

NEW LEGISLATION

AUDITOR'S SPRING CONFERENCE

APRIL 2022

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SEA 62 SALE OF TAX SALE PROPERTIES TO NONPROFITS

- IC 6-1.1-24-17.5 effective 7-1-22
- Does not apply to homestead property
- Does not apply to a property for which a set off has been obtained against a delinquent debt
- Applies to a county with a consolidated city
- Not more than 5% of real property on the tax sale list may be sold to an eligible nonprofit.



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SEA 85 DRAINAGE TASK FORCE

- Review the responsibilities of landowners, state and local authorities under current laws over drainage and make determinations.
- Report is due no later than December 1, 2023
- Task force consists of 6 members of the senate, 6 members of the house, an officer or employee of IDEM, an officer or employee of DNR, 1 member of a county drainage board, 1 member of a soil and water conservation district, 1 representative from the Indiana Chapter of the American Society of Farm Managers and Rural Appraisers, Inc., 1 representative from a statewide farm organization and 1 county surveyor.



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SEA 119 TAXATION OF FARM PROPERTY

- IC 6-1.1-12.1-1 effective 7-1-22
- Economic revitalization area now includes an area of land classified as agricultural land for property tax purposes that, as a condition of being designated an economic revitalization area, will be predominantly used for agricultural purposes for a period specified by the designating body.
- New Farm Equipment and new agricultural improvement can receive an abatement.
- Abatement schedule is limited to five years



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SEA 134 APPROPRIATION OF DONATED MONEY

- IC 3-5-3-1 effective 3-11-22 – A political subdivision may not accept private donations to prepare, administer or conduct elections or to employ individuals on a temporary basis for preparing, administering or conducting elections.
- IC 36-1-30 effective 3-11-22 - Requires all local units of government to submit to the SBOA a report of each individual employee employed by the governmental unit whose salary is funded in whole or part from donated money.



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SEA 145 PROPERTY TAX MATTERS

- IC 6-1.1-4-43.5 effective 1-1-23
- Assessment of commercial property of 100,000 square feet or larger, used for retail space by a single retailer and assessed for the first time after December 31, 2022 shall be assessed by a cost approach
- DLGF to establish a standard construction cost per square feet
- If appeal is under review, the auditor can establish a separate account for the tax receipts that are attributable to the property tax assessment under review.



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SEA 148 PROSECUTING ATTORNEYS

- IC 5-4-1-20 effective 7-1-22 - Allows the prosecuting attorney to purchase a crime policy in lieu of an official bond
- IC 31-14-4-3 effective 7-1-22 - Allows DCS or prosecutor to file a paternity action in certain cases under the Title IV-D program
- IC 33-39-4-1 and IC 33-39-6-7-8 - Broadens the types of expenses a county audit shall pay in connection with a criminal case and allows prosecutor to appoint employees with county council approval
- Allows two conferences each year and specifies who may attend.



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SEA 158 PUBLIC SAFETY TELECOMMUNICATIONS

- IC 36-8-16.7-38 effective 3/7/22 – Statewide 911 distributions may be used to pay for continuing education training for public safety communicators.
- IC 36-8-16.8 is new chapter effective 3/7/22 – establishes required telecommunication training



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SEA 166 PUBLIC PRIVATE AGREEMENTS

- IC 5-23-8 is added for Transportation and Infrastructure projects and provides guidelines for public private agreements for their construction
- IC 6-1.1-10-49 effective 7/1/22 and makes tangible property that is part of the transportation facility under a public private agreement is exempt from property tax.
- IC 6-2.5-5-56 effective 1/1/23 makes the sale of the personal property exempt from sales tax if it is part of the transportation facility under a public private agreement.



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SEA 299 ANNEXATION OF FIRE PROTECTION DISTRICT TERRITORY

- IC 36-4-3-7.2 effective 1-1-22 - For annexation after 12-31-2020 if the property is with a fire protection district, and the petition to annex is initiated by property owners, the annexation takes effect 30 days after the annexation is adopted, published and filed.
- Municipalities are exempt from providing fire protection service to the annexed territory on the ordinance's effective date however, the municipality must notify the fire district within 10 days of commencing fire protection service to the annexed territory.



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SEA 357 ACCEPTANCE OF ELECTRONIC DOCUMENTS

- IC 6-1.1-5-4 effective 7/1/22 – County Auditor may not refuse to endorse a deed or instrument of conveyance because the deed or instrument is an electronic document.
- IC 6-1.1-5.5-3 effective 7/1/22 – County Assessor or County Auditor may not refuse to accept a sales disclosure form for filing because the sales disclosure form is an electronic document
- IC 6-1.1-25-20 effective 7/1/22 – Amends this section that a County Auditor may collect the recording fee for a tax deed. If the County Recorder does not collect the recording fee, the County Recorder shall collect the recording fee for the tax deed.



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SEA 357 ACCEPTANCE OF ELECTRONIC DOCUMENTS

- IC 29-1-7-23 effective 7/1/22 – After December 31, 2023, an Auditor may not refuse to endorse an affidavit (for transfer to person's heirs) because the affidavit is an electronic document.
- IC 32-21-2.5-8 effective 7-1-22 – Amends this section with the following exceptions (1) military discharge under IC 10-17-2 (2) a survey of real property and (3) a plat of real property
- IC 36-2-9-18 effective 7-1-22 – After December 31, 2023, a County Auditor may not refuse to endorse an electronic deed or instrument because it is electronic. Expands use of Plat Book fund to include electronic property tax records.



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SEA 361 ECONOMIC DEVELOPMENT

- Establishes IC 36-1-29.5 for a Workforce Retention and Recruitment Program and Fund
- The program established by the executive of the unit is for the purpose of recruiting and retaining the current and future workforce needed to provide substantial economic impact to the unit including providing incentives in the form of grants or loans to qualified workers
- The fund shall consist of any private grants or contributions, appropriations to the fund included in the unit's budget, transfers of money to the fund and any repayments to the fund.



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SEA 382 VARIOUS TAX MATTERS

- IC 6-1.1-7.2 effective 1-1-23 – A taxpayer is not required to file subsequent personal property tax returns for the business personal property exemption.
- IC 6-3.6-6-2.7 effective 7-1-22 – LIT tax rate established for correctional facility or rehabilitation facility after 1/1/2019 can be in effect for 25 years.
- IC 6-8.1-3-28 effective 7-1-22 - Adds procedures to allow DOR to offset LIT distributions when an overdistribution has been made in error or because of a taxpayer refund after the distribution.



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HEA 1048 SHERIFF SALES

- IC 32-29-7-3 effective 7-1-22 – Allows sheriff sales to be conducted electronically and increases the administrative fee the sheriff may charge from \$200 to \$300.
- IC 32-29-7-4.5 effective 7-1-22 – establishes a new section for ineligible bidders at a sheriff sale and requires the sheriff to obtain a statement from each bidder acknowledging that the are not ineligible bidders.



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HEA 1093 EDUCATION MATTERS

- IC 20-26-18.2-2 If a school corporation or charter school enters into a contract for a school resource officer, certain school corporations or charter schools must enter into a memorandum of understanding with the law enforcement agency that employs or appoints the law enforcement officer who will perform the duties of a school resource officer.
- IC 20-26-18.2-1 defines a school resource officer as a law enforcement officer who has completed the appropriate training, been assigned to the school during school hours and is employed by a law enforcement agency; reserve officer or school corporation police officer



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HEA 1130 AND SEA 83 OPEN MEETINGS

- IC 5-14-1.5-3.7 effective 7-1-22 - Restricts the circumstances in which the governing body of local political subdivision may hold a virtual meeting during a declared disaster emergency without any of the governing body members being physically present.



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HEA 1193 OPIOID LITIGATION

- IC 4-6-15-2 effective 3-10-22 - A political subdivision may opt back in before July 15, 2022
- IC 4-6-15-4 effective 3-10-22 - Distributions will be in two parts; one part is unrestricted, and the second part is restricted to the programs or treatment, prevention and care that are best practices as defined or required by the settlement documents or court order.



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HEA 1214 RESIDENTIAL EVICTION ACTIONS

- IC 32-31-10 effective 3-18-22
- Certain information is not to be disclosed if the action is dismissed, a judgment in favor of the tenant or a judgment against the tenant is later overturned and the tenant files a motion with the court for an eviction filed before 7-1-22
- The clerk or other court administrator must track all eviction actions to which a nondisclosure order is issued and furnish the data compiled in the statistical data report to the Office of Judicial Administration.
- Local Administration fee of \$10 for dismissal due to plaintiff not taking action



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HEA 1246 FIRE PROTECTION TERRITORIES

- IC 6-1.1-18-29.5 effective 3-11-22 – provides procedures for an increase in max levy for a fire protection territory that experiences 6% population growth for property taxes due and payable in 2023
- IC 36-7-14-1.7 effective 1-1-22 –Notwithstanding any other law; for: (1) areas needing redevelopment (2) redevelopment project areas (3) urban renewal areas or (4) economic development areas established after December 31, 2021 – chapter 14 on allocation of TIF revenues does not apply to the participating unit's proceeds of property taxes imposed to meet the participating unit's obligations to a fire protection territory established under IC 36-8-19.



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HEA 1246 FIRE PROTECTION TERRITORIES

- IC 6-3.6-6-2.8 effective 7-1-22 – For counties that provide emergency medical services for all local units in the county and pay 100% of the costs to provide those services, the fiscal body may establish a LIT rate that may not exceed 0.2% for EMS.
- The EMS LIT would be distributed to the county before the remainder of the expenditure rate revenue is distributed. The revenue must be maintained in a dedicated county fund and used only to pay for the operating costs of EMS provided throughout the county.



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1260 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

- IC 6-1.1-12-1 is repealed effective 1-1-23– mortgage deduction
- IC 6-1.1-12-9 amended effective 7-1-22 – Age 65 deduction – increases limit on assessed value of property to \$240,000. Adds that increases in assessed value in the first year after the individual receives the deduction that are not due to substantial renovation or new improvements are not considered.
- IC 6-1.1-12-37 effective 1-1-23 – Homestead deduction increases to \$48,000
- IC 6-1.1-15-20 is a new chapter effective 3-21-22 – appeals where assessment exceeds 5% over last year's assessment.



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HEA 1285 REDISTRICTING

- IC 3-5-10 is added as new chapter effective 3-18-22
- Removes the discretionary ability of a political subdivision to redistrict election districts other than those required by statute.
 - Federal decennial census – county first year after census
 - Other census- first year after census is completed
 - When a county boundary changes
 - Whenever annexed territory is added to a district
 - Political boundary is changed
 - Court ordered



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HEA 1300 BAIL

- IC 27-10-2-4.5 effective 7-1-22 - Charitable organizations must meet certain criteria and be certified by the Commissioner of the Department of Insurance in order to post bail
- IC 35-33-8-0.6 effective 3-15-22 - Prohibits political subdivisions from posting bail for any person or providing a grant to any entity that provides funding for any person who posts bail. An agreement must be signed to retain all of part of the bail to pay certain court costs from cash bail and the bail is to be returned to the person who paid it.
- Case management systems operated by the Office of Judicial Administration must include a searchable field for certain information of the bail agent or person authorized by the surety that pays bail for an individual



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HEA 1359 JUVENILE LAW MATTERS

- IC 31-37-8.5 effective 7-1-23 - Establishes a juvenile diversion program and sets procedures
- Repeals the informal adjustment program fee -\$5 to \$15 per month collected by probation
- IC 31-40-5 effective 7-1-23 - Establishes a Juvenile Diversion and Community Alternatives Grant program with a local Justice Reinvestment Advisory Council to oversee the program and grant.



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SEA 304 TOWNSHIP TRUSTEE

- IC 36-6-4.5 effective 7-1-22 - The bill provides that the township board, county executive and county fiscal body may adopt resolutions to collectively petition a court to remove a township trustee from office for committing certain violations.



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