



Association of Indiana Counties

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2020 Legislative Update



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**Short Session
Legislator Retirements
New Speaker of the House
Fall Elections
Re-Districting**



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**Teacher “Red for Ed” Campaign
Health Care Costs/Hospital Profit
Distracted Driving
Electric Utility Generation Facilities**



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AIC staff tracked 250+ total bills
out of over 900 bills filed in the
Indiana General Assembly



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State and Local Finance

- **HB 1113 Local Government Finance**
 - “Assessed Value Growth Quotient” now “Max Levy Growth Quotient”
 - Re-defines “Yard Improvements” for golf course assessment
 - Also amends requirement on owners to provide income data
 - Fixes Business Personal Property PTBOA Final Determination Deadline
 - Extends PTBOA action deadline if taxpayer amends filing or files late
 - Requires Tax Bill to include information on where the taxpayer can locate subsequent year’s assessment information
 - Requires that any township budget increase or add’l appropriation must be adopted by county fiscal body if majority of twp board are precluded from vote due to being immediate family member of trustee



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State and Local Finance

- **HB 1113 Local Government Finance (continued)**
 - Eliminates unnecessary information from the Sales Disclosure Form
 - Extends repayment of appeal awards options (5 year repayment or credit if over \$500k refund, 7 years if over \$5M, or 10 years if over \$10M refund)
 - Extends prohibition on delinquent tax sale purchasers to any other business entity in which the delinquent individual has a business interest
 - Requires that a taxpayer remains qualified for property tax deductions if their AV rises above \$200,000 unless the increase is attributable to physical improvements to the property (incl. reassessment)



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Local Income Taxes

- **HB 1065 LIT Board Voting**
 - Changes voting procedures for a local income tax council (former COIT Counties) in which a single city controls the LIT Council
 - Under current law, the fiscal body of the county, city, or town that is a member of the local income tax council casts its vote as a bloc
 - HB 1065 amends the process in applicable counties so each vote of a fiscal body's individual members as representative of their share of the total LIT Council, not as members of that unit's fiscal body
 - Voids actions taken by a LIT Council between December 31, 2019, and April 1, 2020, to prevent rush to adopt new rates before enactment



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State Government Oversight

- **SB 100 Non-Conforming Uses**
 - Provides that the parcel owner shall be allowed to reconstruct, repair, or renovate a damaged or destroyed nonconforming structure if sq ft of foundation is not increased
 - Does not apply in Historic Districts or Flood Plains
- **HB 1414 IURC Oversight of Electric Generation Facility Closure**
 - Requires utility to notify IURC of closure of any generation facility over 80 MW
 - IURC would be required to hold a public notice on the closure etc.
 - Aimed at keeping coal plants open until Legislative Task Force completes its 2 year study of electric generation and need in Indiana
 - Has potential to impact counties with coal generation facilities, or potential for wind and solar development



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County Operations

- **SB 408 Dept of Revenue**
 - Requires county to provide parcel level GIS data to the state in order to populate the new Dept of Revenue computer system
- **HB 1108 State Board of Accounts**
 - Allows SBOA to issue subpoenas to force filing of certain reports.
 - Clarifies a judge may remove a local official from office for failure to file audited reports, interference with an audit, or adopt system of accounting.
 - Institutes a financial penalty of up to \$500/day (for which the official can be personally liable) as an alternative to removal from office



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County Operations

- **SB 216 Disclosure of Info to an Offender**
 - Updates the access to public records act so personal information on a correctional, probation, community corrections, or law enforcement officers, judges, crime victims, or their family members may be withheld from disclosure when requested by a person in a prison, county jail, detention facility, or in a community corrections program as a result of the person's arrest or conviction for a crime.
 - Currently the law permits withholding personal information of officers, judges, victims, or their family members, if the information is requested by a person incarcerated in a penal institution after conviction for a crime.



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Gov't Organization

- **SB 20 County Plan Commissions**
 - Requires that appointments, alternates, designees, or replacements on Plan Commission must meet same residency requirements as the initial member
- **HB 1182 Syringe Exchanges**
 - Requires a syringe exchange program to: (1) provide testing for communicable diseases and provide services if positive; and (2) establish a referral process for participants who need information re: communicable diseases



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Criminal Justice

- **HB 1047 Justice Reinvestment Advisory Council**
 - Adds members of the Evidence Based Decision-Making panel to the JRAC
 - Includes AIC representation to state advisory panel which conducts state level reviews of local corrections programs, county jails and probation services, and the processes used by the Department of Correction and the Division of Mental Health and Addiction in awarding grants.
- **HB 1346 Jail Overcrowding Data**
 - Requires Indiana Criminal Justice Institute to receive data from Sheriffs on jail population and statistics
 - Assigns JRAC to review data and make recommendations on strategies to alleviate overcrowding and alternatives to incarceration



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Tax Sales and Land Issues

- **HB 1090 Cemeteries**
 - Allows, but does not require, Counties to assume maintenance responsibility over cemeteries
- **HB 1370 Land Banks**
 - Authorizes Counties to enter into agreements forming regional land banks
- **SB 229 Isolated Wetland Permits**
 - Provides that a permit is not required from IDEM for some reconstruction or maintenance projects of regulated drains as long as the work takes place within the current easement, and the reconstruction does not substantially change the characteristics of the drain for which it was designed and constructed
 - Only affects state regulated wetlands permits, not federal wetlands
 - Jurisdiction of federal government will still need to be determined and recognized



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Elections

- **HEA 1147 Municipal Elections**
 - Allows a town or city with a population less than 3,500 the option to move the municipal election to even-numbered years
- **HEA 1267 Withdrawal of Candidates**
 - A candidate may withdraw not later than noon 81 days before the primary election. (Under current law, it is not later than noon 85 days before the primary)
- **HEA 1288 Local Office Campaign Finance Reports**
 - The county election board may provide the option for electronic filing of campaign finance reports by local candidates and committees.



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Elections

- **SEA 334 Election Matters**
 - Requires boards of elections and registration to attend election security meetings called by the election division
 - Requires the Election Division to establish best practices for election officials to give instructions to voters on the voting process including voting straight party
 - Requires language on a ballot or voting system to tell the voter that the voter is not required to vote a straight party ticket
 - Makes changes to the voter list maintenance program and removes Indiana from the Kansas Cross Check Program



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Elections

- **SEA 334 Election Matters (continued)**
 - Establishes the Indiana data enhancement association (IDEA) to be administered by the NVRA official for the administration of voter list maintenance programs and sets forth requirements
 - Requires a county voter registration office to determine whether an individual authorized the cancellation of any previous voter registration when the individual registered to vote in another state
 - Sets forth parameters for when a county voter registration office may rely on information provided by certain entities concerning voter registration from another state
 - Requires that a report by a county sheriff to the county voter registration office concerning individuals placed in a county correctional facility occur at least once a quarter



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Election Security

- **SEA 179 Election Cybersecurity**
 - Requires counties to enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the SOS for specified security purposes. Sunsets 1/1/2023
 - Requires a service, replacement, and backup plan be established and submitted with any voting equipment that includes a battery during the certification process
 - Requires any USB-drives used to upload unofficial precinct election results to have malware protection
 - Requires certain proficiency standards be met to access SVRS
 - Provides that the number of voting systems to be examined in a public test is based on the number of voting system units scheduled to be used in the upcoming election. Requires a single list instead of two lists for testing by counties before elections and sets forth selection requirements for testing



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Election Security

- **SEA 179 Election Cybersecurity (continued)**
 - Precincts with voting systems using a voter verifiable paper audit trail (VVPAT) are not required to print the paper audit trail to certify the election results
 - In the event of a recount or contest proceeding, the VVPAT may be used as evidence for a recount commission or a court to determine the votes cast for a candidate or a public question
 - After December 31, 2020, an electronic poll book may not display whether a voter's registration record is in active or inactive status
 - Permits the secretary of state to issue orders (rather than adopting administrative rules) to: (1) designate elections to be subject to a risk-limiting audit or procedure audits conducted after the election; and (2) to administer risk-limiting audits



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Court Issues

- **SEA 47 Expungement Issues**
 - Defines “protection order records” and requires companies that provide background checks to periodically review their records and remove records relating to expunged protection orders (in the same manner as expunged convictions are removed)
 - Permits a person to expunge protection order records in connection with the denial of an ex parte petition for a protection order
 - If a court reduces a Class D or Level 6 felony to a misdemeanor, the five-year waiting period for expungement begins on the date of the felony conviction and not on the date the felony was converted to a misdemeanor
 - If a person whose records have been expunged seeks employment with a law enforcement agency, the law enforcement agency may: (1) inquire about the person's expunged records; and (2) refuse to employ the person
 - Specifies the procedure to expunge records of a collateral action entered in a different county than the county which issued the expungement order



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Court Issues

- **SEA 187 Elkhart County Courts**
 - Elkhart County commissioners shall provide the circuit court clerk with an office at: (1) the county seat; or (2) in Elkhart County, any other place in the county as the commissioners may provide; in a building provided for that purpose.
 - Provides that each division of the circuit court or superior court of Elkhart County shall hold sessions at: (1) the courthouse of the county; or (2) any other place in the county as the board of county commissioners may provide.
- **SEA 256 Courts and Judicial Officers**
 - Specifies the information required for requests and that requests may only be made during even-numbered years for new courts, new judicial officers, and changes in jurisdiction of existing
 - Establishes new courts in Clark, Delaware, and Marshall counties
 - Establishes new magistrates in Gibson, Hamilton, and Jennings counties



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Court Issues

- **SEA 302 Indigency Determinations**
 - Establishes a procedure for a court to use in determining if a defendant is indigent
 - Specifies that a court may prorate fines, fees, and court costs based on the person's reasonable ability to pay
- **SEA 424 Address Confidentiality Program**
 - Expands the program to allow victims of harassment, human trafficking, intimidation, or invasion of privacy to participate



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Playing Defense: Bills that did not pass

- **SB46 Stormwater Fee Exemption**
 - Original version would have exempted all governmental, non-profit, and agricultural land from paying stormwater fees
- **HB 1309 Verification of Exempt Pollution Control Personal Property**
 - Removed the requirement that IDEM verify to an assessor if personal property is exempt because it qualifies for a pollution control exemption.
- **SB 385 Business Personal Tax Exemption**
 - Would have changed valuation basis for purposes of the Under \$40k BPP exemption to require use of depreciated value rather than acquisition costs



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Playing Defense: Bills that did not pass

- **SB 148 Zoning and Manufactured Housing/ Landlord Tenant Preemption**
 - Would have prohibited a ordinance from denying a structure solely because the structure is a manufactured home or from mandating foundation system or mandate size requirements for a manufactured home that is placed in a mobile home community
 - Amended to also include complete preemption of any local ordinance that regulates the landlord/tenant relationship
 - Bill vetoed after opposition from housing advocates and local government
- **SB 324 Micro Markets**
 - Prohibited a political subdivision from charging an installation fee for a micro market or vending machine
 - Would have limited the annual County Dept of Health permit fee for a micro market to not exceed \$60 and permit fee for a vending machine could not exceed \$8



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Next Session

State Budget

COVID-19 Response

Health Care Costs

Teacher Pay

Rural Broadband

Mental Health Facilities

MVH 50% Spend Rule

Local Income Tax Authority



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