

THE COUNTY BULLETIN

And Uniform Compliance Guidelines

ISSUED BY STATE BOARD OF ACCOUNTS

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SPECIAL EDITION

NEW LAWS AFFECTING VARIOUS COUNTY OFFICES

The following is a digest of some of the laws passed in the 2012 Session of the General Assembly affecting various offices in county government. Some of the laws do not pertain directly to a particular county office, but are included in this digest for ready reference to the covered subject matter.

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

PUBLIC LAW 6 – HOUSE ENROLLED 1009 – EFFECTIVE FEBRUARY 22 AND JULY 1, 2012

Technical Corrections – Makes corrections to several sections of the Indiana Code.

PUBLIC LAW 15 – HOUSE ENROLLED ACT 1060 – EFFECTIVE JULY 1, 2012

Maintenance of County Roads – Amends IC 6-6-6.6-3 – For those counties with distributions as provided by this chapter, the money in the fund required for these distributions may be used to pay costs associated with the maintenance or repair of county roads. However, the county may not annually expend more than 10% of the balance in the fund as determine on January 1 of the calendar year in which the expenditures are made for those purposes.

PUBLIC LAW 17 – HOUSE ENROLLED ACT 1154 – EFFECTIVE JULY 1, 2012

Public Works Projects – Amends IC 36-1-12-4, IC 36-1-12-4.7, and IC 36-1-12-5 – Repeals IC 36-1-12-22 – Requires preparation of general plans and specifications and advertising for sealed proposals for public works projects of at least \$150,000 for all political subdivisions except boards of aviation commissioners and airport authorities. Requires advertising for proposals by boards of aviation commissioners and airport authorities for public works projects of at least \$100,000. Raises the threshold for requiring a financial statement, statement of experience, proposed plan for the project, and the equipment that the bidder has available from \$100,000 to \$150,000. Allows bids to be opened after the time designated if the board makes a written determination that it is in the best interest of the board to delay the opening and the day, time and place of the rescheduled opening are announced at the originally scheduled opening. Eliminates the local Indiana businesses price preference requirement for public works projects.

Public Purchases Law – Amends IC 5-22-15-20.9 – Requires an adjacent county who qualifies for a local Indiana business price preference to be an Indiana county.

PUBLIC LAW 19 - SENATE ENROLLED ACT 168 – EFFECTIVE JULY 1, 2012

Underground Storage Tanks - Adds IC 13-23-7-10 – When fees owed to the Department of Environmental Management (IDEM) for underground storage tanks are not paid, IDEM may impose a lien against the property owner or operator. In order to perfect the lien the IDEM must record the lien with the county recorder in the county in which the property is located.

PUBLIC LAW 21 – SENATE ENROLLED ACT 231 – EFFECTIVE JULY 1, 2012

Disqualification of Contractors Dealing with Government of Iran – Adds IC 5-22-16.5 – Requires Indiana Department of Administration to develop and publish a list of vendors that would be disqualified due to dealing with Iran. Provides for exceptions of vendors that would be disqualified and the steps that political subdivisions must take in order to do business with these vendors. Provides that a contractor being awarded a contract must certify in writing that the person is not engaged in investment activities in Iran. The certification is to be placed in the contract file.

PUBLIC LAW 22 – SENATE ENROLLED ACT 249 – EFFECTIVE JULY 1, 2012

Marriage Records – Amends IC 31-11-4-18 – Allows a clerk of the circuit court to forward a record of marriage to the state department of health in paper form or an electronic form. If in electronic form it must be through an automated system developed by JTAC or another system approved by the state department of health.

PUBLIC LAW 30 – SENATE ENROLLED ACT 98 – EFFECTIVE JULY 1, 2012

County Highway Maintenance funding - Amends IC 8-18-8-5 - Provides that a county may use property taxes and miscellaneous revenue deposited in the county general fund for the maintenance of highways. Prior statute only allowed for ad valorem taxes to be used for highway maintenance in an emergency. Otherwise county general fund money could only be used for highway employee's services.

PUBLIC LAW 31 – SENATE ENROLLED ACT 109 – EFFECTIVE JULY 1, 2012

Deposit of public funds by local units – Amends IC 5-13-9-5.3 - The board of county commissioners is allowed to authorize the investing officer to invest public funds in interest bearing deposit accounts in accordance with the following conditions by adopting an ordinance or resolution.

1. The funds are initially invested through a depository that is selected by the investing officer.
2. The selected depository arranges for the deposit of the funds in interest bearing deposit accounts in one or more federally insured banks or savings and loan associations, wherever located, for the account of the county.
3. The full amount of the principal and any accrued interest of each deposit are covered by insurance of any federal deposit insurance agency.
4. The selected depository acts as a custodian for the county with respect to the deposits.
5. On the same date that the county's funds are deposited the selected depository receives an amount of deposits covered by insurance of any federal deposit insurance agency from customers of other institutions, wherever located, at least equal to the amount of the funds invested by the county through the selected depository. Public funds invested in accordance with these conditions are not subject to any security or pledging requirements that may otherwise be applicable to the deposit or investment of public funds.

Before this method was allowed only for CDs. Public funds invested in this manner are not subject to any security or pledging requirements that may otherwise be applicable to the deposit or investment of public funds.

PUBLIC LAW 39 – SENATE ENROLLED ACT- 152 – EFFECTIVE JULY 1, 2013

Allen County Circuit Court Judge - Amends IC 33-33-2-3 - Allows Allen county circuit court judge to appoint a second full-time magistrate. Repeals the judge's authority to appoint a hearing officer: (1) who has the powers of a magistrate; and (2) whose salary is paid by Allen County.

PUBLIC LAW 41 –SENATE ENROLLED ACT 156 – EFFECTIVE JULY 1, 2012

Sheriff Sale when there is Partition of Property in Probate – Adds IC 32-17-5-2.5 and establishes that if the parties fail to select an auctioneer to sell the property after being ordered to do so, not later than 30 days after the court's order to select an auctioneer, the court shall order the sheriff to sell the property in the same manner that property is sold at execution under IC 34-55-6.

PUBLIC LAW 43 – SENATE ENROLLED ACT 191 – EFFECTIVE JULY 1, 2012

Investments – Adds IC 5-13-9-5.7 – Allows a county council to adopt an investment policy authorizing the investment of funds for more than two years and not more than five years.

The policy must:

- 1) Be in writing;
- 2) Be adopted at a public meeting;
- 3) Provide for the investment of public funds with the approval of the investing officer;
- 4) Provide that the investments must be made in accordance with IC 5-13;
- 5) Limit the total investments outstanding to not more than 25% of the total portfolio of public funds invested by the county, including balances in transaction accounts; and
- 6) State a date on which the policy expires, which may not exceed 4 years.

A policy adopted remains in effect only through the date of expiration established in the policy, which may not exceed 4 years.

A fiscal body that has adopted a written investment policy may adopt an ordinance authorizing its investing officer to make investment having a stated final maturity that is;

- 1) More than 2 years; but,
- 2) Not more than 5 years;

After the date of purchase or entry into a repurchase agreement.

An ordinance adopted and the power to make an investment expire on the date on which the policy expires, which may not exceed 4 years.

After an investment of public funds is made by the investing officer, the total investments of the county outstanding may not exceed 25% of the total portfolio of public funds invested by the county, including balances in transaction accounts. However, an investment made in this manner when the investment is made remains legal if:

- 1) The investment policy has expired; or,
- 2) A subsequent decrease in the total portfolio of public funds invested by the political subdivision, including balances in transaction accounts, causes the percentage of investments outstanding to exceed 25% of the total portfolio of public funds invested by the county.

An investing officer may contract with a federally regulated investment advisor or other institutional money manager to make investments under these provisions.

PUBLIC LAW 48 – SENATE ENROLLED ACT 286 – EFFECTIVE JULY 1, 2012

Juvenile Costs – Amends IC 31-34-19-6.1 – In regard to placement of child under certain circumstances if the court did not make a written finding that the placement was an emergency, the county in which the juvenile court is located is responsible for payment of all costs of the placement, including the cost of services and programs provided by the home or facility where the child was placed. Now the Department of Child Service shall file notice with the Indiana Judicial Center.

PUBLIC LAW 56 – HOUSE ENROLLED ACT 1090 – EFFECTIVE MARCH 14, 2012

Tax Sale Certified List - Amends IC 6-1.1-24-1.2 –Removing a property from the certified list Before a county auditor in a county with a population of more than 400,000 but less than 700,000 could remove the property from the certified list if the county treasurer and taxpayer agreed to a mutually satisfactory arrangement for the payment of the delinquent taxes.

Now this is open to all counties.

PUBLIC LAW 56 – HOUSE ENROLLED ACT 1090 – EFFECTIVE MARCH 14, 2012 (Continued)

The county auditor may remove the tract or item from the list certified under section 1 of this chapter if the arrangement described in subsection c is in writing, is signed by the taxpayer and requires the taxpayer to pay the delinquent taxes in full not later than the last business day before July 1 of the year after the date the agreement is signed.

If the taxpayer fails to make a payment under the arrangement the arrangement is void and the county auditor will immediately place the property on the list of real property eligible for sale at a tax sale.

If the county auditor makes an arrangement with the taxpayer and it becomes void then the taxpayer cannot enter into another arrangement for that property before 5 years after the date of the original arrangement due date.

Extension of Redemption Period – Amends IC 6-1.1-25-4 - Adds that if a tract of real property did not sell at a tax sale and the county treasurer and the owner of the property agree before the expiration of the period for redemption to a mutually satisfactory arrangement for the payment of the entire amount required for redemption, the county treasurer may extend the period for redemption. The extended period for redemption expires 1 year after the date of the agreement.

However, if the owner fails to meet the terms of the agreement the county treasurer may terminate the agreement after providing 30 days written notice to the owner. The extended period for redemption expires 30 days after the date of the notice.

Redemption Amount – Amends IC 6-1.1-25-2 - In addition to the amounts previously required for redemption the statute now also include all taxes, special assessments, interest, penalties and fees on the property that accrued after the sale.

Minimum Amount - Adds IC 6-1.1-24-15 - The fiscal body of a county may adopt an ordinance authorizing the county treasurer to accept a bid on a tract or an item of real property offered for sale that is greater than or equal to the lesser of:

- 1) The amount determined under section IC 6-1.1-24-5(f);
- 2) or 75% of the gross assessed value of the property as determined on the most recent assessment date.

Amends IC 6-1.1-24-7 in regard to application of payment that is less than the amount required to pay for delinquent taxes, penalties, and interest. Each taxing unit having an interest in the taxes on the property shall be charged with the part of the tax due to the unit equal to an amount that bears the same relationship to the tax due to the taxing unit minus the selling price bears to the amount.

Waiver of Penalty and Interest – Adds IC 6-1.1-37-10.1 -The fiscal body of a county may before July 1, 2012 adopt an ordinance to have this apply throughout the county. If adopted the ordinance would apply after June 30, 2012 until July 1, 2013. The fiscal body will deliver a copy of the ordinance to the county treasurer and auditor. The county treasurer shall waive all interest and penalties added before January 1, 2012 to a delinquent property tax installment or special assessment on real property if all of the delinquent taxes and special assessments on the property were first due and payable before January 1, 2012 and before July 1, 2013 the taxpayer has paid all of the delinquent taxes and special assessments and all of the taxes and special assessments that are first due and payable on the property after Dec. 31, 2011 and before July 1, 2013 (and any interest and penalties on these taxes and special assessments).

The county treasurer shall waive the interest and penalties as allowed prior to Jan. 1, 2012.

To reflect this for a property that is subject to sale under this chapter after June 30, 2012 and before July 1, 2013 the notice required under IC 6-1.1-24-2 was amended to require that a statement declaring whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the county and, if applicable, an explanation of the circumstances in which penalties on the delinquent taxes and special assessments will be waived.

PUBLIC LAW 60 – SENATE ENROLLED ACT 113 – EFFECTIVE JULY 1, 2012

Golf Carts on Highways – Amends IC 9-21-1-3.3 - Allows a county to adopt an ordinance for traffic regulations concerning the use of golf carts on a highway under the jurisdiction of the county. Requires certain provisions be incorporated in the ordinance. Allows that a fine assessed for a violation of the ordinance be deposited into the general fund.

PUBLIC LAW 62- SENATE ENROLLED ACT 176 – EFFECTIVE JULY 1, 2012

Cost for Transportation of an Individual Believed to have a Mental Illness and Is Dangerous – Adds IC 12-26-4-1.5 and IC 12-26-4-9 – If it is determined that there were not reasonable grounds to believe that an individual had a mental illness and was dangerous when taken into custody and transported to a facility to be detained, the costs of transportation to the facility and the cost of the care shall be paid by the county in which the individual was taken into custody.

PUBLIC LAW 67 – SENATE ENROLLED ACT 309 – EFFECTIVE JULY 1, 2012

Public Works and Public Purchases – See Public Law 17 for similar provisions.

PUBLIC LAW 75 – HOUSE ENROLLED ACT 1163 – EFFECTIVE JULY 1, 2012

Retainage on Contracts – Amends - IC 36-1-12-12 and IC 36-1-12-13.1 – Prior to amendment , final and complete settlement with the contractor after 30 days after the date of completion and acceptance of the public work could be made if the board is furnished with satisfactory evidence indicating the payment in full of all subcontractors, material suppliers, laborers, or those furnishing services. Now the final and complete settlement with the contractor can be made after 30 days if the contractor has materially fulfilled all if its obligations under the public works contract. However, if the county receives a claim from a subcontractor or a material supplier then the county shall withhold the amount of the claim until the claim is resolved under this section.

PUBLIC LAW 84 – HOUSE ENROLLED ACT 1283 EFFECTIVE JULY 1, 2012

Records Retention – Amends IC 5-15-6-2.5 – Requires each county commission of public records to implement local government record retention schedules not more than 30 days after adoption by the State's Oversight Committee of the Indiana Commission on Public Records.

PUBLIC LAW 87 – SENATE ENROLLED ACT 132 –EFFECTIVE MARCH 16, 2012

Water Utility Resource Data – Adds IC 8-1-30.5 - Requires a report annually by a water utility to the Indiana utility regulatory commission.

PUBLIC LAW 90 – SENATE ENROLLED ACT 193 – EFFECTIVE JANUARY 1, 2013

Statement of Economic Interests for Local and School Board Officers – Adds IC 3-8-9 – Requires candidates for local office to file a written statement of economic interest with the individual's declaration of candidacy, petition of nomination, declaration of intent to be a write-in candidate, or certificate of candidate selection.

PUBLIC LAW 112 - SENATE ENROLLED ACT 19 – EFFECTIVE JULY 1, 2012

Reassessment Plans - Adds IC 6-1.1-4-4.2 - Requires that the county assessor submit a reassessment plan to DLGF for approval by DLGF. Other subsection amendments layout implementation of plan. IC 6-1.1-4-5.5 Effective upon passage. Allows for a petition for the reassessment of a real property group. IC 6-1.1-22.6 added for resolution of multi-year delay in issuance of tax bills.

PUBLIC LAW 114 – SENATE ENROLLED ACT 26 – EFFECTIVE JULY 1, 2012

Title 35 revisions – Adds IC 35-31.5 – Amends several sections under Title 35- Consolidated definitions under Title 35.

PUBLIC LAW 119 – SENATE ENROLLED ACT 115 – EFFECTIVE UPON PASSAGE

Census – Amends several sections of Indiana Code. Reflects the 2010 census effective April 1, 2012. Substitutes application of various statutes through population range with names of subdivisions. Adds IC 1-1-3.5-8 to identify the implementation dates of the new census data to 2012 bills.

PUBLIC LAW 120 – SENATE ENROLLED ACT 147- EFFECTIVE JULY 1, 2012

Various Changes to Property Taxes –Amends IC 6-1.1-22-8.1- Additional requirements for the electronic transmission of statements including that the treasurer maintain a record that shows whether the county treasurer received a notice that the person's electronic mail was undeliverable and that the person may direct the county treasurer and county auditor to transmit information by electronic mail under subsection (h) on a form prescribed by DLGF.

Amends IC 6-1.1-22-9.7 - Payment of property taxes by monthly installment plan. Amends definition of current year to include subject to payment during the payment period under this section. Defines payment period to mean the months designated under this section during which monthly payments may be made. The period may not exceed 12 months and may not begin before December 1 of the preceding year or end after November 30 of the current year. Changed monthly installment plan to monthly payment plan.

Amends IC 6-1.1-24-1 - As further requirement for real property to be certified on the tax sale list to the county auditor, the delinquent tax or special assessments due must exceed \$25.

Amends IC 6-1.1-26-5 - Provides that interest paid be at the rate established for excess tax payments by the commissioner of the department of state revenue under IC 6-8.1-10-1 instead of set at 4%.

Amends IC 6-1.1-37-9 - Amends interest to be paid under this section is the rate established by the commissioner of the department of state revenue under IC 6-8.1-10-1 instead of set at 10%.

Amends IC 36-2-7-19 – Provides for the use of money in the county elected officials training fund for training of county auditors, Marion county auditor, and county treasurers as now required under the new sections of IC 36-2-9-2.5, IC 36-2-9.5-2.5 and IC 36-2-10-2.5 respectively.

PUBLIC LAW 125 – SENATED ENROLLED ACT 257 - EFFECTIVE JULY 1, 2012

Abandoned Vehicle and Mechanic Liens – Adds IC 9-22-1-21.5 and IC 9-22-6 and repeals IC 9-22-5-15 – If a vehicle has a lien as provided under one of these chapters and is sold, if the address or whereabouts of the owner are unknown, the surplus of the purchase price over the costs allowed to the lienholder shall be paid over to the clerk of the circuit court of the county in which the person that holds the lien has a place of business for the use and benefit of the person that owns the vehicle.

PUBLIC LAW 126 – SENATE ENROLLED ACT 262 – EFFECTIVE JULY 1, 2012

Title 35 Revisions – Adds IC 35-44.1 – Reorganizes certain crimes by relocating and renumbering them as offenses against public administration (IC 35-44) into a new article (IC 35-44.1). Specific penalty of Class B misdemeanor for not properly maintaining a cashbook.

PUBLIC LAW 128 – SENATE ENROLLED ACT 287 –EFFECTIVE JULY 1, 2012

Child Abuse Prevention Fees – Amends IC 33-37-7-2 –Before 50% of these fees were distributed semiannually to the Auditor of State and 50% retained by the county and deposited into the county child advocacy fund. Now 100% are distributed to the Auditor of State.

PUBLIC LAW 132 – SENATE ENROLLED ACT 345 – EFFECTIVE JULY 1, 2012

911 – Adds IC 36-8-16.7 – Repeals IC 36-8-16 and IC 36-8-16.5 – Counties may no longer establish a 911 fee for landlines. A statewide 911 fee has been established for both landline and wireless to be collected by the Statewide 911 Board, initially for ninety cents. The counties deposit the distributed fees into their county's local Statewide 911 Fund. The balances at June 30, 2012 in the funds required under IC 36-8-16 and -16.5 are transferred to the new Statewide 911 Fund July 1, 2012. Establishes uses for the fees. Requires State Board of Accounts to audit the fees.

PUBIC LAW 134 – HOUSE ENROLLED ACT 1003 – EFFECTIVE JULY 1, 2012 AND JANUARY 1, 2013

Open Door Law and Access to Public Records – Adds IC 5-14-1.5-3.5, IC 5-14-1.3-3.6, IC 5-14-1.5-7.5, IC 5-14-3-9.5 and IC 5-14-4-14 – Amends IC 5-14-1.5-3, IC 5-14-1.5-4, IC 5-14-1.5-7, IC 5-14-3-3, IC 5-14-3-4, IC 5-14-3-9, and IC 5-15-5.1-1 – A member of the governing body of a public agency who is not physically present at a meeting but who communicates with members during the meeting by telephone, computer, video conferencing, etc. may not participate in final actions taken at the meeting unless expressly authorized by statute and may not be considered to be present at the meeting unless expressly authorized by statute. The memoranda prepared for a meeting must state the name of each member who was physically present and each member who participated through electronic means and each member absent. Gives process for allowing notices through electronic means.

Allows a court to impose civil penalties to officers of a public agency or a public agency where an individual with the specific intent to violate the law fails to perform a duty imposed on the individual under IC 5-14-1.5 by:

- (1) failing to give proper notice of a regular meeting, special meeting, or executive session;
- (2) taking final action outside a regular meeting or special meeting;
- (3) participating in a secret ballot during a meeting;
- (4) discussing in an executive session subjects not eligible for discussion in an executive session;
- (5) failing to prepare a memorandum of a meeting as required by section 4 of this chapter; or
- (6) participating in at least one (1) gathering of a series of gatherings under section 3.1 of this chapter.

A civil penalty may only be imposed as part of an action filed under section 7 of this chapter. A court may not impose a civil penalty under this section unless the public access counselor has issued an advisory opinion:

- (1) to the complainant and the public agency;
- (2) that finds that the individual or public agency violated this chapter; and
- (3) before the action under section 7 of this chapter is filed.

Nothing in this section prevents both the complainant and the public agency from requesting an advisory opinion from the public access counselor.

Access to public records - If an individual:

- (1) continues to deny a request that complies with section 3(b) of this chapter for inspection or copying of a public record after the public access counselor has issued an advisory opinion:
 - (A) regarding the request for inspection or copying of the public record; and
 - (B) that instructs the public agency to allow access to the public record; and
- (2) denies the request with the specific intent to unlawfully withhold a public record that is subject to disclosure under this chapter; the individual and the public agency employing the individual are subject to a civil penalty under subsection.

If an individual intentionally charges a copying fee that the individual knows exceeds the amount set by statute, fee schedule, ordinance, or court order, the individual is subject to a civil penalty.

A civil penalty may only be imposed as part of an action filed. A court may not impose a civil penalty unless the public access counselor has issued an advisory opinion:

- 1) to the complainant and the public agency;
- 2) that instructs the public agency to allow access to the public record; and
- 3) before the action is filed.

Civil penalties imposed by a court may not be more than \$100 for the first violation and not more than \$500 for each additional violation. States that an individual is personally liable for a civil penalty that is imposed and that civil penalties imposed against a public agency shall be paid by the public agency's budget. Creates an education fund for the public access counselor where such civil penalties shall be deposited. Such fund is to be used to train elected officials and the public about public access laws.

PUBLIC LAW 135 – HOUSE ENROLLED ACT 1005 – EFFECTIVE JULY 1, 2012 AND JANUARY 1, 2013

Employees Holding Office, Nepotism, Contracts – Adds IC 3-5-9 - Effective January 1, 2013. Addresses employee status or fire fighter status of a unit while simultaneously holding an elected office. Elected office in this chapter refers only to the executive or member of the executive body of a unit and a member of the legislative body or fiscal body of a unit. A firefighter that is either an employee of the unit or volunteer fire fighter that provides services to a unit may not hold an elected office. An employee of a unit is considered to have resigned when the individual assumes an elected office of the unit that employs the individual. Exception allowed for either firefighter or employee who assumes or holds an elected office on January 1, 2013. The term of the office may expire before this chapter goes into effect.

Adds IC 36-1-20.2 Nepotism. Effective July 1, 2012. An individual who is employed by a unit on July 1, 2012 is not subject to this chapter unless there is a break in employment. Performance of the duties of a precinct election officer or a volunteer firefighter is not considered employment by a unit for purposes of this chapter. Defines direct line of supervision, defines employed, defines relative. Establishes minimum requirements regarding employment of relatives. Requires legislative body adopt a policy that includes at a minimum the requirements of this chapter. Individuals who are relatives may not be employed by a unit in a position that results in one relative being in the direct line of supervision of the other relative. Exceptions are allowed for. Each elected officer certifies in writing that the officer has not violated this chapter and submit certification to the executive no later than Dec. 31 of each year. If SBOA finds that a unit has not implemented a policy the SBOA shall forward the information to the DLGF. DLGF may not approve budget or additional appropriation for the ensuing calendar year until SBOA certifies that the unit is in compliance.

Adds IC 36-1-21 Contracting with a unit. Effective July 1, 2012. Requires a policy subject to review by SBOA for implementation. Allows that a unit may enter into a contract or renew a contract with an individual defined in this chapter as a relative if the requirements of the chapter are met which includes that the elected official files with the unit a full disclosure, which must be in writing, describe the contract or purchase to be made by the unit and describe the relationship between the elected official and the entity. The disclosure must be submitted to the legislative body and accepted by them prior to final action on the contract. The disclosure must be filed with SBOA and the clerk of the court within 15 days after final action on the contract. The appropriate agency of the unit must make a certified statement as to if contract is the lowest amount or why vendor selected. Annual certification by each elected officer that the officer is in compliance and submits certification to the executive not later than Dec. 31, of each year.

Adds IC 5-11-13-1.1 Any county, municipality or township must include a statement by its executive in its annual employee compensation report of whether or not the unit has implemented a policy under IC 36-1-20.2 and IC 36-1-21 starting with those reports submitted after December 31, 2012. If a unit does not implement a policy under these two statutes the DLGF may not approve the unit's budget or additional appropriations for the ensuing calendar year.

Amends IC 33-42-2-7 A notary public is not a lucrative office.

PUBLIC LAW 136 – HOUSE ENROLLED ACT – EFFECTIVE JULY 1, 2012

Problem Solving Court Fee Collection, Pro Bono Fees – Amends IC 33-23-2-23, IC 33-23-16-23.5, 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, and IC 33-37-5-31 – For individuals receiving services under the problem solving court where fees are assessed the problem solving court is now authorized to collect these fees in addition to the clerk of the court. If the problem solving court collects the fees, the court shall transfer the fees collected to the clerk no later than 14 days after collection. The clerk shall transfer to the county auditor no later than 30 days after the fees are collected.

For various actions the pro bono fee is to be collected along with other fees. The pro bono fee is for \$1 and the clerk will distribute 100% of this fee semiannually to the auditor of state. The fee is to be collected from July 1, 2012 through June 30, 2017.

PUBLIC LAW 137 – HOUSE ENROLLED ACT 1072 – EFFECTIVE VARIOUS DATES

Taxation – Amends and adds sections of IC 6-1.1-17 –Changes dates for adoption of budgets and levies for certain taxing units without elected board members.

Additional Appropriations – Effective July 1, 2012 – Amends IC 6-1.1-18-5 – States that IC 6-1.1-18-5 applies to an additional appropriation by a political subdivision that must have the political subdivision's annual appropriations and annual tax levy adopted by a city, town, or county fiscal body under IC 6-1.1-17-20 or by a legislative or fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city, town or county that adopted the political subdivision's annual appropriation and annual tax levy must adopt the additional appropriation by ordinance before the department of local government finance may approve the additional appropriation.

If a public library that:

- 1) is required to submit the public library's budgets, tax rates, and tax levies for nonbinding review under IC 6-1,1-17-3.5 and
- 2) is not required to submit the public library's budgets, tax rates, and tax levies for binding review and approval under IC 6-1.1-17-20,

proposes to make an additional appropriation for a year, and the additional appropriation would result in the budget for the library for that year increasing (as compared to the previous year) by a percentage that is greater than the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the calendar year minus 1 the additional appropriation must first be approved by the city, town, or county fiscal body described in IC 6-1.1-17-20.3(c) or IC 6-1.1-17-20(d) as appropriate.

Cumulative and Capital Projects Funds – Adds IC 6-1.1-18-12.5 – Changes the formula for calculating adjustments to the minimum permissible tax rate for cumulative and capital projects funds to reflect changes in total assessed value in a taxing unit. Allows for loans from the State general fund to certain eligible local units with cumulative or capital projects funds.

Credit Card Transaction Charges or Discount Fees – Effective March 19, 2012 – Amends IC 36-1-8-11 – States that if there is a vendor transaction charge or discount fee, whether billed to the political subdivision or municipally owned utility or charged directly to the political subdivision's or municipally owned utility's account, the political subdivision or municipally owned utility may collect from the person using the card an official fee that may not exceed the transaction charge or discount fee charged to the political subdivision or municipally owned utility by bank or credit card vendors. The fee is a permitted additional charge under IC 24-4.5-3-202.

Weed Liens – Effective July 1, 2012 – Amends IC 36-7-10.1-3 – States that if an initial notice of the violation of an ordinance adopted was provided by certified mail or equivalent service, a continuous abatement notice may be posted at the property at the time of abatement instead of be certified mail or equivalent service as required by IC 36-7-10.1-3. A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the municipally or county or its contractors.

Annual Reports/100-R Reports – Effective March 19, 2012 – Amends IC 5-11-1-4, IC 5-11-13-1 and IC 5-14-3.8-7 – States that the annual report must be in the form and content prescribed by the state examiner and filed electronically in the manner prescribed in IC 5-14-3.8-7. Requires all 100-R reports to be filed electronically and to include a statement indicating whether the political subdivision offers a health plan, a pension plan and other benefits to full-time and part-time employees.

PUBLIC LAW 146 – HOUSE ENROLLED ACT 1195

Various Changes to Assessments and Exemptions for Properties - Includes an amendment to the property tax appeals process under IC 6-1.1-15-1 effective July 1, 2012. Among other changes added a penalty of \$50 against the taxpayer if the taxpayer fails to appear at the hearing and the request for continuance is denied.

PUBLIC LAW 147 – HOUSE ENROLLED ACT 1200 – EFFECTIVE JULY 1, 2012

Probation Costs – Amends IC 31-37-19-1 and IC 31-37-19-5 – If the juvenile court orders supervision of the child by the probation department the child or the child's parent, guardian, or custodian is responsible for any cost resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

Amends IC 35-38-2-2.3 – If a court imposes a condition of probation, the person on probation is responsible for any costs resulting from the participation in a program, class, or service. Any costs collected for services provided by the probation department shall be deposited in the county adult services fund.

PUBLIC LAW 151 – HOUSE ENROLLED ACT 1279 – EFFECTIVE JULY 1, 2012

Reduced Fee for Hunting and Fishing License – Qualified individuals may acquire a 10 year hunting and fishing license for a reduced fee at the clerk of the circuit court.

PUBLIC LAW 157 – SENATE ENROLLED ACT 293 – EFFECTIVE JULY 1, 2012

Inheritance Tax Replacement – Amends IC 6-4.1-11-6 – Beginning after June 30, 2012 and ending before July 1, 2022 the distribution formula for the inheritance tax replacement will have a graduated reduction, starting with 91% of the replacement made in 2011 for distribution in 2012 to no distribution beginning after June 30, 2022.