

NEWLY ENACTED LEGISLATION

Indiana State Board of Accounts

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Senate Enrolled Act (SEA) 6 – Public Law 86-2018

Technical corrections

Makes technical corrections. Resolves technical conflicts and addresses technical problems in the Indiana Code. Provides that the technical corrections bill may be referred to as the "technical corrections bill of the 2018 general assembly". Specifies that this phrase may be used in the lead-in line of each SECTION of another bill to identify the provisions added, amended, or repealed by the technical corrections bill that are also amended or repealed in another bill being considered during the 2018 legislative session. Provides the publisher of the Indiana Code with guidance concerning resolution of amend/repeal conflicts between the technical corrections bill and other bills passed during the 2018 legislative session. Specifies that if there is a conflict between a provision in the technical corrections bill and a provision being repealed in another bill, the other bill's repealer is law. (The introduced version of this bill was prepared by the code revision commission.)

SEA 27 – Public Law 43-2018

1977 fund new unit credits for prior service (effective March 13, 2018)

Provides, in the case of a city or town that begins participation in the 1977 police officers' and firefighters' pension and disability fund (1977 fund), that the unit and the member (firefighter, police officer, or emergency medical technician) may agree how to share the cost of acquiring credit in the 1977 fund for the member's prior service as a firefighter, police officer, or emergency medical technician. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

SEA 99 – Public Law 47-2018

Civil forfeitures

Requires the prosecuting attorney to file an affidavit of probable cause with a court not later than seven days after property is seized, and provides for the return of the property to the owner if the court does not find probable cause. Establishes a procedure for an owner of real property or of a vehicle (if the owner was not operating the vehicle at the time of the seizure) to obtain provisional custody of the seized property pending a final forfeiture determination.

Makes the time limit for filing a forfeiture action: (1) 21 days, if the owner has filed a written demand for return of the property; or (2) 90 days, if the owner has not filed a written demand for return of the property. Provides that an owner whose property is returned is not liable for the costs of storage, transportation, or maintenance. Specifies how the proceeds of a forfeiture action are to be distributed. Requires a prosecuting attorney to report certain information concerning forfeitures to the prosecuting attorneys council. Imposes certain requirements on the use and compensation of outside counsel in forfeiture actions, and prohibits a prosecuting attorney or deputy prosecuting attorney from receiving a contingency fee for a forfeiture action.

SEA 100 – Public Law 8-2018

Carbon monoxide testing

Carbon monoxide emissions testing. Provides that a fire department established by a: city or town or a volunteer fire department may provide vehicular carbon monoxide testing (testing) to the owner of a motor vehicle. Requires testing to be offered to the owner of a motor vehicle without charge. Specifies the manner in which testing is to be conducted. Specifies certain paperwork and record keeping requirements. Provides that a test administrator's good faith effort to properly conduct a vehicular carbon monoxide test

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immunizes the test administrator from civil liability and all associated damages, including punitive damages, arising from or related to the administered test.

Provides that a fire department, volunteer fire department, or other person may not be found liable for any: (1) claim; (2) cause of action; (3) damages, including punitive damages; (4) demand; or (5) expense; arising from or related to an administered vehicular carbon monoxide test by reason of an agency relationship between the test administrator and the fire department, the volunteer fire department, or the other person.

SEA 119 – Public Law 91-2018
1977 Fund purchase of service

1977 fund purchase of service. Allows a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) to purchase service performed in Indiana as a full-time, fully paid police officer or firefighter for an employer that does not participate in the 1977 fund.

SEA 125 – Public Law 93-2018
Registration of underground utility excavation contractors

Registration of underground utility excavation contractors. Provides that a contractor that will perform one or more excavations or demolitions in Indiana under a contract with: (1) a communications service provider; or (2) a utility; must include in an entity filing filed with the secretary of state a statement that the contractor and its employees will comply with Indiana's 811 statute.

Provides that a contractor that is a filing entity under the Uniform Business Organizations Code (Code) shall provide documentation of the contractor's compliance with the registration requirement to a communications service provider or a utility before entering into a contract with the communications service provider or the utility to perform excavations or demolitions in Indiana. Authorizes the utility regulatory commission (IURC) or its pipeline safety division to refer to the attorney general contractors that: (1) violate Indiana's 811 statute; and (2) are foreign entities not registered to do business in Indiana. Authorizes the attorney general to collect penalties of not more than \$10,000 for the registration violation, as provided for in the Code.

Provides that at the request of the IURC or its pipeline safety division, and not more than once per year, unless for purposes of an investigation under Indiana's 811 statute, a communications service provider or utility shall provide a list of its contractors operating in Indiana.

SEA 266 – Public Law 164-2018
Motor vehicle safety

Motor vehicle safety. Requires that a license plate must be displayed in a horizontal and upright position that displays the registration expiration year in the upper right corner. Requires that a renewal sticker for a license plate must be securely affixed in the upper right corner of the license plate covering the previous registration expiration year.

Provides that a trailer of less than 3,000 pounds gross weight is not required to be equipped with brakes. Specifies that head lamps on motor vehicles, motorcycles, and motor driven cycles may display only white or amber light. Requires that motor vehicles except for motorcycles, motor vehicles manufactured before January 1, 1956, and motor driven cycles must be equipped with two stoplights.

Specifies that: (1) stop lamps on the rear of a vehicle must be red; and (2) signal lamps on the rear of a vehicle must display only red or amber light or any shade of color between red and amber. Specifies that

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signal lamps showing to the front of a vehicle must display only white or amber light or any shade of color between white and amber. Specifies that window treatments may not be applied below the AS-1 line.

Provides that the program established by the Indiana state police for the inspection of equipment for private buses applies only to private buses designed or used to transport 15 or more passengers (including the driver). Specifies that the provision in current law prohibiting the bureau of motor vehicles from registering a private bus unless the private bus has an unexpired certificate indicating compliance with the inspection program for private buses applies only to private buses that are designed or used to transport more than 15 passengers (including the driver).

Provides that exceeding an altered speed limit established by a local authority is a Class C infraction. Provides that exceeding a speed limit in a school zone is a Class B infraction. Provides that failing to maintain a minimum speed limit established by the department of transportation is a Class C infraction. Provides that exceeding an altered speed limit established by the department of transportation is a Class C infraction. Provides that a vehicle must be driven entirely within a marked lane.

Provides that a plain clothes law enforcement officer in an unmarked police vehicle may make an arrest for a violation of: (1) reckless driving causing endangerment; (2) recklessly passing a stopped school bus resulting in bodily injury; and (3) operating a vehicle while intoxicated in a manner that endangers a person.

SEA 269 – Public Law 165-2018 Road and utility repair

Requires the department of transportation (department) to schedule an appeal of a local unit's denial of a petition to close a railroad crossing within 60 days after the denial of the petition. Defines "department action" as one or more of the following: (1) Detour creation or implementation. (2) Planned bridge repair. (3) Planned road repair. Requires the department to consider the following when determining when to let a contract involving certain construction, maintenance, and repair projects: (1) Impact on local commerce. (2) Impact on local residents. (3) Impact on local tourism. Requires the department to make a good faith effort to use: (1) the least disruptive timing when determining when to let a contract involving certain construction, maintenance, and repair projects; and (2) the least restrictive means when implementing or performing certain construction, maintenance, and repair projects. Requires the department to release a contract let list: (1) every 180 days; and (2) to at least 1 news media entity.

Provides that the hearing officer appointed to conduct a hearing concerning a petition to establish a regional water, sewage, or solid waste district is required to provide notice of the hearing to the executive of a city or town that has a municipal sewage works or public sanitation department having extraterritorial jurisdiction within the boundaries of the area to be included in the proposed district. Requires the board of trustees of a regional sewage district, when seeking to add territory to the district, to file a copy of its motion for the addition of territory in the office of: (1) the executive of each governmental entity having territory within the territory proposed to be added to the regional sewage district; and (2) the executive of a city or town that has a municipal sewage works or public sanitation department if the territory proposed to be added to the regional sewage district includes territory within the extraterritorial jurisdiction of the municipal sewage works or public sanitation department. Defines "governmental entity", for purpose of the law concerning regional water, sewage, and solid waste districts, as a municipal corporation or a special taxing district.

SEA 296 – Public Law 99-2018 Order to repair tax sale property

Provides that an order for necessary repairs originally issued by an enforcement authority under the unsafe building law to the owner of a vacant or abandoned property that is later sold at a tax sale may subsequently be enforced against the successful bidder at the tax sale.

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SEA 347 – Public Law 125-2018

Bonding procedures

Permits a consolidated city and second class city to sell bonds at a negotiated sale after June 30, 2018, and before July 1, 2021. (Current law requires a public sale of bonds.) Provides that this change does not apply to refinancing bonds and some revenue bonds that are dedicated to a limited purpose.

SEA 362 – Public Law 126-2018

Regulation of water and wastewater systems

Eliminates conservancy districts and regional water or wastewater districts from the definition of "water or wastewater utility" for purposes of the chapter, making a water or wastewater utility organized as a legal entity after June 30, 2018, subject to the jurisdiction of the Indiana utility regulatory commission.

Provides that an applicant for a permit for the operation of a water treatment plant or wastewater treatment plant must submit to the department of environmental management (department), along with the permit application, a notarized certification that the applicant has prepared: (1) a life cycle cost-benefit analysis; (2) a capital asset management plan; and (3) a cyber security plan; and that the analysis and plans meet certain requirements. Requires an operator of a water treatment plant or a wastewater treatment plant to review and revise the plant operator's analysis and plans at least once every five years, for as long as the permit holder operates the water treatment plant or wastewater treatment plant.

Provides that a notarized certification of the plant operator's analysis and plans must be submitted to the department at least once every five years when the analysis and plans are reviewed and revised.

SEA 386 – Public Law 61-2018

Financing flood control improvements

Authorizes the Indianapolis metropolitan development commission (commission), following a written recommendation from the board of public works and approval of the legislative body, to adopt an ordinance designating an area as a flood control improvement district (district) to capture incremental property tax revenue within the district to be used for the construction, replacement, repair, maintenance, or improvement of flood control works. Provides that only special flood hazard property may be included within the boundaries of a district. Defines "special flood hazard property" as property that on January 1, 2018, is situated in a special flood hazard area as designated by the Federal Emergency Management Agency.

Provides that a district may not include any property that is already included in a tax increment financing allocation area. Provides that, before making a recommendation to the commission to establish a district, a board of public works must: (1) establish the boundaries for the district; (2) identify the owners of each parcel of property in the district; (3) create a proposed plan for flood control works within the district; and (4) hold a public hearing on the proposed district. Provides that the fiscal officer of the county shall establish a flood control improvement fund (fund) for each district that is established within the county. Provides that the commission shall administer the fund. Provides that the incremental property tax revenue from a district shall be deposited in the fund and used only for providing flood control works within the boundaries of that district.

Provides that the commission may issue bonds payable from the fund for the purpose of construction, replacement, repair, maintenance, or improvement of flood control works. Specifies the types of costs for flood control works that may be funded from a bond issue including reimbursement to the county for

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expenditures made from the county's storm water fund for flood control works prior to the bond issuance. Provides that, in lieu of issuing bonds, the fiscal body of the county may adopt an ordinance to authorize money in a fund of a district to be applied to reimburse debt service payments made on bonds for which revenue from the county's storm water fund is pledged, if the bonds for which the reimbursements are made were issued solely for the purpose of construction, replacement, repair, maintenance, or improvement of flood control works that are located within the district for which the fund was established.

Allows the county to adopt an ordinance to continue distribution and allocation of property taxes after bond maturity, solely for the purpose of maintenance and repair of flood control works within the district for not more than 50 years. Requires a commission to make an annual report to the fiscal body of the county and submit a copy of the report to the department of local government finance.

SEA 392 – Public Law 171-2018

Local government matters

Establishes a process to: (1) divide and transfer land that is owned by a city or town and (2) assess the value of land that a city or town owns that the city or town has divided and transferred to an adjacent property owner. Provides that, in a tax sale, a county executive may include any costs directly attributable to the county in the price for the sale of a certificate of sale.

Amends the law exempting a town legislative body from giving notice of a meeting if the meeting concerns routine administrative functions. Provides that if a public record is in an electronic format, a state or local government agency (excluding the office of the county recorder) shall provide an electronic copy or a paper copy of the public record, at the option of the person making the request for the public record.

Prohibits, with certain exceptions, a state or local government agency from charging a fee for providing a public record by electronic mail.

SEA 393 – Public Law 104-2018

Safety notice of advanced structural buildings

Safety notice of advanced structural buildings. Requires an individual applying for a building permit issued by a city or town for a Class 1 or Class 2 structure after June 30, 2018, to disclose the use of advanced structural components on the building permit application. Requires the city or town building commissioner to notify the local fire department and local 911 call center of a Class 1 or Class 2 structure's use of advanced structural components not later than 90 days after issuing a building permit.

Directs a 911 telephone call center to maintain and relay information contained in a qualifying property's notification and received by the 911 telephone call center. Prohibits the fire prevention and building safety commission (commission) or a state agency from adopting rules requiring the installation of an automatic fire sprinkler system. Prohibits a political subdivision from adopting an ordinance or other regulation requiring the installation of an automatic fire sprinkler system. Requires that the commission adopt rules to replace the current statewide residential code before January 1, 2020. Provides that if the commission uses a national code as part of the adoption of the statewide residential code, the commission shall amend the national code as a condition of the adoption of the code.

Requires the commission to submit a report to the general assembly by January 1, 2019 regarding the commission's work related to the adoption of a replacement statewide residential code.

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House Enrolled Act (HEA) 1290 – Public Law 185-2018

Transportation Finance (effective various dates)

Repeals the motor carrier surcharge tax and increases the special fuel tax by \$0.21 per gallon. Distributes part of the special fuel tax revenue to the motor carrier regulation fund. Specifies how netted International Fuel Tax Agreement Clearinghouse refunds and receipts are deposited or credited. Specifies that the commercial vehicle excise tax rate calculation that must be done on or before October 1 of each year is effective on January 1 of the following year. Excludes the transportation infrastructure improvement fee and the supplemental fees for registering electric and hybrid vehicles from the calculation of the commercial vehicle excise tax.

Changes various distribution percentages of revenue distributed from the motor vehicle highway account and highway, road and street fund.

Specifies that heating oil is not included in the sales tax exemption for special fuel.

Provides that for funds distributed to cities and towns from the motor vehicle highway account, each city or town must use at least 50% of the money for the construction, reconstruction, and preservation of the unit's highways. (Under current law, at least 50% must be used for construction, reconstruction, and maintenance.) Makes various changes to the accounting system for local roads and streets.

Establishes the New Harmony and Wabash River bridge authority (bridge authority). Specifies the composition and terms of bridge authority membership. Describes the purpose and duties of the bridge authority. Authorizes the bridge authority to charge and collect a toll for transit across the White County bridge (bridge). Requires the bridge authority to equip, improve, maintain, operate, reconstruct, rehabilitate, and restore the bridge for use by motor vehicles, pedestrians, and other forms of transportation. Allows the bridge authority to issue bonds and notes for certain purposes.

Provides that all registration fees collected under the International Registration Plan (IRP) or through an Indiana based IRP account (rather than only certain specified fees collected under the IRP or an Indiana based IRP account under current law) are covered by the statute providing for the first \$125,000 of such revenue each state fiscal year to be distributed to the state police building account and any remaining amounts to be distributed to the motor vehicle highway account. Specifies that the transportation infrastructure improvement fee shall be apportioned under the IRP. Specifies conditions under which a vehicle platoon may be operated in Indiana.

HEA 1004 – Public Law 72-2018

Various State and Local Government Streamlining Matters (effective various dates)

Requires a meeting for receiving quotes must be open to the public. Provides that certain quotes shall be reported to the board during the public meeting at which the contract is considered. Specifies that an employee drug testing program must have been effective and applied at the time of the solicitation for bids for a public works project. Allows the board to keep on file a copy of the contractor's policy submitted in the current calendar year or previous two calendar years to satisfy the requirement for submitting a policy unless the policy has been revised...

IC 36-1-12-5. For public works projects costing less than \$50,000, "The board must proceed under the following provisions: (1) The board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by either of the following:

(A) Mailing them a notice stating that plans and specifications are on file in a specified office. The notice must be mailed not less than seven (7) days before the time fixed for receiving quotes. The board may not require a person to submit a quote before the meeting at which quotes are to be received. The meeting for

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receiving quotes must be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.

(B) Soliciting at least three (3) quotes by telephone, facsimile transmission, or electronic mail. The seven (7) day waiting period required by clause (A) does not apply to quotes solicited under this clause. A quote received under this clause shall be reported to the board during the public meeting at which the contract is considered. The name of each person submitting a quote, and the amount of each quote, shall be read aloud at the public meeting.”

IC 36-1-12-24. For public works projects of at least \$150,000 awarded after June 30, 2016...

“(c) An employee drug testing program submitted to the board under this section must have been effective and applied at the time of the solicitation for bids.

(d) A contractor who has previously filed a copy of the contractor's employee drug testing program with the board in the current calendar year or within the previous two (2) calendar years satisfies the requirement for submitting an employee drug testing program, unless the employee drug testing program has been revised.”

1925 Police Pension Board.

IC 36-8-6-3(f) has been amended to require the secretary and treasurer to make complete and accurate reports of their trusts to the local board before February 15 of each year, instead of requiring the report to be made on the first Monday in February.

IC 36-8-6-2 has been amended to state that “after the local board receives the report described in 3(f) of this chapter, the trustees...shall be elected at the next meeting...” Previous language required the election to be held on the second Monday in February.

IC 36-10-3-4. Municipal Park Board

Third Class Cities: Language has been removed which required no more than two members may be affiliated with the same political party.

Second Class Cities: “A city board consists of four (4) members to be appointed by the city executive. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being: (1) either: (A) a member of the governing body of the school corporation selected by the governing body of the school corporation; or (B) an individual who resides in the school corporation, selected by the governing body of the school corporation; (2) a member of the governing body of the library district selected by that body; or (3) individuals described in both subdivisions (1) and (2).

HEA 1035 – Public Law 73-2018

Short Term Rentals

Provides the following with regard to short term rentals that are rented through a short term rental platform:

(1) Provides that a short term rental of an owner's primary residence is a permitted residential use under any applicable ordinance and may not be disallowed. (2) Provides that, in the case of residential property that is not the person's primary residence, a local unit of government (local unit): (A) may require a special exception, special use, or zoning variance for the short term rental of the property; and (B) may not interpret and enforce zoning regulations for a special exception, special use, or zoning variance in a manner that is intended or has the effect of prohibiting or unreasonably restricting all short term rentals of the property.

(3) Allows a local unit to regulate short term rental of residential property only for specified purposes. (4)

Allows a local unit to require an owner to obtain one permit for each property of an owner, regardless of the number of dwelling units or detached accessory structures on the property that the owner offers as a short term rental. (5) Allows a local unit to charge a fee of not more than \$150 for an initial permit and for a permit issued after the revocation of a permit, but prohibits a unit from charging a fee for a permit renewal. (6)

Allows a local unit to limit or prohibit short term rentals located within a conservancy district.

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Exempts ordinances adopted before January 1, 2018. Excludes property owners associations from the provisions of the bill.

HEA 1036 – Public Law 66-2018
Unemployment Insurance

Excludes worker's compensation and occupational diseases compensation payments from the definition of "wages" for unemployment insurance purposes. Establishes a flat fee of \$12 as the employer's collection fee for withholding amounts from an individual's income to repay unemployment insurance benefit overpayments. Allows an individual to request a review by the commissioner of the department of workforce development or the commissioner's designee of an adverse decision following an administrative hearing in which the individual contests the income withholding.

HEA 1057 – Public Law 24-2018
Pretrial Diversion

Provides that the initial user fee amount for a diversion agreement involving a misdemeanor is \$50. Provides that the initial user fee amount for a diversion agreement involving a felony is \$75. Allows a court to impose on a person an additional program fee or cost that is reasonably related to the person's rehabilitation. Prohibits a monthly user fee from being collected beyond the maximum length of a possible sentence. Makes conforming amendments.

HEA 1070 – Public Law 74-2018
Airport Boards

Provides that on July 1, 2018, the advisory member of the board of the Indianapolis Airport Authority representing Morgan County becomes a full voting member of the board. Increases from five members to six members the number of appointments made by the mayor of Indianapolis to the board of the Indianapolis airport authority.

Makes conforming changes. Makes the following changes with regard to the rotary fund of a board aviation commissioners (board): (1) Allows the rotary fund to be used for expenses incurred in operating a public fueling station (instead of only for fuel and oil purchases). (2) Allows the board to transfer funds throughout the fiscal year instead of only at the end of the fiscal year. (3) Specifies that an initial appropriation is made to fund the rotary fund and that additional appropriations to the fund are discretionary. (4) Requires the board to transfer any profits in the rotary fund at the end of the fiscal year to the aviation fund or a reserve or depreciation account for capital improvements and replacements, if the rotary fund balance (not including amounts transferred to the aviation fund or reserve or depreciation account during the fiscal year) exceeds 25% of the previous year's expenditure from the rotary fund. (Current law requires the board to transfer excess funds from the rotary fund to the aviation fund if the rotary fund balance exceeds 25% of the previous year's appropriation to the rotary fund.)

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HEA 1089 – Public Law 138-2018

St. Joseph River Basin Commission

Amends the law concerning the St. Joseph River basin commission (commission)... Provides that the commission includes the county surveyor of each participating county and a representative of each soil and water conservation district that includes territory in a county participating in the commission and territory in the river basin. Eliminates from the commission the member of a soil and water conservation district appointed by the governor. Repeals the commission's statutory quorum requirement.

Authorizes a political subdivision in a participating county to enter into a cooperative agreement with the commission and at least one other legal entity to authorize the commission to develop a plan to improve water quality or mitigate flooding. Requires the commission to schedule a public meeting concerning such a plan in each participating county containing a political subdivision that entered into the cooperative agreement with the commission for the development of the plan. Requires the commission, at least 10 days before a meeting concerning a proposed plan, to post a copy of the plan on the Internet and publish a meeting notice containing certain information. Requires the commission, in developing a plan, to determine the best method and manner of improving water quality or mitigating flooding, in view of certain considerations. Requires that a plan be approved by the state before it is implemented.

Authorizes the commission to: (1) develop plans and tools to mitigate flooding; (2) employ staff; (3) enter into contracts; (4) exercise the powers of a political subdivision specified in a cooperative agreement; (5) require that increased water runoff resulting from new construction be impounded on the construction site, but waive the impoundment requirement upon payment of a reasonable fee; (6) acquire conservation easements and acquire and remove improvements within the 100 year flood plains of the river basin; and (7) adopt rules restricting construction within the 100 year flood plains of the river basin.

Provides that the commission, the commission's executive board, or employees or authorized representatives of the commission may enter land within the 100 year flood plain of any watercourse in the river basin to investigate suspected violations of the flood control laws. Requires written notice to an owner of the affected land 21 days before an entry on the land, and requires the commission to hold a hearing on the necessity of the entry if an owner of the affected land appeals to the commission.

HEA 1109 – Public Law 179-2018

Various Pension Matters

Removes a requirement that only active members of the public employees' retirement fund (PERF) and the Indiana teachers' retirement fund (TRF) may make rollover distributions into annuity savings accounts (ASA) from other qualified retirement accounts. Allows any PERF or TRF member who terminates employment and is not currently employed in a covered position or for the same employer to suspend fund membership, retain the member's creditable service, and withdraw all or part of the amount in the member's ASA before retirement. Requires employers eligible to purchase death benefit fund coverage for certain employees to pay for the coverage annually rather than quarterly. Removes charitable contributions as a voluntary benefit deduction for the 1977 police officers' and firefighters' pension and disability fund... Revises the effective date of participation by a political subdivision joining PERF from the earlier of January 1 or July 1 to a date approved by the INPRS board of trustees, but not later than 60 days after the date the political subdivision's PERF participation is approved...

HEA 1140 – Public Law 76-2018

Interlocal Agreements

Allows a county to enter into an interlocal agreement with a municipality to use: (1) a municipal ordinance violations bureau; or (2) a city or town court; to dispose of county ordinance violations.”

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HEA 1242 – SPECIAL SESSION State and Local Administration

Requires each redevelopment commission to annually present certain information for the governing bodies of all taxing units that have territory within an allocation area of the redevelopment commission. Provides that the presentation shall be made at a meeting of the redevelopment commission and must include certain information. Provides that the governing body of such a taxing unit may request that a member of the redevelopment commission appear before the governing body at a public meeting of the governing body. Requires, for a territory that was annexed by a municipality after June 1, 1976, and before March 4, 1988, one-half of the property taxes attributable to property taxes imposed by the park and recreation district on property that is within the annexed territory to be transferred to the annexing municipality's parks and recreation department. Makes technical corrections.

HEA 1256 – Public Law 183-2018 Various Local Government Matters

Provides that a county that sells a county hospital before January 1, 2017, may establish a charitable nonprofit foundation (foundation) to hold some or all of the proceeds of the sale of the county hospital in trust for the benefit of the county... Provides that another unit in the same county may enter into an interlocal agreement with the county council, the county executive, and the board to invest funds obtained by the unit from the sale of a capital asset into the foundation. Establishes requirements for the contents of the interlocal agreement. Provides that the department of local government finance (DLGF) may not reduce the actual or maximum permissible property tax levy of a unit that enters into an interlocal agreement on account of money transferred into or expended from the foundation... Makes changes to certain statutes regarding redevelopment commissions.

HEA 1257 – Public Law 37-2018 State Use Program

Changes references of "person with a severe disability" to "individual with a disability" in the public purchasing laws and the laws concerning the committee for the purchase of products and services of individuals with a disability (committee). Defines "individual with a disability". Amends the definition of "qualified agency". Provides that a governmental body's purchasing agent must determine if a product or service is within 10% of the fair market price...

HEA 1262 – Public Law 117-2018 Public Funds and Tax Refund Intercepts (effective various dates)

Provides that certain restrictions requiring deposits of public funds to be made within the territorial limits of a political subdivision apply to funds invested in: (1) transaction accounts; and (2) certificates of deposit in a depository designated by the state board of finance but not by the local board of finance. Provides that an ordinance or resolution authorizing funds to be invested in such certificates of deposit expires not later than one year (rather than two years, under current law) after the ordinance or resolution is adopted. Revises the procedures involved when a political subdivision seeks a set off of a tax refund from the department of state revenue for debts owed to the political subdivision by a debtor. Repeals a provision pertaining to hearings with debtors on disputed debts that are owed to political subdivisions that use the tax refund set off process.

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HEA 1263 – Public Law 184-2018
County Jail Issues (effective various dates)

Provides that a county fiscal body may adopt an ordinance to impose (within the local income tax expenditure rate) a tax rate for correctional facilities and rehabilitation facilities in the county. Specifies that the tax rate must be in increments of 0.01% and may not exceed 0.2%. Provides that the tax rate may not be in effect for more than 20 years. Specifies that the revenue generated by such a tax rate: (1) must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed; and (2) shall be maintained in a separate dedicated county fund and used by the county only for paying for correctional facilities and rehabilitation facilities in the county... Specifies that the executive of a county may enter into an interlocal agreement with one or more other local or state entities for the construction, maintenance, or operation of a regional jail...

HEA 1267 – Public Law 196-2018
Water Infrastructure Task Force (effective March 22, 2018)

Establishes a water infrastructure task force (task force)... Requires the task force to: (1) study specified issues concerning drinking water systems, wastewater management systems, and storm water management systems; (2) create an empirical decision making tool that will allow policymakers to prioritize water infrastructure projects; and (3) develop a long term plan for addressing drinking water, wastewater, and storm water management needs in Indiana. Requires the task force to submit a report containing certain recommendations to the general assembly and the governor not later than December 1, 2018... Requires the Indiana finance authority (IFA) to contract with an entity of its choosing to study the needs of the state, political subdivisions, and other public and private entities arising from the National Pollutant Discharge Elimination System (NPDES) stormwater program. Provides that IFA must require the contractor to complete and submit a written report setting forth the results of the study not later than December 1, 2019. Urges the legislative council to assign to an appropriate interim study committee the task of studying research and outreach efforts to reduce non-point source impacts on water quality.

HEA 1278 – Public Law 207-2018
Economic Improvement Districts

Provides that a petition to establish an economic improvement district (district) may be filed with the clerk (in the case of a municipality) or the county auditor (in the case of the county). Requires a person that intends to file a petition for the establishment of a district to first provide the clerk or county auditor with written notice of the person's intent before initiating the petition process. Provides that a petition for the establishment of a district may be filed with the clerk or county auditor not later than 120 days after the date on which the person filed the notice of intent.

Requires the clerk or county auditor to retain the paper copy of a petition for not less than 90 days from the date the petition is filed. Provides that the clerk or county auditor shall publish notice of a hearing on the proposed district, mail a copy of the notice to each owner of real property within the district, and include the hearing date in the notice. Provides that the date of the hearing may not be more than 60 days after the date on which the notice is mailed.

Increases the required percentage number of signatures needed on a petition from owners of real property within a proposed district... Specifies that the signature of a person whose property is: (1) owned by this state, or a state agency, or leased to a state agency and is exempt from property taxation; or (2) owned by a political subdivision of this state and is exempt from property taxation; may not be considered in determining whether the required number of signatures needed on a petition are met.

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Provides that the assessed valuation of property that is: (1) owned by this state, or a state agency, or leased to a state agency and is exempt from property taxation; or (2) owned by a political subdivision of this state and is exempt from property taxation; may not be considered in determining the total assessed valuation in the proposed district. Repeals the provision that allows the proposals contained in the petition to be amended or modified in the ordinance adopted to establish the district. Eliminates the provision that allows the board of a district (board) to increase a special assessment following a hearing on an owner's protest of the special assessment. Requires the board to either confirm or decrease the special assessment in its determination of the owner's protest.

Provides that the legislative body of a unit (legislative body) may not pass an amending ordinance to increase the boundaries of a district. Requires the district (or the person that files the petition, if the proposed district is rejected) to, at the request of the unit, reimburse the unit for the reasonable expenses incurred by the unit to comply with the statutory requirements for the district. Provides that the legislative body may choose not to collect all or part of the reasonable expenses.

HEA 1311 – Public Law 147-2018
Motor Vehicle Matters (effective various dates)

Allows a police officer to charge a fee for title and vehicle identification number (VIN) inspections in certain instances. Specifies that a fee related to a title or VIN inspection performed by a police officer may not exceed \$5. Specifies that revenue generated by a fee related to a police officer's inspection of a title or VIN must be deposited in... a local law enforcement continuing education fund... Allows disbursements from a municipal special fund to be used to defray the cost and maintenance expenses associated with the operation of a municipally owned park where parking meters are located...

HEA 1323 – Public Law 188-2018
Heavy Equipment Rental Excise Tax (effective January 1, 2019)

Excludes heavy rental equipment from the assessment of the personal property tax. Imposes an excise tax on the rental of heavy rental equipment (excise tax)... Provides that the excise tax is apportioned and distributed to local governmental units (units) in the same manner that property taxes are apportioned and distributed. Provides that the excise taxes distributed to the units before January 1, 2020, must be deposited in the unit's excess levy fund. Provides that after December 31, 2019, excise taxes distributed to the units must be allocated among the unit's funds in the same proportion that the unit's property tax collections are allocated among those funds.

HEA 1374 – Public Law 189-2018
Financing and Transportation (effective various dates)

Adds a new article to the Indiana Code to consolidate and rewrite various statutes related to the Indiana finance authority (IFA)... Provides for the state, the IFA, and the northwest Indiana regional development authority to finance the northern Indiana commuter transportation district's construction of the mainline double tracking project and the West Lake corridor project... Continues current law appropriations for the wastewater and drinking water programs... Specifies documents that must accompany a loan or financial assistance from: (1) the drinking water or wastewater revolving loans funds; (2) the Indiana brownfields fund; (3) the flood control fund; and (4) local transportation infrastructure revolving funds...

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OTHER BILLS OF INTEREST FOR YOUR CONSIDERATION:

SEA 380	Improvements in Historic Districts
SEA 411	Distressed Utilities
SEA 419	Professional and Occupational Licenses
HEA 1007	Mental Health Access
HEA 1023	Annexation Remonstrance Waivers
HEA 1027	Riverboat Admissions & Wagering Tax – Dearborn County
HEA 1056	Innkeeper Taxes
HEA 1065	Broad Band Grants to qualified broadband providers
HEA 1073	Child Care Location and Safety
HEA 1230	(SS) School Safety
HEA 1233	Environmental Management Matters
HEA 1245	Occupational Licenses
HEA 1288	Economic Development
HEA 1358	Intersection Safety Study

Resolution 18-02 – Interim Study Committees

Topics of Interest

- Allocation of local income tax revenue when taxing units reorganize
- Sales and innkeeper’s tax on short term rental properties
- Regional Development Tax Credit
- Inclusion of residential property in TIF allocation area
- Publication of city/town receipts and expenditures
- Consolidation and revision of public works statutes
- Opioid Treatment programs
- Water Infrastructure Task Force

For information on these or any other bills from the 2018 Legislative Session or 2018 Special Legislative Session, please visit www.iga.in.gov and search the bill number on the tab “Bills”.

The screenshot shows a web interface for searching bills. At the top, there are four tabs: "Search", "Code", "Bills", and "Legislators". The "Bills" tab is currently selected. Below the tabs, there is a text input field with the placeholder text "Enter bill number". Underneath this field is a search bar with the placeholder text "Search for Bills...". At the bottom of the search area, there are four radio button options: "All" (which is selected), "Senate", "House", and "Enrolled".

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