

# THE COUNTY BULLETIN

And Uniform Compliance Guidelines

ISSUED BY STATE BOARD OF ACCOUNTS

Vol. No. 421

July 2020

## **SPECIAL EDITION**

### **NEW LAWS AFFECTING VARIOUS COUNTY OFFICES**

The following is a digest of some of the laws passed in the 2019 Session of the General Assembly affecting various offices in county government. Some of the laws do not pertain directly to a particular county office, but are included in this digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretations, nor is the digest intended to be all inclusive. Reference in the digest will be to the Indiana Code in the following form (Amends IC 33-17-10-5) which means (Amends Indiana Code, Title 33, Article 17, Chapter 10, Section 5). Please note the effective date of each law.

Additional information regarding the 2019 public laws may be found on the General Assembly website at [www.iga.in.gov](http://www.iga.in.gov). The "Session" tab contains a Table of Citations for all Indiana Code citations affected by the new legislation, a complete Digest of Enactments summarizing each new public law, an Enrolled Act Summary showing the effective dates of each public law section, and other cross references between public law number and bill number. The "Legislation" tab contains each new public law.

**PUBLIC LAW 153-2020 – HOUSE ENROLLED ACT 153 - EFFECTIVE 7-1-2020 –PULASKI COUNTY LOCAL INCOME TAX.** Amends IC 6-3.6-7-18 - Provides that a tax imposed by a fiscal body on the adjusted gross income of local taxpayers at a tax rate that does not exceed three-tenths percent (0.3%) expires December 31, 2020. Provides that for calendar years beginning after December 31, 2020, and before January 1, 2036, the county fiscal body may impose a tax on the adjusted gross income of local taxpayers at a tax rate that does not exceed three-tenths percent (0.3%). Amends purposes for which revenue generated from the special purpose tax rate may be used.

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**PUBLIC LAW 154-2020 – HOUSE ENROLLED ACT 1065 – VARIOUS TAX MATTERS.** Amends 6-1.1; 6-3.6, 36-7-14 - Amends the definition of "inventory" for purposes of property tax. Amends the definition of "land developer" for purposes of provisions that apply to reassessment of undeveloped land. (Effective 1-1-2019) - Provides that, if a taxpayer believes that the taxpayer has overreported a personal property assessment that is discovered in the course of a review of the taxpayer's personal property assessment for which the assessing official fails to make an adjustment to correct the error, the taxpayer may: (1) initiate an appeal with the county property tax assessment board of appeals for a credit to offset any resulting overpayment; or (2) file a claim for refund with regard to any resulting overpayment. Authorizes an appeal to the Indiana board of tax review of the denial of the refund claim with regard to a resulting overpayment.

Amends the definition of "qualified redevelopment site" for purposes of the redevelopment tax credit to include a mine reclamation site. (Effective 3-30-2020) - Provides that a local income tax council (LIT council) for a county with a single voting bloc must vote as a whole in order to exercise its authority to increase (but not decrease) a local income tax rate in the county. Defines a "county with a single voting bloc" as a county in which one city or one town that is a member of the LIT council is allocated more than 50% of the total votes allocated to the members of the LIT council. Sunsets this provision on May 31, 2021. Provides that actions taken by a member of a LIT council, or a LIT council, for a county with a single voting bloc after December 31, 2019, and before April 1, 2020, on a resolution or proposed ordinance to increase a local income tax in the county are void. Retroactively amends local income tax provisions that authorize Monroe County and Howard County to impose a special purpose rate to fund operation and maintenance of a juvenile detention center to remove provisions referring to property tax credits that were inadvertently included in those special purpose rate provisions when the local income tax law was enacted

Provides that Spencer County is subject to a provision of the area planning law concerning urban areas. (Effective 3-30-2020) Makes certain changes to provisions that permit a redevelopment commission to establish a program for residential housing development and a tax increment funding allocation area for the program, including the following: (1) Provides that the threshold condition for establishing a residential housing development program (program) does not apply for purposes of establishing a program in an economic development target area. (2) Requires the department of redevelopment to consult with officials of all school corporations within the proposed allocation area before formal submission of the program. (3) Requires the department of redevelopment to provide notice of the public hearing on the program to all affected taxing units and officials of all school corporations within the proposed allocation area.S

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**PUBLIC LAW 102-2020 – HOUSE ENROLLED ACT 1090 – EFFECTIVE 7-1-2020 -ASUUMPTION OF CARE OF CEMETERIES.** Amends IC 23-14 - Provides that a township or a county may assume maintenance of a cemetery for which it would otherwise not be responsible. Requires a property owner that has a cemetery located on the owner's property to make a reasonable effort to maintain the cemetery. Provides that a township or county that assumes responsibility for maintaining a cemetery may seek reimbursement from the property owner for the cost of maintenance. Provides that a property owner commits a Class C infraction if the property owner fails to maintain the cemetery after the township or county provides two written notices.

**PUBLIC LAW 40-2020 – HOUSE ENROLLED ACT 1094 – EFFECTIVE 7-1-2020 – SUBSTANCE USE PREVENTION AND RECOVERY** – Amends IC 5-2-11 - Requires the executive director of the Indiana criminal justice institute to work with local coordinating councils and other stakeholders when implementing certain recommendations concerning substance use and substance use disorder. Includes public safety programs in the statutory definition of "criminal justice services and activities". Specifies that local coordinating councils responsible for the combating of drug and substance use are: (1) collaborative; and (2) open to the public. Permits county drug free community funds to supplement local government spending on: (1) drug use recovery programs; (2) drug use intervention programs; and (3) drug use prevention programs. Defines certain terms.

**PUBLIC LAW 158-2020 – HOUSE ENROLLED ACT 1108 – EFFECTIVE 7-1-2020 – STATE BOARD OF ACCOUNTS.** -Amends IC 5-11-1; IC 5-11-5 and IC 5-11-13 - Makes various changes to statutes concerning the state board of accounts (board). Adds a definition of a "responsible officer of an audited entity". Allows the audit committee to determine the amount of the bond for the state examiner, deputy examiners, and field examiners based on applicable risk considerations. Repeals a statute that addresses duties required by law on April 5, 1909. Provides that, for purposes of the risk based examination criteria, the board may perform examinations of certain audited entities more frequently than once every four years if required by a ratings agency that rates debt maintained by such an audited -14- entity. Provides that the board may issue management letters based on professional auditing standards to certain audited entities. Provides that the state examiner, deputy examiner, or field examiner may issue subpoenas to enforce the filing of certain reports. Establishes a procedure governing the examination of certain bodies corporate and politic. Provides that the procedure applies only to a body corporate and politic whose enabling statute does not provide for an audit, examination, or other engagement by the state board of accounts or an independent public accounting firm concerning financial or compliance related matters of the body corporate and politic. Makes changes to statutes establishing the forfeiture of office for the failure to file certain reports, interference with an examiner, and the failure to adopt or use the system of accounting and reporting adopted by the board. Provides that, as an alternative to an order to forfeit office, a court may impose a civil penalty that does not exceed \$500 for each day that the public officer or responsible officer continues to violate an obligation

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**PUBLIC LAW 158-2020 – HOUSE ENROLLED ACT 1108 – EFFECTIVE 7-1-2020 – STATE BOARD OF ACCOUNTS. Continued**

with respect to an audit, examination, or other engagement by the board. Specifies that the individual is personally liable for a civil penalty imposed on the individual for such a violation. Provides that the board may collect the expenses from the audited entity that the board incurs in carrying out the audit, examination, or other engagement.

**PUBLIC LAW 159-2020 – HOUSE ENROLLED ACT 1113 – EFFECTIVE 7-1-2020 – LOCAL GOVERNMENT FINANCE** – Amends IC 5-1-18-6; IC 6-1.1; IC6-3.6; and IC 36-1-8 - Changes the deadline for reporting bonds issued or leases executed after September 30. Changes the defined term "assessed value growth quotient" to the term "maximum levy growth quotient" without changing the definition. Allows the department of local government finance (department) to amend certain rules to conform with statutory changes. Requires counties to provide data related to property taxation to the department. (Current law requires counties to provide the data to the department and the legislative services agency.) (Effective 1-1-2020) Amends and adds provisions regarding the assessment of a golf course. Eliminates unnecessary information from the sales disclosure form. Changes the term "industrial facility" in the statutes concerned with the assessment of industrial facilities. Prohibits township assessors and vendors who contract with county assessors or townships from assessing industrial facilities in Lake County. (Effective 3-30-2020) Provides that, for purposes of determining the assessed value of real property for an individual who has received an over 65 deduction, a disabled veteran deduction, or an over 65 circuit breaker credit, subsequent increases in assessed value are not considered unless the increase is attributable to physical improvements to the property. Provides that a taxpayer may appeal a change in the assessed value of personal property made by a township assessor or county assessor by filing a written notice of review with the county property tax assessment board of appeals (PTABOA). Provides that a taxpayer may appeal a change in the assessed value of personal property made by a PTABOA by filing a written notice of review with the Indiana board of tax review. Removes existing language that provides that, if a PTABOA fails to change an assessed value claimed by a taxpayer on a personal property return and give notice of the change within the time prescribed, the assessor may file a petition for review of the assessment by the Indiana board. Changes the debt service obligation reporting date. Provides that a political subdivision shall submit the date, time, and place of the final adoption of the budget, tax rate, and levy through the department's computer gateway. Requires a political subdivision to indicate on its budget ordinance whether the political subdivision intends to issue debt after December 1 or file a shortfall appeal. Requires a political subdivision that makes an additional unbudgeted appropriation to submit the additional appropriation to the department within 15 days after the additional appropriation is adopted. Provides procedures for increases for the maximum permissible ad valorem property tax levies for Sullivan County, the city of Wabash, and the Wabash city

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## **PUBLIC LAW 159-2020 – HOUSE ENROLLED ACT 1113 – EFFECTIVE 7-1-2020 – LOCAL GOVERNMENT FINANCE, continued**

school corporation. Specifies that the county treasurer's property tax comparison statement, issued annually, must include: (1) information stating how a taxpayer can obtain information regarding the taxpayer's notice of assessment or reassessment; and (2) a remittance coupon indicating payment amount due at each payment due date. Eliminates the use of the state address confidentiality form to submit a request to restrict access to a covered person's address maintained in a public property data base.(Effective 1-1-2020) Provides that, if a taxpayer is owed a refund that exceeds \$500,000 for excessive property taxes paid on real property, a county auditor may pay the property tax refund in equal installments of property tax credits for at least five and not more than 10 years, depending on the amount owed to the taxpayer. Requires the department to provide certain assessment and tax data to the legislative services agency within one business day of receipt. Eliminates the requirement that a candidate for an assessor-appraiser examination be an Indiana resident. Provides that if an adopting body under the local income tax law wishes to submit a proposed notice, ordinance, or resolution to the

**PUBLIC LAW 159-2020 (CONTINUED)** department for preliminary review, the adopting body shall submit the notice, ordinance, or resolution on the prescribed forms. Modifies the standard formula for the calculation of certified shares of local income tax revenue in Hamilton County after 2020 and before 2024 to calculate adjusted amounts of certified shares for the city of Carmel and the city of Fishers. Transfers responsibility for reporting by political subdivisions of other post-employment benefits from the department to the state board of accounts. Provides that money in the fund of a flood control improvement district established after December 31, 2019, may be used for a flood control works project in a location outside the boundaries of the district. Expires this provision on March 1, 2022. Removes a provision in current law requiring the state board of accounts to approve the form of a record for stating certain unpaid costs on unsafe premises. Provides that a person that has certain business relationships with another person that owes delinquent taxes, special assessments, penalties, interest, or costs attributable to a prior tax sale is prohibited from bidding on or purchasing real property at a tax sale or from bidding on, purchasing, receiving, or leasing a tract under the law governing the disposal of property by local governments. Requires the county treasurer to require each person bidding at a tax sale to sign a form affirming that the person is not bidding on or purchasing tracts or items of real property on behalf of or as an agent for a person who is prohibited from purchasing at a tax sale. Allows certain nonprofit entities that failed to comply with the exemption filing deadlines to claim the property tax exemptions that the nonprofit entities were otherwise eligible to claim. Rephrases and reorganizes various provisions. Makes technical changes.

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**PUBLIC LAW 113-2020 – HOUSE ENROLLED ACT 1198 EFFECTIVE JULY 1, 2020 - PUBLIC SAFETY**

**MATTERS** – Amends IC 10-10.5 and IC 16-31-6-1- Designates an Indiana first responder to include the following employees and volunteers of state and local public safety agencies: (1) Law enforcement officers. (2) Firefighters, including volunteer firefighters. (3) Corrections officers. (4) Public safety telecommunicators. (5) Providers of emergency medical services. (6) Providers of emergency management services. (7) Any other individuals whose duties in serving a public safety agency include rapid emergency response. Provides that the designation of an individual as an Indiana first responder does not affect an individual's terms of employment or volunteer service with the public safety agency. Provides that a certified emergency medical technician or a licensed paramedic is not liable for transporting any person to an appropriate health care facility when the emergency medical technician or the licensed paramedic makes a good faith judgment that the emergency patient or the emergency patient's primary caregiver lacks the capacity to make an informed decision about the patient's: (1) safety; or (2) need for medical attention; and the emergency patient is reasonably likely to suffer disability or death without the medical intervention available at the facility.

**PUBLIC LAW 123-2020 – HOUSE ENROLLED ACT 1267 – EFFECTIVE 7-1-2020 – WITHDRAWAL OF**

**CANDIDATES** Amends IC 3-8-2-20 - Provides that a candidate may withdraw from being a candidate not later than noon 81 days before the date of a primary election. (Under current law, a candidate wanting to withdraw must do so not later than noon 85 days before the primary election.)

**PUBLIC LAW 24-2020 - HOUSE ENROLLED ACT 1288 – EFFECTIVE 1-1-2020 – LOCAL OFFICE CAMPAIGN**

**FINANCE REPORTS** – Amends IC 3-9-4-4.5 - Provides that a county election board may provide for electronic filing of campaign finance reports by local candidates and committees. Provides that if a county election board provides for electronic filing of campaign finance reports, the county election board may not require any candidate or committee to file campaign finance reports electronically.

**PUBLIC LAW 126-2020 - HOUSE ENROLLED ACT 1313 – EFFECTIVE 7-1-2020 - COURTS AND FAMILY LAW**

**MATTERS** – Amends IC 33-25-5; IC 33-28-3-4; IC 33-29-2-4 and IC 33-31-2-3 - Provides that a magistrate has the same powers as a judge, except the power of judicial mandate. Repeals certain sections that enumerate the powers for magistrates. Repeals the judicial technology oversight committee. Increases the filing limit for the small claims docket to not more than \$8,000 (rather than \$6,000, under current law). Provides that the Marion County court will divide the work of the court into various divisions, including but not limited to the following: (1) Civil. (2) Criminal. (3) Family. Provides that the Marion County court shall hold session in the: (1) community justice campus in Indianapolis; and (2) other places in Marion County as the court determines. Provides that a relocating individual who is party to a custody order or parenting time order is not required to file a notice of intent to move with the clerk of the court if: (1) the relocation has been addressed by a prior court order; or (2) the relocation will: (A) result in a decrease in the distance between the relocating individual's residence and the nonrelocating individual's residence; or (B) result in an increase of not more than 20 miles in the distance between the

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**PUBLIC LAW 126-2020 - HOUSE ENROLLED ACT 1313 – EFFECTIVE 7-1-2020 - COURTS AND FAMILY LAW MATTERS, continued**

relocating individual's residence and the nonrelocating individual's residence. Makes conforming amendments.

**PUBLIC LAW 48-2020 - HOUSE ENROLLED ACT 1346 – EFFECTIVE 3-30-2020 – JAIL OVERCROWDING.**

Amends IC 5-2-6-3 and IC 33-38-9.5 - Repeals all provisions concerning the county jail overcrowding task force. Adds additional members to the justice reinvestment advisory council ("advisory council"), including members of the Indiana evidence based decision making initiative (which is a partnership between state and local criminal justice stakeholders). Specifies the purpose and certain duties of the advisory council, including: (1) to conduct a state level review and evaluation of jail overcrowding to identify a range of possible solutions; and (2) to develop incarceration alternatives and recidivism reduction programs at the county and community level by promoting the development of the incorporation of evidence based decision making into decisions concerning jail overcrowding. Provides that the advisory council may make a recommendation to the county sheriffs concerning strategies to address jail overcrowding and implementing evidence based practices for reducing recidivism for individuals in county jails. Requires the criminal justice institute to coordinate with state and local criminal justice agencies for the collection and transfer of data from sheriffs concerning jail: (1) populations; and (2) statistics; for the purpose of providing jail data to the management performance hub.

**PUBLIC LAW 26-2020 – HOUSE ENROLLED ACT 1370 – EFFECTIVE 7-1-2020 – REGIONAL**

**REDEVELOPMENT.** Amends IC 36-1-7 and IC 36-7-38 - Provides that a public instrumentality or a public corporate body authorized by state law may enter into an interlocal agreement. Allows two or more eligible units to establish a land bank jointly by entering into an interlocal agreement.

**PUBLIC LAW 53-2020 – SENATE ENROLLED ACT 20 – EFFECTIVE 7-1-2020 – PLAN COMMISSIONS –**

Amends IC 36-7-4-208 and IC 36-7-4-220 - Allows a county agricultural extension educator (educator) serving on a county plan commission or an area plan commission who is not a resident of the county to continue to serve on the county plan commission or area plan commission until: (1) October 1, 2020; or (2) the date set forth in a county legislative body ordinance that is after October 1, 2020, and not later than October 1, 2021. Provides that an educator who is not a resident of the county shall serve the county plan commission or area plan commission in a nonvoting advisory capacity. Provides that the county surveyor's designee must be a resident of the county to serve on the county plan commission or area plan commission. Requires a person appointed to a plan commission to fill a vacancy or to serve as an alternate member to meet the same requirements as the member the person is appointed to replace.

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**PUBLIC LAW 55-2020 – SENATE ENROLLED ACT 47 – EFFECTIVE 7-1-2020 – EXPUNGEMENT ISSUES.**

Amends IC 24-4-18-1; IC 34-26-7.5 and IC 35-38-9 - Defines "protection order records" and requires companies that provide background checks to periodically review their records and remove records relating to expunged protection orders (in the same manner as expunged convictions are removed). Permits a person to expunge protection order records in connection with the denial of an ex parte petition for a protection order. Provides that if a court reduces a Class D or Level 6 felony to a misdemeanor, the five-year waiting period for expungement begins on the date of the felony conviction and not on the date the felony was converted to a misdemeanor. Provides that, if a person whose records have been expunged seeks employment with a law enforcement agency or a probation or community corrections department, the law enforcement agency or the probation or community corrections department may: (1) inquire about the person's expunged records; and (2) refuse to employ the person. Specifies the procedure to expunge records of a collateral action entered in a different county than the county which issued the expungement order

**PUBLIC LAW 30-2020 – SENATE ENROLLED ACT 78 – EFFECTIVE 7-1-2020 – SHOVEL READY SITE**

**DEVELOPMENT CENTER** – Amends IC 5-28-4-2 - Defines "office" as the office of community and rural affairs for purposes of the law governing the shovel ready site development center (center). Provides that the office shall, in cooperation with the Indiana economic development corporation and political subdivisions, administer the center to enable political subdivisions to obtain permits to create sites that are ready for economic development. Provides that the office shall serve as the certifying body for acceptance into the program and determine the criteria to be used to certify sites.

**PUBLIC LAW 135-2020 SENATE ENROLLED ACT 179 – EFFECTIVE 3-21-2020 – ELECTION CYBERSECURITY**

– Amends IC 3-5-4-12; IC 3-7-26.3-35; IC 3-11-8-10.3; IC 3-11-13-22; IC 3-11-14.5-1; IC 3-11-15-7; IC 3-11-18.2-12; IC 3-12-3-12.7; IC 3-12-3.5-3; IC 3-12-4-6.4; IC 3-12-13; and IC 3-12-14 Requires counties to enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the secretary of state for specified security purposes. Provides that this requirement expires January 1, 2023. Requires an employee or agent of a circuit court clerk, a county election board, or a board of registration to meet certain proficiency standards to be qualified to access the statewide voter registration system. Requires applicants for certification of voting systems and electronic poll books to include information regarding: (1) the batteries used in the voting system or electronic poll book, and any peripherals; (2) a planned replacement schedule for the batteries, and (3) plans to test batteries; and (4) plans for emergency replacement of batteries that fail on election day or during the 30 days before election day. Provides that the number of voting systems to be examined in a public test is based on the number of voting system units scheduled by the county election board to be used in the upcoming election. Requires a single list instead of two lists for testing by counties before elections and sets forth selection requirements for testing. Provides that if a county uploads unofficial precinct election results to the statewide voter registration system before certification of the final



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**PUBLIC LAW 135-2020 SENATE ENROLLED ACT 179 – EFFECTIVE 3-21-2020 – ELECTION CYBERSECURITY, continued**

results, the county must use a universal serial bus (USB) drive that contains anti-malware protection features or other approved data storage transfer methods. Provides that: (1) if a direct record electronic voting system contains a voter verifiable paper audit trail, the precinct election board is not required to print out the paper audit trail in preparing the certificates setting forth the number of votes cast for a candidate or on a public question in the precinct; and (2) the certificates set forth the official votes cast by the voters of the precinct. Provides that after December 31, 2020, an electronic poll book may not display whether a voter's registration record is in active or inactive status. Provides that in a recount or contest proceeding, the information set forth on the voter verifiable paper audit trail may be used as evidence for a recount commission or a court to determine the votes cast for a candidate or on a public question in the precinct. Permits the secretary of state to issue orders (rather than adopting administrative rules) to: (1) designate elections to be subject to a risk-limiting audit or procedure audits conducted after the election; and (2) to administer risk-limiting audits.

**PUBLIC LAW 7-2020 – SENATE ENROLLED ACT 187 – EFFECTIVE 7-1-2020 – ELKHART COUNTY COURTS.**

Amends IC 33-32-2-4; and IC 33-33-20-4 - Provides that the board of county commissioners shall provide the circuit court clerk with an office at: (1) the county seat; or (2) in Elkhart County, any other place in the county as the board of county commissioners may provide; in a building provided for that purpose. Provides that each division of the circuit court or superior court of Elkhart County shall hold sessions at: (1) the courthouse of the county; or (2) any other place in the county as the board of county commissioners may provide.

**PUBLIC LAW 190-2020 - SENATE ENROLLED ACT 190 – EFFECTIVE 7-1-2020 – CONTROLLED PROJECTS –**

Amends IC 6-1.1-20 - Amends the definition of a "controlled project" to exclude projects exclusively for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation of: (1) local road and street systems; (2) arterial road and street systems; and (3) any combination of local and arterial road and street systems; including bridges that are designated as being in a road and street system. Provides that the restrictions on supporting a position on a controlled project apply to any political subdivision that has assessed value within the same taxing district as the political subdivision proposing the project. Provides that nothing shall prevent another political subdivision that has assessed value within the same taxing district as the political subdivision from adopting a resolution or taking a position on a local public question.

**PUBLIC LAW 8-2020 – SENATE ENROLLED ACT 197 – EFFECTIVE 7-1-2020 – PROHIBITED TECHNOLOGY**

**PURCHASES** – Amends IC 1-1-15 - Defines "prohibited person" as a person that has been designated as posing a national security threat to the integrity of communications networks or the communications supply chain under a Federal Communications Commission rule. Prohibits money appropriated by the

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**PUBLIC LAW 8-2020 – SENATE ENROLLED ACT 197 – EFFECTIVE 7-1-2020 – PROHIBITED TECHNOLOGY PURCHASES, continued**

general assembly or a political subdivision from being granted to or used to purchase or obtain any equipment or services produced or provided by a prohibited person.

**PUBLIC LAW 64-2020 – SENATE ENROLLED ACT 216 – EFFECTIVE 7-1-2020 – DISCLOSURE OF PERSONAL INFORMATION TO OFFENDER** – Amends IC 5-14-3-2 and IC 5-14-3-4 - Amends the access to public records act to provide that personal information regarding a correctional officer, probation officer, community corrections officer, law enforcement officer, judge, crime victim, or their family members may be withheld from disclosure when requested by a person confined in a prison, county jail, detention facility, or in a community corrections program as a result of the person's arrest or conviction for a crime, or that person's agent or relative. (Currently the law permits withholding personal information of officers, judges, victims, or their family members, if the information is requested by a person incarcerated in a penal institution after conviction for a crime.) Provides that the term "agent" does not include an attorney in good standing admitted to the practice of law in Indiana.

**PUBLIC LAW 166-2020 SENATE ENROLLED ACT 229 – EFFECTIVE 7-1-2020 – MAINTENANCE OF REGULATED DRAINS** – Amends IC 13-18-22-1 - Provides that a permit is not required from the Indiana department of environmental management for the maintenance or reconstruction of a regulated drain in accordance with certain best management practices for purposes of the law concerning state regulated wetlands, as long as the work takes place within the current easement and the reconstruction does not substantially change the characteristics of the drain to perform the function for which it was designed and constructed

**PUBLIC LAW 65-2020 SENATE ENROLLED ACT 230 – EFFECTIVE 7-1-2020 – LEASING OF LOCAL UNIT PROPERTY** – Amends IC 36-1-11-10.5 - Provides that a political subdivision may lease real property of the political subdivision that is located between the curb of a street and the front of commercial property, including a parkway strip, tree row, verge, or sidewalk, to the owner or property manager of the commercial property: (1) upon terms agreed to between the political subdivision and the property owner or property manager; and (2) without competitive bidding. Specifies requirements for the lease. Provides that upon execution of the lease, the property of the political subdivision shall be under the maintenance, control, and supervision of the property owner or the property manager, subject to the public's right to use the sidewalk as a walkway. Requires the lessee to: (1) assume the liability of the political subdivision for personal injuries and property damage to third parties occurring on the property; and (2) maintain insurance coverage in amount determined sufficient by the political subdivision. Requires the lease to be approved by at least a two-thirds vote of the members of the fiscal body of the political subdivision and recorded in the -47- office of the county recorder.

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**PUBLIC LAW 138-2020 – SENATE ENROLLED ACT 256 – EFFECTIVE 7-1-2020 – COURTS AND JUDICIAL OFFICERS** – Amends IC 2-5-1.3-13 and IC 33-33 - Provides that the interim study committee on courts and the judiciary (committee) shall review, consider, and make recommendations concerning requests for new courts, new judicial officers, and changes in jurisdiction of existing courts in each even-numbered year. Specifies the information that must be provided to the committee with such a request. Provides that in each even-numbered year the committee shall: (1) identify each county in which the number of courts or judicial officers exceeds the number used by the county for a particular year; and (2) determine the number of years in which the number of courts or judicial officers in the county has exceeded the number used by the county. Requires the office of judicial administration to post the required information on its Internet web site. Establishes the Clark circuit courts No. 5 and No. 6, beginning January 1, 2025. Provides for the election of the judges of each of these circuit courts at the November 2024 general election. Establishes the Clark superior courts No. 5 and No. 6. Requires the governor to appoint the judge of each of these superior courts. Provides that each of these superior courts converts to Clark circuit courts No. 5 and No. 6 beginning January 1, 2025. Establishes a sixth circuit court in Delaware County. Removes the requirement that Delaware circuit courts No. 4 and No. 5 each have a standard small claims and misdemeanor docket. Establishes a third superior court in Marshall County. Allows the judges of the Gibson superior court and Gibson circuit court to jointly appoint a magistrate to serve the Gibson County courts. Allows the judges of the Hamilton circuit and superior courts to jointly appoint an additional magistrate to serve the Hamilton County courts. Allows the judges of the Jennings circuit and superior courts to jointly appoint a magistrate to serve the Jennings County courts. Requires the Indiana criminal justice institute to: (1) collect data concerning rates of rearrest of defendants released with and without money bail; and (2) submit an annual report containing the information collected to the legislative council. Urges the legislative council to assign to the committee the topic of giving mutual full faith and credit to judgments and orders of a tribal court of a federally recognized Indian tribe.

**PUBLIC LAW 140-2020 SENATE ENROLLED ACT 302 – EFFECTIVE 7-1-2020 – INDIGENCY DETERMINATIONS** – Amends IC 35-33-7-6 Establishes a procedure for a criminal court to use in determining if a defendant is indigent. Provides that, if a court has ordered a defendant to pay part of the cost of representation, the court shall inquire at sentencing whether the defendant has paid the required amount. Specifies that a court may prorate fines, fees, and court costs based on the person's reasonable ability to pay.

**PUBLIC LAW 141-2020 - SENATE ENROLLED ACT 334 – EFFECTIVE 7-1-2020 – ELECTION MATTERS** – Amends IC 3-6-3.7-6; IC 3-6-4.2-14; IC 3-7-26.4-4; IC 3-7-38.2; IC 3-7-38.2; IC 3-11-13-11; IC 3-11-14-3.5; IC 3-11.7 Allows (current law requires) the secretary of state and election division to assist a prosecuting attorney in prosecuting certain actions and allow the use of an attorney retained by the secretary of state or election division. Requires boards of elections and registration to attend election security

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**PUBLIC LAW 141-2020 - SENATE ENROLLED ACT 334 – EFFECTIVE 7-1-2020 – ELECTION MATTERS, continued**

meetings called by the election division. Requires the election division to instruct specified election officials on best practices in answering voters' questions on how to vote, including providing instructions on straight ticket voting. Requires the inclusion of language on a ballot or voting system to tell the voter that the voter is not required to vote a straight party ticket. Changes the time frame in which a voter list maintenance program must be conducted for certain special elections and in an election year other than a year in which a general election is conducted. Removes language that required NVRA officials to obtain voter registration information from certain states. Removes authorization for NVRA officials to enter into a memorandum of understanding with the Kansas Secretary of State to compare voter registration data and voids the memorandum of understanding. Establishes the Indiana data enhancement association to be administered by the NVRA official for the administration of voter list maintenance programs and sets forth requirements. Requires a county voter registration office to determine whether an individual authorized the cancellation of any previous voter registration when the individual registered to vote in another state. Sets forth parameters for when a county voter registration office may rely on information provided by certain entities concerning voter registration from another state. Requires that a report by a county sheriff to the county voter registration office concerning individuals placed in a county correctional facility occur at least once a quarter. States that certain requirements for provisional ballots do not apply to provisional ballots cast: (1) under a court order extending the hours that the polls were open; (2) by a voter who is not on the poll list but indicates that the voter applied to register at a voter registration agency; (3) by a voter after the voter was challenged due to proof of identification; and (4) by a voter who was challenged solely due to failure to provide additional documentation. Requires a court to take evidence to determine whether a county election board filed written notice with the secretary of state and the election division concerning a petition to extend voting hours.

**PUBLIC LAW 83-2020 - SENATE ENROLLED ACT 350 – EFFECTIVE 3-18-2020 – CENTRAL INDIANA REGIONAL DEVELOPMENT AUTHORITY** – Amends IC 36-7-7.7; IC 36-7.7 - Authorizes counties and municipalities within the Indianapolis metropolitan area to establish a central Indiana regional development authority pilot that will sunset on July 1, 2025. Requires counties and municipalities that wish to establish the development authority to adopt substantially similar resolutions to adopt a preliminary strategic economic development plan (preliminary development plan). Provides that the development authority shall be governed by a strategy committee composed of members selected according to the terms of the preliminary development plan adopted to establish the development authority. Specifies the duties of the development authority. Requires the development authority to prepare a comprehensive strategic economic development plan. Codifies the establishment and governing provisions of the Indianapolis metropolitan planning organization. Requires the Indianapolis

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**PUBLIC LAW 83-2020 - SENATE ENROLLED ACT 350 – EFFECTIVE 3-18-2020 – CENTRAL INDIANA REGIONAL DEVELOPMENT AUTHORITY, continued**

metropolitan planning organization to: (1) develop a comprehensive asset management report for the metropolitan planning area in collaboration with the Indiana department of transportation; and (2) present the comprehensive asset management report to the city-county council of Indianapolis and Marion County, the fiscal and legislative bodies of each entity that is a member of the Indianapolis metropolitan planning organization, and the budget committee.

**PUBLIC LAW 13-2020 - SENATE ENROLLED ACT 366 – EFFECTIVE 7-1-2020 – KANAKEKE RIVER AND YELLOW RIVER DEVELOPMENT.** – Amends IC 14-13-9-23 Provides that the auditor of state shall deduct amounts due from distributions of local income taxes allocated to (as opposed to payable to) the county when a county fails to pay direct support or special assessments to the Kankakee River basin and Yellow River basin development commission

**PUBLIC LAW 144-2020 - SENATE ENROLLED ACT 367 – EFFECTIVE 3-21-2020 – REGIONAL DEVELOPMENT AUTHORITIES** – Amends IC 36-7.5-2 - Adds three members to the development board of the northwest Indiana regional development authority. Specifies that the open door law and access to public records act apply to a regional development authority and the authority's governing board.

**PUBLIC LAW 87-2020 - SENATE ENROLLED ACT 405 – EFFECTIVE 7-1-2020 – EXEMPTIONS FROM DESIGN RELEASE REQUIREMENTS** – Amends IC 22-15-3-3 - Provides that the design release requirements for certain projects do not apply to certain construction that is exempted even if the construction is: (1) a part of; (2) supplemental to; or (3) an accessory of; any other construction that would otherwise require a design release.

**PUBLIC LAW 146 SENATE ENROLLED ACT 408 – EFFECTIVE 7-1-2020 – VARIOUS TAX MATTERS** – Amends IC 6-8.1-3-27 - Requires each county to periodically submit certain data to the GIS officer.