



Indiana Association of County Commissioners – 2020 Legislative Preview

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IACC 2019 Priorities and Wins

- Increased per diem from \$35 to \$40 for Level 6 felons being held in local facilities (HB 1001).
- Obtained differentiated compensation for county commissioners based on assigned tasks (HB 1375/HB 1427).
- Established TIF as an economic development tool for counties and for residential housing development (SB 566).
- Provided county commissioners with the option to cancel taxes imposed on properties owned by a county, municipality or port without DLGF approval (HB 1427).
- Defended home rule to retain authority at local level for matters including land development, local land use controls, and licensing and permitting fees for local units of government (HB 1266).
- Supported removal of extraterritorial regulatory jurisdiction held by cities and towns (SB 535).
- Clarified tax court ruling that state fees are not taxes (SB 582).

IACC 2019 Priorities and Wins

- Supported summer study committee topic on curbing opioid use and the need to address issues locally (funding, jail overcrowding, mental health and addiction treatment services).
- Monitored legislation on clarifying local public works statutes.
- Ensured no onerous training mandates imposed on local elected officials.
- Ensured no changes to appointments to the redevelopment commission.

2019 Municipal Election Recap

- Mayors (as of January 1, 2020)
 - 47 Democratic Mayors
 - 69 Republican Mayors
 - 5 Independent Mayors
- Population Breakdown
 - Hoosiers living under a Democratic Mayor: 2,152,590
 - Hoosiers living under a Republican Mayor: 1,413,566
 - Hoosiers living under an Independent Mayor: 31,900
- Changes
 - Democrats picked up 10 cities
 - Republicans picked up 19 cities
 - Independents picked up 2 cities

New Laws Affecting Local Government

- HEA 1116 – Various Local Government Matters
 - Allows governing bodies of local government agencies to discuss real estate transactions in an executive session.
- Budget Bill Funding & Related Legislation
 - HEA 1001 – State Budget/Road Funding
 - Provides continued funding for the Community Crossings Matching Grant.
 - HEA 1001/SEA 189 – State Budget/Broadband Development
 - Provides \$100M for a newly established Rural Broadband Fund to award broadband grants to rural areas.
 - The initial phase is for unserved areas (areas without at least one broadband provider offering 10 mbps upload/1 mpbs download speeds), and a second phase will use any remaining funds on underserved areas. The maximum grant amount may be up to 80% of total eligible project costs, up to \$5M.
 - HEA 1001/HEA 1406 – State Budget/Water Infrastructure Assistance
 - Provides funding for a water infrastructure assistance leveraged loan program, administered by IFA, to provide grants, loans, and other financial assistance to utilities serving less than 3,200 customers.

2020 Indiana General Assembly

- The 2020 session is a short, non-budget session.
- 2020 is an election year. The Governor and legislators will be on the ballot.
 - 100% of House members, 50% of Senate members
- Key Dates
 - December 10, 2019 → Bill drafts due
 - January 6, 2020 → First day of session
 - March 14, 2020 → Latest day for General Assembly to adjourn sine die

Indiana General Assembly Retirement and Departures

- On November 19, 2019, House Speaker Brian Bosma announced he will step down as Speaker and not run for re-election.
- Who is Elected Speaker?
- Rep. Woody Burton (R-Greenwood) announced that he will retire following the 2020 legislative session.

New Legislators

- Senator Stacey Donato (R), District 18
 - Cass, Fulton, Miami and portions of Carroll, Kosciusko and Marshall counties
- Representative Dollyne Sherman (R), District 93
 - Perry Township in Marion County and a portion of White River Township in Johnson County along with a section of Indianapolis
- Representative Ann Vermilion (R), District 31
 - Blackford County and portions of Delaware, Grant and Wells counties

Legislative Leadership

Indiana House of Representatives

67 Republicans
House Speaker,
Brian Bosma (R)
Indianapolis



33 Democrats
House Minority
Leader,
Phil GiaQuinta (D)
Fort Wayne



Indiana State Senate

40 Republicans
President Pro
Tempore,
Rodrick Bray (R)
Martinsville



10 Democrats
Senate Minority
Leader,
Tim Lanane (D)
Anderson



So what's been happening during the 2019 Interim....

- A number of interim study committees have been meeting to discuss issues that may be before the 2020 General Assembly.
- Hot topics to be discussed during the 2020 Session include:
 - Criminal code and jail overcrowding
 - Cost of health care

2019 Interim Study Committee Issues (con't)

- Corrections & Criminal Code
 - Recommendations include:
 - Requiring recommitment of bills with criminal penalties to House & Senate standing committees on criminal law.
 - Requiring every provision affecting criminal penalties to be reviewed and approved by the interim study committee.
 - Establishing a look-back period of seven years for any criminal penalties that are increased to due prior conviction or infraction committed by the defendant.
 - Another significant topic for this committee is jail overcrowding.
 - Jail overcrowding issue stems from HEA 1006-2013.
 - Over 65 counties in Indiana are at some stage of the jail expansion process.
 - Legislation in 2019 session created the Jail Overcrowding Task Force (JOTF).
 - The JOTF is designed to study the issue of reducing recidivism for convicted felons in county jails through programming to address mental health treatment, drug and alcohol treatment, and education.
 - JOTF members include Justice Steven David, four legislators, representatives from the Governor's Office, Indiana Association of Community Corrections Act Counties, Indiana Department of Correction, Indiana Prosecuting Attorneys Council, Indiana Public Defender Council, and Indiana State Police. Other members include Hendricks County Sheriff Brett Clark and Tippecanoe County Commissioner Tracy Brown.
 - The JOTF met on August 1st, August 23rd, September 30th, October 30th, November 6th, and November 25th.
 - Report due to chief justice, legislative council, and governor by December 1, 2019.

2019 Interim Study Committee Issues

- Public Health
 - Cost of health care has been a significant point of discussion over the interim. Topics discussed include:
 - Growth of health care costs
 - Ambulance services
 - Pharmacy Benefits Managers
 - Prescription drug costs
 - Fiscal Policy Committee looking at Medicaid costs.
 - IACC priority – allowing individuals who have been incarcerated but not convicted to keep Medicaid coverage.
 - Advocate that Indiana legislators add voice of support to federal government/CMS to make the change.
 - Federal rule, not state law.

2019 Interim Study Committee Issues (con't)

- Courts & the Judiciary
 - Juvenile mental health and addiction services.
 - Recommendations regarding adjudication and rehabilitation of juvenile offenders include:
 - Conducting a racial disparity study of the juvenile justice system.
 - Making competency determinations available to juveniles.
 - Allowing for determinate sentencing for juveniles.
 - Considering adding attempted murder to the juvenile waiver statute.
 - Requesting the Juvenile Detention Alternatives Initiative (JDAI) to develop a definition of recidivism, complete an annual report on the success rates of the JDAI program, and maintain various statistical records.

2019 Interim Study Committee Issues (cont'd)

- Pension Management Oversight Committee
 - Survivor Benefits
 - Eliminate the requirement that a participant have at least 15 years of service credit in the EG&C Plan before the participant's survivors are entitled to survivors benefits.
 - Distinguish line of duty death benefits from other than line of duty death benefits.
 - Disability Determinations of Mental Disorders
 - Require mental health disability review panels under INPRS supervision to review provisional disability determinations involving mental health impairments of 1977 Fund members and, optionally, to assist with initial determinations of mental health impairments of 1977 Fund members.
 - Maximum Age to Begin Membership
 - Increase the maximum age at which a police officer or firefighter could enter the 1977 Fund from 35 years of age to 39 years of age.
 - Public Safety Officer Death Benefits
 - Increase from \$150,000 to \$225,000 the special death benefit payable to survivors of a member of the 1925 Police Pension Fund, the 1937 Firefighters' Pension Fund, the 1953 Police Pension Fund, and the 1977 Fund and various other public safety officers who die in the line of duty.
 - INPRS Legislative Proposals
 - Allow an active employee of normal retirement age to make withdrawals from the employee's annuity savings accounts or account, as applicable, of PERF, TRF, the Legislators' Defined Contribution Plan, the Public Employees' Defined Contribution Plan, or the Teachers' Defined Contribution Plan.
 - Broaden annuity options for retired members of PERF and TRF who decide to use all or part of their annuity savings accounts to purchase an annuity.

2019 Interim Study Committee Issues (cont'd)

- Government
 - Discussed project to consolidate and revise Indiana's public works statutes.
 - Recommended that the project keep the public works statutes for each type of governmental entity separate but move all public works statutes into one title. The goal is to introduce legislation in 2021.

21st Century Energy Policy Development Task Force

- The Task Force heard from industry and consumer representatives and state regulators on topics including demand requirements, the electric grid, and alternative sources of energy.
- Concerned citizens v. alternative sources of energy v. coal
- Need to be proactive to preserve local control and not allow ordinances to be preempted.

Storm Water Management Task Force

- Established by SEA 4-2019 to study issues related to storm water management systems.
- Storm Water Management Task Force Recommendations:
 - A single state government agency should be lead agency for storm water issues.
 - Lead agency should commission a survey of diverse representation of rural and urban storm water systems to gather information on funding, management, and needs.
 - OCRA should coordinate its activities with IFA.
 - The "Drainage Code" should be reviewed to determine whether it authorizes county surveyors and drainage boards to use best management practices to meet drainage needs without creating negative impacts in the form of erosion or flooding upstream or downstream.
 - In the sphere of drainage and flood control, models that allow for easier coordination and collaboration across county lines and that follow watershed boundaries should be developed.
 - The lead agency for storm water issues should evaluate and coordinate incentives, resources, and technical assistance to farmers, landowners, local government officials, and state and federal agencies for purposes of implementing storm water management plans and practices, which may include the use of more two-stage ditches.
- Local control and storm water management

2020 Legislative Preview

- Reform property tax assessment appeals (dark store)
- Investment hubs
- Cybersecurity
- Energy generation
- Cost of Care

IACC Priorities for 2020

- **Jail Overcrowding/Mental Health:** Continuing the discussion about solutions to jail overcrowding, increasing funding for Level 6 felon reimbursement, and curbing opioid use. Also supporting implementation of mental health and addiction plans by community mental health centers.
- **MVH Funding:** Reexamining the MVH funding formula, specifically changes made in 2018.
- **Home Rule:** Defending home rule, including local authority over land development, local land use control, and licensing and permitting fees.
- **Commissioner Appointments:** Supporting statutory mechanism to remove commissioner-appointed board members who fail to meet obligations mid-appointment.
- **Cybersecurity:** Reviewing cyber security threats to local government and creating a state program to assist with local threats.

IACC Priorities for 2020

- **Public Records & Meetings:** Finding solutions for abuse of public records requests that support open and accessible government but prevent harassing requests that impact the operation of county government. Also supporting the use of the internet as a publication tool for public notice.
- **Rights-of-Way:** Supporting county government controls over rights-of-way, including fee generation.
- **Dark Stores:** Reforming property tax assessment appeals process to prevent comparison of newly-built and 1st generation stores to vacant or 2nd generation stores.
- **TIF:** Supporting TIF as an economic development tool for counties.
- **Redevelopment Commissions:** Preventing changes to appointments to the redevelopment commission.
- **Training:** Preventing onerous training requirements from being imposed on county elected officials.
- **Public Works:** Monitoring discussion about rewrite and recodification of public works statutes.

IACC Policy & Priorities Development

- July – Meeting of the Legislative Committee of IACC to discuss next session priorities.
- Solicit input from members of key issues and concerns.
- Additional input and legal review of potential legislative issues.
- Adoption of priorities by the IACC Board prior to conference.

IACC Engaging Key Leaders

- Engage key leaders to:
 - Meet with the Board
 - Present on key initiatives
 - Communicate about issues/concerns
 - Partner moving forward
- Leaders engaged in the past include INDOT Commissioner, Secretary of State, Executive Director of DLGF and others.

2021 Budget Session Preparations

- In 2021, the Indiana General Assembly will pass the next biennial state budget.
- The budget process will begin in 2020.
 - State agencies submit budget requests to State Budget Agency for review.
 - State Budget Agency provides recommendations; Governor approves.
 - Budget Committee holds public hearings with agencies to review requests.
 - Revenue forecast in December 2020 will shape Budget Committee recommendations and initial version of the biennial budget bill.
- Start considering potential funding requests and needs now.

Questions?



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