

# NEW LEGISLATION

COUNTY CLERKS OF THE CIRCUIT COURT - ANNUAL CONFERENCE

JUNE, 2017

## SB 42 - Pro Bono Legal Services Fee

- ▶ Effective 6-30-17 and extends the payment of the Pro Bono Legal Service fee to July 1, 2022. The fee amount does not change.
- ▶ Amends
  - ▶ IC 33-34-8-1
  - ▶ IC 33-34-8-3
  - ▶ IC 33-37-4-4
  - ▶ IC 33-37-4-6
  - ▶ IC 33-37-4-7
  - ▶ IC 33-37-5-31
  - ▶ IC 33-37-7-2

## SB 152 - Local Redevelopment

- ▶ Amends IC 4-6-12-3 and is effective 7-1-17
  - ▶ Eliminates Blight Register
- ▶ Amends IC 4-6-12-9 and is effective 7-1-17
  - ▶ Adds language to show that funding for the homeowner protection unit:
    - ▶ Fees collected under IC 24-9-9 Mortgage Recording fee
    - ▶ Fees distributed to the account under
      - ▶ IC 33-34-8-3; Marion County Small Claims Automated Record Keeping Fee
      - ▶ IC 33-37-7-2(a); Automated Record Keeping Fee for pretrial diversion
      - ▶ IC 33-37-7-8(a); City/Town courts Automated Record Keeping fee-deferral program

## SB 322 - DNA for Felony Arrests

- ▶ Effective 7-1-17 and amends IC 10-13-6 on the Indiana DNA data base to add that DNA will be collected from a person arrested for a felony after December 31, 2017.
- ▶ Effective 7-1-17 and amends IC 10-13-6-18 to allow a person whose DNA profile has been included in the Indiana DNA data base to request removal of the profile.
  - ▶ The person's DNA profile has been included in the Indiana DNA data base on the basis of the person's arrest for one or more felonies and the person was acquitted of all felony charges or all felony charges were converted to misdemeanor.
  - ▶ All felony charges against the person were dismissed; or
  - ▶ 365 days have elapsed since the arrest and no felony charges have been filed.

## SEA 322 - DNA Sample Processing Fee

- ▶ IC 10-13-6-18 also contains the procedures for requesting the removal of a DNA sample from the data base.
- ▶ Effective 7-1-17 and amends IC 33-37-5-26.2 on the DNA sample processing fee. Changes the amount collected from the current \$2 to \$3.

## SB 346 - Donation of Funds

- ▶ Amends IC 36-1-14-1 and is effective upon passage and adds a new subsection that is effective 4-21-17 for the donation of proceeds from the sale of a facility (hospital) to a nonprofit community foundation if the donation occurs after December 31, 2015. investment trusts established by a county prior to 1990 to hold the proceeds from the sale of the hospital.
  - ▶ DLGF may not lower the tax levy due to:
    - ▶ Donation of proceeds of money to a foundation
    - ▶ Distribution from the endowment to the unit
    - ▶ Return of donation to the **general fund**
- ▶ Adds a new section 4 to IC 36-1-14 regarding investment trust funds established by a county prior to 1990 to hold the proceeds from the sale of a hospital.

## SB 348 - Sign Ordinances

- ▶ Effective 7-1-17 and adds section 11 to IC 36-1-3 on Home Rule. The new section states that an ordinance on the number or size of signs is not enforceable beginning 60 days before an election and ending on the sixth day after the election. However, the political subdivision may continue to enforce an ordinance or regulation relating to number or size of signs if necessary to ensure public safety.
- ▶ The new section also includes what is meant by sign in this section.
  - ▶ “sign refers to a sign , the surface of which is not greater than 32 square feet. For purposes of determining the surface area of as sign under this section, if a sign consists of two (2) faces, only the surface area of one (1) of the faces is considered if both of the following apply: (1) the faces are mounted back to back . (2) The measure of the angle between the faces is not more than fifteen degrees.”

## SB 386 - Property Tax Matters

- ▶ Effective 7-1-17 and amends 6-1.1-15.
- ▶ IC 6-1.1-15-1 is repealed and IC 6-1.1-15-1.1 is added as a new section.
- ▶ A taxpayer may appeal an assessment by filing a notice in writing, related to:
  - ▶ (1) The assessed value of the property
  - ▶ (2) The assessment was against the wrong person
  - ▶ (3) The approval, denial or omission of a deduction, credit, exemption, abatement or tax cap
  - ▶ (4) A clerical, mathematical, or typographical mistake
  - ▶ (5) The description of the real property
  - ▶ (6) The legality or constitutionality of a property tax or assessment.

## SB 417 - Electronic Voting System

- ▶ Effective 7-1-17 and amends IC 3-11-10-26 on absentee voting. Subsection (d)(2) is amended to read that this subdivision applies only to a county that uses electronic poll books and in which the ballot is cast on an electronic voting system. IC 3-11-10-26 (d)(2)(A) now reads that the voter must subscribe to the affidavit prescribed by the county election board under subsection (e) that includes a unique identifier to comply with IC 3-11-10-26.2 (c)(3) as well as sign the electronic poll book and provide identification.
- ▶ It also adds a subdivision that applies to a county with electronic poll book and optical scan voting system. The voter must sign the electronic poll book, provide proof of identification and sign the affidavit prescribed by Section 29 of this chapter.
- ▶ The county election board may prescribe an affidavit with a unique identifier or establish a procedure to include a unique identifier that is associated with each voter.

## SB 442 - Election Expenses

- ▶ Effective 7-1-17 and amends IC 3-5-3-8 on local government election expenses and the apportionment of municipal election expenses. Adds subsection (c) for county that is designated as a vote center.
- ▶ “During the period that begins ninety (90) days before a municipal primary election and continues to the day after the following municipal election, all expenses incurred by the county in conducting the municipal primary election and municipal election shall be apportioned among the municipalities in the county holding a municipal primary and municipal election.

## SB 442 - Election Expenses

- ▶ Effective 7-1-17 and amends IC 3-5-3-9 regarding apportionment among municipalities. Adds a new subsection (d) for counties that have been designated as a vote center, but does not apply to a town that has entered into an agreement with the county under IC 3-10-7-4 to pay the county a fixed amount for its primary and municipal elections expenses.
- ▶ “All expenses incurred by the county in conducting the municipal primary election and municipal election shall be apportioned to each municipality in the same ratio that the number of voters who cast a ballot in the municipality at the municipal primary election or the municipal election bears to the total number of voters who cast a ballot in all of the municipalities in the county at that municipal primary or municipal election.”

## SB 442 - Election Expenses

- ▶ Effective 7-1-17 and amends IC 3-5-3 on local government election expenses and adds a new subsection (12) for election expenses of special elections.
  - ▶ Applies to a special election that is conducted on the same date as another election and in precincts in which the other election is not conducted on that date.
  - ▶ Does not apply to a special election conducted in a county at the same time as a primary election conducted in an election year or a general election.
  - ▶ “If statute requires that a political subdivision pay all costs of conducting a special election, then the political subdivision is required to pay only the costs incurred for conducting the special election in the precincts in which the election is not conducted on that date. The cost incurred by the political subdivision shall be determined based on the ratio that the number of voters who cast a ballot in the precincts in which the other election is not conducted bears to the total number of voters who cast a ballot in all elections conducted within the county on that date.”

## SB 442 - Miscellaneous Provisions

- ▶ Effective 7-1-17 and amends IC 3-5-4-1.5 regarding the commencement of legal actions and adds the term “or time” to the phrase the final day.
- ▶ Effective 7-1-17 and amends IC 3-5-4-1.7 regarding filings by fax or electronic mail and adds “a county voter registration office” to entities that may not receive a filing by fax or electronic mail. Also adds that a petition for nomination, **or any other petition filed that requires the county voter registration office to certify the validity of signatures**, may not contain the electronic signature, digital signature, digitized signature or photocopied signature of a voter.

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 3-6-5-15 on County Election Boards and Political subdivisions with territory in more than one county to add “special election” to the statute.
- ▶ Effective 7-1-17 and amends IC 3-6-6.5-2 on Certified Election Worker Program - Contents of program courses to add that the program must include **“The laws and procedures governing the accessibility of polling places and voting systems for individuals with disabilities.”**
- ▶ Effective 7-1-17 and amends IC 3-6-6.5-4 that the designation of an individual as a certified election worker expires **January 1 of the second year following the individual’s certification**. Currently the designation expires on January 1 of the fourth year.

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends 3-6-7-1 on Challenges and Pollbook holders and adds to new subsections (f) and (g).
- ▶ IC 3-6-7-1(f) states: “If more than one (1) precinct votes at the same polling place, the number of challengers and pollbook holders of each political party or independent candidate described in subsection (a) or a political action committee described in subsection (b) entitled to be present at the polling place equals the number of precincts voting at the polling place.
- ▶ IC 3-6-7 (g) states: If a county designated as a vote center county under IC 3-11-19.1, the number of challengers and pollbook holders of each political party or independent candidate described in subsection (a) or a political action committee described in subsection (b) is entitled to be present at the vote center is one (1) challenger and one (1) pollbook holder for each electronic poll book station or the number of poll book stations specified in the county vote center plan for the vote center, whichever is greater.

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 3-6-8-1 regarding Watchers for Political Parties and Independent Candidates and adds two new subsections (e) and (f).
- ▶ IC 3-6-8-1(e) states: “If more than one (1) precinct votes at the same polling place, the number of watchers of each political party, an independent candidate for federal or state office, or each political action committee described in (b) entitled to be present at the polling place equals the number of precincts voting at the polling place.”
- ▶ IC 3-6-8-1(f) states: In a county designated as a vote center county under IC 3-11-18.1, the number of watchers of each political party, an independent candidate for federal or state office, or each political action committee described in subsection (b) entitled to be present at the vote center is one (1) watcher for (1) each electronic poll book station present at the vote center or (2) the number of electronic poll book stations specified in the county vote center plan for the vote center, whichever is greater.”

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 3-6-9-12 regarding Watchers for Primary, School Board, and Precinct Committeemen Candidates.
- ▶ IC 3-6-9-12(b) states: “If more than one (1) precinct votes at the same polling place, the number of watchers of each candidate or group of candidates entitled to be present at the polling place equals the number of precincts voting at the polling place.”
- ▶ IC 3-6-9-12(c) states: “In a county designated as a vote center county under IC 3-11-18.1, the number of watchers of each candidate or group of candidates entitled to be present at the vote center is one (1) watcher for each electronic poll book station present at the vote center; or (2) the number of electronic poll book stations specified in the county vote center plan for the vote center; whichever is greater.”

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 3-7-13-10 on the times for voter registration. Adds the language to subsection (d) on special elections that this subsection also applies to municipal primary election and municipal election.
- ▶ Effective 7-1-17 and amends IC 3-7-38.2-5 on Voter List Maintenance Programs. Subsection 5 deals with Indiana registered voters that are registered in another state. It eliminates the requirement for an authorized cancellation of any previous registration by the voter from the requirements of the county voter registration office determination and shortens the requirement when the county voter registration office determines that the voter identified by NVRA official is registered in Indiana to canceling the voter registration for that voter. You are no longer required to send an address confirmation notice to the Indiana address of the voter.

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 3-7-38.2-17 regarding voter list maintenance programs. Subsection 17 is regarding residency confirmation and outreach. This bill eliminates the requirement for a card returned after the final day for completing voter list maintenance activities to update the voter registration record as indicated on the card after the election.
- ▶ For cards returned as undeliverable, it adds to the phrase, “If a card is returned after the date specified by the **United State Postal Service...**”
- ▶ Effective 7-1-17 and amends IC 3-7-39-6 on address changes to remove the requirement for the voter to sign an authorization to cancel previous registration when reporting an address change.

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 37-7-46-6 for removal from registration records due to criminal conviction and incarceration. Amends subsection 6 on the report provided by the county sheriff.
- ▶ Under the requirements for the report, it eliminates the phrase ‘during the previous quarter’ and adds ‘after the last date the sheriff prepared a report required under subsection (a).
- ▶ Adds a new subsection (c) that “The report must be in the form prescribed by the election division under IC 3-5-4-8 and state: (1) whether the person remains in lawful custody in a county correctional facility as of the date of the report; and (2) if the person remains in lawful custody, the date that the person is scheduled to be released from the county correctional facility.”

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 3-8-1-2 on Questioned candidacy filing and adds a subsection that this section does not apply to a candidate challenged under IC 3-8-8.
- ▶ Effective 7-1-17 and amends IC 3-1-8-5 of Disqualification of candidates and adds language that a person is not disqualified if they have been pardoned after a felony conviction and adds that a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court is not disqualified.
- ▶ Effective 7-1-17 and amends IC 3-8-2-11 on declaration of candidacy to eliminate the current subsection (b) on filing in the office of the election division or circuit court clerk by noon on the seventy-fourth day before a primary election.

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 3-8-6-10 regarding nomination by petition for independent candidate or minor political party to add a subsection that states "This subsection applies to a county in which the county voter registration office is a board of registration established under IC 3-7-12. A candidate for local office is not required to file the candidate's consent to become a candidate with the circuit court clerk until the petition of nomination for the candidate is filed in accordance with section 12 of this chapter." It also adds the phrase that "The candidate must file the certified petition with the appropriate official not later than noon July 15."

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 3-11-1.5 on Precincts to add a new section 32.7 which states:
  - ▶ “(a) A precinct boundary does not change automatically whenever either of the following occurs: (1) The boundaries of a political subdivision change as the result of annexation or disannexation of territory. (2) The boundaries of an election district within a political subdivision are changed by the political subdivision. (b) A precinct boundary may be changed only as provided in this chapter.”
- ▶ Effective 7-1-17 and amends IC 3-11-2-12.2 regarding General Election Ballot Form and adds subsection (b) to section 12.2 that states: “Whenever candidates are to be elected to a school board office that includes both at-large member and a member representing a district, the candidate seeking election as a member representing a district shall be placed on the ballot before candidates seeking election as an at-large member.”

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends IC 3-11-13-22 regarding voting by ballot card voting system. Section 22 on testing is amended to state; “The county election board of each county planning to use automatic tabulating machines at the next election shall **randomly select at least ten percent (10%)** of the automatic tabulating machine **for testing...If an individual attending the public test requests that additional tabulating machines be tested, then the county election board shall randomly select and test additional machines up to a maximum of fifteen percent (15%)** of the machines that will be used at the next election... The testing under this subsection must begin before absentee voting begins in the office of the circuit court clerk under IC 3-11-10-26.”

## SB 442 - Elections

- ▶ Effective 7-1-17 and amends both IC 3-11-13-31.5 and IC 3-11-14-24 which require only one voter may occupy a voting booth to add the language that: “However, a voter who is a parent, grandparent, or other person caring for a minor child may take the child into the voting booth.”
- ▶ Effective 7-1-17 and amends IC 3-11.5-4-23 regarding general provisions for counties in counting absentee ballots and changes the deadline to fifty days before election day to notify the county chairman of the two political parties on the number of absentee voter boards, teams of absentee ballot counters and teams of couriers. The county chairman then has 46 days before election day to make appointments.

## SB 455 - Tax Administration of Mobile Homes

- ▶ Effective 7-1-17 and adds a new section to IC 6-1.1-23 on provisions for collection of delinquent personal property taxes. The new section provides that a county treasurer may choose to use a new chapter, IC 6-1.1-23.5 to collect delinquent property taxes, penalties and collection expenses for a mobile home or chose to use IC 6-1.1-23. If elected to use 23.5, the county treasurer must continues to use those provisions until the delinquent taxes, penalties and collection expenses are collected or the mobile home is sold or otherwise disposed of.

## SB 455 - Tax Administration of Mobile Homes

- ▶ Effective 1-1-18 and adds a new chapter, IC 6-1.1-23.5 for the collection of delinquent personal property taxes attributable to a mobile home.
- ▶ Section 2 adds definitions
- ▶ Section 3 adds the allowable costs that may be charged under this chapter to the taxpayer. The fees are deposited into the general fund.
- ▶ Section 4 allows for an annual auction list to be prepared.
- ▶ Section 5 requires a written demand be served by certified mail, in person or by proof of certificate of mailing. This also states what must be included in the demand.
- ▶ Section 6 allows for an agreement between the taxpayer and the treasurer to make payments on the amount owed.

## SB 455 - Tax Administration of Mobile Homes

- ▶ Section 7 allows for the removal of the mobile home from the auction list if all delinquencies are paid or the taxpayer enters into an agreement with the Treasurer for payments.
- ▶ Section 8 allows the county executive to designate a mobile home as not suitable for tax sale.
- ▶ Section 9 requires the Treasurer to prepare notice of the auction.
- ▶ Section 10 describes the methods for publishing the notice
- ▶ Section 11 addresses the request for information in an alternative form for the notices.
- ▶ **Section 12, 13 and 14 requires the application for judgement and court review.**

## SB 455 - Clerk Fees

- ▶ Effective 6-30-17 and amends IC 33-37-4-6 regarding small claims service fees and small claims garnishee fees. Adds a subsection (b) that states: “A clerk may not collect a fee under subsection (a)(1)(B), (a)(1)(C), (a)(2) or (a)(3) for a small claims action filed through the Indiana electronic filing system adopted by the Indiana supreme court.”
  - ▶ (a)(1)(B) is the small claims service fee of \$10 for each named defendant that is not a garnishee defendant
  - ▶ (a)(1)(C) is the small claims garnishee fee of \$10 for each garnishee or garnishee defendant in excess of three.
  - ▶ (a)(2) is small claims service fee of \$10 for each added defendant
  - ▶ (a)(3) is the small claims garnishee fee of \$10 for each added garnishee in excess of three.

## SB 455 - Clerk Fees

- ▶ Effective 7-1-17 and amends IC 33-37-5-20 on the document storage fee. Subsection (b) is amended to show the \$5 fee is to be collected between June 30, 2015 and before July 1, 2022 (replacing the current date of July 1, 2017) and reduce the fee to \$2 after June 30, 2022. It also eliminates subsection (c) that had allowed \$3 of the fee to be retained by a county for its case management system.
- ▶ Effective 7-1-17 and amends IC 33-37-5-28 on the civil action service fee and garnishee service fee. It adds to subsection (c) that this section does not apply to “”an action filed through the Indiana electronic filing system adopted by the Indiana supreme court.”

## SB 505 - County Recorder Matters

- ▶ Effective 7-1-17 and adds language to the statute for recording electronic documents.
- ▶ Effective 7-1-17 and replaces the fee schedule with a flat rate for recording documents and mortgages.
- ▶ Effective 7-1-17 and amends the process for selling bulk copies.

## SB 515 -Set Off of Refunds

- ▶ Effective 1-1-18 and amends IC 6-8.1-9.5 on the set-off of income tax refunds. It expands the definition of a claimant agency to include “a unit of local government that has an interlocal agreement with a clearinghouse established under section 3.5 of this chapter.” A unit of local government means a county, city, town, township, and any other political subdivision, commission or agency, including a school corporation.
- ▶ Effective 1-1-18 and amends IC 6-8.1-9.5 by adding a new chapter 3.5. The department of revenue may enter into a contract with a nonprofit entity that represents units of local government exclusively in Indiana to establish a clearinghouse. The purposes of the clearinghouse are outlined in this chapter. Only one clearinghouse may be registered with the department and the local unit of government must enter into an interlocal agreement with that clearing house.

## SB 539- Notaries

- ▶ Effective 7-1-17 and adds a new chapter to IC 33-42-0.5 which provides definitions. Repeals chapters 1,2,3,4, and 8.
- ▶ Chapter 9 - Notarial Acts
- ▶ Chapter 10 - Official Seals and Stamping Devices
- ▶ Chapter 12 - Commission Requirements and Qualifications
- ▶ Chapter 13 - Notary Discipline
- ▶ Chapter 14 - Notary Fees
- ▶ Chapter 15 Apostilles
- ▶ Chapter 16 Miscellaneous Provisions

## SB 539 - Notaries

- ▶ IC 33-42-9 is a new chapter that provides what constitutes a notarial act and how the notarial officer determines the identity and signature on the record.
- ▶ This chapter also lists who may perform a notarial act.
- ▶ The chapter also states when a notarial act is valid if performed by a notarial of another state, under federal law or by a foreign government.
- ▶ A notarial must be authenticated by a certificate bearing the date of the notarial act and the signature of the notarial officer. The certificate is considered complete if among other requirements, contains a seal of the notary.

## SB 539 - Notaries

- ▶ IC 33-42-10 is a new chapter regarding the official seals and stamping devices. This chapter applies only to a notary commissioned or recommissioned after December 31, 2017.
- ▶ The official seal of a notary public must include the following:
  - ▶ The words “notary public”
  - ▶ The words “State of Indiana”
  - ▶ The word “Seal”
  - ▶ The name of the notary public exactly as it appears on the notary public’s commission certificate,
  - ▶ The words “commission number” followed by the commission number
  - ▶ The words “my commission expires” followed by the expiration date

## SB 359 - Notaries

- ▶ IC 33-42-12 is a new chapter on the Commission Requirements and Qualifications. This chapter is effective July 1, 2107. To apply for a commission of notary public from the Secretary of State they must:
  - ▶ Be at least 18 years of age
  - ▶ Be a citizen or permanent legal resident of the U.S.
  - ▶ Not be disqualified under IC 33-42-13
  - ▶ Satisfy all educational requirements
  - ▶ Have passed an examination described in section 2

## SB 539 - Notaries

- ▶ IC 33-42-12 (continued) An applicant applying for a commission or reapplying for a subsequent commission must:
  - ▶ Complete an electronic application and provide all necessary information
  - ▶ Pay a nonrefundable filing fee of \$5
  - ▶ Execute an oath of office
  - ▶ Obtain an assurance in the amount of \$25,000
  - ▶ Submit, or have submitted, an electronic copy of the assurance not later than 30 days after the effective date of the assurance
  - ▶ Submit an electronic signature sample to the secretary of state.
  - ▶ (Additional note: a notary public commission is not a lucrative position.)

## SB 539 - Notaries

- ▶ IC 33-42-12 (continued) An applicant seeking a commission as notary public or an applicant reapplying for a subsequent commission must complete:
  - ▶ A course of education
  - ▶ An examination
  - ▶ A notary public must fulfill a continuing education requirement administered by the secretary of state not to exceed two hours of continuing education every two years.
- ▶ IC 33-42-13 is a new chapter on Notary Discipline allowing the Secretary of State the authority to deny, refuse to renew, revoke, suspend or impose a condition upon a commission granted under IC 33-42-12

## SB 539 - Notaries

- ▶ IC 33-42-14 is added as a new chapter on Notary Fees.
- ▶ The fee is \$10 for the listed notarial acts. Fee for acts not listed are negotiable.
- ▶ This chapter also includes the provision that, unless a fee is authorized under another statute, a person who is a public official or deputy or appointee of a public official may not charge for services as notary public in connection with any official business of that office or any other office belonging to the governmental unit in which the person is employed.

## HB 1001 - Automated Record Keeping Fee

- ▶ Amends IC 33-37-5-21 and is effective 7-1-17. The statute now reads that the clerk shall collect an automated record keeping fee of \$20 (which is an increase over the current \$19). The fee, under current legislation was to end June 30, 2017, but under the new legislation, there is no end date to collect this fee.
- ▶ The automated record keeping fee collected for the pretrial diversion program agreement and the deferral program agreement continues at \$5 and no longer has an ending date for the collection of this fee.

## HB 1002 Transportation Infrastructure

- ▶ Effective 7-1-17 and amends IC 8-14-1-4 to add “ For funds distributed to a county from the motor vehicle highway account after June 30, 2017 the county shall use fifty percent (50%) of the money for the construction, reconstruction, and maintenance of the county’s highways.
- ▶ Effective 3-23-16 and amends IC 8-23-30-3 for the Community Crossing grants. The local match may come from any money the local unit is authorized to use for a local road or bridge project as well as special distributions of local income tax and money in the unit’s rainy day fund.
- ▶ Effective July 1, 2017 and amends IC 8-23-30-6 for the required local match percentages to allow counties with a population under 50,000 and towns with a population under 10,000 to only need a 25% match of funding. For all other units, the percentage remains at 50%.

## HB 1031 State Examiner Findings

- ▶ Effective 7-1-17 and adds a new section, 1.5 to IC 5-11-5 that if an examination report for an audited entity contains a finding that an audited entity failed to observe a uniform compliance guideline established under IC 5-11-1-24 or failed to comply with a specific law, the audited entity is required to take action to address the audit finding.
- ▶ If a subsequent examination report of the audited entity contains the same or a substantially similar finding to the finding contained in the previous examination report, the officer shall file a corrective action plan as a written response to the report.

## HB 1031 - State Examiner Findings

- ▶ The state board of accounts shall create guidelines for use by an audited entity to establish a corrective action plan. The finding must be corrected within 6 months.
- ▶ After successful completion of the corrective action plan, the audited entity must notify SBOA. SBOA shall review each corrective action plan. If the plan is not implemented or the issue is not corrected within 6 months, SBOA will prepare a memorandum with a summary of the report finding, the corrective action plan, the manner in which the finding was not addressed and a recommended course of action.

## HB 1031 - State Examiner Findings

- ▶ The memorandum is presented to the Audit Committee established by IC 2-5-1.1-6.3. If the audit committee determines further action should be taken, they may do any of the following
  - ▶ Request a written statement from the public officer of the audited entity
  - ▶ Request the personal attendance of the public officer at the next audit committee meeting
  - ▶ Request that the public officer take corrective action
  - ▶ Notify the fiscal body of the audited entity and the DLGF the audited entity failed to observe a guideline established under IC 5-11-1-24(a) or a specific law and a recommendation which shall be posted on the IGA website.
  - ▶ Refer for investigation or prosecution for a violation of IC 5-11-1-10 or 5-11-1-21

## HB 1031 - State Examiner Findings

- ▶ Audit Committee actions (continued)
  - ▶ Recommend that legislation be introduced in the general assembly to amend any statute under which an audited entity is found to be noncompliance
  - ▶ Recommend that the state board of accounts examine the audited entity within the calendar year following the year in which the entity was required to file a corrective action plan.

## HB 1043 - Petition and Remonstrance

- ▶ Effective 7-1-17 and amends IC 6-1.1-20-1.1 on the definition of a controlled project. The definition now establishes new threshold amounts that are phased in 2017 and 2018. Starting in 2019, DLGF will publish the threshold amount.
- ▶ Effective 7-1-17 and amends IC 6-1.1-20-3.1 on the petition and remonstrance process for a controlled project. There are new threshold amounts for schools and for other units under which the petition and remonstrance process applies.
- ▶ Adds new requirements for public hearings and information that needs to be supplied to the public by the unit that is proposing the ordinance for the preliminary determination. This information includes the units total debt, new potential debt levy and comparing debt to gross AV of the unit.

## HB 1043 - Petition and Remonstrance

- ▶ Effective 7-1-17 and amends IC 6-1.1-20-3.1 (continued)
- ▶ The voters registration office must still make a determination that each person who signed is a registered voter, but may stop the process when they have determined that at least 525 persons who signed are registered voters.
- ▶ If the Voter's Registration office is not able to determine that there are 525 individuals signed as registered voters, the list is turned over to the auditor's office to determine if anyone who signed as a registered voter but was determined not to be, is an owner of property within the political subdivision and anyone who signed as a owner of property does own property within the political subdivision.
- ▶ There is a process for a person that resides in the political subdivision to petition DLGF if they feel that a controlled project was divided to avoid the petition and remonstrance process.

## HB 1043 - Public Question

- ▶ Effective 7-1-17 and amends IC 6-1.1-20-3.5 on referendums and also adds new thresholds phased in over 2017 and 2018 for the determination of when a referendum process is required. It also adds an additional clause that the sum of all controlled projects for a 365 day period must be considered in the determination.
- ▶ Also adds new requirements for public hearings and the information that needs to be provided to the citizens.
- ▶ Adds a new time period for which a new public question may not be submitted to the voters if a public referendum is defeated if a petition is submitted to the Auditor of 500 persons who are either owners of property or registered voters or 5% of the registered voters, requesting a shorter time period before a new public question may be submitted to the voters.

## HB 1137 Evidenced Based Risk Assessment

- ▶ IC 35-33-8-3.9 is added to the Indiana Code effective 7-1-17. “(a) If the court determines that an arrestee is to be held subject to money bail, the court is authorized to determine the amount of bail and whether the bail may be satisfied by surety bond or cash bond. (b) The court may set and accept a partial payment of the bail upon conditions set by the court, including the arrestee’s agreement (and the agreement of a person who makes a cash payment on behalf of the arrestee, if applicable) that all court costs, fees, and expenses associated with the proceeding shall be paid from the partial payment. (c) If the court authorizes the acceptance of a cash partial payment...the court shall first secure the arrestee’s agreement...that in the event of failure to appear as scheduled, the deposit shall be forfeited and the arrestee must also pay the full amount of bail plus associated court costs, fees and expenses.”

## HB 1178 - Voter Registration

- ▶ Amends IC 9-14.1-4-2 and is effective 1-1-18. Adds subsections to section 2 that when an individual transacts any business with the BMV in person other than an application for a driver’s license, permit or id card, the person shall be asked if they wish to register to vote or change the individual’s voter registration record by submitting a paper voter registration application. The individual shall be responsible for mailing or delivering the form to the appropriate voter registration office.

## HB 1272 - Publication of Notices

- ▶ Effective 7-1-17 and amends IC 5-3-1-2. A new subsection is added that if a notice is submitted to the newspaper in a timely manner and the newspaper does not refuse to publish the notice but subsequently fails to publish the notice and within the same period required for publishing, the printed notice is posted in three prominent places in the county and on the county's internet web site in a location that is easily accessible and identifiable, the notice is sufficient.

## HB No. 1450 - Property Tax Matters

- ▶ Effective 6-30-17 and amends IC 5-14-3.8-3.5
  - ▶ Only applies to contracts entered into after June 30, 2016
  - ▶ The political subdivision is to upload a digital copy of the contract one time, if the total cost of the contract exceeds \$50,000.
  - ▶ Applies to all contracts for any subject, purpose, or term except that a political subdivision is not required to upload an employment contract with an employee, but would upload a collective bargaining contract.
  - ▶ If a political subdivision enters into a contract that is not reasonably expected to exceed \$50,000 and later determines that it does exceed \$50,000 the contract must be uploaded within 60 days after that determination.
  - ▶ Signatures may be redacted or obscured.

## HB No. 1450 - Property Tax Matters

- ▶ Effective 7-1-17 and amends IC 6-1.1-37 to add a new section, 15 to allow the county treasurer and the county auditor, to implement a policy to waive, negotiate or settle penalties that have accrued on delinquent property taxes imposed by the county.
- ▶ A negotiated agreement or a settlement agreement must be in writing and between the county auditor and county treasurer and the taxpayer or taxpayer's authorized representative. After concluding the agreement, the county auditor shall provide a copy of the agreement to the taxpayer or taxpayer's authorized representative.
- ▶ The county auditor who waives, negotiates or settles penalties under this subsection must document the action in the manner prescribed by DLGF and provide the documentation to DLGF and SBOA upon request.

## HB 1450 - Service of Process Fee; RDC Reports

- ▶ Effective 7-1-17 and amends IC 33-37-5-15 for the service of process fee. The statute now reads:
 

The Clerk shall collect a service of process fee of \$28. (This is an increase of the current \$25 fee). A service of process fee may only be collected one time per case for the duration of the case. The clerk may collect an additional service of process fee of \$28 per case for any postjudgement service.

The clerk shall collect from the person who filed the civil action a service of process fee of \$60 for any civil action outside of Indiana and the sheriff is requested to perform a service of process associated with that case.

\$1 of the fee will be deposited into the Clerk's record perpetuation fund. \$27 will be deposited into the sheriff's pension trust fund.
- ▶

## HB 1470 - Government Data

- ▶ Effective 7-1-17 and adds a new chapter to IC 2-5 on legislative agencies and study committees. The new chapter, 1.7 is on access to government information by the General Assembly. A county would be included in the definition of governmental entity for this chapter. “A governmental entity shall provide the legislative services agency with information requested by the legislative services agency not later than 30 days after receiving the request. However, immediately before and during a session of the general assembly, a governmental entity shall work with the legislative services agency to provide information as soon as practicable in less than the thirty days, as needed to accommodate the legislative schedule.

## HB 1521 - Vote Centers

- ▶ Amends IC 3-11-18.1-6 and is effective upon passage (4-26-17). This adds a subsection for special elections.
- ▶ “(b) When a county conducts a special election described in IC 3-10-8-1 that is conducted in only part of the county and not on the same date as a primary, general or municipal election held in the county, the following apply:
  - ▶ (1) The plan must provide for at least one (1) vote center.
  - ▶ (2) If the election district for the special election contains at least ten thousand (10,000) active voters, the following apply:
    - ▶ (A) The plan must provide for at least one (1) vote center for each 10,000 active voters in the election district
    - ▶ (B) In addition to the vote centers required in clause (A), the plan must provide for a voter center for any fraction of ten thousand (10,000) active voters in the election district.