

2016 Legislative Update

Welcome!

P.L. 146-2016...HEA 1001

Local Road and Bridge Matching Fund

*INDOT

*Project undertaken by city or town which

1. repairs or increases the capacity of **local roads and bridges**; and
2. is part of the local unit's **transportation asset management plan.**

P.L. 146-2016...HEA 1001 Local Road and Bridge Matching Fund

Grant Application

- *use a transportation asset management plan approved by INDOT
- *commit to a local match from one or more of the following sources:
 1. increase after June 30, 2016, in the local unit's motor vehicle excise surtax (county) or the municipal wheel tax rate.
 2. Special LOIT distribution
 3. Money in the local unit's rainy day fund.

P.L. 146-2016...HEA 1001 Local Road and Bridge Matching Fund

- Memorandum dated May 24, 2016 from State Examiner Paul D. Joyce, CPA
 "...A technical correction amendment will be proposed for the 2017 Legislative Session, which will broaden the local match sources to include any local funds which may be used for roads or bridges. In consideration of this proposed change, the State Board of Accounts will not take audit exception to the present commitment of any money the local unit is authorized to use for a local road or bridge project as local match; however, **this audit position is predicated upon the passage of the proposed technical correction...**"

Please read the referenced memorandum in its entirety.

P.L. 146-2016...HEA 1001

Local Road and Bridge Matching Fund

- INDOT considerations (per HEA 1001)
 - *application must be on form prescribed by INDOT and specify match amount
 - *preference given to projects with greatest regional economic significance
 - *amount of the grant equals up to local match commitment
 - *50% of grants to local units in counties with a population of less than 50,000
 - *INDOT will be adopting guidelines and maximum amounts

P.L. 146-2016...HEA 1001

County Surtax and Wheel Tax

If county adopts **and INDOT approves a County Transportation Asset Management Plan.**

- County Surtax may be increased.
- County Wheel tax may be increased.
- Allocated to cities and towns in same manner

P.L. 146-2016...HEA 1001
County Surtax and Wheel Tax

*Surtax may be used to construct, reconstruct, repair, maintain streets and roads,

OR

*The increase, after June 30, 2016, may be used for a matching contribution to obtain a grant from the Local Road and Bridge Matching Grant Fund.

P.L. 146-2016...HEA 1001
Municipal Motor Vehicle License Excise Surtax
and Municipal Wheel Tax

Municipality must

- *Have a population of at least 10,000
- *Adopt the Surtax of at least \$7.50 and not more than \$25
- *Adopt concurrently the Municipal Wheel Tax of at least \$5.00 and not more than \$40
- *Use a Transportation Asset Management Plan approved by INDOT

P.L. 146-2016...HEA 1001
Municipal Surtax Fund and Wheel Tax Fund

Purposes

- *construct, reconstruct, repair, maintain streets and roads under city or town's jurisdiction
- *contribution to a multi-county infrastructure authority established under IC 36-7-23
- *matching contribution to obtain a grant from the Local Road and Bridge Matching Grant Fund

P.L. 146-2016...HEA 1001
Local Technical Assistance Program

Appropriates \$500,000 for the Local Technical Assistance Program (LTAP) to assist with the development and operation of local government transportation asset management plans and pavement management plans.

P.L. 146-2016...HEA 1001

Task Force

Establishes the Funding Indiana's Roads for a Stronger Safer Tomorrow Task Force.

Requires the task force to develop a long-term plan for state highway and major bridge needs, including sustainable funding mechanisms for the various components of the plan.

P.L. 146-2016...HEA 1001

Regional Cities Initiative

Provides for the deposit of certain excise taxes and local taxes collected under the tax amnesty program to fund a third regional cities project.

P.L. 147-2016...HEA 1017

Publication of Notice

AMENDS IC 5-3-1-0.2, effective July 1, 2016 to define "locality newspaper."

AMENDS IC 5-3-1-4(c), effective July 1, 2016.

If no newspaper is published in the city or town, the publication may be made in one of the following:

1. a locality newspaper (defined) that circulates within the city or town.
2. a newspaper published in the county in which the city or town is located and that circulates within the city or town.

P.L. 147-2016...HEA 1017

Publication of Notice

AMENDS IC 5-3-1-4(c), effective July 1, 2016.

If no newspaper is published in the city or town, the publication may be made in one of the following:

1. a locality newspaper (defined) that circulates within the city or town.
2. a newspaper published in the county in which the city or town is located and that circulates within the city or town.

Similar amendments for cities and towns with territory located in more than one county.

Supplementary Notice may be given in locality newspapers at discretion of city or town.

P.L. 147-2016...HEA 1017

Publication of Notice

IC 5-3-1-4(a) If officers of a political subdivision are required to publish notice, they shall publish notice in two newspapers published in the political subdivision. (No Change)

IC 5-3-1-4(c), if there is only one newspaper published in the city or town, then publication in that newspaper alone is sufficient. (No Change)

P.L. 58-2016...HEA 1019

Overview (LSA Digest)

Law Enforcement Recordings

- Establishes a procedure for the release of law enforcement recordings (recordings) under the public records law.
- Requires a public agency to permit certain persons (defined as a "requestor" in the statute) to view a recording at least twice.
- Allows a "requestor" to be awarded attorney's fees, court costs, and other reasonable expenses if the "requestor" prevails in an action against a public agency to view a recording.
- Requires a public agency to permit all persons to inspect and copy a recording unless the public agency can demonstrate that release of the recording would: (1) pose a significant risk of harm to a person or the public; (2) interfere with a person's ability to get a fair trial; (3) affect an ongoing investigation; or (4) not serve the public interest.
- Provides that a recording that captures information relating to airport security may not be released for public inspection without the approval of the airport operator.
- Specifies the procedure to obtain a court order for the release of a law enforcement recording, and requires a court to expedite the proceedings.
- Caps the fee for copying a law enforcement recording at \$150, and specifies that the agency collecting the fee may spend the fee for certain purposes.
- Specifies information that a public agency may or must obscure from a law enforcement recording before disclosing it.
- Establishes the length of time that a public agency must retain a law enforcement recording.
- Exempts a law enforcement recording from a criminal statute prohibiting placement of a camera on the private property.

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

AMENDS 5-14-3-2, effective July 1, 2016.

- Defines “law enforcement activity” and “law enforcement recording”

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

- AMENDS IC 5-14-3-3, effective July 1, 2016.
- Requires a request regarding a law enforcement recording to be in writing and to provide specific information:
 - (1) The date and approximate time of the law enforcement activity.
 - (2) The specific location where the law enforcement activity occurred.
 - (3) The name of at least one (1) individual, other than a law enforcement officer, who was directly involved in the law enforcement activity.

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

AMENDS IC 5-14-3-4, effective July 1, 2016

“(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. **For purposes of this chapter, a law enforcement recording is not an investigatory record....”**

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

AMENDS IC 5-14-3-4, effective July 1, 2016

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency: (19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes **the following**:...

(K)...**any part of a law enforcement recording that captures information about airport security procedures, areas, or systems.**

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

AMENDS IC 5-14-3-4, effective July 1, 2016

(b)(19)(K)(i) “The public agency is responsible for determining whether the public disclosure of a record or a part of a record, **including a law enforcement recording**, has a reasonable likelihood of threatening public safety by exposing a **security procedure, area, system**, or vulnerability to terrorist attack.”

(b)(19)(K)(ii) “...**in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".**

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

AMENDS IC 5-14-3-4, effective July 1, 2016

IC 5-14-3-4(b)(27) “(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:...**(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.**”

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

ADDS IC 5-14-3-5.1, effective July 1, 2016

(a) Defines “requestor”

“(b) A public agency shall allow a requestor to inspect a law enforcement recording at least twice, if: (1) the requestor submits a written request under section 3 of this chapter for inspection of the recording; and (2) if section 4(b)(19) of this chapter applies, the public agency that owns, occupies, leases, or maintains the airport approves the disclosure of the recording.

The public agency shall allow the requestor to inspect the recording in the company of the requestor's attorney. A law enforcement recording may not be copied or recorded by the requestor or the requestor's attorney during an inspection.”

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

ADDS IC 5-14-3-5.1, effective July 1, 2016 (continued)

“(c) Before an inspection under subsection (b), the public agency: (1) shall obscure in the recording information described in section 4(a) of this chapter; and (2) may obscure any information identifying: (A) a law enforcement officer operating in an undercover capacity; or (B) a confidential informant.

(d) Before an inspection under subsection (b), only the information in the recording described in subsection (c) may be obscured by the public agency.

(e) If a person is denied access to inspect a recording under this section, the person may appeal the denial under section 9 of this chapter.”

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

AMENDS IC 5-14-3-9, effective July 1, 2016

ADDS IC 5-14-3-9(k) regarding an action to appeal the denial of access to a law enforcement recording to a requestor under the new section IC 5-14-3-5.1.

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

ADDS IC 5-14-3-5.2, effective July 1, 2016

*A public agency shall permit any person to inspect or copy a law enforcement recording unless certain circumstances exist.

*Before permitting a person to inspect or copy the recording, the public agency must comply with the obscuring provisions of IC 5-14-3-5.2, if applicable.

*If a public agency denies a person the opportunity to inspect or copy a law enforcement recording, the person may petition the circuit or superior court of the county in which the law enforcement recording was made for an order permitting inspection or copying of a law enforcement recording.

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

ADDS IC 5-14-3-5.3, effective July 1, 2016

“(a) Except as provided in subsection (c), a public agency that is not the state or a state agency shall retain an unaltered, unobscured law enforcement recording for at least one hundred ninety (190) days after the date of the recording.”

Subdivision (c) contains conditions which require the public agency to retain an unaltered, unobscured law enforcement recording for a longer period of time.

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

AMENDS IC 5-14-3-8, effective July 1, 2016

“(g)...a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following: (1) The agency's direct cost of supplying the information in that form. **However, the fee for a copy of a law enforcement recording may not exceed one hundred fifty dollars (\$150).**”

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

AMENDS IC 5-14-3-8, effective July 1, 2016 (continued)

“(l)...A fee collected under subsection(g) for the copying of a law enforcement recording may be: (1) retained by the public agency; and (2) used without appropriation for one (1) or more of the following purposes:

(A) To purchase cameras and other equipment for use in connection with the agency's law enforcement recording program.

(B) For training concerning law enforcement recording.

(C) To defray the expenses of storing, producing, and copying law enforcement recordings.

Money from a fee described in this subsection does not revert to the local general fund at the end of a fiscal year.

P.L. 58-2016...HEA 1019

Law Enforcement Recordings

- Please direct all questions regarding the disclosure of law enforcement recordings to the Public Access Counselor.
- www.in.gov/pac
- (317) 234-0906
- (800) 228-6013

P.L. 193-2016...HEA 1032

Overview (LSA Digest)

Various Pension Matters

- AMENDS 5-10-10-4.8(f), effective July 1, 2016. Provides that an employer who elects to purchase special death benefit coverage for an eligible emergency medical services provider must pay for the coverage annually as prescribed by the board.
- AMENDS 5-10.2-2-24, effective July 1, 2016. Eliminates the guaranteed fund investment option after December 31, 2016, for members of the public employees' retirement fund (PERF) and the teachers' retirement fund (TRF) and replaces the guaranteed fund with an unguaranteed stable value fund investment option.
- AMENDS 5-10.2-2-21, effective July 1, 2016. Provides that a miscellaneous participating entity that freezes its participation in PERF must begin payment of its additional contributions to fully fund the service of its PERF members not later than July 1, 2016, or a date determined by the board. Allows the board to charge interest on any amount that remains unpaid after the payment date determined by the board.
- Makes various other amendments concerning pension matters.

P.L. 150-2016...HEA 1053

Regulation of Packing Materials

ADDS IC 36-1-3-8(a)(13), effective upon passage,

*states that a unit does not have the power to adopt or enforce an ordinance described in IC 36-1-3-8.5, an existing section which states as follows:

“A unit may not adopt or enforce an ordinance that requires or would have the effect of requiring a landlord to participate in: (1) a Section 8 program of the federal Housing Act of 1937 (42 U.S.C. 1437f); or (2) a similar program concerning housing.”

P.L. 150-2016...HEA 1053

Regulation of Packing Materials

ADDS IC 36-1-3-8(a)(14), effective upon passage,

*states that a unit does not have the power to take any action prohibited by IC 36-1-3-8.6 (new statute).

ADDS IC 36-1-3-8.6, effective upon passage.

*IC 36-1-3-8.6(a) defines “auxiliary container.”

*IC 36-1-3-8.6(b) prohibits a unit from imposing certain stated regulations, restrictions, fees, or taxes in connection with manufacture, distribution, sale, provision, use or disposal of auxiliary containers.

P.L. 150-2016...HEA 1053

Regulation of Packing Materials

ADDS IC 36-1-3-8.6, effective upon passage (continued).

IC 36-1-3-8.6(c), “this section does not prohibit, limit, or restrict: (1) a curbside recycling program available in, or offered by, a unit; or (2) the designation or operation of a residential or commercial recycling location within a unit.”

IC 36-1-3-8.6(d), “this section does not apply to the distribution, sale, provision, use, or disposition or disposal of auxiliary containers at any event that: (1) is organized, sponsored, or permitted by a unit; and (2) takes place on property owned by the unit.”

P.L. 107-2016...HEA 1075

Overview (LSA Digest)

Sewage Fees and Municipal Sanitary Sewer

ADDS IC 8-1-2-61.8, effective July 1, 2016, which states, in part: "If a utility charges different rates for different classes of property based at least partially on consumption, the utility must charge a rental unit community a rate based at least partially on consumption."

ADDS 13-18-12-2.2, effective July 1, 2016, which provides, in part, that a person who uses a wastewater management vehicle to remove wastewater from a customer's sewage disposal system need not show on the invoice provided to the customer under certain circumstances.

AMENDS IC 36-9-23-30 and ADDS 36-9-23-30.1 exempting a property owner from being required to connect to a municipality's sewer system and discontinue the use of the property owner's own sewage disposal system if certain circumstances and conditions are met.

P.L. 197-2016...HEA 1081

Overview (LSA Digest)

Local Income Tax (LIT)

- Updates various laws to conform them to the new local income tax (LIT) law.
- Adds provisions concerning Lake, LaPorte, and Porter counties concerning the northwest Indiana regional development authority.
- Addresses the treatment of counties that had only the county economic development income tax regarding the property tax rate for cumulative capital development funds of counties and municipalities.
- Specifies provisions for the transition of a formerly adopted homestead credit under a county option income tax to a property tax relief rate under the new LIT.
- Adds provisions concerning expenditure rate allocations. Specifies that the auditor of state is to assist adopting bodies and county auditors in calculating credit percentages and amounts under all provisions of the LIT law.

P.L. 200...HEA 1180 PILOTS, Charges & Fees on Tax Exempt Property

- ADDS IC 36-1-8-18, effective July 1, 2016
- IC 36-1-8-18(a) defines “qualified property” as property that
 - “(1) is located in a tax increment allocation area and:
 - (A) was located in the tax increment allocation area before the designation of the area and the property has been continuously used since the date the area was designated for a tax exempt purpose; or
 - (B) was donated for a tax exempt purpose; and
 - (2) is exempt from property taxation.”

P.L. 200...HEA 1180 PILOTS, Charges & Fees on Tax Exempt Property

ADDS IC 36-1-8-18 effective July 1, 2016 (continued).

IC 36-1-8-18(b) A political subdivision may not do any of the following after June 30, 2016:

- Impose or require a payment in lieu of taxes or the payment of any other charge or user fee for or on qualified property, except as provided in IC 36-1-8-18(c) or (d).
- Enter into an agreement which requires a payment in lieu of taxes or other charge or user fee on qualified property as a condition of granting, issuing, or approving certain permits, certificates, variances, continuation of government services, etc., except as provided in IC 36-1-8-18(c) or (d).
- Enter into an agreement which requires a person to limit the person’s rights to challenge the imposition of a payment in lieu of taxes or any other charge or user fee on qualified property; or the assessment of property taxes imposed on qualified property.

P.L. 200...HEA 1180
 PILOTS, Charges & Fees on
 Tax Exempt Property

ADDS IC 36-1-8-18, effective July 1, 2016 (continued).

IC 36-1-8-18(b)(2)(A). An application fee that is reasonably related to the cost of reviewing or processing certain applications for qualified property is permitted.

IC 36-1-8-18(c). A political subdivision may impose utility fees or charges, sewer fees or charges, ditch or drainage assessments, storm water fees or charges, or waste collection or disposal fees or charges on qualified property.

IC 36-1-8-18(d). A political subdivision may, upon request of the owner, impose or require a payment in lieu of taxes or the payment of any other charge or user fee on qualified property; or upon request of the owner, enter into an agreement with the owner requiring such payments under certain conditions.

P.L. 200...HEA 1180
 PILOTS, Charges & Fees on
 Tax Exempt Property

AMENDS IC 36-7-4-1314, effective July 1, 2016,

“...an impact fee ordinance may not apply to qualified property, and an impact fee may not be imposed on qualified property unless requested by the owner of the property.”

ADDS IC 36-7-25-6.5, effective July 1, 2016, concerning Redevelopment Commission agreements involving “qualified property.”

P.L. 203-2016...HEA 1273

Overview (LSA Digest)

Overview – Property Tax Matters

- Provides that a county auditor may accept a deduction application for a property tax abatement deduction only if the designating body has specified an abatement schedule for the deduction.
- Prohibits a taxing unit from transferring property tax receipts to the property tax assessment appeals fund if the property tax receipts are: (1) held in a debt service fund; or (2) treated as levy excess.
- Authorizes the provider unit in a fire protection territory to negotiate for and hold debt for the equipment replacement fund of a fire protection territory. Authorizes a participating unit in a fire protection territory to acquire fire protection equipment or other property and make the property available to the provider unit. Specifies the adjustments to the maximum permissible levy for a unit that ceases participation in a fire protection territory. Specifies the minimum number of taxpayers that must object to the imposition or increase of a tax rate for an equipment replacement fund of a fire protection territory.

P.L. 203-2016...HEA 1273

Property Tax Assessment Appeals Fund

AMENDS 6-1.1-15-10.5, effective July 1, 2016, as follows

“(b) A taxing unit may transfer property tax receipts from a fund that is not a debt service fund to the taxing unit's property tax assessment appeals fund. A taxing unit may not transfer property tax receipts from a debt service fund to the taxing unit's property tax assessment appeals fund.”

“(f) 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 for transfer to a taxing unit's property tax assessment appeals fund.”

P.L. 203-2016...HEA 1273

Fire Protection Territory

- AMENDS IC 36-8-19-8.5, effective July 1, 2016

“(c)...(ADDED) Except as provided in subsection (d), if debt is to be incurred for the purposes of a fund, the provider unit shall negotiate for and hold the debt on behalf of the territory. However, the participating units and the provider unit of the territory are jointly liable for any debt incurred by the provider unit for the purposes of the fund. The most recent adjusted value of taxable property for the entire territory must be used to determine the debt limit under IC 36-1-15-6. A provider unit shall comply with all general statutes and rules relating to the incurrence of debt under this subsection.”

P.L. 203-2016...HEA 1273

Fire Protection Territory

- AMENDS IC 36-8-19-8.5, effective July 1, 2016

“(d) (ADDED) A participating unit of a territory may, to the extent allowed by law, incur debt in the participating unit's own name to acquire fire protection equipment or other property that is to be owned by the participating unit. A participating unit that acquires fire protection equipment or other property under this subsection may afterward enter into an inter local agreement under IC 36-1-7 with the provider unit to furnish the fire protection equipment or other property to the provider unit for the provider unit's use or benefit in accomplishing the purposes of the territory. A participating unit shall comply with all general statutes and rules relating to the incurrence of debt under this subsection.”

P.L. 203-2016...HEA 1273

Fire Protection Territory

- AMENDS IC 36-8-19-13, effective July 1, 2016, concerning withdrawal from or dissolution of a Fire Protection Territory and the determination of a unit's maximum permissible ad valorem property tax levy.

P.L. 204-2016...HEA 1290

Overview (LSA Digest)

State and Local Administration

- *Reorganizes the statutes concerning riverboat admissions tax distributions by: (1) moving distribution provisions for the Lake County riverboats into a new section organized by riverboat; and (2) moving into a new section provisions concerning the use of admissions tax revenue and the supplemental distribution.
- *Allocates the admissions tax revenue that is paid to the northwest Indiana redevelopment authority (RDA) in satisfaction of Lake County's obligations to the authority equally among the four riverboats operating in Lake County.
- *Changes the deadline for paying the supplemental distribution from September 15 to July 15.
- *Provides for quarterly payments of admission taxes used to reimburse the state for certain income tax credits provided in Lake County and to provide additional funding to the authority.

P.L. 204-2016...HEA 1290
Overview (LSA Digest)
State and Local Administration

(continued)

*Eliminates the requirement that admissions taxes paid to the Lake County convention and visitor bureau be deposited in a county convention and visitor promotion fund.

*Provides that the economic development projects that may be carried out by the RDA include destination based economic development projects that meet certain conditions.

*Provides that the RDA may make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of a member municipality that meets certain requirements.

P.L. 204-2016...HEA 1290
Overview (LSA Digest)
State and Local Administration

(continued)

*Provides that in addition to the factors under current law, the DLGF shall also provide for the classification of improvements on the basis of market segmentation.

*Specifies certain requirements for Redevelopment Commission Funds.

P.L. 204-2016...HEA 1290

Redevelopment Commission Funds

ADDS IC 36-7-14-8(d), effective July 1, 2016

“(d) The following apply to funds of the redevelopment commission:

- (1) The 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.
- (2) Except as provided in subsection (e), all funds designated as redevelopment commission funds must be accessible to the redevelopment commission at any time.
- (3) The amount of the daily balance of redevelopment commission funds may not be below zero (0) at any time.
- (4) The funds may not be maintained or used in a manner that is intended to avoid the wavier procedures and requirements for a unit and the redevelopment commission under subsection (e).”

P.L. 204-2016...HEA 1290

Redevelopment Commission Funds

ADDS IC 36-7-14-8(e), effective July 1, 2016

“If the fiscal body of the city or town determines that it is necessary to engage in short term borrowing until the next tax collection period, the fiscal body of the city or town may request approval from the redevelopment commission to waive the requirement in (d)(2)” {which requires all redevelopment funds to be accessible to the redevelopment commission at any time}.

P.L. 204-2016...HEA 1290

Redevelopment Commission Funds

IC 36-7-14-8(e) continued:

“In order to waive the requirement under subsection (d)(2), the fiscal body of the unit and the redevelopment commission must adopt similar resolutions that set forth:

- (1) the amount of the funds designated as redevelopment commission funds that are no longer accessible to the redevelopment commission under the waiver; and
- (2) an expiration date for the waiver.”

The loan must be repaid by the unit and the funds made accessible to the redevelopment commission not later than the end of the calendar year in which the funds are received by the unit.

P.L. 204-2016...HEA 1290

Redevelopment Commission Funds

AMENDS IC 36-7-14-13, effective July 1, 2016

*Adds IC 36-7-14-13(e)(7) which contains additional information which must be reported to the executive and fiscal body of the unit.

P.L. 205-2016...HEA 1294

City Park Board

AMENDS IC 36-10-3-4, effective July 1, 2016

An Ex-officio Member may be

“(1) either:

(A) a member of the governing body of the school corporation selected by the governing body of the school corporation; or

(B) an individual who resides in the school corporation, selected by the governing body of the school corporation;

(2) a member of the governing body of the library districts selected by that body; or

(3) both subdivisions (1) and (2).”

P.L. 215-2016...HEA 1359

Employment of Veterans as Public Safety Officers

ADDS IC 36-8-4.7, effective July 1, 2016 concerning the employment of veterans as public safety officers.

AMENDS IC 36-8-8-7, effective July 1, 2016

“(p) Notwithstanding any other provision of this chapter, a veteran who is:

(1) described in IC 36-8-4.7; and

(2) employed as a firefighter or police officer; is a member of the 1977 fund. “

ADDS IC 36-8-8-9.5, effective July 1, 2016 (1977 Fund)

“(a) This section applies after June 30, 2018. (b) A fund member shall retire at seventy (70) years of age.”

P.L. 188-2016...HEA 1372

Public Personnel Bonds

AMENDS IC 5-4-1-18(a)(7)(B)

“...the following individuals shall file and maintain in place an individual surety bond during each year that the individual serves as an officer, employee, or contractor:...

(7) Individuals:...

(A) who are employees or contractors of a city, town, county, or township; and

(B) whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds:

(i) that belong to the federal government, the state, a political subdivision, or another governmental entity; and

(ii) **in an amount that exceeds five thousand dollars(\$5,000) per year.”**

P.L. 188-2016...HEA 1372

Public Personnel Bonds

AMENDS IC 5-4-1-18(c)

“(c) The fiscal body of a city, town, or county may by ordinance... authorize the purchase of a name or position schedule bond that:

(1) names each individual or each position covered under the schedule bond;

(2) is endorsed to include faithful performance to cover the faithful performance of all officers, employees, and contractors described in subsection (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.”

P.L. 188-2016...HEA 1372

Public Personnel Bonds

AMENDS IC 5-4-1-18(d)

“(d) The fiscal body of a city, town, county, or township may by ordinance... authorize the purchase of a crime insurance policy that:

- (1) provides coverage for criminal acts or omissions committed by;
- (2) is endorsed to include faithful performance to cover the faithful performance of; and**
- (3) 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 unit and required to file a bond under this chapter.**

For the sole purpose of recovering public funds on behalf of a local government unit, the state is considered to be an additional named insured on all crime insurance policies and endorsements obtained under this subsection.”

P.L. 188-2016...HEA 1372

Public Personnel Bonds

AMENDS IC 5-4-1-18(n)(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) calendar year;
- (B) fiscal year of the political subdivision or governmental unit; or
- (C) individual's service in the office, or position for which a bond is required.

P.L. 188-2016...HEA 1372

Public Personnel Bonds

AMENDS IC 5-4-1-18(n)(2)

~~“(2) Consecutive yearly bonds filed by an individual must provide separate coverage for each year. 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.

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.”

P.L. 188-2016...HEA 1372

Public Personnel Bonds

AMENDS IC 5-4-1-18(n)(3)

“(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 a 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 for the current term of the bond and the penal sums of the bond for the five (5) immediately preceding years.”

P.L. 188-2016...HEA 1372

Public Personnel Bonds

AMENDS IC 5-4-1-19, effective July 1, 2016

The bonds prescribed by IC 5-4-1-18 cover the faithful performance of the duties of the officer, employee, **or contractor**, including the duty to comply with IC 35-44.1-1-1 and the duty to account properly for all monies and property received by virtue of the officer's, **employee's, or contractor's service in the office or position.**

ADDS IC 5-4-1-0.5 to define the term "contractor."

P.L. 188-2016...HEA 1372

Exit Conference – 45 Day Requirement

AMENDS IC 5-11-5-1(b)(7)

"If: (A) the state examiner does not call for an additional exit conference...; and

(B) the:

- (i) legislative body... provides written notice to the state examiner that the legislative body waives an additional exit conference...; or
- (ii) state examiner determines that a final report...must be issued as soon as possible; the final report may be issued earlier than forty-five (45) days after the initial exit conference is held under this subsection."

Other New Legislation of Interest

- PL.192-2016...HEA 1025 Alternate Rezoning Procedure
- PL. 149-2016...HEA 1036 Technical Corrections Bill
- PL. 198-2016...HEA 1087 Bureau of Motor Vehicles Omnibus Bill
- PL. 108-2016...HEA 1089 The mayor of a city may employ a service officer and may employ service officer assistants to serve the veterans of the city. (Amends 10-17-1-9(b))
- PL. 154-2016...HEA 1154 Allows board members of a department of aviation to participate in a board meeting by electronic communication.
- PL. 206-2016...HEA 1298 Annexation
- P.L. 84-2016...HEA 1322 Specifies that circuit courts, superior courts, and probate courts have original and concurrent jurisdiction under certain Indiana Code provisions.

Other Resources

- Indiana General Assembly Digest of Enactments
 - http://iga.in.gov/legislative/2016/session/digest_of_enactments/
- Indiana General Assembly – Bills for Session 2016
 - <http://iga.in.gov/legislative/2016/bills/>
- Indiana Association of Cities and Towns State House Report
 - www.citiesandtowns.org

Contact Information

STATE BOARD OF ACCOUNTS

Todd Caldwell

tcaldwell@sboa.in.gov

Susan Gordon

sgordon@sboa.in.gov

(317) 232-2513