

Current House active Bills:

[HOUSE BILL No. 1018 Soliday, County park board membership](#) - SUPPORT Referred to the Senate

- Makes changes to:
 - (1) the procedure for a county to adopt an ordinance creating a department of parks and recreation (department); and
 - (2) the composition of the county park board (county board). Provides that the county fiscal body (before July 1, 2019) may amend an ordinance that created a department.
- Requires that if the county fiscal body amends the ordinance that created a department, the amended ordinance must provide that the composition of the members of the county board are selected in accordance with the remainder of the bill.
 - The county board shall be appointed as follows:
 - (1) The county executive shall appoint two (2) members. The members must be affiliated with different political parties.
 - (2) The county fiscal body shall appoint two (2) members. The members must be affiliated with different political parties.
 - The creating ordinance may provide for one (1) other elected county official to appoint one
 - (1) member to the county board that is in addition to the members provided for under subsection (b). However, the elected county official may not appoint a member of the county fiscal body or the county executive to serve on the board as provided in subsection (g). The creating ordinance may also provide for:
 - (1) the county cooperative extension coordinator;
 - (2) the county extension educator; or
 - (3) a member selected by the board of supervisors of a soil and water conservation district;
- Prohibits a county fiscal body (after June 30, 2019) from adopting an ordinance to create a department.
- Provides that, if the county fiscal body has not adopted an ordinance creating a department before June 30, 2019, the county executive may adopt an ordinance to create a department.
- Provides that the composition of the county board in a county that does not use the procedure added by the bill is governed by the current law for the composition of the county board.
- Sets forth who may serve as an ex officio member of the county board created by the county executive using the procedure added by the bill.

[HB 1025 county highway engineer's salary – Aylesworth](#)

This bill was passed out of the Senate Appropriations committee and will not be eligible for Amendments or passage by the full Senate.

- Increases the state subsidy for a county highway engineer's annual salary.
- Requires the county to certify to the auditor of state the amount of the county's contribution to the county highway engineer's annual salary.
- Provides that a county may not receive such a subsidy unless the county's contribution to the engineer's annual salary is at least equal to the county's contribution to the engineer's annual salary from the preceding year.

[HB 1052 Local income tax. Thompson](#)

Referred to the Senate – Senate Sponsor Holdman

- Changes the allocation of local income tax (LIT) revenue that is based on property taxes to be based on maximum permissible property tax levies instead of actual levies.

The bill replaces a measure used in the allocation formulas for public safety revenue, the school and civil unit distribution, and certified shares. This provision would affect the certified distributions in CY 2020 and each year thereafter. The estimated statewide revenue shift among eligible units is about \$69.2 M. [The table at the end of the fiscal note shows the estimated impact by county.]
- Provides that if a township passes a local public question on whether the county in which the township is located should be required to fund and carry out a public transportation project under the central Indiana public transportation projects statute, the township board shall adopt a resolution to impose a special local income tax rate on the local taxpayers residing in the township, instead of the fiscal body of the county.
- Allows political subdivisions to enter into public-private agreements with an operator to accomplish the design, financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of a regional jail. The

county executive may not enter into a regional jail agreement unless the regional jail agreement is first approved by both the county fiscal body and the county sheriff

- Requires the department of local government finance to prepare a report before January 1, 2020, concerning school funding in each school corporation for the period beginning July 1, 2018, and ending June 30, 2019.
- Requires the department of education to prepare a report before January 1, 2020, concerning school funding in the surrounding states, Indiana, and each school corporation in Indiana for the period beginning July 1, 2018, and ending June 30, 2019.

[HB 1065 Frye Regional holding facility.](#)

This bill is scheduled for a hearing Tuesday March 19 at 9:30am in Corrections and Criminal Law. We will be asking for the County Commissioners to be part of the contract as well as the County Sheriff. Please discuss this bill with your Senate legislators and let them know how this bill would impact your county.

- Specifies that a county sheriff may contract with the department of correction (department) to transfer a confined jail offender from a county jail to a regional holding facility established and operated by the department if the county jail is overcrowded.
- Provides that reimbursements paid by the state to the county for the costs of incarcerating a confined jail offender shall be used to pay for a confined jail offender housed in either a regional holding facility or a county jail.
- Provides that the Indiana criminal justice institute shall identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities.

[HB 1078 Steuerwald -Synopsis: Commitment of Level 6 offenders to DOC. \(SUPPORT\)](#)

This bill passed out of Senate Correction committee on March 12. It could be reassigned to Tax and Fiscal Policy committee or go to the Full Senate for consideration of amendments or passage.

Provides that a court may commit a person convicted of a Level 6 felony to the department of correction (DOC) if the person:

- (1) is a violent offender; or
- (2) has two prior unrelated felony convictions.

According to the fiscal note -Explanation of Local Expenditures: Any cost savings to the county sheriffs will depend on the number of Level 6 felons who are committed to DOC facilities instead of being confined in county jails. Counties are currently reimbursed \$35 per Level 6 felon for each day these felons are housed in a jail. But the estimated cost of housing an offender in a county jail is \$54 based on the per diem payments reported by U.S. Marshals to house federal prisoners in 16 county jails across Indiana during federal FY 2017.

This bill is favorable, but legislators feel that this will solve the problem of funding local level 6 felonies and there will be no need for a per diem increase (SB120 Tomes). We need to discuss with legislators that this is two separate issues. The cost of housing inmates runs on an average \$55 per day and we are getting reimbursed \$35. The \$35 was set back in 1991 and costs have increased.

[HB 1125 Cumulative Capital improvement fund – Ellington](#) Referred to the Senate – Sponsors Koch and Buck

Permits a local government unit to establish a cumulative capital improvement fund to provide money to purchase, lease, or pay all or part of the cost of electronic monitoring equipment used by a community corrections program.

The bill allows an additional use of money in the CCI fund, but it does not grant any additional levy authority. Under current law, a county, city, or town may establish a CCI Fund and impose a levy. Money in the fund may be used to:

- Acquire land or rights-of-way to be used for public ways, sidewalks, and sanitary or storm sewers;
- Construct and maintain public ways, sidewalks, and sanitary or storm sewers;
- Acquire a utility or land for the utility;
- Acquire land for parks or recreation;
- Acquire vehicles for police, fire, and community corrections;
- Retire bonds issued to acquire or improve properties that would qualify for use of the fund;

- Acquire equipment and non-consumable property needed for public transportation;
- Acquire public way lighting in a county or in the city of Indianapolis;
- Acquire, maintain, or repair computer and communications systems, and computer services; and
- Purchase police body armor.

In addition to the above current uses of the CCI Fund, this bill would allow a unit to use money in the fund to pay for electronic monitoring equipment used by a community corrections program.

[HB1128 Construction permits. Miller D](#)

Referred to the Senate

- The bill provides that a local unit may not require, as a condition precedent to granting, issuing, or approving certain permits for any Class 1 or Class 2 structures, completion of work upon which the performance bond or other surety was obtained prior to recording the secondary plat.
- The bill also provides that a local unit may not require, as a condition precedent to granting, issuing, or approving a certificate of occupancy for any Class 1 or Class 2 structure, the completion of work upon which the performance bond or other surety was obtained prior to recording the secondary plat, unless required under certain state building laws or another law to meet a local unit's basic needs for public health and safety.
- The bill also requires a local governmental agency to issue certain permits to a person not later than 12 business days after the person has filed a completed application and meets all required conditions, in certain instances.

Issuing of Permits and Certificates of Occupancy: The bill requires a local unit to issue building permits and certificates of occupancy prior to the completion of work (other than fire standards for certificates of occupancy) that is covered by a performance bond. The bill could increase expenditures to local units that need to go through the process of making claims against performance bonds.

Permit Processing Time: If a local governmental agency is not currently issuing permits within 12 days, it may have to modify how it processes permits. This may increase workload and expenditures for some local governmental agencies already working at full capacity.

[HB 1177 Township government issues.](#) Ziemke. Referred to the Senate

- Requires a township to prepare a capital improvement plan for the ensuing three years if the balance in certain capital improvement funds in the preceding year exceeds 150% of the township's annual budget estimate.
- Prohibits the township from collecting property taxes for certain capital improvement funds in the ensuing year unless the township has adopted a capital improvement plan. Requires the legislative council to assign to the appropriate interim study committee the study of:
 - (1) the level of preparedness of volunteer fire departments; and
 - (2) whether volunteer fire departments have the necessary resources to perform their duties.
- Allows a township to make a one time transfer of an excess balance or part of an excess balance between township funds.
- Provides that the transfer may not be completed until after the township adopts a capital improvement plan, if the township is required to adopt a capital improvement plan.
- Requires the transfers must be completed not later than December 31, 2020.
- Provides that if an eligible municipality petitions an adjacent township to accept the transfer of the territory of the eligible municipality that is within the transferor township, the legislative body of the adjacent township must accept transfer of the territory of an eligible municipality within two years (instead of one year) after the legislative body receives the petition.
- Repeals a provision that prohibits the transfer of territory from taking effect in the year before a federal decennial census is conducted.

[House Bill 1178 Township cemetery ownership and maintenance-](#) Ziemke and Co-Authored by Mahan. **DIED**

[HB 1266 Sediment and erosion control in construction - Miller](#)

Referred to the Senate

- Prohibits an MS4 community (a county, city, or town that administers a program under which construction plans including erosion and sediment control measures are submitted for approval) from requiring erosion and sediment control measures that are more stringent than the erosion and sediment control measures required by the administrative rule of the environmental rules board concerning storm water runoff associated with construction activity.

- Provides that a review authority (the department of environmental management, a soil and water conservation district, or an MS4 community) to which a construction plan is submitted must make a preliminary determination whether the construction plan is substantially complete before the end of the fifth working day after the day on which the construction plan is submitted to the review authority.
- Provides that an individual who reviews and makes a conclusive determination concerning a construction plan submitted to an MS4 community:
 - (1) must be a registered professional civil engineer, registered architect, or registered surveyor;
 - (2) must have successfully completed either of two particular MS4 training programs or a comparable training program;
 - or
 - (3) must be working under the direct supervision of an individual described in
 - (1) or
 - (2). Provides that if an MS4 community has made a conclusive favorable determination concerning a construction plan and work on the construction project has begun, the MS4 community may not order work on the construction project to stop on the grounds of inadequate erosion and sediment control measures unless the project site owner given written notice of the inadequacies of the erosion and sediment control measures and the inadequacies are not resolved within 72 hours after the project site owner receives the written notice.

HB 1375 State board of accounts. Lehman

Referred to the Senate – Sponsor Buck

- Authorizes a county fiscal body to establish a salary schedule that includes greater compensation for the presiding officer or secretary of the county fiscal body or county executive if certain conditions are satisfied.
- Defines "compensation" for purposes of statutes concerning compensation paid to elected county, city, town, and township officials (local elected officials). **Sec. 13. (a) As used in this section, "compensation" means the total of all money paid to, or on behalf of, an elected county officer for performing duties as an elected county officer, regardless of the source of funds from which the money is paid. The term includes all employee benefits paid to an elected county officer, including life insurance, health insurance, disability insurance, retirement benefits, and pension benefits.**
- Provides that certain information must be included in an ordinance establishing compensation for local elected officials.

Additionally, Makes various changes to statutes concerning the state board of accounts (board).

Provides that an examination of an entity shall be limited to matters relevant to the use of public money received by the entity. Relocates language addressing examinations of certain not-for-profit corporations. Provides that an examination of a not-for-profit corporation that derives at least 50% but less than \$750,000 (rather than \$200,000, under current law) of its disbursements from appropriations, public funds, taxes, and other sources of public expense shall be limited to matters relevant to the use of the public money received by the entity. Provides that an individual may confidentially report suspected malfeasance, misfeasance, or nonfeasance that involves an individual who has responsibility for administering public funds on behalf of an entity. Expands the list of individuals to whom the board may disclose examination workpapers and investigation records. Makes changes to the procedure governing the payment of delinquent property taxes and specifies how delinquent property tax payments are to be applied. Eliminates a requirement that the county auditor transmit a monthly financial report to the board.

HB 1427 Department of Local Government Finance, Leonard

This bill is a VERY LARGE DLGF Christmas Tree Bill. Please refer to the Bill tracking list for a full summary of the bill. The below items are some of the items that I thought would be of interest to county commissioners. Referred to the Senate

- GIS Parcel Data: The bill provides that the appropriate county officer designated by the county executive (rather than the assessor, under current law) is responsible for: (1) maintaining data files of the geographic information system characteristics of each parcel in the county as of each assessment date; and (2) submitting those files to the Geographic Information Office of the Office of Technology.
- Cancellation of Taxes: This bill provides that the county executive (instead of the DLGF) may cancel any property taxes assessed against real property owned by a county, township, city, town, or body corporate and politic under certain circumstances.
- Application of Deductions: This bill specifies that for purposes of income taxes for correctional and rehabilitation facilities. It limits to 20% the amount of revenue that may be used for operating expenses for correctional facilities and rehabilitation facilities in the county if the ordinance to impose the tax rate is adopted after June 30, 2019.
- The bill changes the time line for providing local income tax distribution numbers to local units. It also

removes local income tax economic development allocations from the adjustment to Clark County's economic development revenue allocation.

- Montgomery County Hospital. The bill revises a statute concerning the investment of proceeds from the sale of the Montgomery County hospital.
- **Salary Schedule: The bill authorizes a county fiscal body to establish a salary schedule that includes greater compensation for the presiding officer or secretary of the county fiscal body or county executive if certain conditions are satisfied.**
- TIF Limits The bill provides that a redevelopment commission may issue bonds or enter into leases with a term of up to 35 years to finance a project that includes, as part of the project, the use and repurposing of two or more buildings and structures that are: (1) at least 75 years old; and (2) located at a site at which manufacturing previously occurred over a period of at least 75 years. It specifies that in the case of an allocation area for such a project, the expiration date of the allocation provision may not be more than 35 years after the date on which the allocation provision is established.
- LIT Revenue Distribution: This bill provides for an alternative distribution of the certified share part of Local Income Tax (LIT) revenue in certain counties based on revenue and population of municipalities and townships in the county.
- **Annexation:** This bill voids an annexation **remonstrance waiver** (waiver) executed before July 1, 2003. It voids a waiver executed after June 30, 2003, and before July 1, 2019, unless the waiver was recorded in the county where the property is located before January 1, 2020. The bill also voids a waiver executed after June 30, 2019, unless the waiver was recorded in the county where the property is located within 30 business days after the date the waiver was executed. The bill provides that a waiver executed after June 30, 2003, that was properly recorded expires 15 years after the date the waiver was executed. It provides that waivers voided under the bill do not invalidate annexations that were effective before July 1, 2019.
- Fire Protection Services: The bill provides that a city or town may contract for fire protection services and requires that a contract for fire protection services be in writing and for a fixed term.
- County Official Training: The bill provides that an individual elected to certain county offices must take a newly elected official training course before the individual first takes office. It provides that the newly elected official training course counts toward the individual's other elected official training requirements. The bill provides that money in the county elected officials training fund may be used to provide: (1) travel, lodging, and related expenses associated with any training paid for from the fund; and (2) training of one or more designees of a county elected official if sufficient funds are appropriated by the county fiscal body. It provides that money in the county elected officials training fund may be used for the newly elected official training course expenses. The bill provides that the failure of an individual to complete the required training does not prevent the individual from taking an office to which the individual was elected. (This bill does not have County Executive or Fiscal Body training requirements in it (see 1437))
- Leases: This bill provides that certain statutes relating to the lease of real property by a political subdivision do not apply to a lease if the total annual cost of the lease is less than \$250,000. It validates a lease entered into by a political subdivision before January 1, 2019, with an annual cost of less than \$250,000 if the political subdivision's leasing agent did not comply with these statutes when the lease was entered into.
- Volunteer Fire Employees: The bill specifies that all members or employees of a volunteer fire department who also serve on the fiscal body of a local government unit must abstain from voting on the unit's budget.

[HB1437 Engleman – Training for local government officers](#)

AMENDED and Passed out of the House - Referred to the Senate

This bill has the following provisions:

- (1) It adds a definition of "training course" for purposes of the training requirements that are applicable to the executive, legislative, and fiscal bodies of counties, cities and towns.

"training course" refers to a training course related to the executive, legislative, or fiscal body of a county that is compiled or developed by the Association of Indiana Counties and approved by the state board of accounts.

- (2) It requires the Indiana Office of Community and Rural Affairs (OCRA) to develop and make available courses to train members of the following county, city, and town bodies:
 - (a) a plan commission and board of zoning appeals and
 - (b) a county drainage board.

- (2) It provides that OCRA may work in cooperation with public and private organizations and state educational institutions in developing and making the training courses available.
- (4) The bill requires a member (An individual who becomes a member after June 30, 2019,) of a county, city, or town body to complete the training by the later of the following dates:
- (a) Twelve months after the member is elected or appointed or
 - (b) July 1, 2020.
- (5) The bill allows a county, city, or town to fix the compensation of a building inspector that has attained certification from the International Code Council at a salary that is higher than a building inspector that has not attained certification.
- (6) It provides that an individual elected to the office of county auditor, treasurer, recorder, or surveyor must take a newly elected official training course before the individual first takes the office.
- (7) It provides that money in the County Elected Officials Training Fund may be used to provide to county auditors, treasurers, recorders, and surveyors the following:
- (a) Travel, lodging, and related expenses associated with any training paid for from the Fund,
 - (b) HB 1437 1 Training of one or more designees of a county elected official if sufficient funds are appropriated by the county fiscal body.
- (8) It provides that money in the Fund may be used for the newly elected official training course expenses.
- (9) The bill provides that the failure of an individual to complete the required training does not prevent the individual from taking an office to which the individual was elected.
- (10) The bill provides that a county, city, or town may pay the training expenses of a member of the executive, legislative, or fiscal body from the county, city, or town's general fund without appropriation.
- Effective Date: July 1, 2019.

IACC Position:

IACC does understand the importance of educational opportunities for training purposes, any structure for such training must involve the associations representing those elected officials and identify a funding mechanism for training requirements.

HB 1596 Expenditures of redevelopment commissions. Clere

Referred to the Senate

- Provides that except for property tax proceeds transferred to a school corporation or public school, including a charter school, allocated property tax proceeds may be expended for projects located outside an allocation area only if the redevelopment commission adopts a declaratory resolution that finds that the expenditures:
 - (1) will directly benefit the allocation area; and
 - (2) will result in the creation of jobs in the private sector.
- Adds various requirements related to expenditures under contracts between redevelopment commissions and providers of educational and training programs to establish programs designed to prepare individuals to participate in the competitive and global economy

HB 1625 Housing cost information - Clere –

Referred to the Senate by slim margin Roll Call 266: yeas 52, nays 47 House sponsors Messmer and Garten

We DO NOT SUPPORT THIS BILL in its current form. Please contact your Senators and request them to Oppose the Bill!

This bill requires that if any local unit (including counties) intends to adopt an ordinance that may increase or decrease the cost of development, construction, purchase or availability of housing (even indirectly), the unit must first prepare a Housing Impact Analysis. This is an extremely broad requirement that is likely to put this requirement on many, if not most, of the ordinances you consider. There is no cost estimate for these studies, and no funding provided by which to complete them. Not only is this an unfunded mandate requiring government entities to prepare studies on behalf of private industry, but it also unnecessarily delays the ordinance for whatever time necessary to complete the study, plus an additional 30 days mandated for the unit to have the study available to review prior to consideration of the ordinance. Unfortunately, this bill passed the House with an extremely narrow vote of 52-47. If you would like to know how your House legislator(s) voted, you can find the final vote tally [here](#).

- Amends the statute concerning state rulemaking procedures to provide that if a state agency intends to adopt a rule that may increase or decrease the costs of housing in Indiana, the agency shall prepare a housing impact analysis (analysis) for the rule. Provides that:
 - (1) the full text of the analysis must be published in the Indiana Register; and
 - (2) the rule must be referenced in the required newspaper notice of the rule; under state rulemaking procedures.
- Requires a county or a municipality to prepare an analysis if a proposed regulation may increase or decrease the cost of housing in the county or municipality.
- Requires the analysis to be submitted to the members of the legislative body not less than 30 days before the legislative body considers the regulation.
- Sets forth the required information for an analysis prepared by a state agency or by a county or municipality.
- Requires the Indiana housing and community development authority (authority) (IHEDA) to prepare a comprehensive five-year state housing strategy plan (plan). Sets forth required elements of the plan.
- Requires the authority to:
 - (1) annually update the plan; and
 - (2) submit the plan to the governor and the legislative council before October 1 of each year.
- Requires a municipality to annually prepare a housing fee report.
- Requires the municipality to post the report on the municipality's Internet web site (or on the county's Internet web site if the municipality does not maintain an Internet web site).
- Provides that a municipality may not impose any housing related fee that is not:
 - (1) included in the fee report; or
 - (2) posted on the municipality's Internet web site.

[Please contact your legislators in the House of Representatives by Monday morning to oppose HB 1625 as an unnecessary, inefficient, and unfunded mandate!](#)

[House Bill 1650 Elimination of township advisory boards.](#) Ziemke **This bill was defeated on the House floor! Thank you for reaching out to your Legislators to oppose this! Roll Call 147: yeas 18, nays 75 ***DIED*****

Current Senate Active Bills

[SB0094 Annexation. Boots](#) Bill Passed out of Senate – Referred to the House (SUPPORT)

The bill would currently apply to annexations for adopted after April 30, 2019:

- A municipality initiating an annexation must file a petition with the court signed by at least:
 - (A) 51% of the owners of land that is not exempt from property taxes in the annexation territory; or
 - (B) the owners of more than 75% in assessed valuation of land that is not exempt from property taxes in the annexation territory.
- Eliminates the remonstrance procedure for annexations and reimbursement of remonstrator's attorney's fees and costs.
- Voids remonstrance waivers

This bill prohibits forced annexation and eliminates the waiver of landowners' rights to remonstrate. While there are fundamental concerns with forcing landowners to become part of a city or town, for counties the issue is a very real threat to county finances as taxing environments change. Without county consent, a city or town can claim huge new sources of assessed valuation which changes distributions of property taxes, income taxes, etc. to the detriment to other taxing units. This bill would slow the annexation process by requiring cities and towns to get consent from a majority of landowners in the annexation area (without using waivers of remonstrance rights) before filing an annexation petition. This bill passed committee 6-3 and is now eligible for a vote by the full Senate. [Please contact your legislators and ask for their support in favor of SB 94 to defend county revenues against being claimed by annexations!](#)

[SB 118 County council and commissioner salaries. Bohacek](#), House Sponsor Zent - Support
Referred to the House

- Allows the president of the county executive and the president of the county fiscal body in a county other than Marion County to receive a salary that is more than that of the other members as compensation for extra services performed as president.
- Provides that a president may not receive additional compensation that exceeds 25% of the salaries of the body's other members.
- Legalizes and validates any action taken by the bodies or members of the bodies before July 1, 2019, regarding the fixing or receipt of a president's salary that includes compensation for extra services

SB0142 Building permits. Bohacek Referred to the House

Summary of Legislation: The bill prohibits a building commissioner, building code official, or inspector for a local unit of government from issuing a building permit when the building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of the permit.

It requires a unit to adopt an ordinance to establish a procedure to address instances where a building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of a permit.

SB0193 Bohacek Sewer and water connections through rights-of-way. Referred to the House

Summary of Legislation:

Sewer Line or Sewage Works: The bill provides that a unit may not prohibit a property owner from installing a sewer line or other sewage works:

- (1) in or through a public right-of-way owned or controlled by the unit; and
- (2) for the purpose of connecting the owner's property to a sewer system owned or operated by another unit or entity; if the owner provides to the unit a written determination from a specified authority that the owner's existing sewage disposal system is failing, and if certain other conditions are met.

Waiver of Right to Annexation: It provides that in the case of a connection to a sewer system made under these provisions, a municipality (or a board of sanitary commissioners for the department of sanitation in certain municipalities) that owns or operates the sewer system to which the connection is made may waive the requirement that the property owner must release the property owner's right to remonstrate against pending or future annexations of the property owner's property by the municipality.

Water Service Line or Water Utility Service Infrastructure: The bill also provides that a unit may not prohibit a property owner from installing a water service line or other water utility service infrastructure:

- (1) in or through a public right-of-way owned or controlled by the unit; and
- (2) for the purpose of connecting the owner's property to a waterworks owned or operated by a water utility other than a water utility owned or operated by the unit; if the property owner's property is served by a private water well, and if certain other conditions are met

SB 233 Business Personal Property Tax Exemption – Freeman Oppose

This bill increases, from \$20,000 to \$40,000, the acquisition cost threshold for the business personal property tax exemption. The loss of Assessed Value that this would create in counties would shift the tax burden to other tax payers and increase the tax cap loss to counties that are affected by the tax cap losses currently.

SB 233 would increase the valuation threshold for the current exemption allowed to Business Personal Property Tax filers. Under current law, any filer who reports a Business Personal Property Value of under \$20k acquisition cost is exempt from paying that tax. However, this legislation would increase that acquisition cost threshold to \$40k, with a fiscal impact to local units projected at over \$4 million. Further, the bill author indicated in his committee presentation that he also would like to expand the bill by changing the valuation basis from acquisition cost to depreciated cost. This would massively increase the fiscal impact to local units as taxes are shifted onto other property owners and properties hit tax caps. AIC opposes both the increase in the threshold and the changing of valuation basis. **If your county is represented by a member of the House Ways and Means Committee, please contact them and ask that they oppose this legislation.**

Ways and Means: Chair : Brown T, Co-Chair: Huston, Vice Chair: Cherry

R.M.M.: Porter, Davisson , Heaton, Karickhoff, Leonard, Thompson, Barrett, Clere, Heine, Jordan, Mayfield, Negele, Sullivan, Ziemke,

Campbell, DeLaney, Hamilton, Harris, Klinker, Pryor, Wright

SB 248 Distributions of Public Safety Income Tax Revenue - Niemeier Strongly Oppose this Bill

The bill **requires the distribution of public safety local income tax** revenues to a township that provides fire protection or emergency medical services (other than a township in Marion County) **if a township applies for a distribution.**

It also permits a qualified fire protection territory and a qualified fire protection district (other than in Marion County) to be eligible to receive distributions of public safety local income tax revenues.

Please contact your House Legislators and request them to oppose this language.

SB 270 Recusal of local government officials-Head (When Conflict of interest)

Passed out of the Senate and Referred to the House, Sponsor Manning

The bill provides that county, city, town, and township elected officials (local officials) may not, outside of a public meeting:

- (1) participate in a discussion or a vote; or
- (2) persuade the vote of another elected official of the unit; if the local official has a financial interest in the outcome of a decision before the body the local official serves.

Financial Interest: It provides that an elected official has a financial interest if the decision involves:

- (1) the transfer or authorized use of property owned or controlled by the elected official or a relative of the elected official; or
- (2) the procurement of services by the unit from the elected official, the elected official's employer or prospective employer, the elected official's relative, or an entity the elected official owns or controls.

Tie Vote: The bill also provides that if disqualification of a body's members prevent a vote from being taken or cause a tie vote, the decision will be made or the tie broken by the following:

- (1) The mayor, in the case of a city legislative body.
- (2) The clerk-treasurer, in the case of a town legislative body.
- (3) The township trustee, in the case of a township legislative body.
- (4) The county fiscal body, in the case of a county executive body.
- (5) The county executive, in the case of a county fiscal body.

SB319 Sentencing after probation revocation- Head

Passed out of the Senate, Referred to the House. House Sponsor is Houchin

Permits a person convicted of a Level 6 felony to be committed to the department of correction (DOC) if:

- (1) the person's probation, parole, or community corrections is revoked due to commission of a new criminal offense;
- (2) the person has been charged with the new criminal offense; and
- (3) commitment to the DOC is due to the revocation.

This bill passed out of committee

SB 483 County service officers. Alting/Tomes (Amended) Passed out of committee **Opposed**

While IACC strongly supports the work that the County VSO officers do we cannot support the bill with the mandatory 5% of County Excise Tax to be set aside from each individual county's distribution to fund the VSO position(s).

- This bill provides that 5% of the funds a county receives under the excise tax replacement disbursement to be used to fund County Service Officers is to be set aside from each individual county's distribution after the State Welfare and Tuition Support allocation is deducted from the total amount available for apportionment and distribution.
- It also requires a county with more than 2,500 veterans to hire an additional part-time county service officer.

*Counties: Under this bill, counties will receive an amount equal to 5% of the State Excise Tax Replacement amount, or \$11.8 M, that **shall be dedicated to funding the employment and operations of CVSOs**. The bill will decrease the excise revenue received by all other units in the counties by about \$11.8 M, which will primarily impact local civil units and school corporations. The remainder of the locally retained portion of excise tax revenue will be distributed to local civil units and school corporations. [The State Excise Tax Replacement amount is \$236 M annually.]*

SB 488 Public Defenders- Young and Koch, Passed out of Senate referred to the House. House sponsor Young SUPPORT

- Authorizes the Indiana public defender commission to create guidelines and requirements pertaining to a multicounty public defender's office. Authorizes a county executive to adopt an ordinance that allows the county to enter into an interlocal agreement with one or more counties for the purpose of:
 - (1) creating a multicounty public defender's office; and
 - (2) providing legal services to indigent persons located in the areas subject to the interlocal agreement.
- Requires interlocal agreements concerning indigent criminal defense to be administered by a joint board.
- Prohibits certain persons from acting as a member of a joint board. Specifies:
 - (1) term limits; and
 - (2) meeting requirements; for joint boards.
- Requires the auditor of one county belonging to an interlocal agreement to:
 - (1) receive;
 - (2) disburse; and
 - (3) account for; all monies distributed to a multicounty public defender's office.

Explanation of Local Expenditures: Creation of Multi-County Public Defender Offices – Any effect this bill could have on county expenditures will depend on local action and cannot be determined. Counties agreeing to combine indigent defense services could reduce their local expenses but the number of counties who would establish this arrangement during the next biennium is not known. Under IC 33-40-7-11, in order to receive reimbursement for the county's indigent defense services, the county must meet the Commission's standards. Currently, there are 62 counties eligible for reimbursement from the Public Defender Commission. Multi-County Public Defender's Office: The purpose of the Office is to provide legal defense services to indigent persons located in the counties served by the Office. The bill provides that the Office may seek a 40% reimbursement of the county's multi-county public defender officer's certified expenditures for indigent defense services provided in noncapital cases except misdemeanors. The board may also delegate, to an auditor of one of the participating counties, the duty to receive, disburse, and account for all monies distributed to the multi-county office. This provision may reduce local expenditures for indigent defense services. In FY 2018, the Public Defender Commission paid \$25.26 M to eligible counties for public defense services. Joint Board: Under current law, board members are entitled to reimbursement from the county for traveling expenses and other expenses incurred in connection with the member's duties. The bill requires the board to meet on a quarterly basis and may convene additional meetings upon request. This provision should be accomplished within existing resources. The bill outlines the composition of the joint board. If a multi-county public defender's office is established, the board is required to recommend to the county fiscal body an annual operating budget, elect a chairperson, and submit a yearly report to the county executive body. The bill requires the board to develop a comprehensive plan that establishes a Multi-county Public Defender's Office.

<http://iga.in.gov/legislative/2019/bills/senate/488#digest-heading>

This bill passed out of committee

SB 517 Utility relocation for road projects. Head

Referred to the House

- The bill codifies Indiana Department of Transportation (INDOT) rules prescribing the administrative process for the relocation of a utility's facilities to accommodate a road construction project.
- Relocation of Utility Facilities: This bill provides that if, not later than 90 days after receiving an order from INDOT to relocate utility facilities that will interfere with a planned construction project involving the state highway system, a utility has not:
 - (1) relocated the facilities;
 - (2) made arrangements for the relocation of the facilities to the satisfaction of INDOT;
 - (3) requested and received a waiver from INDOT to complete the relocation by a specified later date; or
 - (4) filed an appeal of INDOT's order; INDOT may relocate, or cause the relocation of, the utility's facilities, or may file a complaint in the appropriate court for an emergency order to compel the utility to relocate the facilities.
- The bill provides that if INDOT prevails in a court action to compel a utility to relocate the utility's facilities or customer service facilities, the court shall order the utility to:
 - (1) reimburse INDOT for INDOT's reasonable litigation expenses, including court costs and reasonable attorney's fees; and
 - (2) pay to INDOT a civil penalty of not less than \$20,000.
- The bill also provides that if a county executive determines that the location of a utility's facilities will interfere with a planned road, highway, or bridge project under the jurisdiction of the county:
 - (1) the county executive may order the utility to relocate the utility's facilities in accordance with the procedures set forth in the statute concerning projects involving the state highway system; and
 - (2) if the county executive elects to use those procedures:
 - (A) the county executive has all of the authority granted to, and the obligations of, INDOT under that statute, to the extent applicable; and
 - (B) the utility has all of the obligations and rights of a utility under that statute, to the extent applicable.

- Reimbursement of INDOT Costs: The bill provides that if INDOT relocates, or causes the relocation of the facilities, INDOT may recover from the utility the costs of the relocation. It also provides that these same procedures apply with respect to the relocation of utility customer service facilities in connection with construction projects involving the state highway system.

SB 535 Extraterritorial powers of cities and towns. Boots

This bill is scheduled for to be heard in the [House Select Committee on Government Reduction Tuesday March 19 at 8:30 AM](#). Please contact your House members and request their support.

Select Committee on Government Reduction members

Chair : Gutwein, Vice Chair: Lucas, R.M.M.: Jackson, Cherry, Engleman, Hostettler, Jordan, Karickhoff, Nisly, Wolkins, Harris, Smith V, Summers

- Repeals the general authority of a city or town (municipality) to exercise the following powers outside of its corporate boundaries:
 - (1) Regulating conduct or property use endangering public health, safety, and welfare.
 - (2) Capturing and destroying animals.
 - (3) Operating recreational parks and exercising eminent domain to acquire property for park purposes.
- Provides that a municipality may only exercise eminent domain within the municipality unless a statute expressly provides otherwise.
- Repeals a provision that allows a municipality to exercise powers regarding watercourses within 10 miles outside its corporate boundaries.
- Requires a municipality to obtain the approval of the county executive before exercising advisory planning and zoning jurisdiction in the two-mile area outside its municipal boundaries.
- Allows a municipality to continue to exercise eminent domain to acquire property outside its boundaries, if it has reached a specified point in the eminent domain proceedings on January 1, 2019.

This bill seeks to remove current laws that give cities and towns the ability to regulate citizens and landowners outside their municipal borders. Currently, there is authority to regulate up to 10 miles outside city limits depending on the matter they seek to regulate, usually with no ability for the County to prevent such regulation. Such regulations include a 4-mile area to regulate "public health and safety and a 10-mile area to regulate water courses. This bill was amended in committee to continue allowing the 2-mile planning and zoning area which is often created through cooperative action by the city and county. However, the other two extraterritorial jurisdictions, which are merely duplicative authority already possessed by other regulatory bodies, would be eliminated by SB 535. This duplicative authority creates inefficient governance and calls into question the finality of county decisions in these buffer areas. This bill passed Senate Local Government this week and is eligible next week for amendment and vote by the full Senate.

Please contact your legislators and request their support for SB 535 to protect county authority in unincorporated area!

SB 556 Annexation Buck –Failed the Senate due to lack of Constitutional Majority - 20 in favor to 19 opposed (1 Excused and 10 did not vote)

YEA - 20

Bassler Buck Glick Merritt
Bohacek Busch Head Niemeyer
Boots Doriot Koch Perfect
Bray Ford Jon Kruse Rogers
Brown Freeman Leising Sandlin

NAY - 19

Becker Garten Messmer Tomes
Buchanan Gaskill Mishler Walker
Charbonneau Grooms Raatz Young
Crane Holdman Ruckelshaus Zay
Cridler Houchin Spartz

EXCUSED - 1

Mrvan

NOT VOTING - 10

Alting Lanane Randolph Taylor
Breux Melton Stoops
Ford J.D. Niezgodski Tallian

(Amended) This bill has the following provisions:

- 5% of Total Gross Assessed Value: It allows a county executive to review and deny (by unanimous vote) an annexation the total gross assessed value of all property annexed by the municipality by all ordinances adopted on the same date is more than 5% of the total gross assessed value of the municipality (without considering the territory to be annexed in the ordinance or ordinances).

The bill provides that if the county executive:

- (1) denies the annexation, the proceedings are terminated; or
- (2) does not deny the annexation, the annexation proceedings continue.

- 15% of Total Gross Assessed Value:
 - (1) requires the county executive to review; and
 - (2) allows the county executive to deny (by unanimous vote) an annexation, if the total gross assessed value of all property annexed by the municipality by all ordinances adopted during the calendar year is more than 15% of the total assessed value of the municipality (without considering the territory to be annexed in the ordinance or ordinances).

Deny or Proceed: It provides that if the county executive:

- (1) denies the annexation by unanimous vote, the proceedings are terminated and all annexation ordinances adopted by a municipality during the calendar year are void; or
- (2) does not deny the annexation, the annexation proceedings continue.

SB 566 Residential tax increment financing. Alting – Passed out of Tax and Fiscal Policy

- Permits redevelopment commissions in counties having a population of not more than 100,000 to establish a program for residential housing development and a tax increment funding allocation area for that program.
- Defines "residential housing" as housing that consists of single-family dwelling units.

SB 570 Election cyber security. Walker

Passed out of the Senate. Referred to the House. House sponsor Wesco

Please refer to the bill tracking list for a full summary. Points of Interest to County Commissioners:

- Delivery of Election Equipment– The bill sets forth requirements to be met before delivery of an electronic poll book. The bill requires the county election board (rather than the inspectors) to deliver voting systems and electronic poll books to precincts and vote centers.
- Secure Facilities for Precincts– The bill **requires counties to consider relevant factors** to ensure the security of polling locations.
- Intended Use of E-Poll Books– The bill provides that a county election board is responsible for ensuring that all electronic poll books are dedicated devices to be used only for their intended purpose and for no other activity. The bill provides that software that is not needed for the essential purpose of running the electronic poll book may not be installed on an electronic poll book.
- Voting System Testing Selection Procedure– The bill revises the procedure for selection of machines of voting systems for testing before an election and sets time frames.
- Risk-Limiting Audits– The bill sets forth time frames and requirements for conducting risk-limiting audits.
- Verifiable Audit Paper Trail– The bill provides that after December 31, 2029, a county may not use an electronic voting system that does not have a voter verifiable paper audit trail.

SB 623 Dark Box Assessment Reform Buchanan Support

The Senate passed the bill and it was referred to the House of Representative for consideration. Please urge your Legislators to support this bill

This bill will change the method in which newer commercial properties are allowed to be valued if a taxpayer files an appeal of their original assessment. Under current law, the property owner may compare even a brand new store to the sales price of properties that are dilapidated and at the end of their useful life. SB 623 would require the assessment for the first 10 years of occupancy to be based on the cost to construct that property, and not sales comparison. The Senate passed the bill and it was referred to the House of Representative for consideration. Please urge your Legislators to support this bill