

# Indiana State Board of Accounts

## 83<sup>rd</sup> ILMCT Annual Conference

Fort Wayne – Grand Wayne Center

June 2019



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**House Bill 1001**

Enrolled House Bill (H)

Author by Rep. Todd Huston.  
Co-Author by Rep. Timothy Brown, Rep. Gregory Porter.  
Sponsored by Sen. Ryan Mishler, Sen. Travis Holdman, Sen. Karen Tallian.

Authors / Co-Authors / Sponsors / Conferees / Advisors

DIGEST

State budget. Appropriates money for capital expenditures, the operation of the state, K-12 and higher education, the delivery of Medicaid and other services, and various other distributions and purposes. Renames the build Indiana fund the lottery surplus fund. Eliminates all the build Indiana fund accounts. Declares the policy of the state that no person may be denied coverage for a preexisting condition under a plan of health coverage offered or administered by the state. Specifies that the preexisting condition exclusion provisions of the Patient Protection and Affordable Care Act (PPACA) are in effect and enforced in Indiana, regardless of the [View more](#)

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## Indiana Senate Enrolled Acts



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## Senate Enrolled Act (SEA) 2 – Public Law 144-2019



## School Bus Safety

- Adds IC 33-37-5-18(b)
- Court may assess safe school fee
- \$200-\$1000
- 25% collected by City/Town Court goes to General Fund [IC 33-37-7-8(f)(4)]

[www.thegazette.com/subject/news/public-safety/](http://www.thegazette.com/subject/news/public-safety/)

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SEA 4 – Public Law 15-2019



## Water & Wastewater Utilities

Establishes storm water management task force

- **Study issues related to storm water management**

IFA divide state into “study areas”

- **Water & Wastewater utilities in area meet periodically**

Utility apply to IFA for loan

- **Demonstrate participation in study area**

SEA 4 – Public Law 15-2019



## Water & Wastewater Utilities (continued)

Every water utility “at least” annually is required to:

- **Perform audit of water distribution system**
  - Determine cause of “non-revenue water”
  - Difference between water entering system & water received by customers
- **Even numbered years – annual audit**
  - Verified by independent evaluator
  - Reported to IFA

SEA 22 – Public Law 27-2019



## Pension Matters

Adds IC 33-38-6-19.5 for Judges

- **A participant's contribution or benefits or both can be used to reimburse employer for loss from criminal taking of employer's property**
- **Requires a proven order of restitution issued by sentencing court for felony or misdemeanor convictions**
- **Similar to what applies to PERF members in IC 5-10.3-8-9**

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SEA 79 – Public Law 271-2019



## Rights of Police Officers

Establishing minimum due process & personnel rights of a full-time, paid, nonprobationary member of a police department

Subject of

- **Internal investigation or**
- **Investigation of a complaint**

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SEA 79 – Public Law 271-2019



## Rights of Police Officers (continued)

Except when on duty, officer can't be discouraged from engaging in political activity

Adds provisions regarding disclosure of property & assets

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SEA 85 – Public Law 146-2019



## 1977 Fund Retirement & Surviving Spouse

Increased monthly benefit to 1977 Police & Fire fund

- **Who retires after June 30, 2019**
- **With 20+ years of service**
- **From 50% to 52% of monthly salary of 1<sup>st</sup> class patrolman**

Increases surviving spouse's benefit from 60% to 70% of fund member

- **Who dies after June 30, 2019 other than in line of duty**

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SEA 142 – Public Law 3-2019



## Building Permits

Prohibits Building Commissioner or similar from issuing building permit if they have financial interest

- **Requires city/town to adopt an ordinance to establish a procedure to address instances where a direct or indirect financial interest**

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SEA 460 – Public Law 189-2019



## Broadband Development

Establishes rural broadband fund at state level

Awarding grants for qualified projects in unserved areas

Required OCRA to establish procedures for awarding grants after July 31, 2019

Can't be awarded to areas with eligible broadband service is available

OCRA sets procedures for awarding grants

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SEA 529 – Public Law 193-2019



## Agriculture Matters

Can't adopt or continue in effect ordinance, resolution, or policy prohibiting establishment or maintenance of beekeeping on property a person:

- Owns
- Rents
- Leases

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SEA 529 – Public Law 193-2019



## Agriculture Matters (continued)

Can establish regulations concerning

- **Number of active hives that may be operated**
- **Location of hives**

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SEA 535 – Public Law 277-2019



## Extraterritorial Powers

Repeals authority to regulate conduct or property use within 4 miles.

Does not void any ordinances or resolutions existing before 1/1/19

Does void any adopted after 12/31/19

Includes authority to impose restrictions on persons or animals to prevent injury or disease and authority to capture and destroy

voids any such ordinances adopted before July 1, 2019

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SEA 535 – Public Law 277-2019



## Extraterritorial Powers (continued)

Eminent Domain

- **Eliminates authority for a park board to acquire property outside its boundaries by eminent domain.**

Provides exceptions

Airports – board may within 4 miles of airport or > 4 miles to obtain land contiguous to an airport that existed on 1/1/19

Provides power to aid, maintain, and operate municipal park located within 10 miles if the park existed before 7/1/19

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## Indiana House of Representatives Enrolled Acts



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## House Enrolled Act (HEA) 1001 – Public Law 108-2019

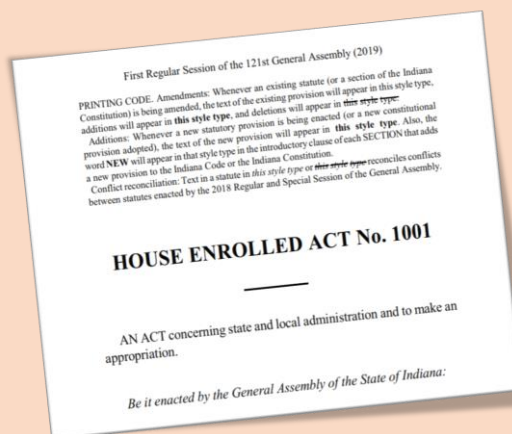


## Budget Bill

Sets the State's budget for FY 2020  
& 2021

Appropriated money for:

- **State Revolving Loan Program**
- **Broadband Grant Program**



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HEA 1087 – Public Law 77-2019



## Payment of Court Fee

Court costs can be reduced by a court for community service or volunteer work

Costs reduced by:

- **Determining number of hours of community service or volunteer work performed**
- **Multiplied by the Indiana minimum wage rate**
- **Deducting the result from the amount owed**

Excludes from the calculation community service required by plea agreement

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HEA 1116 – Public Law 164-2019



## Various Local Matters

Executive Sessions – permits discussion on strategy regarding a real estate transaction *[IC 5-14-1.5-6.1(b)(2)(D)]*

Fiscal officer can re-appropriate funds received from:

- **Private or public entity**
- **Individual**

for repairing or replacing damaged property

Eliminates political party affiliation for utility & storm water boards

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HEA 1116 – Public Law 164-2019



## Various Local Matters (continued)

Public Works – competitive bids under IC 36-1-12:

- **Can be received electronically**
- **If > \$150,000**
- **Bid solicitation states procedures & the means to protect bid contents**
- **Provide electronic access to notice of bid solicitation through gateway administered by IOT in addition to newspaper publication**

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HEA 1116 – Public Law 164-2019



## Various Local Matters (continued)

Unsafe Building – Hazardous tract of land with building that is not unsafe constitutes unsafe premise

- **Subject to Unsafe Building Law [IC 36-7-9]**
- **Procedure for notice by publication changed [IC 36-7-9-25(b)]**
  - **Two times**
  - **1 week apart**
  - **2<sup>nd</sup> publication at least 3 days prior to event**

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HEA 1116 – Public Law 164-2019



## Various Local Matters (continued)

Removes requirement in IC 36-9-41-5 that borrowing for a public works project be repaid on January 1 and July 1 of each year

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HEA 1125 – Public Law 124-2019



## Cumulative Capital Improvement

Can establish CCI to provide funds to

- **Purchase**
- **Lease**
- **Pay costs of**

electronic monitoring equipment used by community service program

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HEA 1141 – Public Law 202-2019



## Traffic Amnesty

Establishes a temporary traffic amnesty program

Permits certain persons owing traffic fines or for reinstatement to obtain a reduction in the amount owed

Person must:

- **Pay the driving privileges reinstatement fee to BMV**
- **Provide proof of financial responsibility to the court**
- **Not be ineligible to have privileges reinstated**

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HEA 1141 – Public Law 202-2019



## Traffic Amnesty (continued)

Court must transmit copy of order to BMV in a manner prescribed by the BMV

Petition for amnesty is not admission of guilt

Court includes in order amnesty is not conviction

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HEA 1182 – Public Law 167-2019



## State Use Program

Worker's comp purposes – employee who leave worksite to serve a volunteer firefighter or EMS is considered an employee of the firefighting unit while performing duties as volunteer firefighter

Increases max burial expenses employer pays under worker's comp act & worker's occupational diseases comp act to \$10,000

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HEA 1192 – Public Law 203-2019



## Theft by Public Servants

Adds to various pension statutes concerning

- **1925 Police**
- **1937 Fire**
- **1953 Police**
- **1977 Police & Fire**



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HEA 1192 – Public Law 203-2019



## Theft by Public Servants (continued)

Employer can withhold payment of contributions & interest during criminal cases

Employer can't withhold

- **Monthly pension portion related to the public servant**
- **Disability benefits for those who become disabled**

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HEA 1258 – Public Law 171-2019



## Department of Homeland Security

Adds IC 36-4-8-2(a)(3) [*cities*] and IC 36-8-4.5-4 [*towns*]:

**(3) a county that is noncontiguous to the county in which the city is located but is not more than fifty (50) miles from the closest boundary of the city where the police or fire department is located.**

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HEA 1284 – Public Law 107-2019



## Firearms Matters

Adds IC 3-7-18-2

Each law enforcement office is now a voter registration office

Law enforcement agency required to distribute voter registration form to those applying for handgun license

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HEA 1284 – Public Law 107-2019



## Firearm Matters (continued)

After June 30, 2020:

- **No fee collected for 5 year license**
- **Lifetime license**
  - \$50 if no current license; \$30 refunded if license denied
  - \$40 if a current license; \$30 refunded if license denied

Fee will still be receipted to Local Law Enforcement Continuing Education fund [IC 35-47-2-3(i)]

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HEA 1347 – Public Law 203-2019



## Municipally Owned Utilities

Applies to utilities other than sewer [IC 8-1.5-3-8]

Rates, fees, etc. charged to someone other than property owner are payable by the person occupying property if utility records indicate:

- **Property is owned by someone other than owner and**
- **Person occupying is responsible for rates, fees, etc.**

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2019

HEA 1347 – Public Law 203-2019



## Municipally Owned Utilities (continued)

Under this section – rates, charges, & fees do not constitute a lien

Legislative body can impose any requirement to

- **Ensure payment by, or**
- **Creditworthiness of**

The person occupying the property, or

- **Limit authority of owner of a multi-unit building to engage in electric submetering**

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HEA 1375 – Public Law 209-2019



## State Board of Accounts

An individual can confidentially report suspected

- **Malfeasance**
- **Misfeasance or**
- **Nonfeasance**

of an individual with responsibility for administering public funds

*(used to provide only for a “public officer”)*

Indiana State Board of Accounts

2019

HEA 1375 – Public Law 209-2019



## State Board of Accounts (continued)

Further defines ‘compensation’

Adds employee benefits paid to elected officials are compensation

- |                               |                              |
|-------------------------------|------------------------------|
| • <b>Life Insurance</b>       | • <b>Retirement benefits</b> |
| • <b>Health Insurance</b>     | • <b>Pension benefits</b>    |
| • <b>Disability Insurance</b> |                              |

Indiana State Board of Accounts

2019

HEA 1375 – Public Law 209-2019



## State Board of Accounts (continued)

Increase/decrease in compensation – does NOT include

- **Payment of insurance premium**
- **Recognition payments**
  - Longevity
  - Professional certifications
  - Educational advances
- **Payment of stipend or per diem allowed by statute**
- **Additional payments permitted under**
  - IC 36-4-7-4 [cities] and
  - IC 36-5-3-2(d) [towns]

Indiana State Board of Accounts

2019

HEA 1375 – Public Law 209-2019



## State Board of Accounts (continued)

Elected official salary ordinance

*“shall provide for an annual, monthly, or biweekly salary schedule”*

Added to IC 36-4-7-2(b) for cities and IC 36-5-3-2(b) for towns

Elected officer is not required to report hours worked and “may not” be compensated by number of hours worked

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HEA 1406 – Public Law 56-2019



## Water Infrastructure Assistance Fund

Makes funds available to local utilities for water infrastructure improvements

To qualify for loan, utility must have

- **Have an asset management plan**
- **Demonstrate plan to participate in cooperative activities**

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2019

HEA 1427 – Public Law 257-2019



## Local Government Matters

City/town publishes or submits notice containing errors < 0.1%

- **Notice is valid**
- **DLGF corrects error**

Budget adopted – filed with DLGF within 5 business days

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2019

HEA 1427 – Public Law 257-2019



## Local Government Matters (continued)

Training for fiscal officers

- **Required by IC 36-4-10-8 for cities**
- **Required by IC 36-5-6-10 for towns**
- **14 hours training within 1 year**
- **36 hours training within 3 years**
- **Applies to each term**

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2019

HEA 1427 – Public Law 257-2019



## Local Government Matters (continued)

### Redevelopment Commissions

Can issue bonds or enter into leases up to 35 years to finance projects repurposing 2 or more buildings > 75 years old & on prior manufacturing site.

File resolutions & supporting documents creating a TIF with county auditor & DLGF within 30 days

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HEA 1427 – Public Law 257-2019



## **Local Government Matters** (continued)

### Fire Protection Services

- Contract in writing
- Fixed period

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HEA 1552 – Public Law 59-2019



## **Reserve Police Officer Continuing Education**

IC 5-2-8-2(g)

**(g) A city or town law enforcement agency may provide continuing education under subsection (f) to each police reserve officer (described in IC 36-8-3-20) appointed by the city or town law enforcement agency.**

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## Senate Enrolled Acts for Consideration



- SEA 22 – Pension Matters**
- SEA 193 – Utility Connections Through Right of Ways**
- SEA 172 – Survivor Health Coverage**
- SEA 233 – Business Personal Property Tax Exemptions**
- SEA 472 – Utility Matters**
- SEA 566 – Residential Tax Increment Financing**
- SEA 603 – Annexation, Fire Districts, and Municipality’s Responsibilities**

## House Enrolled Acts for Consideration



- HEA 1059 – Survivor Benefits**
- HEA 1086 – Local Licensing & Permitting**
- HEA 1128 – Construction Permits**
- HEA 1170 – Public Safety Officer Contract Negotiations**
- HEA 1183 – Towing Services**
- HEA 1236 – Electric Bicycles**
- HEA 1342 – Telephone CPR Instruction Training**
- HEA 1345 – Property Tax Matters**
- HEA 1398 – Threats to School Safety**
- HEA 1402 – Local Taxes**
- HEA 1649 – Electric Foot Scooters**



Contact Information



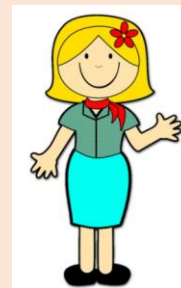
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