

LEGISLATIVE UPDATE

County Auditor's Spring Conference
May 2016

SEA 67 – Supplemental Distributions of Local Income Tax

- Amends IC 6-3.6-9-15(g) Before June 1, 2016, the county auditor shall distribute to each taxing unit an amount equal to the taxing unit's allocation amount.
- Amends IC 6-3.6-9-15(h) Money distributed to a county, city or town may be expended only upon an appropriation by the county's, city's or town's fiscal body as follows:

SEA 67 – Supplemental Distribution of Local Income Tax (cont)

- (1) At least 75% of the special distribution must be:
 - (A) used exclusively by the county, city, or town for:
 - (i) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems.
 - (ii) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects.
 - (iii) any local costs required to undertake a recreational or reservoir project under IC 8-23-5
 - (iv) the purchase, rental, or repair of highway equipment.

SEA 67 – Supplemental Distributions of Local Income Tax (cont.)

- (v) providing a match for a grant from the local road and bridge matching grant fund under IC 8-23-30, or
- (vi) capital projects for aviation related property or facilities, including capital projects of a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-33-1.

B. Deposited in the county's, city's, or town's rainy day fund established under IC 36-1-8-5.1. The money deposited in a rainy day fund under this clause may not be appropriated from the rainy day fund or transferred to another fund under IC 36-1-8-5.1(g), unless the money will be used exclusively for the purposes set forth in Clause (A).

SEA 67 – Supplemental Distributions of Local Income Tax (cont.)

- (2) The remaining part of the special distribution may be used by the county, city, or town for any of the purposes of the county, city or town. The amount received by a taxing unit that is not a county, city or town shall be deposited in the taxing unit's rainy day fund established un IC 36-1-8-5.1

SEA 87 – Multiple County PTABOsAs

- Effective January 1, 2017 and amends IC 6-1.1-28-0.5(b) The ordinances adopted under section 0.1 of this chapter to establish a multiple county property tax assessment board of appeals must specify the manner and amount of reimbursement that a county assessor under subsection (a) is entitled to receive from each participating county for providing administrative support to the multiple county property tax assessment board of appeals.

SEA 87 – Multiple County PTABOs

- Effective January 1, 2017 amends IC 6-1.1-28-8(b) by adding “In the case of a multiple county property tax assessment board of appeals under section 0.1 of this chapter, the costs and payment of the expenses and per diem compensation described in this subsection shall be apportioned among the participating counties in the manner specified in the ordinances establishing the multiple county property tax assessment board of appeals.

SEA 87 – Multiple County PTBOAs

- Effective 1-1-2017 amends IC 36-2-5-7 to add to the commissioners budget; “The expenses of a multiple county property tax assessment board of appeals under IC 6-1.1-28.01 or of the county property tax assessment board of appeals under IC 6-1.1-28-1 (as applicable)”

SEA 148 – PERF Defined Contribution Plan

- Effective July 1, 2016
- Amends IC 5-10.3-7-1.1 to state that an individual as defined in section (a) who separates from employment with a political subdivision and later returns to employment with the political subdivision, having had an opportunity to make an election is not entitled to a second opportunity to make an election under this section.
- Adds a new section, IC 5-10.3-7-4.3, that allows a member of the defined contribution plan may purchase and claim years of service credit in the fund, subject to certain requirements.

SEA 148 – PERF Defined Contribution Plan (cont.)

- Requirements for purchase of years of service credit:
 - The member has at least one (1) year of credited service in the fund
 - The member has at least ten (10) years of credited service in a covered position in the fund before the member may claim the years of service credit.
 - After acquiring one (1) year of credited service in the fund and before the member retires, the member must make the following contributions:
 - Contributions that are equal to the product of the following
 - The member's salary at the time the member makes a contribution for service credit
 - A percentage rate, as determined by the actuary of the fund, based on the age of the member and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributed to the service credit purchased.
 - The number of years of service credit that the member intends to purchase.

SEA 148 – PERF Defined Contribution Plan (cont.)

- Requirements for purchase of service credits (cont.)
 - Contributions for any accrued interest at a rate determined by the actuary of the fund for the period from the members initial membership to the date payment is made by the member.

A member who terminates employment before becoming eligible to receive a monthly allowance or who receives a monthly allowance for the same service from another tax supported public employment retirement plan other than under the Federal social security act may withdraw the personal contribution after submitting an application for a refund in a manner prescribed by the INPRS board.

SEA 148 – PERF Defined Contribution Plan (cont.)

- The following apply to the purchased of service credit under this section:
 - The board may allow a member to make periodic payments of the contributions required for the purchase of service credit
 - A member may elect to make a transfer of the vested portion of the members annuity savings account balance attributable to participation in the public employee's defined contribution plan to purchase service credit in the fund.
 - The board may deny an application for the purchase of service credit in the fund in the purchase would exceed limitations under Section 415 of the IRS code.
 - A member may not claim the service credit unless the member has made all the payments required.

SEA 148 – PERF Defined Contribution Plan (cont.)

- A new section is added, IC 5-10.3-12-32 that is effective 7/1/16
- Sec 32 (b) states that if a participating political subdivision adopts an ordinance/resolution, an individual that is a retired member prohibited from making contributions to the fund during a period of reemployment that begins more than 30 days after retiring and is rehired in a full time position that would otherwise be covered by the fund, may be allowed to resume membership in the plan for the period of re-employment.

SEA 183 – Foreclosure Mischief

- IC 35-43-4-9 is a new section effective 7-1-16
- A person who knowingly or intentionally damages, permanently removes an object from or defaces real property in foreclosure commits foreclosure mischief, a Class B misdemeanor. The offense is a Class A misdemeanor if the damage is \$750 to \$50,00 and a level 6 felony if the loss is over \$50,000.
 - Note: this applies to a security interest in property that is a mortgage, land contract or similar agreement. It is not for security interests such as a mechanic's lien, a tax lien or a lien placed by a homeowner's association unless the property is also subject to foreclosure under a mortgage, land contract or similar security interest.

SEA 216 – Residential Complex Traffic Ordinance

- Effective 7-1-2016 and adds a new section as IC 9-21-18-4.1
- Allows a political unit to pass a moving traffic ordinance and enter into an agreement with the owner of a residential complex to enforce the residential traffic ordinance on the residential property.
- The statute sets out specific requirements for the ordinance.

SEA 232 – Land Banks

- A new chapter is added effective July 1, 2016; IC 36-7-38 Land Banks
- The legislative body may adopt an ordinance establishing a nonprofit corporation as an independent instrumentality exercising governmental functions, whose primary purpose is to manage and improve the marketability of distressed real property located in the territory of the eligible unit.
- The legislative body shall specify the name of the entity and the number of board members.
- The territory of a land bank established by a county is all the territory of the county, except for the territory of any second class city that has established a land bank.

SEA 232 – Land Banks (cont.)

- Section 3 states that the bylaws must require the board to approve purchase, transfer or lease of real property held by the land bank.
- Section 4 states that the land bank is governed by a board of directors of no less than seven or more than nine members.

SEA 232 – Land Banks (cont.)

- Section 9 discusses the mission of the land bank which includes the sale of transfer of properties:
 - For redevelopment that will act as a catalyst for further development
 - That support a comprehensive development plan or strategic plan for neighborhood revitalization
 - That reduce blight in the community
 - That revitalize or stabilize neighborhoods
 - That will be returned to productive, tax paying status
 - That will return to productive uses, including development of green spaces
 - That are available for immediate ownership/occupancy
 - That will be used for affordable housing
 - That will generate operating support for the functions of the land bank

SEA 232 – Land Banks (cont.)

- Section 13 states that within six months after the county has established a land bank, the county will furnish the land bank with a list of real property located in the county for which the county holds a tax sale certificate or tax deed and that is not committed to a redevelopment project or for another reason. The county shall offer to assign the tax sale certificates and convey the real property at no cost to the land bank.
- Section 15 IC 36-1-11 on the sale or disposal of real property does not apply to the sale, transfer or lease of property by the land bank.
- Section 18 states that employees of the land bank are not employees of the county.

SEA 232 – Land Banks

- Section 21 states that the land bank is subject to open door law and public records law.
- Section 22 states that land banks are to be audited by the State Board of Accounts.

SEA 238 – Soil and Water Conservation Funding

- Effective 7-1-16 Amends IC 14-32-8-8
- The state division of soil conservation will pay to a soil and water conservation district \$1 for every \$1 the district receives from a political subdivision; **or if a district receives no funding from a political subdivision, from any funding source. The board shall consider funds received from a source referred to in subdivision (2) as qualifying for matching payments under this subsection.**

SEA 271 – Drug Free Community

- Effective 7-1-2016 and adds a new Chapter IC 4-3-25 that establishes a new Commission to Combat Drug Abuse.
- The new Commission consists of 18 members including the executive director of the Indiana criminal justice institute. The criminal justice institute shall provide staff support for the commission.
- The executive director of the Indiana criminal justice institute is responsible to approve comprehensive drug free community plans and funding requests submitted by local coordinating councils.

SEA 271 – Drug Free Community

- Repeals IC 5-2-6-16 on the commission for a drug free Indiana.
- The criminal justice institute approves the grant amount
- Amends IC 5-2-11-1.6 to authorize that the appointment and approval of the local coordinating council.
- If the criminal justice institute has not approved the comprehensive drug free community plan for the county, the fiscal body may not appropriate any funds at the request of the local coordinating council or any other local entity.

SEA 300 Appraisalment and Real Estate Brokers

- Effective July 1, 2016
- Amends IC 32-33-11-4 that when a lien is enforced on property and the court shall order the sale, there is no longer a need for appraisals of the property.
- Amends IC 34-54 and IC 34-55 to state that property sold at a Sheriff sale no longer require appraisals prior to sale.

SEA 306 – Bond Bank Community Funding

- Effective March 21, 2016
- Amends IC 5-1.5-8-5 to add subsection (b): This subsection applies to securities of a qualified entity acquired by the bank, or arising from an agreement entered into with the bank, on or after March 1, 2016. Upon receiving notice from the bank that a qualified entity has failed to pay when due the principal or interest on securities of the qualified entity then held or owned by or arising from an agreement with the bank, the fiscal officer (as defined in IC 36-1-2-7) of the county...

SEA 306 – Bond Bank Community Funding

- (1) Reduce the amount of any revenues or other money or property that (A) is held, possessed, controlled, or otherwise in the custody of the county or a department, an agency, or an instrumentality of the county; and (B) would otherwise be available for distribution to the qualified entity under any other law; by an amount equal to the amount of the qualified entity's unpaid securities.
- (2) Pay the amount by which the revenues or other money or property is reduced under subdivision (1) to the bank to pay the principal and interest on bonds or other obligations of the bank.
- (3) Notify the qualified entity that the revenues or other money or property, which would otherwise be available for distribution to the qualified entity, has been reduced by an amount necessary to satisfy all or part of the qualified entity's unpaid securities to the bank.

SEA 306 – Bond Bank Community Funding

- Subsection (c) states in part that “...A reduction under subsection (b) must be made as follows: (1) first, from local income tax distributions under IC 6-3.6-9 that would otherwise be distributed to the qualified entity under the schedules in IC 6-3.6-9-12 and IC 6-3.6-9-16. (2) Second from any other revenues or other money or property that (A) 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 (B) would otherwise be available for distribution to the qualified entity under any other law.

SEA 308 - PSAP

- Effective 7-1-2016 and adds a new section: IC 6-3.6-6-2.5
- If the adopting body is the local income tax council; and the adopting body did not allocate revenue under this chapter from an expenditure rate of at least one-tenth of one percent (0.1%) to pay for a PSAP in the county for a year, then a county fiscal body may adopt an ordinance to impose a tax rate for a PSAP in the county. The rate must be in increments of one-hundredth of one percent(.01%) and may not exceed one-tenth of one percent (.1%)

SEA 308 - PSAP

- The revenue generated must be maintained in a separate dedicated county fund and used only for paying for a PSAP in the county.
- If the county adopts a PSAP rate under this new section, the distribution from the local income tax revenues for expenditures will be distributed to the county first, the amount of revenue generated by the PSAP rate adopted.

SEA 308 – Prisoner Reimbursement

- Effective 7-1-2016 and amends IC 36-2-13-16
- Modifies the uses of the County prisoner reimbursement fund (fund 1130).
- IC 36-2-13-16 (e) states that “For a county that has a balance in the fund that exceeds the amount needed for the purposes set forth in subsection (d), the fund may be used by the county for the costs of care, maintenance, and housing of prisoners, including the cost of housing prisoners in the facilities of another county.”

SEA 309 State and Local Taxation

- Effective 7-1-16
- Amends IC 6-1.1-10-16(l) on exemption of building and land held by a nonprofit organization with intent to transfer to a low income individual. If the transfer of property does not occur within eight years after the assessment date for which the exemption was granted or the property is not transferred to a person who is a low income individual or the property is not used by a low income individual for at least one year, the person receiving the exemption shall notify the county recorder and the county auditor of the county in which the property is located not later than sixty days after the event. The County Auditor shall immediately notify the County Assessor.

SEA 310 – Serial Tax Delinquencies

- Effective March 24, 2017 and amends IC 6-1.1-24.5-2
- Counties, cities and towns petitioning the court for an order to deliver a tax deed under Serial Tax Delinquencies now may serve the petition on the owner of record and no longer with persons with substantial property interest.
- Current taxes and assessments as well as delinquent taxes and assessments must be paid prior to the court appearance date.

SEA 310 – Serial Tax Delinquencies

- If an order is entered finding serial tax delinquencies exist the county auditor shall remove the tracts from tax sale list and remove the taxes and special assessments for which the tract or item of real property became eligible for tax sale and all subsequent taxes, special assessments, interest, penalties and costs of sale from the tax duplicate in the same manner that taxes are removed by certificate of error.

SEA 327 Transparency Portal - Contracts

- IC 5-14-3.8-3.5 is effective 7-1-16
- A political subdivision shall scan and upload the digital image of a contract to Gateway during the year that the contract amount to be paid exceeds the lesser of 10% of the political subdivisions property tax levy for that year or \$50,000. The contract is to be scanned and uploaded not later than 60 days after the contract is executed.

SEA 355 – Notice of Tax Sale

- Effective March 24, 2016 and amends IC 6-1.1-24-1.5
- Adds a new subsection (e) that allows for properties that are not sold when initially offered for sale that the county auditor may omit from the tax sale notice the descriptions of the tracts or items of real property for a subsequent sale if the auditor includes in the notice a statement that descriptions are available on the Internet website of the county or county's contractor and the county does include those descriptions on the website. It must also be available in an alternative form upon request.

SEA 355 – Notice of Tax Sale

- Effective 7-1-2016 and amends IC 6-1.1-24-7.5 to allow the Attorney General and the Attorney General's Homeowner Protection Unit enforce IC 6-1.1-24-7.5 when a property owner enters into an agreement for paying compensation to locate, deliver, recover or assist in the recovery of money deposited into the tax sale surplus fund.

SEA 355 – Notice of Tax Sales

- Effective 7-1-16
- Amends IC 32-21-2 by adding a new section 14 that states: A county recorder may not record a document of conveyance to which IC 32-21-8-7 applies unless the document of conveyance has been endorsed by the auditor of the proper county under IC 36-2-11-14.
- Amends IC 32-21-8-3 for a tax sale surplus fund disclosure form must include by adding “Proof from the county treasurer that the person acquiring the property has paid to the county treasurer the amount required under IC 6-1.1-25 for the redemption of the property”

SEA 355 – Notice of Tax Sales

- Amends IC 32-21-8 by adding a new section 7: (a) Before a county auditor may make the endorsement required by IC 36-2-11-14 on a document of conveyance for property to which this chapter applies, the person acquiring the property must: (1) redeem the property by paying to the county treasurer the total amount required under IC 6-1.1-25; and (2) provide to the county auditor proof from the county treasurer that the person made the payment specified under subdivision(1). (b) A conveyance of property to which this chapter applies is inoperable and void if the conveyance document is not recorded with the county recorder of the county where the property is located on or before the expiration of the redemption period specified under IC 6-1.1-25 for the property.

SEA 372 Deficiency Judgments and Foreclosed Property

- Effective upon passage 3/21/16
- Amends IC 24-4.4-2-201 and adds: this section is not intended to provide the owner of real estate subject to the issuance of process under judgment or decree of foreclosure any protection or defense against a deficiency judgment for purposes of borrower protections from a liability that must be disclosed on a specified form required by amendments to a federal rule concerning mortgage disclosures (1) the statutes governing the payoff of and short sales involving consumer credit sales and consumer loans under UCC.

SEA 366 – Solid Waste District

- Effective 7-1-2016 and amends IC 13-21-3-1
- The requirement for each county to have a single county solid waste management district or be a member of a joint solid waste district expires 7-1-2017.
- A county may dissolve its single county solid waste management district if the county executive and county fiscal body adopt ordinances in favor of the dissolution and the county follows the procedure by which a political subdivision may dissolve another political subdivision that it had established.

SEA 366 – Solid Waste District

- Effective 7-1-16 and adds a new chapter – IC 13-21-15 on the dissolution of districts.
- Upon dissolution, any legal obligations of the district transfer to the county and those must be paid from the assets of the district. Any additional assets must be used to provide services previously provided by the district
- The county may continue to collect the fees that had been collected by the district, but the collections must be used exclusively to provide services previously provided by the district.
- If the district had a property tax levy, the authority to impose the levy is transferred to the county, but the county must use the taxes collected only for the uses for which the district was authorized to use its levy.

SEA 366 – Solid Waste Districts

- Effective 7-1-2016 and amends IC 36-1-8-17.7
- Provides the procedures to dissolve a political subdivision that was established by another political subdivision for which there is no process or procedure expressly specified by law.
- Requires the adoption of a preliminary resolution and must hold a separate public meeting regarding the proposed dissolution at least 90 days after adopting the preliminary resolution or 180 days if the subdivision to be dissolved has been in existence at least 10 years.

SEA 366 – Solid Waste District

- At least 10 days before the public meeting the plan regarding the dissolution must be made available.
- The plan must specify (A) the effective date of the dissolution (B) a description of the assets and obligations of the political subdivision to be dissolved and a proposal regarding the distribution of those assets (C) a description of the services provided and how those services will be provided after the dissolution.
- The public must have opportunity to comment

SEA 371 – Probate Matters

- Effective March 31, 2016 and amends 6-4.1
- Transfers the duties for processing inheritance taxes from the probate court, county assessor and county treasurer to the Department of State Revenue.
- The current allocation of the tax remains the same. (92 % to the State and 8% to the county of residence of the decedent)

SEA 375 – Prequalification for Public Works Projects

- Effective March 23, 2016 delays implementation to contracts awarded after December 31, 2016
- New section added to IC 4-13.6-4 for qualification of contractors for public works projects as defined by IC 36-1-12-2 excluding construction, alteration, or repair of a highway, street or alley.
- The Indiana Department of Administration's Certification Board will determine qualification of contractors for public works projects.

SEA 375 – Prequalification for Public Works Projects

- Amends IC 8-23-10 on qualification of contractors for the construction, improvement, alteration, repair, or maintenance of a road, highway, street or alley.
- The Indiana Department of Transportation will qualify contractors for these types of public works projects.
- This is also for contracts awarded after December 31, 2016

SEA 375 – Prequalification for Public Works Projects

- There are exceptions for contracts awarded by a local unit. A contractor is not required to be qualified prior to a public works project whenever
 - The total amount of the contract awarded to the contractor for work on the public works project is less than \$300,000 and
 - The local unit complies with IC 36-1-12 in awarding the contract.

SEA 380 – Electronic Meetings

- Effective 7-1-16 Amends IC 36-7-14 and IC 36-7-14.5 for Redevelopment Commissions and Redevelopment Authorities
- Allows votes to be taken at electronic meetings. The bill requires the redevelopment commission and military base reuse authority to adopt policies governing member participation in electronic meetings of both the commission or authority and the redevelopment authority.

HEA 1001 – Road Funding

- Effective 7-1-16 and amends IC 6-3.5-4 (County Motor Vehicle Excise Surtax) and IC 6-3.5-5 (County Wheel Tax)
- Extends the use of the Surtax and Wheel Tax to allow the funds to be used for the county's, city's or town's contribution to obtain a grant from the local road and bridge matching grant fund under IC 8-23-30.
- If the county has a transportation asset management plan approved by the Indiana Department of Transportation, there is an increase in the amount that a county can tax.

HEA 1001- Road Funding

- Surtax
 - With an approved transportation asset management plan the tax rate falls between 2% and 20% or at a specific amount between \$7.50 and \$50.
- Wheel Tax
 - With an approved transportation asset management plan the tax rate is set at a specific amount between \$5 and \$80.

HEA 1001 – Road Funding

- Effective 3-23-16 and adds a new chapter IC 8-23-30 to establish a Local Road and Bridge Matching Grant Fund
- An eligible project is one that is undertaken by a local unit; repairs or increases the capacity of local roads and bridges and is part of the local unit's transportation asset management plan.
- The fund consists of appropriations from the General Assembly, interest and money deposited or transferred from any other source.

HEA 1001 – Road Funding

- To qualify for a grant the local unit must
 - Use a transportation asset management plan approved by INDOT
 - Commit to a local match by using one or more of the following
 - Revenue attributable to an increase, after June 30, 2016 in the local unit's motor vehicle excise surtax or wheel tax under IC 6-3.5
 - Money received by the local unit as a special distribution of local income taxes under IC 6-3.6-9-17
 - Money in a local unit's rainy day fund under IC 36-1-8-5.1

HEA – 1001 Road Funding

- Local Road and Bridge Matching Grant Fund
 - The application must specify the amount the local unit is committing to the project
 - Preference is given to projects that are anticipated to have the greatest regional economic significance
 - The amount of the grant is equal to the amount that the local unit commits
 - 50% of the grants will be made to units in counties with a population less than 50,000
 - The department will determine the maximum grant for any project.

HEA 1017 – Locality Newspapers

- Effective July 1, 2016 and amends IC 5-3-1
- Adds a definition of a locality newspaper and the requirements to meet that definition.
- Amends IC 5-3-1-4 to allow the use of locality newspapers as acceptable means of publishing notices for political subdivisions, **excluding Counties.**

HEA 1019 – Law Enforcement Recordings

- Effective 7-1-16 and amends IC 5-14-3-2 to define Law Enforcement Activity and Law Enforcement Recording.
- A request to inspect or copy a law enforcement recording must be in writing. It must identify the recording with reasonable particularity and include the date and approximate time of the activity, the specific location and the name of at least one individual other than the law enforcement officer who was directly involved.
- There are specific provisions when the record may not be inspected or released.

HEA – 1019 Law Enforcement Recordings

- A fee may be charged for a law enforcement recording duplicate that does not exceed the agency's direct cost of supplying the information and not to exceed \$150 for a law enforcement recording
- A fee collected for a law enforcement recording is to be deposited into a dedicated fund and may be used without appropriation for:
 - Purchase cameras and other equipment in connection with law enforcement activity
 - For training concerning law enforcement recording
 - To defray the cost of storing, producing and copying law enforcement recordings.

HEA 1025 – Alternative Rezoning

- Effective 7-1-16 and amends 36-7-4
- If a plan commission makes a favorable recommendation, the rezoning proposal becomes effective unless an aggrieved person or the legislative body notifies the plan commission
- If a plan commission makes an unfavorable or no recommendation, the rezoning proposal is defeated, unless an aggrieved person or legislative body notifies the plan commission
- The legislative body shall make the final determination when the plan commission is notified.

HEA 1032 – Various Pension Matters (cont.)

- After December 31, 2016, if a member has allocated all or part of the amount credited to the member to the guaranteed program, the board shall exchange the amount allocated for an equivalent market allocation to the stable value fund.
- The board shall eliminate the guaranteed program on January 1, 2017
- After December 31, 2016 a member may allocate contributions and money invested in the alternative investment program to the stable value fund.

HEA – 1032 Various Pension Matters

- Effective July 1, 2016
- Amends IC 5-10.2-2-3 to state that the investment program referred to as the guaranteed program ends after December 31, 2016 and a new investment fund shall be established referred to as the stable value fund that has preservation of capital as the primary investment objective.
- Adds IC 5-10.2-2-24 to state that after December 21, 2016 a member may not make contributions to the guaranteed program.
- For those members who have designated the guaranteed program, the board shall designate as a substitution, one or more alternative investment programs and this remains until the member makes another allowable designation

HEA 1053 – Home Rule

- Effective 3/23/16 and amends IC 36-1-3-8
- Adds a new section IC 36-1-3-8.6 that prohibits a unit from passing a home rule ordinance regulating the manufacture, distribution, sale, provision, use or disposition or disposal of auxiliary containers.
- A unit may not impose or adopt or enforce an ordinance to impose any prohibition, restriction, fee or tax with respect to auxiliary containers.
- This does not restrict or limit curbside or other recycling program

HEA 1081 – Local Income Tax

- Effective 1-1-17
- Local Option Income Tax (LOIT) will be known as Local Income Tax
- County Adjusted Gross Income Tax (CAGIT); County Option Income Tax (COIT) and County Economic Development Income Tax (CEDIT) will be called Local Income Tax and will be distributed to property tax relief; school distributions and certified shares; public safety; economic development; and special purpose.

HEA 1087 - BMV

- Effective March 24, 2016 and adds section 1.7 to 9-22 on abandoned mobile homes located in a mobile home community
- Allows the landowner of a mobile home community or rental property to sell or salvage a manufactured home that has been left without permission on the landowner's property for 30 days to be sold or salvaged.
- The landowner must send notice including notice to the County Treasurer
- If sold the proceeds must be used to pay reasonable attorney fees of the landowner, any liens or security interests and delinquent property taxes due at the time of the sale including special assessments, interest penalties, judgments and costs attributable to the delinquent property taxes.

HEA 1090 – Local Emergency Planning Committee

- Effective July 1, 2016
- Membership on the committee is not a lucrative position
- A local emergency planning committee is a county board of the county
 - If LEPC is wholly within the boundaries of one county, the LEPC is a board of that county
 - If the LEPC includes more than one county, the LEPC is a board of only one of the counties and that county is determined by agreement among the participating counties.

HEA 1102 – Community Corrections

- Effective 7-1-2016
- Expands the eligibility to receive grants to county jails that provide evidence based mental health and addition forensic treatments services and pretrial and diversion programs.
- Requires collaboration among the probation, community corrections, and any other local criminal justice agency that receives the grant for the provision of community supervision.

HEA 1246 – Natural Resource Matters

- Effective 7-1-16 an amends IC 6-1.1-6-12 and IC 6-1.1-6-13
- All approved applications to have land classified a native forest land are now to be processed by the county assessor and not the county auditor.

HEA 1273 – Property Tax Assessment Appeals Fund

- Effective 7-1-16 amends IC 6-1.1-15-10.5
- Allows the taxing unit to transfer property tax receipts from a fund that is not a debt service fund to the taxing unit's property tax assessment appeals fund (Fund 1228)
- Property tax receipts that qualify as levy excess under IC 6-1.1-18.5-17 and IC 20-44-3 must be treated as levy excess and are not eligible to be transferred to the property tax assessment appeals fund.

HEA 1290 Local Administration

- Effective 7-1-16 Amends IC 6-1.1-15 to add a new section that states that a holder of tax sale certificate may not appeal the property assessment.
- Adds a new chapter under IC 11-12-11 to reestablish the County Misdemeanant fund formula that had been repealed in 2015.
- Amends IC 36-7-14-8 effective January 1, 2017. Redevelopment Commission funds must be accounted for separately by the unit establishing the redevelopment commission and the daily balance of the funds must be maintained in a separate ledger statement

HEA 1290 – Local Administration

- Redevelopment funds must be accessible to the redevelopment commission at all times unless waiver procedures are followed.
- The amount of the daily balance of redevelopment commission funds may not be below zero at any time.
- The redevelopment commission funds may not be maintained or used in a manner that is intended to avoid the waiver procedures and requirements for a unit and the redevelopment commission.

HEA 1290 – Local Administration

- An inter-fund loan from the redevelopment funds must have the formal approval of the redevelopment commission in the form of a waiver. The fiscal body and the redevelopment commission must adopt similar resolutions that state the amount of the funds designated as redevelopment funds that are no longer accessible to the redevelopment commission during the term of the waiver and an expiration date for the waiver.

HEA 1298 – Local Government Matters

- Effective 7-1-16 Amends IC 36-4-3-11.2 on annexations
- Sets deadlines for the remonstrance petition process
 - Not later than business 5 days after receiving the remonstrance petition, the county auditor shall submit a copy of the petition to the legislative body of the annexing municipality
 - Not later than 15 business days after the legislative body receives the copy of the petition, they must provide documentation to the county auditor of valid waivers of the right of remonstrance
 - Not later than 15 business days after the documentation is received, the county auditor shall make final determination.

HEA 1372 – Officials’ Bonds and SBOA

- Effective 7-1-16 adds a new section IC 5-4-1-0.5 defining a contractor to mean an individual or entity that (1) enters into a contractual relationship with a city, town, county or township (2) has a fiduciary relationship with or performs a fiscal responsibility for the city, town, county or township and (3) is not insured, for purposes of the individual or entity’s accounts by the Federal Deposit Insurance Corporation.

HEA 1372 – Officials’ Bonds and SBOA

- Effective 7-1-16
- Amends IC 5-4-1-5.1 to read that bonds are to be filed in the office of the county recorder in the county of office or employment of the officer, official, deputy, employee or contractor.
- Amends IC 5-4-1-18 to include that an individual whose duties include receiving, processing, depositing, disbursing or otherwise have access to funds of the political subdivision and in an amount that exceeds \$5,000 per year.

HEA 1372 – Officials’ Bonds and SBOA

- Amends IC 5-7-1-18 by adding: “the fiscal body of a city, town, or county may be ordinance, or the fiscal body of a township may by resolution authorize the purchase of a name or position schedule bond that: (1) names each individual or position covered under the schedule; (2) is endorsed to include faithful performance to cover the faithful performance of all officers, employees, and contractors described in section (a) who are required to file a bond under this chapter; and (3) includes aggregate coverage sufficient to provide coverage amounts specified for all officers, employees, and contractors described in subsection (a) who are required to file a bond under this chapter.

HEA 1372 – Officials’ Bonds and SBOA

- Amends IC 5-4-1-18 (d) by adding that a crime insurance policy that is endorsed to include faithful performance to cover the faithful performance of; and includes aggregate coverage sufficient to provide coverage amounts specified for; all officers, employees, contractors, commission members and persons acting on behalf of the local government units and required to file a bond under this chapter.
- Amends IC 5-4-1-18(j) that the commissioner of insurance may prescribe the form of the bonds or crime insurance policy, however, a bond or crime insurance policy that does not conform to a form prescribed under this subsection may be used to meet the requirements of this chapter.

HEA 1372 – Officials’ Bonds and SBOA

- Amends IC 5-4-1-18(n) that “(1) each bond must provide coverage in the amount required for the individual covered under the bond for one (1) year (the policy year) commencing on the first day of the: (A) fiscal year of the political subdivisions or governmental unit; or (C) individual’s service in the office or position for which the bond is required. (2) A continuous bond may be used to satisfy the requirement of subdivision (1) if the bond: (A) is renewed on an annual basis for the period during which the individual serves in the office or position for which a bond is required; and (B) provides coverage in the amount required for the individual covered under the bond for each policy year.

HEA 1372 – Officials’ Bonds and SBOA

- IC 5-4-1-18(n) also adds that “However, any claim under a continuous bond used under this subdivision must be brought not later than six (6) years after the occurrence giving rise to the claim. (3) The maximum aggregate liability of the surety or insurer for a single policy year is the penal sum of the bond. In the case of continuous bond, the maximum aggregate liability of the surety or insurer for the entire term that the bond is in effect is the penal sum of the bond and the penal sums of the bond for the five (5) immediately preceding years.”
- Amends IC 5-4-1-19 adds contractor to the faithful performance of the duties including the duty of IC 35-44.1-1-1 and the duty to account properly for all monies and property received by virtue of the officers, employee’s or contractor’s service in the office or position.

HEA 1372 – Officials’ Bonds and SBOA (cont.)

- Effective 7-1-16
- Amends 5-11-5-1(b)(7) to add that: “If (A) the state examiner does not call for an additional exit conference to be held as described in subdivision (4); and (B) the: (i) legislative body of the municipality or entity examined and reported upon provides written notice to the state examiner that the legislative body waives an additional exit conference described in subdivision (5); or (ii) state examiner determines that a final report under subsection (a) must be issued as soon as possible; the final report may be issued earlier than forty-five days after the initial exit conference is held under this subsection.”

HEA 1372 – Officials’ Bonds and SBOA (cont.)

- Amends IC 5-11-5-1(j) to state: “An individual described in subsection (i)(3) or (i)(4) who receives examination workpapers and investigation records described in subsection (i) may divulge the workpapers and records in any action with respect to the misappropriations or diversion of public funds.”
- (Note: (i)(3) is a law enforcement officer, the attorney general, a prosecuting attorney, or any other legal representative of the state in any action with respect to the misappropriation or diversion of public funds. And (i)(4) an authorized representative of the United States.)

HEA 1372 – Officials’ Bonds and SBOA (cont.)

- Effective 7-1-16
- Amends IC 20-26-4-5(a)(3) “any individual whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds: (A) that belong to a school corporation or the governing body of a school corporation; and (B) in an amount that exceeds five thousand dollars (\$5,000) per year; shall give a bond for the faithful performance of the treasurer’s, deputy treasurer’s, or individual’s duties written in an amount determined by the governing body...”