

CITIES AND TOWNS BULLETIN

AND UNIFORM COMPLIANCE GUIDELINES ISSUED BY STATE BOARD OF ACCOUNTS

JUNE 2005

2005 LAWS AFFECTING CITIES AND TOWNS

The following is a listing of laws enacted by the General Assembly that are related to cities, towns and municipally owned utilities. This is not intended to be an expression of a legal opinion. If you have any questions regarding legal interpretation, please consult your city or town attorney. We have listed the laws in public law order sequence and the references are to the Indiana Code.

PUBLIC LAW 1 – HOUSE ENROLLED ACT 1288 – EFFECTIVE JULY 1, 2005

Recodification of Title 20 – Recodifies the laws dealing with school corporations and libraries.

PUBLIC LAW 2 - HOUSE ENROLLED ACT 1398 - EFFECTIVE APRIL 25 AND JULY 1, 2005

TECHNICAL CORRECTIONS-Makes corrections to several sections of the Indiana Code.

PUBLIC LAW 4 – HOUSE ENROLLED ACT 1003 – EFFECTIVE FEBRUARY 9 AND JULY 1, 2005

INDIANA ECONOMIC DEVELOPMENT CORPORATION (IEDC) – Amends several sections of the Indiana Code – Creates the new IEDC which replaces the Department of Commerce and the enterprise zone board, the twenty-first century research, and the technology fund board.

PUBLIC LAW 5 – HOUSE ENROLLED ACT 1022 – EFFECTIVE FEBRUARY 17, 2005

MILITARY BASE PROTECTION ACT – Adds IC 4-3-2-1, IC 13-11-2-129.6, IC 13-15-3-1.3, IC 34-6-2-82.6, IC 3-4-6-2-14-2.6, IC 34-30-21 and IC 36-7-30.1 - Requires cities and towns to notify the commander of the military base on any planning and zoning actions taken by a city or town regulating property within three (3) miles of the base.

PUBLIC LAW 10 – HOUSE ENROLLED ACT 1600 – EFFECTIVE APRIL 7, 2005

SPECIAL DEATH BENEFIT FEE – Amends IC 5-10-10-4, IC 5-10-10-5 and IC 35-33-8-3.2 – Requires the clerk of a city or town court to collect a five dollar (\$5) special death benefit fee on each surety bond, securities bond, or real estate bond and retain a fee of five dollars (\$5) from each ten percent (10%) cash or securities bond. The special death benefit fee shall be remitted to the State semiannually. This law further provides that the County Sheriff may collect the fee.

PUBLIC LAW 13 – SENATE ENROLLED ACT 98 – EFFECTIVE JULY 1, 2005

PROBATION – Amends IC 35-38-2-3 – Allows a Judge to order execution of all or part of a sentence that was previously suspended at the time of initial sentencing.

PUBLIC LAW 14 – SENATE ENROLLED ACT 101 – EFFECTIVE JULY 1, 2005

PROBATION – Adds IC 35-38-2-1.8 – Permits a court to hold a new probation hearing at any time during the probationer's probationary period and modify the probation period.

PUBLIC LAW 15 – SENATE ENROLLED ACT 265 – EFFECTIVE JULY 1, 2005

REIMBURSEMENT GRANTS - APPROPRIATION – Adds IC 6-1.1-18-7.5 – Allows city and town councils to appropriate any funds received as a grant from the state or federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or federal government as a reimbursement of expenditures.

- PUBLIC LAW 31 – SENATE ENROLLED ACT 175 – EFFECTIVE JULY 1, 2005
PROBATION - Amends IC 35-38-2.5 - Requires certain sex offenders to be monitored with a device that can transmit information twenty-four (24) hours each day regarding the offender's precise location.
- PUBLIC LAW 40 – HOUSE ENROLLED ACT 1302 – EFFECTIVE JULY 1, 2005
REGULATION OF SEEDS – Adds IC 15-4-1-16 – Restricts a city or town from regulating seeds unless the city or town obtains a waiver from the state seed commissioner.
- PUBLIC LAW 43 – HOUSE ENROLLED ACT 1580 – EFFECTIVE JULY 1, 2005
VOLUNTEER FIREFIGHTERS – ABSENCE FROM EMPLOYMENT TO RESPOND TO FIRES – Amends IC 36-9-12-10.5 – Adds IC 36-8-12-10.7 and IC 36-8-12-10.9 – Prohibits a public employer from disciplining a volunteer firefighter or volunteer emergency medical services association member who is late for work when responding to a fire or emergency call. Permits an employer to request proof that the employee was at a fire or emergency. An employer is not required to compensate such employees while they are absent. Provides that a city or town who permits an employee to be absent from employment to answer calls is not committing ghost employment.
- PUBLIC LAW 52 – SENATE ENROLLECT ACT 165 – EFFECTIVE JULY 1, 2005
LAW ENFORCEMENT TRAINING BOARD – Amends IC 5-2-1 – Requires a refresher course for certain police officers who are rehired. Allows the Board to revoke certifications of officers for certain court convictions.
- PUBLIC LAW 54 – SENATE ENROLLED ACT 620 – EFFECTIVE APRIL 21, 2005
COMBINED SEWER OVERFLOWS (CSO'S) – Amends IC 13-14-8-9, IC 13-18-3-2.3, IC 13-18-3-2.4 and IC 13-18-3-2.5 – Adds IC 13-18-3-2.6 – Changes the laws on obtaining variances and environmental permits. Adds certain requirements for IDEM to follow in complying with the long term control plan.
- PUBLIC LAW 58 – SENATE ENROLLED ACT 14 – EFFECTIVE APRIL 22 AND JULY 1, 2005
ELECTIONS – Amends and add to several sections of Title 3 – Changes the laws governing ballots.
- PUBLIC LAW 59 – SENATE ENROLLED ACT 63 – EFFECTIVE JULY 1, 2005
RAILROAD CORRIDORS – Amends IC 8-4.5 – 3 , IC 8-4.5-4 – Repeals IC 8-4.5-4-5 – Adds IC 8-4.5-4-1-5 – Requires the Department of Transportation to consult with local agencies before preparing a list of railroad corridors for preservation.
- PUBLIC LAW 62 – SENATE ENROLLED ACT 149 – EFFECTIVE JULY 1, 2005
PERF BENEFITS – Amends IC 5-10.2-4-8 – Raises the exempt amount that a member can make from \$25,000 to \$35,000 when a member is reemployed in a covered position before the member must make contributions again or stop receiving benefits. Such member must not be of social security retirement age.
- PUBLIC LAW 66 – SENATE ENROLLED ACT 352 – EFFECTIVE JULY 1, 2005
UNSAFE PREMISES – Amends IC 36-7-9-4 – Adds certain tracts of real property without buildings or structures to the unsafe building law.
- PUBLIC LAW 74 – SENATE ENROLLED ACT 244 – EFFECTIVE JULY 1, 2005
DESIGN - BUILD CONTRACTS – Adds IC 5-30 - Allows cities and towns to enter into a design-build contract for a public works project. Defines a design – build contract as a contract between a city or town and a design builder to furnish (1) architectural, engineering and related design services for a public project and (2) labor, materials and other construction services as required for the same project. Requires the establishment of a technical review committee to qualify potential design builders and rate and score qualitative proposals. Also requires a request for qualifications to be published under IC 5-3-1.

PUBLIC LAW 81 – SENATE ENROLLED ACT 482 – EFFECTIVE VARIOUS DATES

VOTER REGISTRATION – Amends several sections of the voter registration laws in IC 3-7 and IC 3-8 – Makes several changes to the laws dealing with late registration, voter registration forms, deceased voter notification, and the statewide voter registration list.

PUBLIC LAW 82 - SENATE ENROLLED ACT 518 – EFFECTIVE JULY 1, 2005

FORESTRY OPERATIONS – Amends IC 14-8-2-289, IC 32-30-6-1.5, IC 32-30-6-7 and IC 36-7-7-4-201 - Adds IC 32-30-1-11 and IC 36-7-2-10 – States that a city or town ordinance adopted after March 31, 2005 that makes a forestry operation a nuisance or provides for abatement of a forestry operation as a nuisance, trespass, or zoning violation is void. Exempts certain other forestry operation from ordinances adopted before April 1, 2005.

PUBLIC LAW 87 – SENATE ENROLLED ACT 306 – EFFECTIVE JULY 1, 2005

MOBILE AND MANUFACTURED HOMES – Amends IC 16-41 - Amends laws dealing with mobile home ordinances. Prohibits such ordinances to be more restrictive than residential housing ordinances.

PUBLIC LAW 88 – SENATE ENROLLED ACT 308 – EFFECTIVE JULY 1, 2005

TERMS OF OFFICE - COUNTY ELECTED OFFICIALS – Eliminates holdover offices which exist in certain counties to allow for officials to take office on January 1 following the November election.

PUBLIC LAW 91 – SENATE ENROLLED ACT 503 – EFFECTIVE JULY 1, 2005

SOCIAL SECURITY NUMBERS – Adds IC 4-1-10, IC 4-1-11 and IC 36-2-7.5 – Prohibits state agencies from releasing social security numbers of individuals unless required by law or court order, the Patriot Act, Drivers Privacy Act, the Fair Credit Reporting Act, or the Financial Modernization Act. Requires County Recorders to redact social security numbers from recorded documents beginning in 2007.

PUBLIC LAW 103 – SENATE ENROLLED ACT 15 – EFFECTIVE JULY 1, 2005

ABSENTEE BALLOTS - Amends and adds to several sections of Title 3 – Makes numerous changes to the laws governing absentee ballots.

PUBLIC LAW 104 – SENATE ENROLLED ACT 77 – EFFECTIVE APRIL 27 AND JULY 1, 2005

ABANDONED VEHICLES – Amend IC 9-22-1 – Adds IC 9-22-1-3.5 – Raises the amount which local police officers may order a vehicle disposed of for parts to a towing service from one hundred dollars (\$100) to five hundred dollar (\$500).

PUBLIC LAW 109 – SENATE ENROLLED ACT 483 – EFFECTIVE JULY 1, 2005

VOTER IDENTIFICATION – Adds and amends several sections in the voter identification laws in Title 3. Requires voters to show picture identification in order to vote.

PUBLIC LAW 111 – SENATE ENROLLED ACT 512 – EFFECTIVE VARIOUS DATES

CHANGING FROM A TOWN TO A CITY – Adds IC 36-4-1.5 – Repeals IC 36-4-1-3 IC 36-4-1-4, IC 36-4-1-4, IC 36-4-1-4.1 and IC 36-4-1-5 – Requires approval of a public question to change from a town to a city. Allows a town which has already began the process of changing to a city to use the provisions of IC 36-4-1-1 and hold a special election on November 8, 2005.

ANNEXATION – Amends IC 36-4-3-4, IC 36-4-3-4.1, IC 36-4-3-9 and IC 36-4-3-11 – Allows towns to annex without consent of a city where the territory to be annexed is within three (3) miles of the city if the town annexes territory located in different county or the annexation is voluntary or consented to by fifty-one percent (51%) of the affected landowners.

PUBLIC LAW 113 – SENATE ENROLLED ACT 18 - EFFECTIVE MAY 4, 2005

LOSS OF OFFICE – CONVICTION OF A FELONY – Amends IC 3-8-1-5 – Amends the law dealing with forfeiture of office for the conviction of a felony.

PUBLIC LAW 114 – SENATE ENROLLED ACT 30 - EFFECTIVE JULY 1, 2005

LAKE COUNTY REGIONAL TRANSPORTATION AUTHORITY – Amends IC 36-9-3-5 and IC 36-9-3-9 – Adds the Mayors of Valparaiso and Portage or their designee's to the Authority. Provides that Porter County members may not vote on the distribution or payment of money unless Porter County pays a share of the Authority's Budget.

RAIL CORRIDOR SAFETY COMMITTEE – NONCODE - Continues the Committee until November 2010.

PUBLIC LAW 115 – SENATE ENROLLED ACT 49 – EFFECTIVE JULY 1, 2005

COMPUTER SPYWARE – Adds IC 24-4.8 - Amends IC 35-32-2-1 and IC 35-41-1-1 – Allows a software provider, web site owner, or a trademark or copyright holder who is harmed by a prohibited use of spyware to bring civil action against the person who committed the prohibited act. Provides for injunctive relief for the greater of actual damages or \$100,000 per violation.

PUBLIC LAW 117 – SENATE ENROLLED ACT 64 – EFFECTIVE MAY 4 AND JULY 1, 2005

LIBRARY AND HERITAGE STUDY COMMITTEE – Noncode – Creates a study committee to study and evaluate the creation of a department of state library and heritage.

PUBLIC LAW 118 – SENATE ENROLLED ACT 100 – EFFECTIVE JULY 1, 2005

COUNTY OPTION INCOME TAX AND COUNTY ECONOMIC DEVELOPMENT INCOME TAX – Amends IC 6-3.5-6-19 and IC 6-3.5-7-13.1 – Allows such tax revenues to be used for any lawful purpose. If county economic development income tax revenue has been pledged to pay off economic development debt, then it must be used to pay off the debt.

PUBLIC LAW 119 – SENATE ENROLLED ACT 179 – EFFECTIVE JULY 1, 2005

VACANCIES IN OFFICE CAUSED BY DEATH – Amends several sections in IC 3-13-8 and IC 3-13-9, IC 5-8-1-37, IC 5-8-5-1, IC 5-8-5-3, IC 5-8-54 and IC 35-50-5-1.1 – Adds IC 5-8-6 - Establishes a procedure to follow in giving notice of death of an office holder. Requires a person who knows of the death of an office holder to notify the circuit court clerk of the county where the office holder resides. States that notice of a meeting to fill such vacancies may not be given until notice is received from the circuit court clerk.

PUBLIC LAW 128 – SENATE ENROLLED ACT 322 – EFFECTIVE JULY 1, 2005

LEGAL EXPENSES OF CITY AND TOWN OFFICERS AND EMPLOYEES – Adds IC 36-1-17 – Prohibits a city or town from paying the legal expenses of a city or town officer or employee incurred in defending against a criminal action, a civil action, or a proceeding to enforce an ordinance or a statute defining an infraction. Requires reimbursement of reasonable legal expenses incurred by the officer or employee if all charges are dismissed or the officer or employee is found not guilty.

PUBLIC LAW 131 – SENATE ENROLLED ACT 446 – EFFECTIVE JULY 1, 2005

STORMWATER UTILITY LIENS – Adds IC 8-1.5-5-29, IC 8-1.5-5-30 and IC 8-1.5-5-31 – Requires delinquent stormwater fees to be recorded and certified in the same manner as delinquent sewer charges.

MUNICIPAL ORDINANCE VIOLATIONS – CONDITIONS ON REAL PROPERTY – States that if a city or town takes action to bring the real property in compliance, the expenses incurred by the city or town constitute a lien against the property. The lien attaches when notice of the lien is recorded in the County Recorder's office. A city or town may issue a bill to the owner of the real property for the costs incurred by the city or town in bringing the property into compliance with the ordinance including administrative costs and removal costs. A bill issued is delinquent if the owner of the real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill. Whenever a city or town determines it necessary, the officer charged with the collection of fees and penalties for the city or town shall prepare:

(1) a list of delinquent fees and penalties that are enforceable, including:

(A) the name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;

(B) a description of the premises, as shown on the records of the county auditor; and
 (C) the amount of the delinquent fees and penalty; or
 (2) An instrument for each lot of parcel of real property on which the fees are delinquent.
 The officer shall record a copy of each list or each instrument with the county recorder, who shall charge a fee for recording the list of instrument under the fee schedule established in IC 36-2-7-10. The amount of a lien shall be placed on the tax duplicate by the county auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation. A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the municipal corporation shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be considered a bad debt loss.

The city or town shall release:

- (1) liens filed with the county recorder after the recorded date conveyance of the property; and
- (2) delinquent fees incurred by the seller;

Upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

The county auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner upon receipt of a copy of the written demand,

REGIONAL SEWER DISTRICTS – Adds IC 13-26-14-4 – States that the rates, fees, or charges made assessed, or established by the district are a lien on a lot, parcel of land or building that is connected with or uses the works of the district in the manner established under IC 36-9-23. The liens:

- (1) attach;
- (2) are recorded;
- (3) are subject to the same penalties, interest, and reasonable attorney's fees on recovery; and
- (4) shall be collected and enforced;

in substantially the same manner as provided in IC 36-9-23-31 through IC 36-9-23-32.

PUBLIC LAW 134 – SENATE ENROLLED ACT 487 – EFFECTIVE JULY 1, 2005

BOARDS OF AVIATION COMMISSIONERS – Amends IC 8-22-2. Allows for the board to expand from four (4) to five (5) members.

AIRPORT AUTHORITY BOARDS – Amends IC 8-22-3 - Adds IC 8-22-3-4.3 – Allows for the board to expand to five (5) members. Requires an authority that has entered into an interstate compact to have seven (7) members.

PUBLIC LAW 151– SENATE ENROLLED ACT 217 – EFFECTIVE JULY 1, 2005

SPEED LIMITS – Amends IC 9-21-5 – Raises the speed limit on interstates to seventy (70) miles per hour in certain rural areas. Raises the speed limit on US 20 and US 31 in Elkhart and St. Joseph counties.

PUBLIC LAW 153 – SENATE ENROLLED ACT 242 – EFFECTIVE JULY 1, 2005

REINSTATEMENT FEES – Amends IC 9-30-5-11, IC 9-30-6-9, IC 9-30-11-6 and IC 9-30-12-25 - Adds IC 9-29-10-2 and IC 9-29-10-3 – Allows a court to waive a reinstatement fee if the person who owes the fee is indigent and has presented proof of financial responsibility.

- PUBLIC LAW 154 – SENATE ENROLLED ACT 279 – EFFECTIVE JULY 1, 2005
SOLID WASTE PERMITS AND DISPOSAL – Amends IC 13-11-2, IC 13-19-4, IC 13-20-1, and IC 13-20-6 – Repeals IC 13-11-2-210, IC 13-20-6-2, IC 13-20-6-3, IC 13-20-6-5 and IC 13-20-6-6 – Makes several changes to the laws dealing with municipal waste transfer activities and disposal facility permits.
- PUBLIC LAW 155 – SENATE ENROLLED ACT 282 – EFFECTIVE MAY AND JULY 1, 2005
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECTS – ALCOHOLIC BEVERAGE PERMITS - Amends IC 7.1-3-20-16 and IC 7.1-3-20-16.1 – Limits the number of permits which can be issued by the Alcohol and Tobacco Commission in certain historic districts.
- PUBLIC LAW 158 – SENATE ENROLLED ACT 329 – EFFECTIVE DECEMBER 31, 2004
HENRY COUNTY FOOD AND BEVERAGE TAX – Amends IC 6-9-25 – Extends the tax to December 31, 2015.
- PUBLIC LAW 166 – SENATE ENROLLED ACT 549 – EFFECTIVE MAY 6, 2005
AMUSEMENT RIDE LIABILITY INSURANCE – Amends IC 22-12-1-3.5 and IC 22-15-7-2.5 – Allows an amusement device operator to be exempt from purchasing certain amounts of liability insurance coverage where a city or town files notice of self-insurance with Department of Insurance.
- PUBLIC LAW 168 – SENATE ENROLLED ACT 574 – EFFECTIVE JULY 1, 2005
LAKE COUNTY CONVENTION AND TOURISM BUREAU – VANDERBURGH COUNTY INNKEEPERS TAX Amends IC 6-9-2-2, IC 6-9-2-4, IC 6-9-2-4.5, IC 6-9-2.5-7, IC 6-9-2.5-7.5 and IC 6-9-2.5-7.7 – Adds IC 6-9-2-4.3 and IC 6-9-2-10 – Requires the Lake County Convention and Tourism Bureau to establish a promotion fund for certain revenue. Extends the distribution of a portion of the Vanderburgh County innkeeper's tax to the convention center operating fund.
- PUBLIC LAW 173 – HOUSE ENROLLED ACT 1063 – EFFECTIVE JULY 1, 2005
EMINENT DOMAIN STUDY COMMITTEE – NONCODE – Establishes an interim study committee to study the use of eminent domain by cities and towns.
- PUBLIC LAW 176 – HOUSE ENROLLED ACT 1113 – EFFECTIVE JULY 1, 2005
COURT COSTS – Amends IC 33-34-8-1, IC 33-37-4-1, IC 33-37-4-2, IC 33-37-4-3, IC 33-37-4-4, IC 33-37-4-5, IC 33-37-4-6, IC 33-37-7-7, IC 33-37-5-21.2, IC 33-37-7-2, IC 33-37-7-8, IC 35-37-7-9, IC 33-39-8-5 and IC 34-28-5-1 – Adds IC 10-13-6-9.5, IC 33-37-5-26, IC 33-37-5-26.5, IC 33-37-5-27 and IC 33-37-5-28 – Changes the name of the judicial administration fee to the public defense administration fee. Raises the fee to three dollars (\$3). Creates a judicial salaries fee of fifteen dollars (\$15). [Ten dollars (\$10) on small claims cases] Creates a court administration fee of two dollars (\$2) and a DNA sample processing fee of one dollar (\$1). Creates a small claims service fee of ten dollars (\$10) for each additional defendant named other than the first named defendant. Creates a civil claims service fee of ten dollars (\$10). Such new fees are also to be paid by those people placed in the Pretrial Diversion Program. Twenty-five percent (25%) of the judicial salaries fees are to be receipted to the city or town general fund. The remaining seventy-five percent (75%) is to be sent to the State.
- DEFERRED PROSECUTION FEE - PRETRIAL DIVERSION PROGRAM – Amends IC 33-37-4-1, IC 33-37-5-17, IC 33-37-8-4, IC 33-37-8-6, and IC 33-39-1-8 – Raises the fee from fifty dollars (\$50) to one hundred twenty dollars (\$120).
- DEFERRAL PROGRAM FEES – Amends IC 33-37-4-2, IC 33-37-8-4, IC 33-37-8-6 and IC 34-28-5-1 – Raises the fee which was formerly twenty-five dollars (\$25) in court costs to seventy dollars (\$70).
- PUBLIC LAW 177 – HOUSE ENROLLED ACT 1137 – EFFECTIVE JULY 1, 2005
OFFICE OF TECHNOLOGY – Adds IC 4-13.1 – Creates the Office of Technology which combines several state agencies. Provides that the Office of Technology shall assist local governments in coordinating operations of information technology systems.

PUBLIC LAW 183 – HOUSE ENROLLED ACT 1495 – EFFECTIVE MAY 6, 2005

RAILROAD CROSSING MAINTENANCE – Amends IC 8-23-5-2 – Permits a city or town to repair railroad crossings if the city or town obtains written approval from the railroad owner before commencing the work. The cost of maintenance may be wholly or partly borne by the city or town.

PUBLIC LAW 185 – HOUSE ENROLLED ACT 1590 – EFFECTIVE JULY 1, 2005

BLIGHTED AREAS – Amends several sections of the Indiana Code dealing with blighted areas. Changes the term “blighted area” to “area needing development” or “redevelopment project area.”

PUBLIC LAW 187 – HOUSE ENROLLED ACT 1776 – EFFECTIVE JULY 1, 2005

SEIZURE OF FIREARMS – Amends IC 35-33-5 and IC 35-47 – Adds IC 35-47-13 – Sets out procedures a law enforcement agency may use to seize weapons possessed by certain dangerous individuals. Sets out rules for retention and return of such firearms by law enforcement agencies.

PUBLIC LAW 189 – HOUSE ENROLLED ACT 1200 – EFFECTIVE VARIOUS DATES

SOLID WASTE – HENDRICKS COUNTY – Amends IC 13-21-3 – Allows the solid waste management board to consist of nine (9) or ten (10) members. Exempts the district from the requirement that the county fiscal body must approve the use of property tax revenue for landfill construction or closure of a landfill cell.

PUBLIC LAW 190 – HOUSE ENROLLED ACT 1250 – EFFECTIVE MAY 7 AND JULY 1, 2005

REDEVELOPMENT COMMISSIONS AND AUTHORITIES NEAR MILITARY BASES – Amends IC 6-2.5-4-5, IC 6-3-2-1.5, IC 6-3.1-11.5-17, IC 6-3.1-11.6-2, IC 36-7-14-3, IC 36-7-8, IC36-7-14-16, IC 36-7-14.5 and IC 36-7-15.1-37 – Adds IC 36-7-14.5-12.3 – Changes the redevelopment laws for those commissions and authorities near military bases.

PUBLIC LAW 193 – SENATE ENROLLED ACT 1 – EFFECTIVE VARIOUS DATES

TAXATION – Amends and adds several sections to Title 6 of the Indiana Code. Provides several new tax incentives and makes changes to procedures for filing for certain deductions.

PUBLIC LAW 199 – SENATE ENROLLED ACT 496 – EFFECTIVE VARIOUS DATES

BOND ISSUES AND LEASES – Adds IC 5-1-18 – Requires cities and towns that issue bonds or enter into leases after December 31, 2005, to supply the Department of Local Government Finance (DLGF) with information concerning the bond issue or lease within twenty (20) days after the issuance of the bonds or execution of the lease. The information required must be submitted on a form prescribed by the DLGF.

REVIEW OF LIBRARY BUDGETS – Adds IC 36-12-14 – Amends IC 6-1.1-17-20 - Requires public libraries to submit their proposed budgets and tax levies if their proposed tax levy is greater than five percent (5%) of the current year levy to:

- (1) If the library district is located entirely within the corporate boundaries of a municipality, the appropriate fiscal body is the fiscal body of the municipality.
- (2) If the library district is not described by subdivision (1) and the district is located entirely within the boundaries of a township, the appropriate fiscal body is the fiscal body of the township.
- (3) If the library district is not described by subdivision (1) or (2), the appropriate fiscal body is the fiscal body of each county in which the library district is located.

The appropriate fiscal body may reduce or modify but not increase the proposed budget or tax levy.

RIVERBOAT REVENUE – Amends IC 36-1-8-9 – Adds IC 36-1-8-9.5 – Allows revenue received from a development agreement between a licensed owner and a city or town to be deposited in a riverboat fund. States that such revenues are public funds.

COUNTY ECONOMIC DEVELOPMENT INCOME TAX (CEDIT) – HOMESTEAD CREDITS – Amends IC 6-3.5-7-25 and IC 6-3.5-7-26 – Adds IC 6-3.5-7-25.5 – Extends the time to adopt an ordinance to provide a tax declaration for inventory and homestead credits from CEDIT revenue to June 1, 2005.

PUBLIC LAW 200 – SENATE ENROLLED ACT 498 – EFFECTIVE JULY 1, 2005

ORDINANCE VIOLATIONS – Amends IC 34-28-5-1, IC 34-28-5-4 and IC 36-1-3-8 – Allows a defendant in an action to enforce an ordinance to perform community service instead of paying a monetary judgment for the ordinance violation. Limits the amount of an ordinance fine to \$2,500 for the first violation of the ordinance and \$7,500 for the second or subsequent violation of the ordinance for all ordinance violations other than traffic or parking violations.

PUBLIC LAW 203 – SENATE ENROLLED ACT 571 – EFFECTIVE VARIOUS DATES

GLOBAL COMMERCE CENTER PILOT PROGRAM – Adds IC 5-28-26 – Allows for a global commerce center in the Eastern Indiana Economic Development District to develop light technology activity, advanced manufacturing, transportation, distribution, logistics, and agribusiness.

DEVELOPMENT OF MULTICOUNTY FEDERAL MILITARY BASES – Adds IC 36-7-30.5 – Establishes a Military Base Development Authority.

QUALIFIED MILITARY BASE ENHANCEMENT AREA - Adds IC 36-7-34 – Establishes a new area for development.

PUBLIC LAW 207 – SENATE ENROLLED ACT 609 – EFFECTIVE VARIOUS DATES

TAX DISTRIBUTIONS – CAGIT – COIT – Adds IC 6-3.5-1.1-1.1 and IC 6-3.5-6-1.1 – Amends IC 6-3.5-1.1-9, IC 6-3.5-1.1-12, IC 6-3.5-1.1-14, IC 6-3.5-1.1-15, IC 6-3.5-6-17, IC 3.5-6-18 and IC 6-3.5-7-11 – Changes the formula on the distribution of CAGIT and COIT. Excludes taxes used to pay debt issued after June 30, 2005 from the formula.

PUBLIC LAW 208 – HOUSE ENROLLED ACT 1033 – EFFECTIVE VARIOUS DATES

BROWNFIELDS – Adds IC 6-1.1-45.5 – Establishes procedures for waiver of property taxes by the Department of Local Government Finance (DLGF) on certain brownfield properties.

UNDERGROUND STORAGE TANKS – Amends IC 6-3.1-23 – Removes liability for cities and towns on certain properties acquired containing hazardous substances.

PUBLIC LAW 209 – HOUSE ENROLLED ACT 1057 – EFFECTIVE JULY 1, 2005

OPEN CONTAINER LAW – Amends IC 9-30-15-3 – Makes it a Class C Infraction for a passenger in a car to possess alcohol.

PUBLIC LAW 210 – HOUSE ENROLLED ACT 1073 – EFFECTIVE MAY 1, 2005 AND JULY 1, 2005

MOTOR VEHICLES – Amends several sections of the Indiana Code which govern drivers licenses and vehicle registration.

PUBLIC LAW 214 – HOUSE ENROLLED ACT 1120 – EFFECTIVE VARIOUS DATES

GAMING ADMISSION TAX DISTRIBUTIONS – LAKE COUNTY – Adds IC 4-33-12.5 – Sets aside twenty-five percent (25%) of the gaming admission tax revenue and certain supplemental distributions to be distributed to cities and towns in Lake County without riverboats. Such distributions may only be used for certain infrastructure expenditures.

INDIANA STADIUM AND CONVENTION BUILDING AUTHORITY – Adds IC 5-1-17 – Establishes a new Authority to oversee the construction and financing of a new NFL sports stadium in Indianapolis.

FOOD AND BEVERAGE TAX – TOWN OF AVON AND CITY OF MARTINSVILLE – Amend IC 6-9-27 – Allows the Town of Avon and the City of Martinsville to adopt an ordinance to impose a one percent (1%) food and beverage tax. The City of Martinsville fiscal officer shall establish a food and beverage tax receipt fund for such revenues which is to be used for the renovation of city hall, new police and fire stations, sanitary sewers and wastewater treatment facilities, storm water projects, and other projects involving the City's water system and protection of the City's well fields.

STADIUM AND CONVENTION BUILDING FOOD AND BEVERAGE TAX FUNDING – Adds IC 6-9-35- Allows Boone, Johnson, Hamilton, Hancock, Hendricks, Morgan and Shelby Counties and the cities or towns of Carmel, Fishers, Greenfield, Lebanon, Noblesville, Westfield and Zionsville to impose a one percent (1%) food and beverage tax. Fifty percent (50%) of the taxes received shall be paid to the Marion County Capital Improvements Board.

LAKE COUNTY AND PORTER COUNTY FOOD AND BEVERAGE TAX – Adds IC 6-9-36 – Allows Lake and Porter counties to impose a one percent (1%) food and beverage tax. One hundred percent (100%) of the revenue generated by such tax shall be paid to the Northwest Indiana Regional Development Authority.

HENDRICKS COUNTY INNKEEPER'S TAX – Adds IC 6-9-37 – Allows Hendricks County to levy an innkeeper's tax. Revenues from the tax are to be used to promote and encourage conventions, visitors and tourism, and for the development of a county park, a county fairground, or a county promotion.

WAYNE COUNTY FOOD AND BEVERAGE TAX – Adds IC 6-9-38 – Allows Wayne County to impose a one percent (1%) food and beverage tax. Provides that revenue generated by the tax is to be distributed to the county and each city and town in the county. Money received by cities and towns is to be used to (1) promote conventions, visitors and tourism; (2) to promote economic development; and (3) to pay debt service or lease rentals on projects described in (1) and (2).

NORTHWEST INDIANA REGIONAL DEVELOPMENT AUTHORITY – Adds IC 36-7.5 - Establishes a new authority to fund and develop the expansion of the Gary/Chicago International Airport and other airport authority projects, commuter transportation and other rail projects and services, shoreline development projects, and economic development projects in northwestern Indiana.

PUBLIC LAW 216 – HOUSE ENROLLED ACT 1182 – EFFECTIVE JULY 1, 2005

TAX INCREMENT FINANCE (TIF) ALLOCATION AREAS – Amends IC 6-1.1-12, IC 6-1.1-12.1, IC 6-11-39-2, IC 36-7-14-39, IC 36-7-15.1-26, IC 36-7-15.1-33- Repeals IC 6-1.1-12.1-2.3 – Extends deadlines for creating a new TIF area from December 31, 2005 to December 31, 2011.

PUBLIC LAW 220 – HOUSE ENROLLED ACT 1394 – EFFECTIVE JULY 1, 2005

DEFERRED COMPENSATION PLANS – Amends IC 5-10-1.1-7- Allows cities and towns to offer to their employees both the state deferred compensation plan and another deferred compensation plan that uses private vendors.

PUBLIC LAW 221 – HOUSE ENROLLED ACT 1407 – Effective May 11 and July 1, 2005

ELECTIONS – Amends and adds several sections in Title 3 concerning election laws.

PUBLIC LAW 222 – HOUSE ENROLLED ACT 1501 – EFFECTIVE VARIOUS DATES

OFFICE OF INSPECTOR GENERAL – Adds IC 5-11-5.5 – Amends several sections of the Indiana Code – Creates the Office of Inspector General which will investigate wrongdoing affecting State Government.

PUBLIC LAW 224 – HOUSE ENROLLED ACT 1666 – EFFECTIVE MAY 11 AND JULY 1, 2005

ABC EXCISE TAX – Amends IC 7.1-4-4.1 and IC 7.1-4-9 – Increases certain permit and license fees which are deposited in the state excise fund. Decreases the percentage of the excise fund which is paid to cities and towns which have licensed alcohol retailers or dealers from sixty-six and two-thirds percent (66 2/3%) to thirty-three percent (33%).

PUBLIC LAW 227 – SENATE ENROLLED ACT 307 – EFFECTIVE JULY 1, 2005

MARION COUNTY GOVERNMENT – Adds IC 36-2-9-8, IC 36-3-1-5.1, IC 36-3-1-6.1, IC 36-3-1-6.2 and several sections to IC 36-3-5 – Amends several sections in IC 36-3-5 and IC 36-3-6 - Changes the law in Marion County on reviews of tax levies. Provides for consolidation of certain functions performed by the County, City and Townships.

PUBLIC LAW 228 – SENATE ENROLLED ACT 327 – EFFECTIVE VARIOUS DATES

TAXATION - Amends and adds numerous sections of the Indiana Code – Delays the next general reassessment to 2009 and each fifth year thereafter. Requires the Department of Local Government Finance (DLGF) to determine an annual adjustment for agricultural land. Makes several changes to property assessment procedures.

PUBLIC LAW 230 – SENATE ENROLLED ACT 341 – EFFECTIVE VARIOUS DATES

ELECTIONS – Adds IC 3-8-8 – Amends several sections in Title 3 – Establishes a certified election worker program. Makes changes to the laws dealing with voter registration, removal of candidates from ballots, precinct locations and candidate vacancies.

PUBLIC LAW 240 – HOUSE ENROLLED ACT 1365 – EFFECTIVE JULY 1, 2005

MERGER OF TOWNSHIPS – Adds IC 36-6-1.5 – Permits two (2) or more townships to merge and become a new township.

PUBLIC LAW 243 – SENATE ENROLLED ACT 127 – EFFECTIVE May 13, 2005 and January 1, 2006

DAYLIGHT SAVINGS TIME – Adds IC 1-1-8.1-3 – Requires the State to observe daylight savings time in 2006. Petitions the Federal government to hold hearings on the matter. Allows certain counties to remain in current time zones.

PUBLIC LAW 246 – HOUSE ENROLLED ACT 1001 – EFFECTIVE VARIOUS DATES

STATE BUDGET BILL – Amends several sections dates in the Indiana code – Places limits on the amounts of State Property Tax Replacement Credits that will be distributed to cities and towns.

ELECTRONIC FUNDS TRANSFER OF STATE DISTRIBUTIONS

For units wishing to receive electronic transfers of state distributions, the following procedures should be followed.

1. Check with your depositories to see if the depositories are willing to receive the transfers on your behalf. They must also ensure they will notify you immediately on receipt of a transfer. (Any delay in notification prevents investing the distributions or otherwise taking advantage of the earlier receipt date.)
2. The fiscal body must elect to receive state distributions by electronic transfer. This requires the common council or town council to pass a resolution, ordinance, or approve an authorization motion. The municipal fiscal officer should then notify the Settlement Department of the Auditor of State's office of the unit's election to participate in the program.
3. After notifying the Auditor of State of your intent, you will be furnished, and requested to complete General Form No. 36, Authorization Agreement for Automatic Deposit of State of Indiana Distributions to Political Subdivisions by EFT.
4. After selection of a bank and bank account to receive your deposits, do not change banks, or accounts, without prior notification to the Auditor of State. A new General Form No 36 will have to be completed and sent to the Auditor of State if such change is made.

If you have any questions regarding the foregoing, please call the Auditor of State's Office (317) 232-3336.

CHILD RESTRAINT SYSTEM PENALTIES

All Class D infraction collections for violations of the child restraint laws under IC 9-19-11 are to be accounted for separately by each city or town court as child restraint system fees. Such fees are to be remitted by the clerk of a city or town court to the county auditor on a monthly basis.

VOLUNTEER FIRE COMPANIES SERVING MORE THAN ONE UNIT – PRORATION OF INSURANCE

If any volunteer fire company serves more than one (1) unit under a contract or agreement, each unit that the company serves shall pay the amount for the insurance coverage determined under the following formula:

STEP ONE: For each census block or other area in a unit that is served by more than one (1) volunteer fire company, divide the population of the area by the number of volunteer fire companies serving the area, and round the quotient to the nearest one thousandth (.001).

STEP TWO: Add the quotients determined under STEP ONE for the unit.

STEP THREE: Determine the sum of the STEP TWO amounts for all of the units served by the same volunteer fire company.

STEP FOUR: Divide the STEP TWO amount for a unit by the STEP THREE amount and round the quotient to the nearest one thousandth (.001).

STEP FIVE: Multiply the costs of the insurance coverage for the volunteer fire company by the quotient determined under STEP FOUR, rounded to the nearest dollar. (IC 36-8-12-6)

DISASTER RELIEF FUNDS – ACCOUNTING AND BUDGETING

Based upon language contained in IC 10-14-3-17(j)(5) which states that a political subdivision may waive procedures and formalities otherwise required by law pertaining to the appropriation and expenditure of public funds where a national disaster or security emergency has been declared, the following procedures should be followed when disaster relief funds are received.

Money received or expected to be received from the Federal Emergency Management Agency (FEMA), the State Emergency Management Agency, or the State Lottery Commission for tornado, flood, ice storm, or other types of declared disasters should be accounted for in the following manner:

1. If the money is to be used to reimburse funds for expenditures already incurred and paid and the conditions of IC 10-14-3-12 have been met, the amount received may be added back to the appropriation balances from which the expenditures have been previously made.
2. If the money is to be used for future expenditures, a separate fund should be set up entitled "Disaster Relief Fund." Such fund would not require appropriation or additional appropriation prior to spending the money in the fund.

It is recommended that all related expenditures records (claims, minutes, correspondence, contracts, damage survey report, ect.) be maintained in a separate file or future audits required by State and Federal agencies.

HANDLING LAW ENFORCEMENT CONTINUING EDUCATION PROGRAM FEES

1. Each court is to assess a \$3 law enforcement continuing education program fee on each action in which a defendant is found to have: (1) committed a crime; (2) violated a statute defining an infraction; or (3) violated an ordinance of a municipal corporation. [IC 33-37-5-8(b)]
2. Monthly, a county, city or town court clerk is to transmit the law enforcement continuing education fees collected to the county, city or town fiscal officer. [IC 33-37-4-1, IC 33-37-4-2, IC 33-37-4-3]
3. The fiscal officer shall deposit the fees into either the County User Fee Fund or the City or Town User Fee Fund. [IC 33-37-4-1, IC 33-37-4-2, IC 33-37-4-3]
4. A law enforcement agency may receive funds from a County User Fee Fund or a City or Town User Fee Fund or a City or Town User Fee Fund by filing a claim with the county, city, or town fiscal officer. The claim shall include a “verified statement” of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency. Payment of the claimed amount from a County User Fee Fund or a City or Town User Fee Fund may be made without appropriation. [IC 5-2-8-2]
5. Claims should be filed monthly, quarterly, or semiannually. (There is no longer a requirement to claim such fees in the same calendar year in which the court collected the fees.)
6. On receipt of the amount claimed by the law enforcement agency, the city or town fiscal officer shall place the amount received into the Local Law Enforcement Continuing Education Fund. [IC 5-2-8-2]
7. Funds received by a law enforcement agency shall be used for the continuing education and training of law enforcement officers employed by the agency and for equipment and supplies for law enforcement purpose. [IC 5-2-8-6]
8. Amounts claimed for expenditures for the Local Law Enforcement Continuing Education Fund must have been appropriated prior to expenditure either through the normal budget process or by additional appropriation.
9. Any funds remaining in the Local Law Enforcement Continuing Education Fund at year end do not revert.

LAW ENFORCEMENT CONTINUING EDUCATION PROGRAM FEES – FILING VERIFIED STATEMENTS OF CAUSE NUMBERS

Since the statutes (IC 5-2-8, IC 33-37-8) are silent regarding by whom or in what manner the “verified statement of cause numbers” will be prepared, the State Board of Accounts has adopted the following suggested procedures to handle such filings:

1. The applicable law enforcement agency should prepare the claim. At a minimum, the claim should indicate each fee collected by the date of payment, cause number, defendant name, and receipt number if available.
2. The claim should be filed by the law enforcement agency with the fiscal officer of the governmental unit.
3. The fiscal officer shall transmit the claim to the court clerk in order for the claim to be verified.
4. Once the court clerk verifies the fees claimed on the claim, the claim shall be transferred back to the fiscal officer for processing in the same manner as all other claims, i.e. submitted for board’s approval and subsequent payment.
5. An alternative to steps number 3 and number 4 has been approved for some units. In this instance when the court clerk transmits the amount collected for law enforcement continuing education fees to the fiscal officer, the court clerk includes a listing of the fees transmitted by the date of payment, cause number, defendant name and the law enforcement agency to which the fees are attributable. By doing this, the fiscal officer is able to verify the fees claimed by the various law enforcement agencies and is not required to go back to the court clerk.

It would also be permissible for the law enforcement agency to attach a copy of such listing that is provided by the court to a claim once the law enforcement agency verified accuracy of the data contained in the listing.