

CITIES AND TOWNS BULLETIN

AND UNIFORM COMPLIANCE GUIDELINES ISSUED BY STATE BOARD OF ACCOUNTS

JUNE 2014

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2014 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 number sequence and the references are to the Indiana Code.

PUBLIC LAW 2 - SENATE ENROLLED ACT 24 – EFFECTIVE MARCH 13 AND JULY 1, 2014
TECHNICAL CORRECTIONS - Makes corrections to several sections of the Indiana Code.

PUBLIC LAW 4 - SENATE ENROLLED ACT 58 – EFFECTIVE JULY 1, 2014
MEMORIAL DAY EXPENSES - Amends IC 10-18-8-1 - Eliminates the list of outdated military organizations for which a city or town could appropriate money to aid in defraying Memorial Day expenses. Cities and towns can annually appropriate money to one or more posts, garrisons, or camps of a military service organization or veterans service organization located in their cities or towns.

PUBLIC LAW 5 - SENATE ENROLLED ACT 209 – EFFECTIVE JULY 1, 2014
PUBLIC EMPLOYEES' DEFINED CONTRIBUTION PLAN – Amends IC 5-10.3-12-23 - Allows a member to make additional contributions to the plan in addition to the required contribution of 3% of the member's compensation to the extent permitted by the Internal Revenue Code and applicable regulations.

PUBLIC LAW 6 – SENATE ENROLLED ACT 217 – EFFECTIVE JULY 1, 2014
UNDERGROUND STORAGE TANK FEES - Amends IC 13-11-2-241, IC 13-23-4-7 and IC 13-23-12-1 - Requires separate annual registration fees to be paid for each compartment within a single tank. Requires IDEM to collect such fees instead of the Indiana Department of Revenue.

PUBLIC LAW 10 - HOUSE ENROLLED ACT 1059 – EFFECTIVE JULY 1, 2014 AND JULY 1, 2015
MOTOR VEHICLE FINANCIAL RESPONSIBILITY - Amends IC 9-25-5-7, IC 9-25-8-2, IC 9-25-8-6 and IC 9-29-10-1 - Adds IC 9-13-2-150.7. Makes several changes to the financial responsibility laws. Raises the reinstatement fee to \$250 for a first suspension, \$500 for a second suspension, and \$1,000 for a third or subsequent suspension effective January 1, 2015.

PUBLIC LAW 14 - HOUSE ENROLLED ACT 1178 – EFFECTIVE JULY 1, 2014
RESTRICTED ADDRESSES - Amends IC 36-1-8.5-3 - Adds federal judges to the list of covered persons who can submit a written request to have the person's home address restricted from disclosure. Judges, law enforcement officers, and victims of domestic violence may have their home addresses restricted. The term "judge" does not include a city or town court judge.

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PUBLIC LAW 19 - SENATE ENROLLED ACT 60 – EFFECTIVE JULY 1, 2014

JUDICIAL MANDATES - INTERIM STUDY COMMITTEE - NONCODE - Urges the legislative council to assign the topic of the representation of judges and payment of attorneys fees in judicial mandate actions to an interim study committee.

PUBLIC LAW 20 - SENATE ENROLLED ACT 61 – EFFECTIVE JULY 1, 2014

EMS PROVIDER DISABILITY BENEFITS - Adds IC 5-10-17 - Allows cities and towns to provide programs of disability insurance to its EMS providers who become disabled as the result of an injury or illness that is not covered by worker's compensation or worker's occupational diseases compensation.

PUBLIC LAW 22 - SENATE ENROLLED ACT 117 – EFFECTIVE JULY 1, 2014

PERF - ANNUITY SAVINGS ACCOUNT - Amends IC 5-10.2-4-2 - Requires the PERF Board to obtain a member's consent as to the form of distribution of monies posted to the member's annuity savings account after the member's retirement benefit is processed if the amount exceeds \$1,000.

PUBLIC LAW 50 - SENATE ENROLLED ACT 32 – EFFECTIVE MARCH 24, 2014

BONDING OF ELECTED OFFICIALS - NONCODE - Urges the legislative council to assign the topic of bonding of elected public officials to an appropriate study committee.

PUBLIC LAW 53 - SENATE ENROLLED ACT 80 – EFFECTIVE VARIOUS DATES

INTERIM STUDY COMMITTEE STRUCTURE - Amends several sections of the Indiana Code. Makes changes to the laws dealing with membership and policies. Creates 17 interim study committees.

PUBLIC LAW 66 - SENATE ENROLLED ACT 422 – EFFECTIVE JULY 1, 2014 AND 2015

ABANDONED HOUSING – Amends and adds to IC 4-6-12 - Requires the Attorney General to operate a tax sale blight registry beginning July 1, 2015.

TAX SALES - Amends and adds to IC 6-1.1-24 and IC 6-1.1-25. Adds IC 32-30-10.6-6 and IC 34-30-26-7 - Allows properties certified as vacant or abandoned to be sold outright at a tax sale. Requires the executive of a city or town to obtain a judgment that a parcel is vacant or abandoned before certification to the county auditor. Reduces the period when a tax sale purchaser may petition the court for a judgment to issue a tax deed if the property is not redeemed from six months to three months.

ENFORCEMENT OF BUILDING STANDARDS - Amends IC 36-7-9-2 and IC 36-7-9-4 - Adds the term "blighted" in determining whether a building is an unsafe building

PUBLIC LAW 76 - HOUSE ENROLLED ACT 1318 – EFFECTIVE VARIOUS DATES

ELECTIONS - Makes numerous changes to the election laws in Title 3 concerning voting systems, proof of voter identification, ballots, declaration of candidacy, vote centers, and recount procedures.

TOWN ELECTING CITY STATUS - Amends IC 36-4-1.5-2 - States that if a special election is needed it must be held at least 74 and not more than 104 days after the notice of election is filed.

INCORPORATION OF NEW TOWN - Amends IC 36-5-1-8 - Requires that if a special election is needed it must be held at least 74 and not more than 104 days after the notice of election is filed.

2014 LAWS AFFECTING CITIES AND TOWNS

PUBLIC LAW 77 - HOUSE ENROLLED ACT 1346 - EFFECTIVE MARCH 24, 2014

COUNTY GOVERNMENT - ALLEN COUNTY - Amends and adds several sections in Title 3 and IC 36-2 - Requires a public question to be held in 2014 on whether the county executive and legislative structure of county government should be changed to a single county executive and elect a county council that has the legislative and fiscal powers and duties of the county.

PUBLIC LAW 78 - HOUSE ENROLLED ACT 1347 - EFFECTIVE JULY 1, 2014

COUNTY COMMISSION OF PUBLIC RECORDS - Amends IC 5-15-6-1 - Allows either the clerk of the circuit court or the county recorder to be secretary of the commission.

GARNISHMENTS - Amends IC 24-4.5-5-105 - Except for support withholding orders, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment to enforce the payment of one (1) or more judgments against the individual may not exceed the lesser of the following amounts:

1. an amount equal to twenty-five percent (25%) of the individual's disposable earnings for that week or, upon a showing of good cause by the individual why the amount should be reduced, an amount equal to:
 - A. less than twenty-five percent (25%); and
 - B. at least ten percent (10%);of the individual's disposable earnings for that week.
2. The amount by which the individual's disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time the earnings are payable.

In the case of earnings for a pay period other than a week, the earnings shall be computed upon a multiple of the federal minimum hourly wage equivalent to thirty (30) times the federal minimum hourly wage as prescribed.

CLERK OF A CITY/TOWN COURT - Amends IC 33-37-1-2 - States that the term "Clerk" refers to the following:

1. For purposes of IC 33-37-1 through IC 33-37-11, a person who is any of the following:
 - A. A clerk of a circuit court under IC 33-32-2-1.
 - B. The clerk of a city or town court under IC 33-35.
 - C. The judge of a city or town court that does not have a clerk.
2. For purposes of IC 33-37-12, a person who is a clerk of a circuit court under IC 33-32-2-1.

PUBLIC LAW 80 - SENATE ENROLLED ACT 1 - EFFECTIVE VARIOUS DATES

BUSINESS PERSONAL PROPERTY TAXES - Amends and adds to IC 6-1.1-3, IC 6-1.1-10.3, IC 6-1.1-12.1, IC 6-2.5-5, IC 6-3-2, IC 6-5.5-2, and IC 36-7-14 - Makes numerous changes to the laws governing the assessment of business personal property. Phases down the corporate income tax rate. Phases down the financial institutions tax. Establishes a study commission on business personal property and business taxation.

PUBLIC LAW 84 - SENATE ENROLLED ACT 106 - EFFECTIVE VARIOUS DATES

LOCAL GOVERNMENT TRANSPARENCY - Adds IC 5-14-3.7-16, IC 5-14-3.8-3, IC 5-14-3.8-8, IC 6-1.1-20.3-14, and IC 6-1.1-20.3-15 - Amends IC 5-14-3.8-3 - Requires the Department of Local Government Finance (DLGF) to develop fiscal health indicators for cities and towns. Requires the DLGF to present information for evaluating the fiscal health of cities and towns on the Indiana Transparency website. Allows cities and towns to request technical assistance from the distressed unit appeals board (DUAB) beginning in July 1, 2015.

PUBLIC LAW 95 - SENATE ENROLLED ACT 260 - EFFECTIVE JULY 1, 2014

MILITARY FACILITIES - Amends IC 36-7-14-12.2 and IC 36-7-14-39 - Adds IC 36-1-4-20 Allows a city or town redevelopment commission to expend money and provide financial assistance in support of an active military base.

2014 LAWS AFFECTING CITIES AND TOWNS

PUBLIC LAW 100 - SENATE ENROLLED ACT 308 – EFFECTIVE MARCH 25, 2014

SPORTS AND CONVENTION DEVELOPMENT AREAS - Amends and adds to IC 36-7-31.3 Provides for a professional sports and convention development area in Allen County.

PUBLIC LAW 102 - SENATE ENROLLED ACT 332 – EFFECTIVE JULY 1, 2014

INVESTMENT CASH MANAGEMENT SYSTEM - Amends IC 5-13-11-2 - Allows a depository to invest funds in the same investments and for the same terms as the Treasurer of State may invest funds of the State.

PUBLIC LAW 104 - SENATE ENROLLED ACT 338 – EFFECTIVE MARCH 25, 2014

STATE BOARD OF ACCOUNTS (SBOA) - Amends IC 5-11-1-1, IC 5-11-1-16 and IC 5-11-5-1 Adds IC 2-5-1.1-6.3 - Establishes an audit committee in the legislative department of State government to assure SBOA independence. Requires all examination reports to be distributed to the audit committee. Requires the legislative council to approve the appointment or removal of the State Examiner. Makes several changes to the experience requirements for the State Examiner and Deputy State Examiners.

PUBLIC LAW 107 - SENATE ENROLLED ACT 396 – EFFECTIVE JULY 1, 2014

E911 FEES - Amends IC 36-8-16.6-11 and IC 36-8-16.7-32 - Adds IC 22-13-2-11.5 - Provides that a communications service provider that is an eligible telecommunications carrier for purposes of the Federal Lifeline Program is not exempt from:

1. the enhanced prepaid wireless charge; or
2. the monthly statewide 911 fee.

PUBLIC LAW 111 - SENATE ENROLLED ACT 420 – EFFECTIVE JULY 1, 2014

PROPERTY TAXES - Amends several sections of IC 6-1.1-3, IC 6-1.1-4, IC 6-1.1-5, IC 6-1.1-8, IC 6-1.1-11, IC 6-1.1-16, and IC 6-1.1-17-5.6 - Changes the assessment and valuation date for property to January 1, 2016. Changes the exemption filing date to April 1, 2016. Requires the DLGF to certify to each county the assessed values tentatively determined for public utilities by June 1.

PUBLIC LAW 114 - HOUSE ENROLLED ACT 1020 – EFFECTIVE JULY 1, 2014

ECONOMIC DEVELOPMENT INCENTIVES - Adds IC 2-5-3.2 - Requires the Commission on State Tax and Financing Policy to review, analyze, and evaluate state and local tax incentives.

PUBLIC LAW 117 - HOUSE ENROLLED ACT 1046 – EFFECTIVE JULY 1, 2014

HERITAGE BARNS - PUBLIC SAFETY FEES - Amends IC 5-29-3-4 -Adds IC 5-29-3-1.5, IC 5-29-3-9, and IC 6-1.1-12-26.2 - Allows a person to receive a 100% property tax deduction against the assessed value of a barn that qualifies as a heritage barn. Permits a county to assess a public safety fee of up to \$50 for each barn receiving a deduction. Requires the county auditor to distribute such fees equitably among the police and fire departments in whose territories each heritage barn is located.

PUBLIC LAW 120 - HOUSE ENROLLED ACT 1062 – EFFECTIVE MARCH 25, 2014

OPERATING BALANCES - DEBT SERVICE FUNDS - Adds IC 6-1.1-17-22 - States that in determining the amount of the levy for a debt service fund for an ensuing year, the maximum amount allowed for an operating balance in the debt service fund is the sum of:

1. fifteen percent (15%) of the budget estimate for the debt service fund for the ensuing year for debt originally incurred after June 30, 2014; plus
2. fifty percent (50%) of the budget estimate for the debt service fund for the ensuing year for debt originally incurred before July 1, 2014.

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PUBLIC LAW 121 - HOUSE ENROLLED ACT 1083 – EFFECTIVE JULY 1, 2014

UNEMPLOYMENT INSURANCE - Makes several changes to IC 22-4-7, IC 22-4-13, IC 22-4-15, IC 22-4-17, and IC 22-4.1 - Makes several changes to the unemployment compensation laws.

PUBLIC LAW 126 – HOUSE ENROLLED ACT 1183 – EFFECTIVE MARCH 25 AND JULY 1, 2014

RECYCLING - MUNICIPAL WASTE - Adds IC 13-20-25 - Defines municipal waste to mean garbage, refuse, industrial lunch room waste, office waste, or other similar material that results from the operation of residential, municipal, commercial, or institutional establishments and community activities. Establishes a State goal of recycling at least 50% of all municipal waste.

PUBLIC LAW 128 - HOUSE ENROLLED ACT 1196 - EFFECTIVE JULY 1, 2014

CONSTRUCTION MANAGERS - Adds IC 5-32 - Authorizes the employment of construction managers for public works projects beginning after June 30, 2017.

PUBLIC LAW 130 - HOUSE ENROLLED ACT 1216 - EFFECTIVE JULY 1, 2014

ZONING AND ANNEXATION - Amends IC 36-7-4-1015 and IC 36-7-4-1016 - Permits a city or town council that annexes real property that is subject to a zoning commitment to modify, terminate, or enforce the commitment after the annexation takes effect.

PUBLIC LAW 134 - HOUSE ENROLLED ACT 1234 - EFFECTIVE JULY 1, 2014

PROPERTY TAX STATEMENTS - Amends IC 6-1.1-22-8.1 - Requires county treasurers to mail property tax statements at least 15 business (instead of calendar) days before the first installment is due.

PUBLIC LAW 149 - SENATE ENROLLED ACT 118 - EFFECTIVE JULY 1, 2014

REDEVELOPMENT COMMISSIONS/AUTHORITIES - Amends and adds several sections of IC 36-7-14, IC 36-7-14.5, and IC 36-7-15.1 - Requires the fiscal officer of the city or town establishing a redevelopment commission to be the treasurer of the redevelopment commission. Removes the power of eminent domain from a redevelopment commission. Requires council approval of most obligations of a redevelopment commission. States that a redevelopment commission and a department of redevelopment are subject to oversight by a city or town council. Requires the State Board of Accounts to audit all redevelopment authorities. Requires the DLGF, with assistance from the State Board of Accounts, to prepare a report on redevelopment commissions, authorities, and departments and to submit and present the report to the commission on state tax and financing policy.

PUBLIC LAW 153 - SENATE ENROLLED ACT 176 - EFFECTIVE JULY 1, 2014

CENTRAL INDIANA PUBLIC TRANSPORTATION PROJECTS - Adds IC 8-25 - Allows the fiscal bodies of Delaware, Hamilton, Hancock, Johnson, Madison, and Marion counties to adopt an ordinance allowing for the placement of public question on the ballot which would authorize local option taxes to be used to fund a public transportation project.

PUBLIC LAW 154 - SENATE ENROLLED ACT 179 EFFECTIVE JULY 1, 2014

INSPECTION OF FOOD PRODUCTS - Amends 16-42-5-29 - Provides that a city or town ordinance or resolution may not require licensure, certification, or inspection of food or food products of individual vendors, farmers, or egg producers at farmer's markets and roadside stands where the food is made, grown, or raised by the vendor and meets certain conditions.

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PUBLIC LAW 157 - SENATE ENROLLED ACT 229 - EFFECTIVE JULY 1, 2014

FIREARMS - Amends IC 34-28-7-2, IC 35-47-3-2, IC 35-47-9-1, and IC 35-47-9-2 - Adds IC 35-47-35 - Prohibits cities and towns from conducting a firearm buyback program with public funds. Allows for a buyback program to be funded by a grant or private funds. Makes several changes to the laws dealing with firearms on school property.

PUBLIC LAW 166 - SENATE ENROLLED ACT 367 - EFFECTIVE JULY 1, 2014

PROPERTY TAX ADVANCES - Amends IC 5-13-6-3 - Requires the County Auditor rather than the County Treasurer to make property tax advances to cities and towns.

PUBLIC LAW 176 - HOUSE ENROLLED ACT 1074 - EFFECTIVE JULY 1, 2014

PERF BENEFITS - 13TH CHECK - NONCODE - Provides for a thirteenth check for retired members of PERF.

PUBLIC LAW 177 - HOUSE ENROLLED ACT 1075 - EFFECTIVE MARCH 26, 2014

PERF BENEFITS - ANNUITY SAVINGS ACCOUNTS - Adds IC 5-10.5-4-2..5 and IC 5-10.5-4-2.6 Prevents the PERF Board of Trustees from entering into an agreement with a third party provider to provide annuities to retired members before January 1, 2017. Reduces the rate on members' annuity savings accounts who retire after September 30, 2014 and before October 1, 2015 from 7.5% to 5.75%.

PUBLIC LAW 183 - HOUSE ENROLLED ACT 1266 - EFFECTIVE MARCH 26 and JULY 1, 2014

PROPERTY TAXES - BUDGETS - Amends several sections of IC 6-1.1-12, IC 6-1.1-15, IC 6-1.1-17, IC 6-1.1-18.5, IC 36-1-8-17.5, IC 36-4-7-6, IC 36-5-3-3, and IC 36-8-19-8 - Adds IC 6-1.1-18-22 Makes several changes to the laws dealing with public utility property tax returns. Makes changes to certain property deduction filing deadlines. Requires cities and towns to file with the DLGF information concerning the adoption of budgets and tax levies using the DLGF's computer Gateway in 2014 and 2015.

PUBLIC LAW 193 - HOUSE ENROLLED ACT 1403 - EFFECTIVE JULY 1, 2014

REGULATION OF RESIDENTIAL RENTAL PROPERTY - Adds IC 36-1-20-1.5, IC 36-1-20-3.5, IC 36-1-20-4, IC 36-1-20-5, and IC 36-1-20-6 - Repeals IC 36-1-20-4 - Amends IC 36-1-20-2 and IC 36-1-20-3 - Allows a city or town to impose on an owner or landlord of a rental unit an annual registration fee of not more than five dollars (\$5).

A registration fee imposed covers all the rental units in a rental unity community. However, if a rental unit is not part of a rental unity community, a registration fee may be imposed for each separate parcel of real property on which a rental unit is located.

If the ownership of a rental unit community or the ownership of a parcel of real property on which a rental unit is located changes, a city or town may require the new owner of the rental unit community or new owner of the real estate parcel to:

1. pay an annual registration fee of not more than five dollars (\$5); and
2. provide updated registration information to the city or town;

not later than thirty (30) days after the change of ownership.

Such fees shall be deposited in a Residential Lease Regulation fund. The fund is dedicated solely to reimbursing costs actually incurred relating to the imposition and amount of the fee. Each fund shall be maintained as a separate line in the budget. Money in the fund may not at any time revert to the general fund or any other city or town fund. Allows a city or town to impose a penalty for an act constituting a nuisance or ordinance violation. Provides for the recovery of attorney fees incurred in a nuisance action.

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PUBLIC LAW 195 - SENATE ENROLLED ACT 52 - EFFECTIVE JULY 1, 2014

DNR FINES - Amends IC 14-22-38-1 and IC 14-22-38-4 - States that a person may not be charged with both a Class C misdemeanor and a Class C infraction for the same act or omission. Provides that a court may order a person to reimburse the state if the person commits an offense of unlawfully taking or possessing a deer or wild turkey, taking or possessing a deer or wild turkey by illegal methods or illegal devices, or selling, offering to sell, purchasing, or offering to purchase a deer or wild turkey or a part of a deer or wild turkey.

PUBLIC LAW 196 - SENATE ENROLLED ACT 53 - EFFECTIVE JULY 1, 2014

SEWER LIENS - Amends IC 34-57-1-1, IC 36-9-23-25, IC 36-9-23-32, IC 36-9-23-33, and IC 36-9-25-11 - Adds IC 36-4-3-21 - Allows a sewage utility to include in its rate ordinance the following provisions with respect to tenant-occupied property:

1. that sewer fees for the property are payable by the tenant;
2. that sewer fees for the property are payable by the tenant if the owner or the tenant satisfies certain required conditions or requirements set forth in the ordinance; or
3. that the sewer fees do not constitute a lien against the property.

Provides that a lien attaches against real property occupied by someone other than the owner only if the utility notifies the owner not later than twenty (20) days after the time the user fees become sixty (60) days delinquent. A notice sent to the owner must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under IC 1-1-7-1) to:

1. the owner of record or real property with a single owner; or
2. at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the department, at which the owner requests to receive a notice of delinquency. The cost of sending notice is an administrative cost that may be billed to the owner.

STORM WATER FEES - Amends IC 8-1.5-5-29 and IC 8-1.5-5-30 - States that a lien attaches against real property occupied by someone other than the owner only if the department notifies the owner not later than twenty (20) days after the time the user fees become sixty (60) days delinquent. A notice sent to the owner must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under IC 1-1-7-1) to:

1. the owner of record or real property with a single owner; or
2. at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the department, at which the owner requests to receive a notice of delinquency. The cost of sending notice is an administrative cost that may be billed to the owner.

PUBLIC LAW 197 - SENATE ENROLLED ACT 271 - EFFECTIVE APRIL 1, 2014

WATER RESOURCES STUDY COMMITTEE - NONCODE - The general assembly urges the legislative council to assign to the appropriate committee a study of water resources.

PUBLIC LAW 206 - SENATE ENROLLED ACT 1080 - EFFECTIVE JULY 1, 2014

PROCEEDING THROUGH INTERSECTION AT RED LIGHT - Amends IC 9-21-3-7 and IC 9-21-10-7 - Allows an operator of a motorcycle, motorized bicycle, motor scooter or bicycle to proceed through an intersection or a steady red signal only if the operator comes to a complete stop for 120 seconds and exercises due caution.

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PUBLIC LAW 207 - HOUSE ENROLLED ACT 1099 - EFFECTIVE JULY 1, 2014

ANNEXATION - NONCONTIGUOUS PROPERTY - Amends IC 36-4-3-4, IC 36-4-3-15.5, and IC 36-7-4-20.5 - Allows a city or town to annex property noncontiguous to the city or town if it is occupied by:

1. a municipally owned water or wastewater treatment facility; or
2. a police station of the city or town.

Makes other related changes to the annexation and zoning laws.

PUBLIC LAW 209 - HOUSE ENROLLED ACT 132 - EFFECTIVE JULY 1, 2014

INFRASTRUCTURE IMPROVEMENT COSTS - Amends and adds several sections of IC 8-1-31 Repeals IC 8-1-31-2, IC 8-1-31-3, and IC 8-1-31-4 - Provides that water or utility under the IURC may petition the IURC for an adjustment of its basic charges to allow recovery of eligible infrastructure improvement costs.

PUBLIC LAW 210 - HOUSE ENROLLED ACT 1162 - EFFECTIVE JULY 1, 2014

ELECTRIC UTILITIES - Amends IC 8-1-8.5-5 - Requires the IURC to make additional fundings before granting a certificate of public convenience and necessity to an applicant that is proposing to construct a facility with a generating capacity of more than 80 megawatts.

PUBLIC LAW 211 - HOUSE ENROLLED ACT 1170 - EFFECTIVE JULY 1, 2014

REGIONAL DISTRICT TRUSTEES - Amends IC 13-26-4-6 - Requires a trustee of a regional water, sewage, or solid waste district in which a majority of the ratepayers and property owners are not individuals, be an individual who is registered to vote at an address located in the district.

PUBLIC LAW 213 - HOUSE ENROLLED ACT 1187 - EFFECTIVE MARCH 27, 2014

WATER/WASTEWATER UTILITY SERVICE OUTSIDE CORPORATE BOUNDARIES - Adds IC 8-1.5-6 - Amends IC 8-1-2-70, IC 8-1-13-18.5, IC 8-1-17.5-25, and IC 8-1-32-12 - Repeals IC 8-1-2-86.5 States that a city or town's offering of water or wastewater service outside the corporate boundaries of the city or town is under the jurisdiction of the IURC under certain circumstances.

2014 LAWS AFFECTING CITIES AND TOWNS

PUBLIC LAW 218 - HOUSE ENROLLED ACT 1301 - EFFECTIVE JULY 1, 2014

REGULATION OF BUILDERS OR REMODELERS - Adds IC 36-1-22 - States that after February 28, 2013, a city or town may not adopt an ordinance, rule, policy, or other requirement providing that a builder or remodeler must be licensed, certified, permitted, registered, or listed by the political subdivision as a condition to the builder or remodeler:

1. constructing a new residential dwelling; or
2. remodeling an existing residential dwelling.

States that IC 36-1-22 does not do any of the following:

1. void an ordinance, rule, policy, or other requirement of a political subdivision adopted before March 1, 2013; or
2. prohibit a city or town from doing any of the following:
 - A. requiring a person who engages in a specific building or construction trade, including an electrician, a plumber, a tile layer, a landscaper, or a practitioner of another specific trade, to be licensed, permitted, registered, or listed by the political subdivision before engaging in the specific building or construction trade, or
 - B. issuing building permits, septic systems permits, certificates of appropriateness, zoning approvals, plat approvals, and other permits and approvals that regulate the use, planning, and development of property.

LOCAL PLAN REVIEWS - Adds IC 22-15-3.3 - Provides regulations for local plan reviews by cities and towns.

STATE BUILDING COMMISSIONER - Amends IC 22-13-2-8.5 and IC 22-13-5-4 - Creates the office of state building commissioner who is appointed by the governor.

PUBLIC LAW 221 - HOUSE ENROLLED ACT 1343 - EFFECTIVE JANUARY 1, 2015

MOTOR DRIVEN CYCLES - Amends and adds numerous sections to Title 9 - Defines Class A and Class B motor driven cycles. Provides that the county motor vehicle excise surtax and motor vehicle excise tax apply to such cycles. Requires license plates to be displayed by motor driven cycles. Makes several other changes regarding drivers license and insurance requirements for operation motor driven cycles.

PUBLIC LAW 222 - HOUSE ENROLLED ACT 1423 - EFFECTIVE MARCH 27 AND JULY 1, 2014

ELECTRIC UTILITIES - Adds IC 8-1-2.4-6 - Amends 8-1-2-24, IC 8-1-2.4-2, and IC 8-1-2.4-2
Allows a customer or an electric supplier that has a maximum demand of at least 5 megawatts to apply for a temporary discount to the customer's rates and charges. Allows an owner of a private generation project to sell excess output to an electric utility.

WASTEWATER UTILITY DEPOSITS

The common council of a city or the town council of a town that operates a sewage works may, by ordinance, require the owners, lessees, or users of property served by the works to pay a deposit to ensure payment of sewer fees.

The deposit required may not exceed the estimated average payment due from the property served by the sewage works for a three (3) month period. The deposit must be retained in a separate fund.

The deposit, less any outstanding penalties and service fees, shall be refunded to the depositor after a notarized statement from the depositor that as of a certain date the property being served:

1. has been conveyed or transferred to another person; or
2. no longer uses or is connected with any part of the municipal sewage system.

A statement must include the name and address of the person to whom the property is conveyed or transferred.

If a depositor fails to satisfy costs and fees within sixty (60) days after the termination of his use or ownership of the property served, he forfeits his deposit and all accrued interest. The forfeited amount shall be applied to the depositor's outstanding fees. Any excess that remains due after application of the forfeiture may be collected in the manner prescribed by IC 36-9-23-31 or IC 36-9-23-32. A deposit may be used to satisfy all or part of any judgment awarded the municipality under IC 36-9-23-31. A deposit that has remained unclaimed by the depositor for more than seven (7) years after the termination of the services for which the deposit was made becomes the property of the municipality. IC 32-34-1 (unclaimed property) does not apply to such deposits. [IC 36-9-23-28]

UNCLAIMED OVERPAYMENTS – WASTEWATER UTILITIES

An overpayment of sewer fees by an owner, lessee, or user of property served by the sewage works that remains unclaimed for more than seven (7) years after the termination of the service for which overpayment was made becomes the property of the municipality. [IC 36-9-23-28.5]

UNCLAIMED WATER, GAS, AND ELECTRIC UTILITY DEPOSITS

IC 32-34-1-1 exempts unclaimed meter deposits required by a municipally owned water, gas, or electric utility from the requirements of the Unclaimed Property Act.

These unclaimed meter deposits may be transferred to the utility's operating fund in accordance with the utility's written policy covering such deposits.

DETAILED SPECIFICATIONS NOT REQUIRED IN NOTICE TO BIDDERS

When advertising for bids, it is not necessary to list in detail the specifications of the job, material, or project under consideration. It is sufficient for the ad to state specifications may be inspected in the city or town office.

The advertising must be in accordance with IC 5-3-1-2 (e) and the specifications must be clear, and subject to bidder's inspection. The advertisement should list the items which are to be purchased or contracted for, but need not include the entire listing of component items.

NEW PHONE NUMBER

Please note that all city and town questions should be directed to (317) 232-2507.

OPENING BIDS - PUBLIC WORKS PROJECTS

Municipalities are prohibited from requiring any bidder to submit his bid earlier than the time of the meeting at which the bids are to be opened. [IC 36-1-12-4]

The meeting for receiving bids must be open to the public. All bids received must be made available to the public.

CUMULATIVE CAPITAL DEVELOPMENT (CCD) FUNDS – RATES

The allowable rates for the CCD fund are as follow:

ADOPTING COUNTY (CAGIT or COIT)

1st Year: .0167

2nd Year: .0333

3rd Year: .0500

NON-ADOPTING COUNTY (NO INCOME TAX)

1st Year .0133

2nd Year .0267

3rd Year .0400

PUBLICATION OF ORDINANCES PRESCRIBING PENALTIES – CITIES

An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published in the manner prescribed by IC 5-3-1, unless:

1. it is published under IC 36-4-6-14(c); or
2. there is an urgent necessity requiring its immediate effectiveness, the city executive proclaims the urgent necessity, and copies of the ordinance are posted in three (3) public places in each of districts from which members are elected to the legislative body.

Except as provided in IC 36-4-6-14(e), if a city publishes any of its ordinances in book or pamphlet form, no other publication is required. An ordinance prescribing a penalty or forfeiture for a violation takes effect two (2) weeks after the publication of the book or pamphlet. Publication in book or pamphlet form, if authorized by the legislative body, constitutes presumptive evidence:

1. of the ordinances in the book or pamphlet;
2. of the date of adoption of the ordinances; and
3. that the ordinances have been properly signed, attested, recorded, and approved.

This does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

An ordinance increasing a building permit fee on new development must:

1. be published:
 - A. one (1) time in accordance with IC 5-3-1; and
 - B. not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and
2. delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published. [IC 36-4-6-14]

PUBLICATION OF ORDINANCES PRESCRIBING PENALTIES - TOWNS

An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published in the manner prescribed by IC 5-3-1, unless:

1. it is published under IC 36-5-2-10(c); or
2. it declares an emergency requiring its immediate effectiveness and is posted in:
 - A. one (1) public place in each district in the town; or
 - B. a number of public places in the town equal to the number of town legislative body members, if the town has abolished legislative body districts under IC 36-5-2-4.1.

Except as provided in IC 36-5-2-10(e), if a town publishes any of its ordinances in book or pamphlet form, no other publication is required. An ordinance prescribing a penalty or forfeiture for a violation takes effect two (2) weeks after the publication of the book or pamphlet. Publication in book or pamphlet form, if authorized by the legislative body, constitutes presumptive evidence:

1. of the ordinances in the book or pamphlet;
2. of the date of adoption of the ordinances; and
3. that the ordinances have been properly signed, attested, recorded, and approved.

This does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

IC 36-5-2-10(e) states that an ordinance increasing a building permit fee on new development must:

1. be published:
 - A. one (1) time in accordance with IC 5-3-1; and
 - B. not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and
2. delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published. [IC 36-5-2-10]

LEAVE OF ABSENCE – OFFICERS AND EMPLOYEES WHO ARE MEMBERS OF THE INDIANA
NATIONAL GUARD OR RESERVES

Reserve Duty

Each officer and employee of the State of Indiana or of any county, township, municipality, or school corporation in Indiana who is:

1. a member of the Indiana National Guard,
2. a member of a reserve component, or
3. a member of the retired personnel of the naval, air, or ground forces of the United States,

is entitled to receive from the member's employer a leave of absence from the member's respective duties in addition to regular vacation period without loss of time or pay for the time that the member is:

1. on training duties of the state under the order of the governor as commander in chief: or
2. a member of any reserve component under the order of the reserve component authority;

for any consecutive or nonconsecutive period that does not exceed a total of fifteen (15) days in any calendar year.

The entitlement to a leave of absence without loss of time or pay is not at the discretion of the member's employer. [IC 10-16-7-5(b)]

Active Duty

A member is entitled to receive from the member's employer a leave of absence from the member's respective duties, in addition to the members regular vacation period, for the total number of days that the member is on state active duty under IC 10-16-7-7. This leave of absence may be with or without loss of time or pay at the discretion of the member's employer. [IC 10-16-7-5 (c)]

LEVY EXCESS FUND

Each year the Department of Local Government Finance will certify to each city and town figures which show one hundred percent (100%) of the tax levy for each fund. If the property taxes received exceed one hundred percent (100%) of the levy, the excess shall be receipted to a levy excess fund, unless the amount is less than one hundred dollars (\$100), in any calendar year.

Detailed instructions on setting up a levy excess fund are contained in the *"Accounting and Uniform Compliance Guidelines Manual for Cities and Towns"* beginning on page 61-51.