▶ Chapter 15 Apostilles
- ▶ Chapter 16 Miscellaneous Provisions

## HB 1002 - Transportation Infrastructure

- ▶ Effective 7-1-17 and amends IC 6-3.5-4-5 (Excise Surtax) and IC 6-3.5-5-5 (Wheel Tax) to extend the deadline to adopt an ordinance from July 1 to September 1 to that would apply to the following year of collection. Also amends IC 6-3.5-4-6 (Excise Surtax) and IC 6-3.5-5-8 (Wheel tax) that to impose, rescind or change the rate or amount of the surtax or wheel tax, the county must include a copy of the letter from INDOT approving the county's transportation asset management plan along with a copy of the ordinance to BMV. The deadline to provide the fiscal body an estimate of the revenues from the surtax and wheel tax is moved back to October 1.
- ▶ Effective 7-1-17 and amends IC 8-14-1-4 to add " For funds distributed to a county from the motor vehicle highway account after June 30, 2017 the county shall use fifty percent (50%) of the money for the construction, reconstruction, and maintenance of the county's highways.

## HB 1002 Transportation Infrastructure

- ▶ Effective 3-23-16 and amends IC 8-23-30-3 for the Community Crossing grants. The local match may come from any money the local unit is authorized to use for a local road or bridge project as well as special distributions of local income tax and money in the unit's rainy day fund.
- ▶ Effective July 1, 2017 and amends IC 8-23-30-6 for the required local match percentages to allow counties with a population under 50,000 and towns with a population under 10,000 to only need a 25% match of funding. For all other units, the percentage remains at 50%.
- ▶ Effective July 1, 2017 and amends IC 8-23-30-7 to allow that if multiple units, including any combination of cities, towns and counties, apply jointly for a matching grant for a project that extends across multiple jurisdictions, they may aggregate the maximum amounts determined by INDOT.

## HB 1009 - Issuance of Bonds

- ▶ Effective 7-1-17 adds a new chapter, 11.5 to IC 5-1 on bonds and other obligations. This replaces IC 5-11-1-4 on the requirements to file a GAAP report before issuing bonds on a phase in schedule. For all counties that have a population of greater than 100,000 and all municipalities with a population greater than 75,000 bonds may not be issued after June 30, 2020 unless the county or municipality had for its preceding budget year prepared an annual financial report using the modified accrual basis of accounting in accordance with GAAP.

## HB 1031 State Examiner Findings

- ▶ Effective 7-1-17 and adds a new section, 1.5 to IC 5-11-5 that if an examination report for an audited entity failed to observe a uniform compliance guideline established under IC 5-11-1-24 or failed to comply with a specific law, the audited entity is required to take action to address the audit finding.
- ▶ If a subsequent examination report of the audited entity contains the same or a substantially similar finding to the finding contained in the previous examination report, the officer shall file a corrective action plan as a written response to the report.

## HB 1031 - State Examiner Findings

- ▶ The state board of accounts shall create guidelines for use by an audited entity to establish a corrective action plan. The finding must be corrected within 6 months.
- ▶ After successful completion of the corrective action plan, the audited entity must notify SBOA. SBOA shall review each corrective action plan. If the plan is not implemented or the issue is not corrected within 6 months, SBOA will prepare a memorandum with a summary of the report finding, the corrective action plan, the manner in which the finding was not addressed and a recommended course of action.

## HB 1031 - State Examiner Findings

- ▶ The memorandum is presented to the Audit Committee established by IC 2-5-1.1-6.3. If the audit committee determines further action should be taken, they may do any of the following
  - ▶ Request a written statement from the public officer of the audited entity
  - ▶ Request the personal attendance of the public officer at the next audit committee meeting
  - ▶ Request that the public officer take corrective action
  - ▶ Notify the fiscal body of the audited entity and the DLGF the audited entity failed to observe a guideline established under IC 5-11-1-24(a) or a specific law and a recommendation which shall be posted on the IGA website.
  - ▶ Refer for investigation or prosecution for a violation of IC 5-11-1-10 or 5-11-1-21

## HB 1031 - State Examiner Findings

- ▶ Audit Committee actions (continued)
  - ▶ Recommend that legislation be introduced in the general assembly to amend any statute under which an audited entity is found to be noncompliance
  - ▶ Recommend that the state board of accounts examine the audited entity within the calendar year following the year in which the entity was required to file a corrective action plan.

## HB 1043 - Petition and Remonstrance

- ▶ Effective 1-1-18 and amends IC 6-1.1-20-1.1 on the definition of a controlled project. The definition now establishes new threshold amounts that are phased in 2017 and 2018. Starting in 2019, DLGF will publish the threshold amount.
- ▶ Effective 7-1-17 and amends IC 6-1.1-20-3.1 on the petition and remonstrance process for a controlled project. There are new threshold amounts for schools and for other units under which the petition and remonstrance process applies.
- ▶ Adds new requirements for public hearings and information that needs to be supplied to the public by the unit that is proposing the ordinance for the preliminary determination. This information includes the units total debt, new potential debt levy and comparing debt to gross AV of the unit.

## HB 1043 - Petition and Remonstrance

- ▶ Effective 7-1-17 and amends IC 6-1.1-20-3.1 (continued)
- ▶ The voters registration office must still make a determination that each person who signed is a registered voter, but may stop the process when they have determined that at least 525 persons who signed are registered voters.
- ▶ If the Voter's Registration office is not able to determine that there are 525 individuals signed as registered voters, the list is turned over to the auditor's office to determine if anyone who signed as a registered voter but was determined not to be, is an owner of property within the political subdivision and anyone who signed as a owner of property does own property within the political subdivision.
- ▶ There is a process for a person that resides in the political subdivision to petition DLGF if they feel that a controlled project was divided to avoid the petition and remonstrance process.

## HB 1043 - Public Question

- ▶ Effective 7-1-17 and amends IC 6-1.1-20-3.5 on referendums and also adds new thresholds phased in over 2017 and 2018 for the determination of when a referendum process is required. It also adds an additional clause that the sum of all controlled projects for a 365 day period must be considered in the determination.
- ▶ Also adds new requirements for public hearings and the information that needs to be provided to the citizens.
- ▶ Adds a new time period for which a new public question may not be submitted to the voters if a public referendum is defeated if a petition is submitted to the Auditor of 500 persons who are either owners or registered voters or 5% of the registered voters, requesting a shorter time period before a new public question may be submitted to the voters.

## HB No. 1129 - Local Income Tax

- ▶ Effective 7-1-17 amends IC 6-3.6-2-14 which is the definition of public safety to add law enforcement training to the definition of public safety.
- ▶ Effective 7-1-17 amends IC 6-3.6-3-2 on actions by ordinance or resolution. The new law states that DLGF shall notify the submitting entity within 30 days after submission whether they have received all of the necessary information. It goes on to state that final action is not approved for a new tax or amendment of an existing tax until DLGF has received the required information.
- ▶ Effective 1-1-17 amends IC 6-3.6-3-7 and requires a local income tax council to also provide notice of a public hearing on a proposed ordinance to all taxing units in the county at least ten days before the hearing.

## HB 1129 - Local Income Tax

- ▶ Effective 1-1-17 and amends IC 6-3.6-3-7.5 for notices provided by the county council and adds the requirement to notify each taxing unit in the county on the date and time of a public hearing for a proposed ordinance on local income tax at least 10 days before the hearing is scheduled.
- ▶ Effective 1-1-17 and amends IC 6-3.6-6-8(a) to state that funding for a PSAP under a former tax continues to apply under this chapter until it is rescinded or modified. If funding was not dedicated for a PSAP, the adopting body may adopt a resolution providing that all or part of the additional revenue allocated to public safety is to be dedicated for a PSAP. The resolution first applies in the following year and then thereafter until it is rescinded or modified. Funding dedicated for a PSAP shall be allocated and distributed as provided in IC 6-3.6-11-4.

## HB1144 - Rail Transit Development District

- ▶ Effective 7-1-17 and adds a new chapter, 4.5 to IC 36-7.5 on Northwest Indiana Regional Development Authority. This chapter has procedures for a county to financially participate in the mainline double tracking project as either an associate member or cash participant counties. This may affect TIF revenues or involve incremental revenues for funding the district.



## HB 1272 - Publication of Notices

- ▶ Effective 7-1-17 and amends IC 5-3-1-2. A new subsection is added that if a notice is submitted to the newspaper in a timely manner and the newspaper does not refuse to publish the notice but subsequently fails to publish the notice and within the same period required for publishing, the printed notice is posted in three prominent places in the county and on the county's internet web site in a location that is easily accessible and identifiable, the notice is sufficient.

## HB 1295 - Disposal of Real Property

- ▶ Effective 7-1-17 and amends IC 36-1-11 on the disposal of real property. Currently the sale of real property having an appraised value of \$50,000 or more must be approved by the fiscal body. Under the new law, the fiscal body may choose by adopting an ordinance to increase that threshold amount to an amount greater than \$50,000.
- ▶ Effective 7-1-17 and also amends IC 36-1-11-5 which allows a disposing agent to offer property to an abutting landowner if the property is appraised at less than \$15,000 now allows the fiscal body to pass an ordinance raising the threshold above \$15,000.

## HB 1394 - Home Rule

- ▶ Effective 7-1-17 and amends IC 36-1-3 by adding a new section, 11.2 regarding the charging of fees for the issuance of a license, permit, registration, endorsement or certificate required by the county for an individual or business to practice an occupation or profession over which a county has jurisdiction. Fees must be waived to the initial issuance and reinstatement, including tests, inspections, and other activities that are a condition of the initial issuance or reinstatement of a license, of an occupational or professional license if
  - ▶ Combined adjusted gross income did not exceed 120%
  - ▶ The applicant is enrolled in a state or federal assistance program
  - ▶ The applicant is a veteran or spouse of a veteran
  - ▶ The applicant is a member of the armed forces or national guard or the spouse of a member.

## HB 1422 - Home Rule

- ▶ Effective 1-1-16 and amends IC 36-1-3 to add a new section 11.4 that a local unit may not adopt or enforce an ordinance that requires an operator of a commercial motor vehicle to obtain a permit from the unit to operate the commercial motor vehicle within the jurisdiction of the unit unless expressly authorized by statute.
- ▶ To the extent that an operator of a commercial motor vehicle has paid for a permit now prohibited, the operator is entitled to a refund of the amounts paid. The claim for refund must be filed by the eligible operator before September 1, 2017.

## HB No. 1450 - Property Tax Matters

- ▶ Effective 6-30-17 and amends IC 5-14-3.8-3.5
  - ▶ Only applies to contracts entered into after June 30, 2016
  - ▶ The political subdivision is to upload a digital copy of the contract one time, if the total cost of the contract exceeds \$50,000.
  - ▶ Applies to all contracts for any subject, purpose, or term except that a political subdivision is not required to upload an employment contract with an employee, but would upload a collective bargaining contract.
  - ▶ If a political subdivision enters into a contract that is not reasonably expected to exceed \$50,000 and later determines that it does exceed \$50,000 the contract must be uploaded within 60 days after that determination.
  - ▶ Signatures may be redacted or obscured.

## HB No. 1450 - Property Tax Matters

- ▶ Effective 7-1-17 and amends IC 6-1.1-37 to add a new section, 15 to allow the county treasurer and the county auditor, to implement a policy to waive, negotiate or settle penalties that have accrued on delinquent property taxes imposed by the county.
- ▶ A negotiated agreement or a settlement agreement must be in writing and between the county auditor and county treasurer and the taxpayer or taxpayer's authorized representative. After concluding the agreement, the county auditor shall provide a copy of the agreement to the taxpayer or taxpayer's authorized representative.
- ▶ The county auditor who waives, negotiates or settles penalties under this subsection must document the action in the manner prescribed by DLGF and provide the documentation to DLGF and SBOA upon request.

## HB 1450 - Service of Process Fee; RDC Reports

- ▶ Effective 7-1-17 and amends IC 33-37-5-15 for the service of process fee. The statute now reads that the Clerk will collect the fee. The fee is increased to \$28 and \$1 of the fee will be deposited into the Clerk's record perpetuation fund. \$27 will be deposited into the sheriff's pension trust fund.
- ▶ Effective 7-1-17 and amends IC 36-7-14-13 for the Redevelopment Commission's annual report. The report must now include all depreciable personal property of any designated taxpayer along with the list of all parcels.

## HB 1450 - Drainage Law

- ▶ Effective 7-1-17 and amends IC 36-9-27-85 on assessments for construction and reconstruction projects. Subsection (c) is amended to state that the county auditor shall not assess the 10% interest upon payments deferred beyond one year for a project for which a construction loan was obtained under section 97.5.
- ▶ Effective 7-1-17 and amends IC 36-9-27-97.5 now requires a construction loan fund to be established for construction/reconstruction project. All assessments received would be deposited to this fund. The repayment of the loan would come from this fund. Any balance remaining after the load is paid would be transferred to the general drain improvement.

## HB 1470 - Government Data

- ▶ Effective 7-1-17 and adds a new chapter to 2-5 on legislative agencies and study committees. The new chapter, 1.7 is on access to government information by the General Assembly. A county would be included in the definition of governmental entity for this chapter. "A governmental entity shall provide the legislative services agency with information requested by the legislative services agency not later than 30 days after receiving the request. However, immediately before and during a session of the general assembly, a governmental entity shall work with the legislative services agency to provide information as soon as practicable in less than the thirty days, as needed to accommodate the legislative schedule.

## HB 1491 - Excise Tax

- ▶ Effective 4-28-17 and amends IC 6-3.5-4-1 and changes titles of vehicle excise tax. Annual license tax is now called vehicle excise tax. Surtax is now called county vehicle excise tax or municipal vehicle excise tax.
- ▶ Effective 7-1-17 and amends IC 6-6-11-17, adds IC 6-6-11-17.5 and repeals IC 6-6-11-18. IC 6-6-11 is the chapter that covers boat excise. Under the new statute, a person may claim a credit from BMV when they sell or otherwise dispose of a boat and if the credit is not used within 90 days after the sale, and the unused credit is at least \$4, BMV will refund the credit after withholding a \$3 processing fee. The new section provides the procedures for claiming a credit or refund. And the repeal of section 18 means that the county auditor no longer provides a refund for a boat that has been destroyed.

## HB 1536 - Tax Sale Certificate

- ▶ Effective 7-1-17 and amends IC 6-1.1-24-9 on assignment of a tax sale certificate. Currently, the county executive has the authority to assign a certificate of sale to any political subdivision and if so assigned, the period of redemption is 120 days after the date of the assignment. This bill adds the provision that, that the assignee must transmit the notices required under IC 6-1.1-25-4.5 not later than 90 days after the date of assignment. If the real property is not redeemed during the redemption period, the assignee may petition the court not later than 90 days after the expiration of the period of redemption.

## HB 1622 - Roll Call Votes

- ▶ Effective 7-1-17 and amends IC 36-2-2-11 and IC 36-2-3-6 for counties with a population of more than 100,000 that maintains an internet web site. The county auditor shall post on the county's internet web site the roll call votes of the county's executive body and the county's fiscal body not later than 3 business days after the following:
  - ▶ The date the roll call is taken if the software can generate the roll call vote
  - ▶ If the software is not able to generate the roll call vote, the date the executive or fiscal body is first able to approve the minutes of the meeting at which the roll call vote was taken.
- ▶ The county auditor shall maintain the roll call vote information on the website for a period of four years.