

TOWNSHIP BULLETIN

AND UNIFORM COMPLIANCE GUIDELINES ISSUED BY STATE BOARD OF ACCOUNTS

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May 2010

ITEMS TO REMEMBER

JUNE

June 1: On or before June 1 and December 1 of each year (or more frequently if the county legislative body adopts an ordinance requiring additional certifications) the township shall certify a list of the names and addresses of each person who has money due from the township to the county treasurer. (IC 6-1.1-22-14)

June 20: If a school township has become a part of a school corporation organized under chapter 202, Acts 1959, as amended, and if the reorganized school unit is obligated for civil aid bond retirement, the trustee will receive from the school corporation an amount of money sufficient to pay civil aid bonds and coupons coming due July 1. (IC 20-23-4-8)

June: All local investment officers shall reconcile at least monthly the balance of public funds as disclosed by the records of the local officers, with the balance statements provided by the respective depositories. (IC 5-13-6-1) (The preceding months ending record balance must be reconciled with the respective bank statement(s).)

See Public Law 211, Effective July 1, 2007 concerning State Revenue Department filing requirements.

JULY

July 4: Independence Day - Legal Holiday. (IC 1-1-9-1)

July 15: Last day to make pension report and payment for second quarter by townships participating in PERF.

July 31: Last day to file quarterly report, Form 941, to the Internal Revenue Service for federal and social security taxes for the second quarter.

July 31: Last day to make report for second quarter to the Department of Workforce Development.

July: All local investment officers shall reconcile at least monthly the balance of public funds as disclosed by the records of the local officers, with the balance statements provided by the respective depositories. (IC 5-13-6-1) (The preceding months ending record balance must be reconciled with the respective bank statement(s).)

See Public Law 211, Effective July 1, 2007 concerning State Revenue Department filing requirements.

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NOTE: See the Township Bulletin, Volume 290, August 2010 for budget dates or call the Department of Local Government Finance at (317) 232-3773

NOTE: The township board should set the salaries of township officials and employees, in conjunction with the preparation and completion of the township budget. (Use Township Form 17)

August: All local investment officers shall reconcile at least monthly the balance of public funds as disclosed by the records of the local officers, with the balance statements provided by the respective depositories. (IC 5-13-6-1) (The preceding months ending record balance must be reconciled with the respective bank statement(s).)

See Public Law 211, Effective July 1, 2007 concerning State Revenue Department filing requirements.

NEW LAWS AFFECTING TOWNSHIPS

PUBLIC LAW 1 - SENATE ENROLLED ACT 222 – EFFECTIVE - VARIOUS DATES. TECHNICAL CORRECTIONS.

PUBLIC LAW 13 - SENATE ENROLLED ACT 87 - EFFECTIVE JULY 1, 2010. EMERGENCY MEDICAL SERVICES (EMS), SUSPENSIONS OR TERMINATIONS

Adds IC 36-8-3.5-19.3 and IC 36-8-12-19 concerning written explanations and procedures regarding suspensions or terminations of EMS personnel.

PUBLIC LAW 19 - SENATE ENROLLED ACT 128 - EFFECTIVE JULY 1, 2010. STATEWIDE MUTAL AID PROGRAM - FIRE PROTECTION DISTRICTS, FIRE PROTECTION TERRITORIES.

Amends IC 10-14-3-10.6 to include regarding a statewide mutual aid program (b) As used in this section, "unit" means the following: (1) A unit (as defined in IC 36-1-2-23). (2) A fire protection district established under IC 36-8-11. (3) A provider unit (as defined in IC 36-8-19-3) acting on behalf of a fire protection territory established under IC 36-8-19.

Amends IC 10-14-3-10.7 to provide in part (c) A participating unit rendering assistance for disaster response or recovery to another participating unit under section 10.6 of this chapter shall be reimbursed by the participating unit receiving the assistance for the following: (1) A loss of, damage to, or expense incurred in the operation of any equipment in answering the request for assistance, to the extent the loss, damage, or expense is not covered by a reimbursement from insurance to the participating unit rendering assistance. (2) An expense incurred in the provision of a service in answering the request for assistance, to the extent the expense is not covered by a reimbursement from insurance to the participating unit rendering assistance. (3) An expense incurred in answering the request for assistance, to the extent the expense is not covered by a reimbursement from insurance to the participating unit rendering assistance. (4) An amount equal to the deductible portion of an insurance policy used to reimburse all or part of an expense or other cost described in subdivisions (1) through (3).

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PUBLIC LAW 20 - SENATE ENROLLED ACT 134 – EFFECTIVE JULY 1, 2010. NON CODE REVISIONS, CODIFIES VARIOUS NONCODE STATUTES.

Adds IC 12-20-1-5 (a) After June 30, 2005, a reference to "poor relief" in a statute, a rule, an interim guideline, a contract, an application for benefits, an eligibility standard, a tax levy, a fund, a bond issue or another form of indebtedness, or any other legal document or order shall be treated as a reference to "township assistance". (b) The renaming of "poor relief" as "township assistance" does not affect: (1) any rights or liabilities accrued; (2) any penalties incurred; (3) any violations committed; (4) any proceedings begun; (5) any contract; (6) any application for or standard of benefits; (7) any tax levy; (8) any fund; (9) any bond issue or other form of indebtedness; or (10) any legal document or order.

PUBLIC LAW 23- SENATE ENROLLED ACT 172– EFFECTIVE MARCH 12, 2010 AND JULY 1, 2009. (RETROACTIVE) POLICE OFFICERS' AND FIREFIGHTERS' PENSION AND DISABILITY FUND.

Amends IC 36-8-8 concerning designation of beneficiaries.

Adds IC 36-8-8-24 concerning lump sum distributions.

PUBLIC LAW 41 - SENATE ENROLLED ACT 401 – EFFECTIVE JULY 1, 1009. PETITION AND REMONSTRANCE PROCESS.

Amends various sections of IC 6-1.1-20 concerning owners of a mobile home or a manufactured home used as a principal place of residence and which are assessed as personal property within a political subdivision to participate in the petition and remonstrance process for the issuance of debt or execution of a lease on a controlled project by the political subdivision.

PUBLIC LAW 62 - HOUSE ENROLLED ACT 1050 - EFFECTIVE JULY 1, 2009 (RETROACTIVE). POLICE OFFICERS' AND FIREFIGHTERS' 1977 PENSION AND DISABILITY FUND.

See PUBLIC LAW 23- SENATE ENROLLED ACT 172,

PUBLIC LAW 64 - HOUSE ENROLLED ACT 1083 - EFFECTIVE JULY 1, 2010. UNCLAIMED PROPERTY.

Amends IC 32-34-1-20 reduces from five years to three years the period concerning property under the State's unclaimed property act for a demand, savings, or matured time deposit, including a deposit that is automatically renewable, three (3) years after maturity or three (3) years after the date of the last indication by the owner of interest in the property, whichever is earlier. Property that is automatically renewable is considered matured for purposes of this section upon the expiration of its initial period, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder.

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PUBLIC LAW 67 - HOUSE ENROLLED ACT 1116 - EFFECTIVE JULY 1, 2010. WORKER'S COMPENSATION.

Amends IC 22-3-3-4 and IC 22-3-7-17 concerning worker compensation to provide in part (e) An employer or employer's insurance carrier may not delay the provision of emergency medical care whenever emergency medical care is considered necessary in the professional judgment of the attending health care facility physician.

PUBLIC LAW 73 - HOUSE ENROLLED ACT 1183 - EFFECTIVE VARIOUS DATES. TAX SALES.

Amends IC 6-1.1-24-9 to provide in part (d) Subject to IC 36-1-11-8, the county executive may assign a certificate of sale held in the name of the county executive to any political subdivision during the life of the certificate. If an assignment is made under this subsection, the period of redemption of the real property under IC 6-1.1-25 is one hundred twenty (120) days after the date of the assignment.

PUBLIC LAW 88 - HOUSE ENROLLED ACT 1008 - EFFECTIVE JULY 1, 2010. 1977 POLICE OFFICERS' AND FIREFIGHTERS' PENSION AND DISABILITY FUND, OUT-OF-STATE SERVICE CREDIT

Adds IC 36-8-8-8.8 concerning a fund member purchasing out-of-state service credit if the fund member meets certain requirements.

PUBLIC LAW 89 - HOUSE ENROLLED ACT 1059 - EFFECTIVE JULY 1, 2010. TAX BILLS; INTEREST ON LATE DISTRIBUTIONS.

Amends IC 5-13-6-3, to add (e) If a county auditor fails to make a distribution of tax collections by the deadline for distribution under subsection (b), a political subdivision that was to receive a distribution may recover interest on the undistributed tax collections under IC 6-1.1-27-1.

Amends various sections of IC 6-1.1-22.5 concerning tax distributions, statements and provisional statements.

Amends IC 6-1.1-27-1 concerning late distributions, including adding (d) The amount of interest to be paid if subsection (b)(2) applies equals the taxing unit's proportionate share of the actual amount of interest that is received from investments of the undistributed tax money from the date the county treasurer receives the taxing unit's request for funds under IC 5-13-6-3(b) to the date the tax money is distributed.

PUBLIC LAW 90 - HOUSE ENROLLED ACT 1065 - EFFECTIVE MARCH 12, 2010. FIREARMS

Adds IC 10-14-3-33.5 concerning firearms restrictions, including references to political subdivisions and school corporations.

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PUBLIC LAW 99 - SENATE ENROLLED ACT 30 - EFFECTIVE VARIOUS DATES. PERF MATTERS.

Amends and adds to various sections of IC 5 regarding PERF procedures, including annuity savings accounts.

Adds IC 36-8-8-24.8 concerning the 1977 Police Officers' and Firefighters' Pension and Disability Fund and partial lump-sum distributions.

PUBLIC LAW 107 - HOUSE ENROLLED ACT 1205 - EFFECTIVE VARIOUS DATES. PERF/TRF.

IC 5-10.2; IC 5-10.3 and IC 5-10.4 concerning the Board of Trustees of the Public Employees' Retirement Fund and the Board of Trustees of the Indiana State Teachers' Retirement Fund appointing a common director for the Funds.

PUBLIC LAW 110 - SENATE ENROLLED ACT 23 - EFFECTIVE VARIOUS DATES. TOWNSHIP EMPLOYEES LAID-OFF, WORK CONDITIONS, COMPENSATION AND WORKFORCE DEVELOPMENT.

Amends IC 36-8-4-10 to provide in part (b) Subject to subsection (c), the board or person having the authority to employ members of a fire or police department may give a preference for employment to any of the following: . . . (3) A person who: (A) was employed full-time or part-time by a township to provide fire protection and emergency services; and (B) has been laid off by the township.

Amends and adds to IC 22 concerning work conditions, compensation, and workforce development.

PUBLIC LAW 111 - SENATE ENROLLED ACT 309 – EFFECTIVE VARIOUS DATES. BUDGET YEAR.

Amends IC 6-1.1-17-5 to provide in part (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows: . . . (2) The proper officers of all other political subdivisions that are not school corporations, not later than November 1.

PUBLIC LAW 113 HOUSE ENROLLED ACT 1086 - EFFECTIVE VARIOUS DATES. PROPERTY TAX LEVIES.

Maximum Levies

Amends various sections of IC 6-1.1, including IC 6-1.1-18.5-1 to provide in part however, for the determination of the maximum permissible property tax levy for property taxes first due and payable after December 31, 2010, upon request by a civil taxing unit, the department of local government finance may make an adjustment to the civil taxing unit's maximum permissible ad valorem property tax levy for the ensuing calendar year if the civil taxing unit's actual levy was lower than the civil taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year because of the civil taxing unit's use of cash balances.

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PUBLIC LAW 113 HOUSE ENROLLED ACT 1086 - EFFECTIVE VARIOUS DATES. PROPERTY TAX LEVIES. (Continued)

Amends IC 6-1.1-18.5-10.5 to provide in part (b) The department of local government finance may, under this subsection, increase the maximum permissible ad valorem property tax levy that would otherwise apply to a civil taxing unit under section 3 of this chapter to meet the civil taxing unit's obligations to a fire protection territory established under IC 36-8-19. To obtain an increase in the civil taxing unit's maximum permissible ad valorem property tax levy, a civil taxing unit shall submit a petition to the department of local government finance in the year immediately preceding the first year in which the civil taxing unit levies a tax to support the fire protection territory. The petition must be filed before the date specified in section 12(a)(1) of this chapter of that year.

Referendums

Amends IC 6-1.1-20-3.6 to provide in part If the county election board approves the language of a public question under this subsection after June 30, 2010, the county election board shall submit the language to the department of local government finance for review. The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may recommend that the ballot language be used as submitted or recommend modifications to the ballot language as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall send its recommendations to the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. After reviewing the recommendations of the department of local government finance under this subsection, the county election board shall take final action to approve ballot language. The finally adopted ballot language may differ from the recommendations made by the department of local government finance.

Adds IC 6-1.1-20-3.8 to provide (a) This section applies to the issuance of bonds or the entering into a lease for a controlled project to which section 3.1 of this chapter applies. (b) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease described in subsection (a), the fiscal body of the political subdivision may adopt a resolution specifying that the local public question process specified in section 3.6 of this chapter applies to the issuance of the bonds or the execution of the lease instead of the petition and remonstrance process under section 3.2 of this chapter. (c) The fiscal body must adopt a resolution under subsection (b) not later than the date on which the political subdivision makes a preliminary determination to issue bonds or enter into a lease as described in subsection (a). (d) The fiscal body must certify the resolution to the county election board of each county in which the political subdivision is located, and the county election board shall place the public question on the ballot as provided in section 3.6 of this chapter. (e) Except to the extent it is inconsistent with this section, section 3.6 of this chapter applies to a local public question placed on the ballot under this section.

State Tax Withholdings

Adds IC 6-3-4-16.5 to provide a) This section applies to: (1) Form W-2 federal income tax withholding statements; and (2) Form WH-3 annual withholding tax reports; filed with the department after December 31, 2010. (b) If an employer or any person or entity acting on behalf of an employer files more than twenty-five (25) Form W-2 federal income tax withholding statements with the department in a calendar year, all Form W-2 federal income tax withholding statements and Form WH-3 annual withholding tax reports filed with the department in that calendar year by the employer or the person or entity acting on behalf of the employer must be filed in an electronic format specified by the department.

Amends IC 12-20-25 concerning credits and distressed townships.

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PUBLIC LAW 113 HOUSE ENROLLED ACT 1086 - EFFECTIVE VARIOUS DATES. PROPERTY TAX LEVIES. (Continued)

Public Works

Amends IC 36-1-12-4 to provide in part (b) . . . (5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board. The period of time between the date of the first publication and receiving bids may not be more than: (A) six (6) weeks if the estimated cost of the public works project is less than twenty-five million dollars (\$25,000,000); and (B) ten (10) weeks if the estimated cost of the public works project is at least twenty-five million dollars (\$25,000,000).

Government Reorganizations

Amends IC 36 and IC 36-1.5-4 concerning government reorganization, including dates.

Libraries

Amends IC 36-12-2-25 to provide in part (b) A library board may issue local library cards to . . . (4) employees of a school corporation or nonpublic school located in the library district; who apply for the cards . . . (f) A library board may issue a local library card under subsection (b)(3) or (b)(4): (1) to an individual who is not a resident of the library district; and (2) without charging a fee for the card; if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board. (similar amendments to IC 36-12-7-3)

Adds IC 36-12-2-26 concerning dissolution of a library district is initiated when the legislative body of each municipality, township, or county that is a part of the district and library board of the district adopt identical resolutions proposing to dissolve the district by an affirmative vote of a majority of the voting members of each legislative body and library board.

State Constitution

Non code provision provides language for the public question regarding proposed amendment to the State Constitution concerning limitations on property taxes.

PUBLIC LAW 115 - HOUSE ENROLLED ACT 1336 - EFFECTIVE VARIOUS DATES. PUBLIC INVESTMENT LAW

Municipal Securities

Amends IC 5-13-9-2 to provide (a) Each officer designated in section 1 of this chapter may invest or reinvest any funds that are held by the officer and available for investment in any of the following: . . . (3) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase.

Money Market Mutual Funds

Amends IC 5-13-9-2.5 to eliminate the fifty percent (50%) limitation concerning, investments in certain money market mutual funds which used to provide (b) The investments described in subsection (a) may not exceed fifty percent (50%) of the funds held by the officer and available for investment.

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PUBLIC LAW 115 - HOUSE ENROLLED ACT 1336 - EFFECTIVE VARIOUS DATES. PUBLIC INVESTMENT LAW. (Continued)

CD Quotes

Amends IC 5-13-9-4 concerning procedures to obtain quotes on certificates of deposits to now provide in part (b): The investing officer making a deposit in a certificate of deposit shall obtain quotes of the specific rates of interest for the term of that certificate of deposit that each designated depository will pay on the certificate of deposit. Quotes may be solicited and taken by telephone. A memorandum of all quotes solicited and taken shall be retained by the investing officer as a public record of the political subdivision under IC 5-14-3. If the deposit is not placed in the designated depository quoting the highest rate of interest the investing officer shall: (1) place the deposit in the depository quoting the second or third highest rate of interest; and (2) note the reason for placing the deposit on the memorandum of quotes.

Amends IC 5-13-9-5 concerning quote procedures under the section, changing (c) If a deposit is not placed in the designated depository quoting the highest rate of interest, the investing officer shall follow the procedures and priority for placing deposits that are set forth in section 4 of this chapter and note the reason for placing the deposit on the memorandum of quotes.

CD's Selected Depositories

Adds IC 5-13-9-5.3 to provide in part (a) In addition to the authority to invest in certificates of deposit under section 5 of this chapter, and notwithstanding any other law, . . . the fiscal body of each political subdivision . . . may by . . . resolution authorize the investing officer . . . to invest public funds in certificates of deposit in accordance with the following conditions: (1) The funds are initially invested through a depository that is selected by the investing officer. (2) The selected depository arranges for the deposit of the funds in certificates of deposit in one (1) or more federally insured banks or savings and loan associations, wherever located, for the account of the . . . political subdivision. (3) The full amount of the principal and any accrued interest of each certificate of deposit are covered by insurance of any federal deposit insurance agency. (4) The selected depository acts as a custodian for the . . . political subdivision with respect to the certificates of deposit issued for its account. (5) At the same time that the . . . political subdivision's funds are deposited and the certificates of deposit are issued, the selected depository receives an amount of deposits covered by insurance of any federal deposit insurance agency from customers of other institutions, wherever located, at least equal to the amount of the funds invested by the . . . political subdivision through the selected depository. (b) Public funds invested in accordance with subsection (a) are not subject to any security or pledging requirements that may otherwise be applicable to the deposit or investment of public funds.

Joint Investment Fund

Amends IC 5-13-9-10 to provide in part (d) A joint investment fund must be invested and reinvested as a separate and individual fund. A joint investment fund may be invested or reinvested only in investments that are permitted for political subdivisions by this chapter.

State Board of Depositories

Amends IC 5-13-12-2 concerning the makeup of the Board for Depositories.

Amends and adds to various other sections of IC 5-13-12 and IC 5-13-13 concerning operation of the Board for Depositories.

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PUBLIC LAW 115 - HOUSE ENROLLED ACT 1336 - EFFECTIVE VARIOUS DATES. PUBLIC INVESTMENT LAW. (Continued)

Amends IC 5-13 concerning appointments to the Board. Provides regarding the PDIF the warrants outstanding and unpaid must not at any time exceed the sum of three hundred million dollars (\$300,000,000) (up from one million five hundred thousand dollars (\$1,500,000)). Also adds a section in 5-13-13-7 to provide (f) If the fund balance is zero (0), each depository shall pledge and deliver collateral to the board equal to the depository's pro rata share of total deposit accounts of public funds based on an average of the depository's total deposit accounts of public funds for the previous four (4) quarters, as reported under this article, as determined by the board from time to time, with at least fifteen (15) days notice to the depository, to secure the safekeeping and prompt payment of public funds.

Pension Relief

Amends IC 5-13-12-4 concerning pension relief fund distributions.