

CITIES AND TOWNS BULLETIN

AND UNIFORM COMPLIANCE GUIDELINES
ISSUED BY STATE BOARD OF ACCOUNTS

JUNE 2016 – PART TWO

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2016 LAWS AFFECTING CITIES AND TOWNS

The following list of laws enacted by the General Assembly are related to cities, towns, and municipally owned utilities. This is not intended to be an expression of a legal opinion nor is it intended to provide a complete summary of every addition or amendment contained in the public law. If you have any questions regarding legal interpretation, please consult your city or town attorney. We have listed the laws in public law order sequence and the applicable references to the Indiana Code.

Additional information regarding the 2016 public laws may be found on the General Assembly website at www.iga.in.gov. The “Session” tab contains a Table of Citations for all Indiana Code citations affected by 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 21 – SENATE ENROLLED ACT 61 – EFFECTIVE MARCH 21, 2016

VOTING MATTERS – Amends IC 3-10-1-19, IC 3-10-1-19.5, IC 3-11-2-8, IC 3-11-2-10, IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.4, IC 3-11-2-12.9, IC 3-11-7-4, IC 3-11-7-12, 3-11-7-15, IC 3-11-7.5-4, IC 3-11-7.5-5, IC 3-11-7.5-10, IC 3-11-13-11, IC 3-11-13-14, IC 3-11-13-31.7, IC 3-11-14-3.5, IC 3-11-14-23, IC 3-11-15-13.3, IC 3-12-1-5, IC 3-12-1-7, IC 3-12-1-7.5, IC 3-12-1-8 - Provides that when a voter casts a straight party ticket in a general or municipal election, the voter is casting a ballot for all candidates of that party whose names appear on the ballot, except candidates for offices in a county or municipality for which more than one individual can be elected (county council member at large; city common council member at large; town council member at large; township board member at large). Groups such offices together on the general election ballot, and requires a voter to cast an individual vote for each candidate for such offices for whom the voter wishes to vote. Revises ballot instructions to reflect the change in voting procedures. Provides that a county election board may require general instructions to voters that are required to be printed at the front of a ballot may instead be posted in each voting booth. Repeals superseded language related to split-ticket votes for declared write-in candidates. Specifies how voting systems required to make alterations to system firmware or software as a result of this amended procedure are to be tested and certified by the Indiana election commission for use in elections conducted after July 1, 2016. Updates references to incorporate amendments to the Voluntary Voting System Guidelines. Permits counties to continue to use certain voting systems whose certifications have expired if the voting system: (1) was approved by the Indiana election commission before October 1, 2017; (2) was acquired by the county before October 1, 2017; and (3) otherwise complies with Indiana election law and the federal Help America Vote Act. Makes technical corrections.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 55 – SENATE ENROLLED ACT 380 – EFFECTIVE JULY 1, 2016**

REDEVELOPMENT COMMISSIONS – Adds IC 36-7-14-3, Amends IC 36-7-14-6.1, Adds IC 36-7-14.5-95, IC 36-7-15.3-8.6, IC 36-7-30-6.5 - Allows members of the following boards and commissions to vote at electronic meetings: (1) A redevelopment commission (in the case of Marion County, the metropolitan development commission acting as the redevelopment commission). (2) A board of directors of a redevelopment authority (in the case of Marion County, the board of directors of the county convention and recreational facilities authority). (3) A military base reuse authority. Requires the redevelopment commission or military base reuse authority to adopt policies governing member participation in electronic meetings of both the commission or authority and the redevelopment authority board of directors. Provides that a nonvoting adviser appointed to a redevelopment commission may be an individual recommended by the school board to the 42 appointing authority (instead of a member of the school board).

PUBLIC LAW 58 – HOUSE ENROLLED ACT 1019 – EFFECTIVE JULY 1, 2016

LAW ENFORCEMENT RECORDINGS – Amends multiple sections of IC 5-14-3, IC 35-31.5-2-185.4, IC 35-46-8.5-1. Establishes a procedure for the release of law enforcement recordings (recordings) under the public records law. Caps the fee for copying a law enforcement recording at \$150, and specifies that the agency collecting the fee may spend the fee for certain purposes. Establishes the length of time that a public agency must retain a law enforcement recording.

PUBLIC LAW 60 – HOUSE ENROLLED ACT 1035 – EFFECTIVE VARIOUS DATES

CODE REVISION CORRECTIONS – Amends various sections of the Indiana Code; resolves various nontechnical conflicts and problems not suitable for resolution in the annual technical corrections bill, including: (1) a statute that has been both added and repealed; (2) ambiguous language; (3) incorrect references; and (4) results that must not have been intended.

PUBLIC LAW 98 – SENATE ENROLLED ACT 257 – EFFECTIVE MARCH 22, 2016

DISTRESSED WATER AND WASTEWATER UTILITIES – Amends IC 8-1-2-6, Adds IC 8-1-30.3-2.5, Amends IC 8-1-30.3-3, IC 8-1-30.3-5, IC 8-1-30.3-6, IC 8-1.5-1-10, IC 8-1.5-2-4, IC 8-1.5-2-5, IC 8-1.5-2-6, Adds IC 8-1.5-2-6.1 - Specifies that for purposes of the statute governing the acquisition of distressed water or wastewater utilities, a "utility company" includes, in addition to a regional sewer or water district, a: (1) public utility; (2) municipally owned utility; or (3) not for-profit utility; that provides water or wastewater service. Eliminates a provision under which the IURC was not required to approve a petition by an acquiring utility company under the statute to recover the cost differentials associated with the purchase of a distressed utility unless the IURC found that the distressed utility being acquired: (1) served not more than 3,000 customers; or (2) was nonviable in the absence of the acquisition. Provides that the distressed utility being acquired is not furnishing or maintaining adequate, efficient, safe, and reasonable service and facilities for purposes of the statute if the IURC finds that the distressed utility: (1) is the property of a municipally owned utility serving fewer than 5,000 customers; and (2) is being sold by an agreement between the parties that is subject to IURC approval.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 98 – SENATE ENROLLED ACT 257 – EFFECTIVE MARCH 22, 2016**

DISTRESSED WATER AND WASTEWATER UTILITIES (Continued) –Provides that in a proceeding under the statute, the IURC shall issue its final order not later than 210 days after the filing of the petitioner's case in chief. Provides that for purposes of the statute and for sales of nonsurplus municipally owned utility property reached by an agreement between the parties, the IURC's order approving the petition or agreement shall authorize the acquiring utility company or purchaser to record: (1) the full purchase price; (2) incidental expenses; and (3) other costs of acquisition; as the original cost of the utility plant in service assets being acquired, allocated in a reasonable manner among appropriate utility in service accounts. For purposes of the statute governing the sale of nonsurplus municipally owned utility property: (1) provides that the municipal executive, in addition to the municipal legislative body (as provided under current law), may make the determination to sell or otherwise dispose of the property; and (2) replaces the requirement that the legislative body adopt an ordinance to appoint appraisers to appraise the property with the requirement that the legislative body or the municipal executive provide for the appointment of the appraisers in a written document that is subject to public inspection. Does the following in the case of an ordinance adopted after March 28, 2016, for the sale or disposition of nonsurplus municipally owned property: (1) Provides that the sale or disposition must be approved by the IURC. (2) Requires the IURC to approve the sale or disposition according to the terms and conditions proposed by the parties if the IURC finds that the terms and conditions are in the public interest. (3) Sets forth a process that applies to the IURC's determination of whether the proposed sale or disposition is in the public interest. (4) Provides that the purchase price of the nonsurplus municipally owned utility property shall be considered reasonable if it does not exceed the appraised value set forth in the required appraisal. (5) Requires the IURC to issue its final order not later than 210 days after the filing of the parties' case in chief. (6) Eliminates the referendum process with respect to the proposed sale or disposition if the IURC determines that certain factors are satisfied.

PUBLIC LAW 102 – SENATE ENROLLED ACT 347 – EFFECTIVE MARCH 22, 2016

WATER RESOURCES – Repeals IC 8-1-30.5, Adds IC 8-1-30.7, IC 14-25-7-18 - Repeals the law requiring all water utilities to annually report to the utility regulatory commission on the utilities' operations and maintenance costs in providing water service to their customers. Requires the Indiana finance authority (authority), before November 1, 2017, to prepare and submit in an electronic format to the executive director of the legislative services agency a report on non-revenue water (the difference between the volume of water entering a water distribution system and the volume of water consumption billed to customers served by the water distribution system) and water loss in Indiana. Requires the authority to perform a quality assurance review of the water resources data compiled from the reports submitted annually by owners of significant water withdrawal facilities for all calendar years since 1985, and to present the results of its quality assurance review as those results become available to the water rights and use section of the division of water of the department of natural resources. Requires the authority to study, analyze, and report to the executive director of the legislative services agency by November 1, 2016, on the infrastructure needs of Indiana's water utilities.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 107 – HOUSE ENROLLED ACT 1075 – EFFECTIVE VARIOUS DATES**

SEWAGE FEES AND MUNICIPAL SANITARY SEWER – Adds IC 8-1.2-61.8, IC 13-11-2-25.2, Amends and adds multiple sections of IC 13-11-2, Adds IC13-18-12-2.2, Amends IC 35-44.1-2-3, Amends IC 36-9-23-30, Adds IC 36-9-23-30.1. Provides that if a wastewater utility charges different rates for different classes of property based at least partially on consumption, the utility must charge a rental unit community a rate based at least partially on consumption. Provides that a person who uses a wastewater management vehicle to remove wastewater from a customer's sewage disposal system need not show on the invoice provided to the customer under certain circumstances. Exempts a property owner from being required to connect to a municipality's sewer system and discontinue the use of the property owner's own sewage disposal system under certain conditions. Establishes a procedure and deadlines for applying for the exemption and provides for the term of the exemption. Limits the amount that a property owner may be required to pay for connecting to the municipality's sewer system if the property owner, during an exemption period, consents to the connection. Provides that a person who gives a false report concerning a septic tank soil absorption system or constructed wetland septic system in order to qualify for the exemption, knowing the report to be false, commits false informing, a Class B misdemeanor.

PUBLIC LAW 108 – HOUSE ENROLLED ACT 1089 – EFFECTIVE VARIOUS DATES

VETERAN SERVICE OFFICERS – Amends IC 10-17-1-4, IC 10-17-1-9, IC 10-17-13-5. Allows the mayor of a city to employ a service officer to serve the veterans of the city. Makes various other amendments concerning veteran service officers.

PUBLIC LAW 120 – SENATE ENROLLED ACT 20 – EFFECTIVE VARIOUS DATES

WORKFORCE POLICIES – Amends IC 22-2-16-3, Adds IC 22-4-17-3.2 - Provides that a local governmental unit may not establish, mandate, or otherwise require an employer to provide to an employee who is employed within the jurisdiction of the unit a scheduling policy that exceeds the requirements of federal or state law, rules, or regulations, unless federal or state law provides otherwise. Specifies the persons that may represent an employer or employing unit, or a claimant, having an interest in a pending claim for benefits. Provides that a claimant may also designate a lay person of the claimant's choice to assist the claimant in the presentation of the claimant's case. Directs the department of workforce development to update its rules concerning representation of parties involved in claims for benefits. Urges the legislative council to assign to the interim study committee on employment and labor or another appropriate interim study committee during the 2016 legislative interim the topics of employee misclassification, payroll fraud, and the use of independent contractor status.

PUBLIC LAW 121 – SENATE ENROLLED ACT 21 – EFFECTIVE JULY 1, 2016

OBSELETE STATUTE - Repeals or expires various provisions in the Indiana Code.

PUBLIC LAW 122 – SENATE ENROLLED ACT 23 – EFFECTIVE MARCH 23, 2016

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

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 126 – SENATE ENROLLED ACT 67 – EFFECTIVE MARCH 23, 2016**

LOCAL INCOME TAX DISTRIBUTIONS – Amends IC 6-3.6-9-1, IC 6-3.6-9-15, Adds IC 6-3.6-9-17 - Provides for a supplemental distribution of local income taxes when the balance in a county's local income tax trust account exceeds 15% (rather than 50%, under current law) of the certified distributions to be made to the county. Specifies the accounting, allocation method, and distribution requirements for supplemental distributions. Requires before May 2016 a one-time special allocation of the balance in a county's trust account as of December 31, 2014. Provides that a taxing unit's allocation amount is to be determined in the same manner as a supplemental distribution would have generally been determined under the former income taxes. Requires a special distribution of the allocation amount. Provides that at least 75% of the distributions made to a county, city, or town must be: (1) used exclusively for local road construction, maintenance, or repair, or capital projects for aviation, including capital projects of an airport authority; or (2) deposited in a rainy day fund and later used for those purposes. Provides that any remaining distribution to a county, city, or town may be used for any purposes of the county, city, or town. Requires the allocation amount for other taxing units to be deposited in the taxing unit's rainy day fund.

PUBLIC LAW 129 – SENATE ENROLLED ACT 146 – EFFECTIVE MARCH 23, 2016

TORT CLAIM IMMUNITY – Amends IC 34-13-3-2 - Provides that the tort claims act applies to a claim against certain approved postsecondary educational institutions and associations acting on behalf of certain approved postsecondary educational institutions if: (1) the institution or association has complied with certain data sharing requirements; and (2) the claim relates to a breach of this data. Provides that a claim or suit in tort against a postsecondary educational institution filed before March 30, 2016, is not eligible for tort claims immunity.

PUBLIC LAW 142 – SENATE ENROLLED ACT 327 – EFFECTIVE JULY 1, 2016

TRANSPARENCY PORTAL – Adds IC 5-14-3.8-3.5 - Requires a political subdivision to upload certain contracts to the Indiana transparency Internet web site during each year that the contract amount payable by the political subdivision for the year exceeds the lesser of: (1) 10% of the political subdivision's property tax levy; or (2) \$50,000.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 144 – SENATE ENROLLED ACT 375 – EFFECTIVE MARCH 23, 2016**

PREQUALIFICATION FOR PUBLIC WORKS PROJECTS – Adds IC 4-13.6-4-2.5, IC 4-13.6-4-4.5, IC 8-23-10-0.5, IC 8-23-10-1, IC 8-23-10-2.5, IC 22-2-2-10.5 – Delays from June 30, 2016, to December 31, 2016, the date after which public works projects that are awarded must comply with the requirement that contractor be qualified under IC 4-13.6-4 or IC 8-23-10 before doing any work on the project. Requires that a contractor working on a project that is a public work be qualified by the Indiana department of administration's certification board (board). Requires that a contractor working on a project that is the construction, improvement, alteration, repair, or maintenance of a road, highway, street, or alley be qualified by the Indiana department of transportation. Exempts from the qualification requirement: (1) a materials supplier; and (2) a contractor doing any work on a public works project awarded by a local unit whenever: (A) the total amount of the contract awarded to the contractor for work on the public works project is less than \$300,000; and (B) the public agency complies with IC 36-1-12 in awarding the contract for the project. Requires that a list of contractors holding a valid certificate of qualification under IC 4-13.6-4 or IC 8-23-10 be available for public inspection during regular office hours and on the Internet. Excludes from the authority of the a county, city, town, or township (unit) to establish wage rates in a contract to which the unit is a party a public works contract awarded by the unit unless federal or state law requires a wage scale or wage schedule.

PUBLIC LAW 146 – HOUSE ENROLLED ACT 1001 – EFFECTIVE VARIOUS DATES

ROAD FUNDING – Amends various sections in IC 4-10-22, IC 6-2.5-10-1, IC, various section in IC 6-3.5-4 and IC 6-3.5-5, IC 6-8.1-3-25, IC 8-14-8-4, IC 8-14-14.1-5, IC 8-23-30, IC 34-28-5-4, IC 34-28-5-5, IC 35-52-6-24.7, IC 35-52-6-24.8. At the end of state fiscal year 2016, transfers state reserves that exceed 11.5% of general revenue appropriations as follows: (1) 55% to the state highway fund. (2) 45% to the local road and bridge matching grant fund. Provides that use tax collected on sales of gasoline is distributed differently than ordinary sales and use tax collections. Allows a county that uses a transportation asset management plan approved by the Indiana department of transportation (department) to impose the county motor vehicle license excise surtax and the county wheel tax at higher rates. Authorizes an eligible municipality to impose a municipal motor vehicle license excise surtax and a municipal wheel tax. Provides for the deposit of certain excise taxes and local taxes collected under the tax amnesty program, including funding for a third regional cities project, thirteenth pension checks in 2016, and next generation Hoosier educators scholarships. Requires a transfer of \$100,000,000 from the state general fund to the state highway fund instead of to the major moves 2020 trust fund in state fiscal year 2017 and provides that the money transferred must be used only for preserving and reconstructing existing roads and bridges for which the department is responsible. Establishes the local road and bridge matching grant fund. Establishes the funding Indiana's roads for a stronger, safer tomorrow task force (task force). Makes appropriations for various highway and bridge maintenance purposes. Appropriates \$500,000 for the local technical assistance program to assist with the development and operation of local government transportation asset management plans and pavement management plans.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 147 – HOUSE ENROLLED ACT 1017 – EFFECTIVE JULY 1, 2016**

PUBLICATION OF NOTICE – Adds IC 5-3-1-0.2, Amends IC 5-3-1-1, IC 5-3-1-1.5, IC 5-3-1-2, IC 5-3-1-4. Provides that in certain circumstances, a political subdivision (other than a county) may publish notice in a locality newspaper that circulates in the political subdivision instead of in a newspaper that is published in the county and circulates in the political subdivision. Establishes requirements for locality newspapers that may publish notice.

PUBLIC LAW 149 – HOUSE ENROLLED ACT 1036 – EFFECTIVE VARIOUS DATES

TECHNICAL CORRECTIONS – Resolves technical problems in the Indiana Code, including incorrect statutory references, nonstandard tabulation, and various grammatical problems.

PUBLIC LAW 150 – HOUSE ENROLLED ACT 1053 – EFFECTIVE MARCH 23, 2016

REGULATION OF PACKING MATERIALS – Amends IC 36-1-3-8, Adds IC 36-1-3-8.6. Amends the home rule statute to prohibit a local government unit from: (1) regulating: (A) certain activities with respect to reusable or disposable auxiliary containers designed for one time use or for transporting merchandise or food from food or retail facilities (auxiliary containers); or (B) a manufacturer of, a distributor of, or a food or retail facility that sells, provides, or otherwise makes use of, auxiliary containers, in connection with certain activities involving auxiliary containers; or (2) imposing any prohibition, restriction, fee, or tax with respect to auxiliary containers or to a manufacturer of, a distributor of, or a food or retail facility that sells, provides, or otherwise makes use of, auxiliary containers, in connection with certain activities involving auxiliary containers. Specifies that the prohibitions do not apply to: (1) curbside recycling programs or residential or commercial recycling locations in a unit; or (2) certain activities involving auxiliary containers at any event that: (A) is organized, sponsored, or permitted by a local government unit; and (B) takes place on property owned by the unit. Makes cross-references to: (1) these prohibitions concerning the regulation of auxiliary containers; and (2) an existing prohibition included in the home rule statute and concerning housing programs; in the section of the home rule statute that sets forth various limits on the powers of local government units.

PUBLIC LAW 153 – HOUSE ENROLLED ACT 1127 – EFFECTIVE JULY 1, 2016

INTERIM STUDY COMMITTEE – Urges the legislative council to assign to the appropriate interim study committee the topic of transportation advisory boards.

PUBLIC LAW 154 – HOUSE ENROLLED ACT 1154 – EFFECTIVE JULY 1, 2016

DEPARTMENT OF AVIATION OR LOCAL AIRPORT AUTHORITY – Amends IC 5-14-1.5-3.5, Amends IC 5-14-1.5-3.6, Adds IC 8-22-1-5.1, Amends IC 8-22-3-7. Provides that a member of a governing body of a department of aviation may participate in a board meeting by electronic communication. Provides that a member may not have a pecuniary (rather than a personal) interest in a contract with or claim against the governing body.

PUBLIC LAW 156 – HOUSE ENROLLED ACT 1161 – EFFECTIVE JULY 1, 2016

PENSION THIRTEENTH CHECKS – Provides for a thirteenth check in 2016 for certain members of the: (1) Indiana state teachers' retirement fund; (2) public employees' retirement fund; (3) state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan; (4) state police 1987 benefit system; and (5) state police pre-1987 benefit system.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 171 – HOUSE ENROLLED ACT 1344 – EFFECTIVE VARIOUS DATES**

UNEMPLOYMENT INSURANCE – Adds and Amends multiple provisions in Indiana Code Title 22. Abolishes the Indiana unemployment compensation board and transfers the board's duties to the department of workforce development (department). Makes various amendments to the department's responsibilities and provisions affecting benefits received by individuals.

PUBLIC LAW 172 – HOUSE ENROLLED ACT 1353 – EFFECTIVE VARIOUS DATES

PRESIDENT BENJAMIN HARRISON CONSERVATION TRUST – Makes multiple additions and amendments to IC 14-22. Renames the Indiana heritage trust fund as the President Benjamin Harrison conservation trust fund (trust fund). Makes various changes to the purposes of the trust fund and to the uses of the accounts within the trust fund. Repeals the Indiana heritage trust committee. Specifies that money in the trust fund may be used for a state or local project approved by the project committee.

PUBLIC LAW 180 – SENATE ENROLLED ACT 308 – EFFECTIVE JULY 1, 2016

LOCAL TAX MATTERS – Amends IC 6-1.1-3-14, IC 6-1.1-4-4.5, IC 6-1.1-4-13, IC 6-1.1-4-13.2, IC 6-1.1-4-141, IC 6-1.1-6.2-9, IC 6-1.1-6.7-9, IC 6-1.1-10-15, Adds IC 6-1.1-15-10.7, IC 6-1.1-18-23, IC 6-1.1-18.5-25, IC 6-1.1-18.5-26. Amends IC 6-1.1-36-12. Adds IC 6-3.6-2-13.5, IC 6-3.6-3-12, IC 6-3.6-6-2.5. Amends IC 6-3.6-6-11, IC 6-3.6-6-12, IC 6-3.6-6-20, IC 6-3.6-9-10, IC 36-2-13-16, IC 36-7-15.1-26 – Provides that when calculating the base rate for agricultural land for the January 1, 2016, assessment date and each assessment date thereafter, the department of local government finance (DLGF) shall do the following: (1) Use the six most recent years preceding the year in which the assessment date occurs for which data is available (before the highest of those six years is eliminated when determining the rolling average). (2) After determining a preliminary base rate that would apply for the assessment date, adjust the preliminary base rate as follows: (A) If the preliminary base rate for the assessment date would be at least 10% greater than the final base rate determined for the preceding assessment date, a capitalization rate of 8% shall be used to determine the final base rate. (B) If the preliminary base rate for the assessment date would be at least 10% less than the final base rate determined for the preceding assessment date, a capitalization rate of 6% shall be used to determine the final base rate. (C) If the preliminary base rate for the assessment date is neither at least 10% greater nor at least 10% less than the final base rate determined for the preceding assessment date, a capitalization rate of 7% shall be used to determine the final base rate. Specifies that for purposes of the assessment of agricultural land, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the January 1, 2016, assessment date and each assessment date thereafter. Increases the assessed value per acre of classified forest land, classified windbreaks, and classified filter strips from \$1 per acre to \$13.29 per acre for the January 1, 2017, assessment date. For assessment dates after January 1, 2017, increases the assessed value by the annual percentage change in the consumer price index. Adds certain types of property to the exemption for property used for public airport purposes. Provides an exemption from the maximum property tax levy limits for a municipality in a year if: (1) the percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year is at least two times the assessed value growth quotient; and (2) the municipality's population increased by at least 150% between the last two decennial censuses. Specifies that such a municipality may increase its property tax levy in excess of the levy limits by a percentage equal to the lesser of 6% or the percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 180 – SENATE ENROLLED ACT 308 – EFFECTIVE JULY 1, 2016**

LOCAL TAX MATTERS – (Continued) Permits a county fiscal body to impose a local income tax (LIT) rate for a public safety emergency assistance answering point that is part of the statewide 911 system (PSAP) if the adopting body in the county is the LIT council and the LIT council has not allocated the revenue from an expenditure rate of at least 0.1% to a PSAP in the county. Specifies that the rate may not exceed 0.1%. Specifies that the revenue generated by the rate is to be paid only to the county unit and used only for a PSAP. Expires under the tax increment financing law the downtown Indianapolis consolidated allocation area on January 1, 2051. Urges a study of the topic of allowing an exemption from the maximum levy limits for growing municipalities by the interim study committee on fiscal policy.

PUBLIC LAW 183 – SENATE ENROLLED ACT 310 – EFFECTIVE MARCH 24, 2016

LAKE COUNTY PILOT PROGRAM and OTHER LOCAL GOVERNMENT MATTERS – Amends IC 6-1.1-24.5-2, IC 6-1.1-24.5-3, IC 6-1.1-24.5-4, IC 6-1.1-24.5-5, IC 6-1.1-24.5-6, IC 6-1.1-24.5-9, IC 36-4-3-4, IC 36-7-14-22.5. Adds IC 36-7-14-22.8 – Establishes a three year pilot program applicable only in Lake County that authorizes a redevelopment commission to: (1) establish an area known as a new opportunity area; and (2) sell any property that is held by the redevelopment commission and located in a new opportunity area at auction to the highest responsible and responsive bidder. Makes changes to the statute concerning determination of serial tax delinquencies to provide that: (1) a petitioner is required to serve notice of a petition only on a person with a substantial property interest of public record, eliminating the need to serve notice on other appropriate parties; (2) a hearing date on a petition for a determination of serial tax delinquencies may be set not earlier than 30 days and not later than 60 days after the petition is filed (current law specifies that the hearing date may be set not earlier than 15 days and not later than 25 days after the petition is filed); and (3) property taxes and special assessments are removed from the tax duplicate as soon as an order is issued finding that serial tax delinquencies exist with respect to the subject properties, regardless of whether the petitioner acquires a tax deed for the properties. Provides that a petitioner for a tax deed under the normal tax sale statute may (instead of must) include various items of documentation with the petition. Adds Kosciusko County to the list of counties whose municipalities may annex noncontiguous territory for industrial park purposes.

PUBLIC LAW 184 – SENATE ENROLLED ACT 321 – EFFECTIVE JULY 1, 2016

LOCAL GOVERNMENT BUDGETING – Amends and/or adds several IC citations - Provides that for each budget year after 2018, the department of local government finance (DLGF) shall certify a political subdivision's budget, tax rate, and tax levy not later than: (1) December 31 of the year preceding the budget year, unless a taxing unit in a county is issuing debt after December 1 in the year preceding the budget year or intends to file a shortfall appeal; or (2) January 15 of the budget year, if a taxing unit in a county is issuing debt after December 1 in the year preceding the budget year or intends to file a shortfall appeal. (Under current law, these certifications must be completed not later than February 15 of the budget year.) Retains the November 1 deadline for a political subdivision to adopt a budget for the following year. Specifies that after 2017, the county auditor shall provide before June 1 an initial estimate of assessed valuations to political subdivisions within the county. For calendar years after 2017, changes: (1) the date by which a county must submit the coefficient of dispersion study and property sales assessment ratio study to the DLGF; (2) the date by which a political subdivision must submit a proposal to establish a cumulative fund to the DLGF;

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 184 – SENATE ENROLLED ACT 321 – EFFECTIVE JULY1, 2016**

LOCAL GOVERNMENT BUDGETING – (Continued) (3) the date by which the budget agency must provide to the DLGF and county auditors an estimate of each county's local income tax distributions for the following year; and (4) the date by which the DLGF must estimate each taxing unit's distribution of local income tax for the following year. Changes other deadlines in the local budgeting process in order to conform to the December 15 deadline for DLGF certification of budgets, tax rates, and tax levies. Provides that the DLGF shall before July 15 of each year provide taxing units with an estimate of the maximum property tax levies that will apply for the ensuing calendar year. Provides that the DLGF must before August 1 of each year provide to each taxing unit an estimate of the amount by which the taxing unit's distribution of property taxes may be reduced by circuit breaker credits in the ensuing year. Provides that for a fund of a political subdivision subject to the levy limits, the DLGF shall calculate and certify the allowable budget of the fund if the political subdivision adopts a tax levy that exceeds the estimated maximum levy limits as provided by the DLGF. Specifies that for a fund subject to levy limits and for which the political subdivision adopts a tax levy that is not more than the levy limits, the DLGF shall review the fund to ensure the adopted budget is fundable based on the unit's adopted tax levy and estimates of available revenues. Requires the budget agency to provide the assessed value growth quotient for the ensuing year to civil taxing units, school corporations, and the DLGF before July 1 of each year. Requires the DLGF to provide to political subdivisions: (1) the maximum property tax rate that may be imposed by the political subdivision for each cumulative fund or other fund for which a maximum rate is established; and (2) the property tax rates that must be imposed by the political subdivision in the following year for debt service. Requires the DLGF to update the estimate before August 1. Provides that in formulating a political subdivision's estimated budget, the proper officers of the political subdivision must consider the net property tax revenue that will be collected by the political subdivision during the ensuing year, after taking into account the estimates by the department of local government finance of: (1) the amount by which the political subdivision's distribution of property taxes will be reduced by circuit breaker credits; and (2) the maximum amount of net property tax revenue and miscellaneous revenue that the political subdivision will receive in the ensuing year. Repeals the statutes concerning county fiscal body nonbinding review of local budgets, tax levies, and tax rates and the nonbinding review pilot project. Provides that for purposes of determining the property tax levy limits, a county's or municipality's tax levy excludes all the taxes imposed for a county or municipal cumulative capital development fund. Requires the DLGF to provide annually to each county and municipality an estimate of: (1) the maximum tax rate that the county, city, or town may impose for a cumulative capital development fund; and (2) the maximum amount of property taxes imposed for community mental health centers or community intellectual disability and other developmental disabilities centers that are exempt from the levy limits for the ensuing year. Requires the DLGF to make a onetime permanent adjustment to the levy limits equal to the amount of property taxes imposed on personal property of banks that became subject to assessment in 1989 (this amount is currently excluded under a separate statute). Repeals the statute providing that property taxes imposed by a county or municipality to pay supplemental juror fees (above the required amount) are exempt from the levy limits. Changes the date (from July 1 to June 15 of each year) by which a redevelopment commission must determine the amount, if any, of excess assessed value that may be allocated to the respective taxing units. Urges the legislative council to assign to an interim study committee the study of the procedures by which a political subdivision in a county may: (1) transfer the political subdivision's funds to another political subdivision located in the same county; and (2) transfer additional money from the political subdivision's other funds into the political subdivision's rainy day fund or general operating fund.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 188 – HOUSE ENROLLED ACT 1372 – EFFECTIVE JULY 1, 2016**

PUBLIC PERSONNEL BONDS AND THE STATE BOARD OF ACCOUNTS – Adds IC 5-4-1-0.5, Amends IC 5-4-1-5.1, Amends IC 5-4-1-18, Amends IC 5-4-1-19, Amends IC 5-11-5-1, Amends IC 5-13-10.5-18, Amends IC 6-3.6-10-7, Amends IC 6-3.6-10-8, Amends IC 20-26-4-5. Amends the law concerning surety bonds for certain individuals having public fiscal responsibilities. Allows, in certain circumstances, the state examiner to issue an examination final report less than 45 days after an initial exit conference.

PUBLIC LAW 192 – HOUSE ENROLLED ACT 1025 – EFFECTIVE JULY 1, 2016

ALTERNATE REZONING PROCEDURE – Amends IC 36-7-4-602, Amends IC 36-7-4-604, Amends IC 36-7-4-608, Adds IC 36-7-4-608.7. Creates an optional alternate procedure to apply to rezoning proposals.

PUBLIC LAW 193 – HOUSE ENROLLED ACT 1032 – EFFECTIVE JULY 1, 2016

VARIOUS PENSION MATTERS – Amends IC 5-10-5.5-2, IC 5-10-10-4.8, multiple sections of IC 5-10.2-2, multiple sections of IC 5-10.2-3, IC 5-10.2-4-7.2, IC 5-10.3-2-3, multiple sections of IC 5-10.3-12, IC 5-10.4-2-6. Provides that an employer who elects to purchase special death benefit coverage for an eligible emergency medical services provider must pay for the coverage annually as prescribed by the board. Eliminates the guaranteed fund investment option after December 31, 2016, for members of the public employees' retirement fund (PERF) and the teachers' retirement fund (TRF) and replaces the guaranteed fund with an unguaranteed stable value fund investment option. Provides that a miscellaneous participating entity that freezes its participation in PERF must begin payment of its additional contributions to fully fund the service of its PERF members not later than July 1, 2016, or a date determined by the board. Allows the board to charge interest on any amount that remains unpaid after the payment date determined by the board. Provides for the disbursement or investment of annuity savings account money if an unvested member or PERF or TRF is suspended, and discontinues the practice of moving that annuity savings account money to a reserve account. Provides that a retired or disabled member of PERF or TRF who has begun to receive benefits may change the member's designated beneficiary or the form of the member's benefit any number of times. Makes various other amendments concerning pension matters.

PUBLIC LAW 194 – HOUSE ENROLLED ACT 1040 - EFFECTIVE JULY 1, 2016

FOOD AND BEVERAGE TAX – Adds IC 6-9-25-1.5, Amends IC 6-9-25-9.5, Adds IC 6-9-25-15, Adds IC 6-9-33-7.5. Provides that the fiscal officer of any municipality in Allen County may request the county auditor to determine and report to the fiscal officer the percentage amount of the county supplemental food and beverage tax that is collected in the preceding year in: (1) each municipality; and (2) the unincorporated territory of the county. Provides that the county auditor may charge a municipality that makes a request for the supplemental food and beverage tax percentages. Makes various other amendments concerning food and beverage tax.

PUBLIC LAW 196 – HOUSE ENROLLED ACT 1068 – EFFECTIVE JULY 1, 2016

ASSESSMENT APPEALS – Amends IC 6-1.1-11-7, Amends IC 6-1.1-15-3, Amends IC 6-1.1-15-12. Concerns petitions to the Indiana board of tax review regarding timely determination by the county property tax assessment board of appeals concerning a petition to correct errors and exemption applications. Makes various other changes regarding assessment appeals.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 197 – HOUSE ENROLLED ACT 1081 – EFFECTIVE VARIOUS DATES**

LOCAL INCOME TAX – Updates various laws to conform them to the new local income tax (LIT) law. Adds provisions concerning Lake, LaPorte, and Porter counties concerning the northwest Indiana regional development authority. Addresses the treatment of counties that had only the county economic development income tax regarding the property tax rate for cumulative capital development funds of counties and municipalities. Specifies provisions for the transition of a formerly adopted homestead credit under a county option income tax to a property tax relief rate under the new LIT. Adds provisions concerning expenditure rate allocations. Specifies that the auditor of state is to assist adopting bodies and county auditors in calculating credit percentages and amounts under all provisions of the LIT law. Adds provisions to the LIT law to incorporate changes that were adopted to the former income tax laws during the 2015 legislative session. Cures conflicts with 2015 enactments that refer to the former income tax laws and conflicts with SB 21-2016. Repeals obsolete and outdated provisions. Makes technical corrections.

PUBLIC LAW 198 – HOUSE ENROLLED ACT 1087 – EFFECTIVE VARIOUS DATES

BUREAU OF MOTOR VEHICLES OMNIBUS BILL – Relocates and modifies the following after expiration or repeal: IC 9-14 (Bureau of Motor Vehicles). IC 9-15 (Bureau of Motor Vehicles Commission). IC 9-16 (License Branches). IC 9-18 (Registration). IC 9-24-6 (Commercial Driver's License). IC 9-29 (Fees) (other than IC 9-29-17 (Fees Under IC 9-32)). Establishes limits for certain convenience fees, changes distributions of various, establishes refund procedures for fees. Makes various other amendments concerning the Bureau of Motor Vehicles.

PUBLIC LAW 200 – HOUSE ENROLLED ACT – EFFECTIVE JULY 1, 2016

PILOTS, CHARGES, AND FEES ON TAX EXEMPT PROPERTY – Adds IC 36-1-8-18, Amends IC 36-7-4-1314, Amends IC 36-7-25-6, Adds IC 36-7-25-6.5. Provides that a political subdivision may not do any of the following with regard to tax exempt property that is located in a tax increment allocation area and either: (1) was located in the allocation area before the designation of the allocation area and has been continuously used for a tax exempt purpose since the date the allocation area was designated; or (2) was donated for a tax exempt purpose: (A) Unless it is upon the request of the owner of the property, impose a payment in lieu of taxes (PILOT) or other charge or user fee on the property. (B) Unless it is upon the request of the owner of the property, enter into an agreement requiring a PILOT or other charge or user fee on the property as a condition of granting, issuing, or approving certain permits or zoning approvals, or as a condition of continuing governmental services to the property. (C) Unless it is upon the request of the owner of the property, require a person to limit the person's rights to challenge the imposition of a PILOT or other charge or user fee or the assessment of property taxes imposed on the property. Provides that an impact fee may not be imposed on the property, unless it is upon the request of the owner of the property. Specifies that these restrictions do not prohibit the imposing of utility fees or charges, sewer fees or charges, ditch or drainage assessments, storm water fees or charges, or waste collection or disposal fees or charges

PUBLIC LAW 201 - HOUSE ENROLLED ACT 1201 – EFFECTIVE JULY 1, 2016

ANIMAL SHELTER – Amends IC 9-18-25-17.5, Amends IC 15-17-3-13, Adds IC 15-20-4 Requires that certain forfeited deposit amounts held by an animal care facility be remitted to the bureau of motor vehicles for deposit into a trust fund (established by the treasurer of state for a special group's license plate) for a special group that provides spay-neuter services.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 202 – HOUSE ENROLLED ACT 1215 – EFFECTIVE VARIOUS DATES**

STATE AND LOCAL MATTERS – Amends various sections in IC 4-4-8, Amends IC 5-28-15-10, Amends IC 6-1.1-12-26.2. Amends procedures concerning the award of a historic preservation or rehabilitation grant by the office of community and rural affairs. Provides that the fiscal body of a municipality may renew an enterprise zone for an additional one year following the date on which the enterprise zone is set to expire under a 5 year renewal resolution previously adopted by the fiscal body of the municipality. Eliminates the provision in current law that a heritage barn may not be used for business or agricultural purposes in order to qualify for the heritage barns property tax exemption. Amends the definition of "heritage barn" to specify that a heritage barn means a mortise and tenon barn.

PUBLIC LAW 203 – HOUSE ENROLLED ACT 1273 – EFFECTIVE VARIOUS DATES

VARIOUS PROPERTY TAX MATTERS – Amends multiple sections of the Indiana Code including IC 6-1.1-15-10.5, Adds IC 36-8-19-8.5. Provides that a county auditor may accept a deduction application for a property tax abatement deduction only if the designating body has specified an abatement schedule for the deduction. Prohibits a taxing unit from transferring property tax receipts to the property tax assessment appeals fund if the property tax receipts are: (1) held in a debt service fund; or (2) treated as levy excess. Authorizes the provider unit in a fire protection territory to negotiate for and hold debt for the equipment replacement fund of a fire protection territory. Authorizes a participating unit in a fire protection territory to acquire fire protection equipment or other property and make the property available to the provider unit. Specifies the adjustments to the maximum permissible levy for a unit that ceases participation in a fire protection territory. Specifies the minimum number of taxpayers that must object to the imposition or increase of a tax rate for an equipment replacement fund of a fire protection territory. Makes various other amendments concerning property tax matters.

PUBLIC LAW 204 – HOUSE ENROLLED ACT 1290 – EFFECTIVE VARIOUS DATES

STATE AND LOCAL ADMINISTRATION – Amends multiple sections of the Indiana Code, including IC 6-1.1, Adds 6-1.1-15-0.7, Adds IC 6-2.5-3-7.5, Amends IC 6-3-1-11, Adds and Amends multiple sections of IC 6-3.1-11, Amends IC 6-3.1-20-7, Amends 6-6-1.1-903, Amends IC 6-9-2-4.3, Amends IC 36-7-14-8, Amends IC 36-7-14-13, IC 36-7-15.1-3.5, IC 36-7-15.1-36.3, Amends multiple chapters and sections in IC 36-7.5. Reorganizes the statutes concerning riverboat admissions tax distributions and makes provision for allocation to the northwest Indiana redevelopment authority (RDA); changes the deadline for paying the supplemental distribution from September 15 to July 15. Amends statutes concerning admission taxes in Lake County. Amends statutes concerning economic development projects that may be carried out by the RDA. Provides that the RDA may make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of a member municipality that meets certain requirements. Amends provisions concerning the industrial recovery tax credit and an "industrial recovery site." Repeals provisions enacted in 2015 concerning the assessment of: (1) certain limited market or special purpose property; and (2) commercial nonincome producing real property. Provides that in addition to the factors under current law, the DLGF shall also provide for the classification of improvements on the basis of market segmentation. Specifies that the following apply to funds of redevelopment commissions: (1) the funds must be accounted for separately and the daily balance of the funds must be maintained in a separate ledger statement. (2) The funds must be accessible to the redevelopment commission at any time, unless this requirement is waived by the redevelopment commission.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 204 – HOUSE ENROLLED ACT 1290 – EFFECTIVE VARIOUS DATES**

STATE AND LOCAL ADMINISTRATION – (Continued) (3) The amount of the daily balance of the funds must not be below zero at any time. (4) The funds may not be maintained or used in a manner that is intended to avoid the procedures and requirements for a waiver. Provides that a fiscal body of a unit may request approval from the redevelopment commission to waive the requirement that all funds must be accessible to the redevelopment commission. Provides that, if a loan is made to a unit from the funds, the loan must be repaid by the unit not later than the end of the calendar year. Specifies additional information that must be reported by each redevelopment commission to the unit's executive and fiscal body and to the DLGF. Makes various other amendments concerning State and Local Administration.

PUBLIC LAW 205 – HOUSE ENROLLED ACT 1294 – EFFECTIVE JULY 1, 2016

LOCAL GOVERNMENT MATTERS – Amends IC 36-10-3-4 and adds IC 6-1.1-4-4.8. Provides that in the case of a city park board, the appointee by the school board may be either a member of the school board or a resident of the school corporation. Makes addition concerning county reassessment of certain real property.

PUBLIC LAW 206 – HOUSE ENROLLED ACT 1298 – EFFECTIVE VARIOUS DATES

ANNEXATION – Amends IC 36-4-3-1.5, Amends IC 36-4-3-1.7, Amends IC 36-4-3-4, Amends IC 36-4-3-11. Makes amendments to requirements, procedures, and deadlines concerning annexation.

PUBLIC LAW 208 – SENATE ENROLLED ACT 126 – EFFECTIVE JULY 1, 2016

POLITICAL SUBDIVISION INFORMATION ON THE INTERNET – Adds IC 5-11-13-0.5, Amends IC 5-14-3.8-3, Adds IC 5-14-3.8, Amends IC 16-22-3-12, Adds IC 16-22-8-35.5, IC 16-23-1-33.5 - Requires local governments and school corporations to provide information for posting on the Indiana transparency Internet web site (transparency web site) as follows: (1) Expenditures categorized by personal services, other operating expenses or total operating expenses, and debt service, including lease payments, related to debt. (2) A listing of fund balances, specifically identifying balances in funds that are being used for accumulation of money for future capital needs. Requires the department of local government finance (department) after July 31, 2017, to publish an annual financial and operational summary of each political subdivision on the transparency web site. Requires a political subdivision that has a public Internet web site to publish a link to the transparency web site. Requires the department to determine the summary's form, content, and publishing dates. Provides that the department of education determines the educational performance information to be included in the summary published by a school corporation. Allows a county or city hospital to withhold from disclosure the individual salaries of hospital employees. Urges the legislative council to assign to the interim committee on energy, utilities, and telecommunications, during the 2016 legislative interim, the topic of expanding the availability of open data in Indiana.

2016 LAWS AFFECTING CITIES AND TOWNS**PUBLIC LAW 211 – SENATE ENROLLED ACT 232 – EFFECTIVE JULY 1, 2016**

LAND BANKS – Adds IC 36-7-38, IC 34-30-2-154.5 - Authorizes a county, consolidated city, or second class city to which the unsafe building law applies to establish a municipal corporation known as a land bank to manage and improve the marketability of distressed real property in the county or city that establishes the land bank. Requires a land bank's bylaws to require the land bank board (board) to approve any conveyance of real property in an open meeting and consider any pertinent information regarding the property's value or the financial ability of a person before approving a conveyance. Allows the land bank to enter into an agreement that conditions the purchase, transfer, or lease of property upon the person fulfilling conditions related to the mission of the land bank. Provides that the material failure of a person to fulfill the agreement may void the purchase, transfer, or lease, unless the land bank grants the person additional time to comply with the agreement. Specifies that the procedures for disposal of real or personal property by a local government do not apply to the land bank.

PUBLIC LAW 215 – HOUSE ENROLLED ACT 1359 – EFFECTIVE JULY 1, 2016

EMPLOYMENT OF VETERANS AS PUBLIC SAFETY OFFICERS; 1977 FUND RETIREMENT AGE – Makes multiple amendments to the Indiana Code, plus adds IC 36-8-4.7, Adds IC 36-8-8-9.5. Waives the maximum hiring age restrictions that apply to the appointment and hiring of police officers and firefighters for an individual who is a veteran of the armed forces and who meets certain requirements. Provides that an individual who is appointed as a police officer or a firefighter as the result of a waiver is eligible to become a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund). Requires a member of the 1977 fund to retire at 70 years of age.