



Indiana Association of  
Cities and Towns

# LEGISLATIVE SUMMARY

INDIANA ASSOCIATION OF CITIES AND TOWNS LEGISLATIVE E-NEWSLETTER



FEBRUARY 15, 2013

The *Legislative Summary* is a weekly e-newsletter intended to provide you with a sampling of important bills being debated at the Statehouse. For additional information about the legislative session, continue monitoring [IACT's Legislative webpage](#), or contact us directly at (317) 237-6200.

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- [IN Announcements](#): IACT Legislative Day 3/19

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## IN Action This Week: Top 5 Things to Know

1. Mass Transit bill (HB 1011) passed out of Ways & Means Committee Wednesday, now heads to full House for a vote
2. Progress made in legislature on statewide food & beverage tax authority, but HB 1071 voted down for this year in Ways & Means Committee by a vote of 8-11
3. Budget deliberations begin with first hearing on HB 1001, the Budget Bill
4. Local Road Funding Day at Statehouse next Tuesday, click [here](#) for registration details
5. Your Help Needed: HB 1544 is the latest bill heard to cut or eliminate personal property taxes. Keep talking to your legislators!

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## IN Local Roads & Streets Initiative: Keep the Momentum Going

### Local Road Funding Day Set for February 19



IACT has joined a broad coalition which is seeking additional funding for local roads and streets. The coalition, sponsored by Build Indiana Council, is hosting a Roads Funding Day at the Statehouse on February 19. We hope you will consider attending! [Control-click here for more information.](#)

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### Increased Local Road Funding A Top Priority

A top IACT Initiative this session is to push for more funding for local infrastructure, which is critical to the economic vitality of our communities. Specifically, we have asked lawmakers to re-dedicate the gas tax revenues to its intended purpose of funding local roads and streets. In recent years, the state has been using a large portion of the gas tax revenue (Motor Vehicle Highway Fund) to pay for the state police and Bureau of Motor Vehicles. That diversion of funds added up to \$157 M in FY 2011.

### Road Funding Update

#### **SB 440 Local Road Funding and Sales Tax on Gasoline (Skinner, D-Terre Haute)** **SB 479 Use Tax on Gasoline (Walker, R-Columbus)**

SB 440 would reallocate a portion of Sales Tax revenue from sales of gasoline and special fuel to counties, cities, and towns. The allocation is the tax on that part of the retail price including federal fuel taxes and state fuel, sales, and use taxes, that exceeds \$3. The estimated increase in revenue to counties, cities, and towns is \$50.4 M in FY 2014 and \$30.2 M in FY 2015. The distribution formula is a new formula based on local road and street mileage but can be used for the same purposes such as construction, maintenance, and reconstruction of streets and roads, engineering, land acquisitions, and equipment. SB 440 was heard in the Senate Tax and Fiscal Policy Committee on February 12, 2013 but a vote was not taken on the bill.

SB 479 specifies that the collection point for state Gross Retail and Use Tax on the sale of gasoline is moved to the first purchaser of gasoline from a refiner, a terminal operator, or supplier. Under current statute, the gasoline Sales Tax collection point is at retail. This bill also changes the method of calculating the Sales and Use Tax on gasoline. Currently, the Sales Tax is calculated based on the actual price of gasoline sold. This bill would instead levy a 7% Use Tax based on the average price of gasoline and the number of gallons sold. SB 479 was voted out of the Senate Tax and Fiscal Policy Committee with a vote of 11-0 and is on third reading.

HB 1126 (Saunders, R-Lewisville), HB 1363 (Huston, R-Fishers), and HB 1141 (Soliday, R-Valparaiso) have not moved since being heard in committee last week. HB 1117 (Karickhoff, R-Kokomo) passed out of the House Ways and Means Committee with a vote of 15-4 and has been ordered engrossed. IACT is continuing to hear local road funding will be tackled through the budget writing process. The budget should be posted online within the next week.

IACT Position: Support

Link to bills: <http://www.in.gov/legislative/bills/2013/PDF/IN/IN0440.1.pdf>  
<http://www.in.gov/legislative/bills/2013/PDF/SB/SB0479.1.pdf>  
<http://www.in.gov/legislative/bills/2013/PDF/IN/IN1126.1.pdf>  
<http://www.in.gov/legislative/bills/2013/PDF/IN/IN1363.1.pdf>  
<http://www.in.gov/legislative/bills/2013/PDF/IN/IN1141.1.pdf>  
<http://www.in.gov/legislative/bills/2013/PDF/IN/IN1117.1.pdf>

For more information, contact Justin E. Swanson, IACT Government Affairs Specialist at (260) 615-1528 or [jswanson@citiesandtowns.org](mailto:jswanson@citiesandtowns.org).

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## IN Bills of Concern

### Another Bill to Exempt Depreciable Personal Property

#### HB 1544 Various Tax Matters (Turner, R-Cicero)

HB 1544 was voted out of the Ways and Means Committee this week. The bill provides for a local option – permitting a county, city or town to authorize a 100% tax credit for all property taxes imposed on the personal property within its jurisdiction. It also makes reforms to the tax abatement statute.

Even though the bill provides for a local option, IACT opposes the bill on the reasoning that the county council should not be permitted to make exemption decisions that affect cities and towns.

IACT Position: Oppose as drafted.

Links to Bills:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&session=1&request=getBill&docno=1544>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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## New Flexibility Proposed for Municipalities

### HB 1281 Local Income Tax Laws (Thompson, R-Linton)

HB 1281 replaces the County Adjusted Gross Income Tax, the County Option Income Tax, and the County Economic Development Tax with a Local Income Tax (LIT) law. While the LIT is one tax, it has three separate rate components: the expenditure rate, the property tax relief rate, and the restricted purpose rate. Generally, all counties have a maximum potential LIT rate of 3.75%. Under current law, the maximum rate for a county may vary from 3.25% to 3.50% with some specific rate exceptions. The bill also imposes the tax on resident and nonresident county taxpayers equally, so nonresident county taxpayers will be taxed at a higher rate than under current statute. In theory, the implementation of LIT should not result in a net fiscal impact on county income tax revenue. Generally, revenue would be used for the same or similar purposes as under the current LOITs.

HB 1281 was referred to the House Ways and Means Committee and was scheduled for a hearing on February 14, 2013. However, the committee ran out of time and indicated this bill will either be heard early next week or amended into a Senate bill. IACT will continue to watch this bill closely for developments.

IACT Position: Support

Link to bill: <http://www.in.gov/legislative/bills/2013/PDF/IN/IN1281.1.pdf>

For more information, contact Justin E. Swanson, IACT Government Affairs Specialist at (260) 615-1528 or [jswanson@citiesandtowns.org](mailto:jswanson@citiesandtowns.org).

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## Bill Would Have Removed IACT Appointments to IACIR

### **SB 313 Advisory Commission on Intergovernmental Relations (Smith, R-Charlestown)**

This bill would have removed the ability for the local government associations (including IACT) to make recommendations for appointments to the Indiana Advisory Commission on Intergovernmental Relations. If the bill were to become law, the recommendations would be made by the legislature instead of by the associations. The bill was scheduled for a hearing this week, but was removed from the committee schedule. IACT met with the bill's author and discussed ways he might reform the commission's upcoming agenda.

IACT Position: Oppose.

Links to Bills:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=313>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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## Bill Banning Rental Licensing and Registration Fees Will Become a Study Committee

### **HB 1313 Regulation of Residential Leases (Rep. Speedy, R – Indianapolis)**

[HB 1313](#) would ban rental licensing and permitting; rental registration fees; and would curtail the inspection authorities of municipalities. This bill would still be disastrous to communities that wish to protect its residents and property values from irresponsible landlords.

Following the overwhelming oppositional testimony conveyed to the House Government & Regulatory Reform Committee, we have been told by the committee Chairman that the bill will be amended into a summer study committee.

IACT Position: Oppose

Link to bill: <http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=1313>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org)

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## Keep Talking to Legislators: Preserve Cable Franchise Fees

### **HB 1432 Elimination of Cable Franchise Fees (Lutz, R – Anderson)**

While we have been told [HB 1432](#) will not likely receive a committee hearing, we have seen similar language proposed in the form of amendments in the past. IACT will be on the lookout for any such attempts. Keep talking to your legislators about cable franchise fees. We may need their support if an amendment is filed. Thank you for your help!

IACT Position: Opposed

Link to Bills:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=1432>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org)

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## IN Legislative Initiatives

[Control-Click here for more about IACT 2013 Initiatives and Legislative Team](#)

### **Food and Beverage Tax Bill Went Farther than Ever Before, but Ultimately Died in Committee**

#### **HB 1071 Municipal Food and Beverage Tax (Baird, R-Greencastle)**

#### **HB 1070 Cloverdale Food and Beverage Tax (Baird, R-Greencastle)**

HB 1071 would have allowed a municipality to adopt a 1% food and beverage tax via local ordinance. The bill failed to pass in the Ways and Means Committee this week by a vote of 8-11. Legislators who voted no indicated that they still prefer to have state control over local decisions on whether the tax should be implemented locally and how the revenue will be used.

IACT is hopeful that the discussion will continue next year about the need for more local revenue options, including the local food and beverage tax. We thank Rep. Jim Baird for his willingness to author the bill. Never before has IACT received a hearing on this issue or a vote, so we feel that we made progress.

The town of Cloverdale in Rep. Baird's home district was also supportive of HB 1071 because of their need for revenue to offset utility costs from an IDEM mandated sewer improvement. After HB 1071 failed to pass, HB 1070, which provided a local food and beverage for Cloverdale only, passed the following day by a 20-1 vote.

IACT Position: Support.

Links to Bills:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=1071>

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=1070>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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### **Utility Relocation Bill Passed Senate with Unanimous Support**

#### **SB 365 Utility Relocation (Crider, R-Greenfield)**

[SB 365](#), one of IACT's initiative bills passed out of the Senate Tuesday with unanimous support, a vote 49-0. Rep. Eric Koch (R-Bedford) will sponsor the bill in the House.

The bill attempts to address the problem of municipalities enduring long and expensive delays when a construction project is planned but can't proceed because the utility company has not relocated their lines. The bill authorizes a unit of local government to enter into an agreement with a utility concerning the relocation of the utility's facilities for a major highway, street, or road project and requires that the agreement must include a date for relocation.

The bill authorizes a unit of local government to enter into an agreement with a utility concerning the relocation of the utility's facilities for a major highway, street, or road project undertaken by the local unit. It requires that the agreement must include a date for relocation and conditions under which the utility is excused from meeting the date, including a force majeure clause. Specifies that a unit that is responsible for relocation costs shall pay the costs in arrears in accordance with the procedures of the state board of accounts.

IACT Position: INITIATIVE: Support.

Links to bill: <http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=365>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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## **IACT Working with Lawmakers, Counties & Financial Institutions to Help Cities & Towns Address Abandoned Housing Problem**

Following the mortgage foreclosure crisis, cities and towns have been left with numerous houses that are sitting empty and deteriorating as each day goes by. Neighbors are unhappy and taxpayers are footing the bill to maintain these properties. When the properties are allowed to sit long enough, they are in such a state of deterioration that cities and town taxpayers are then burdened with the cost to have them demolished.

### **HB 1537 Abandoned Houses (Price, R-Greenwood)**

We appreciate the leadership of Rep. Price, who filed [HB 1537](#) to address the problem of abandoned housing. The goal of HB 1537 is to provide a process for judicial determination of abandonment for properties that have not yet gone into foreclosure. The final language will likely be inserted into another bill later in session. In the meantime, IACT is working with Rep. Price, the Association of Indiana Counties and financial institutions' representatives on language that is workable for all parties. In addition to the determination of abandonment process, we are also discussing how to improve the notification process when a foreclosure is withdrawn on a property (often the property owners and municipality do not know when this happens). Another area we have begun discussion on is the communication process between counties and municipalities when it comes to tax sales.

Sen. Allen Paul (R-Richmond) authored [SB 433](#), which passed the Senate this week by a vote of 49-0. It creates a procedure to allow a county to dispose of certain properties which didn't sell at tax sale. IACT is supportive of this measure. Rep. Richard Hamm (R-Richmond) will sponsor the bill in the House.

IACT is also supportive of Rep. Woody Burton's (R-Whiteland) [HB 1132](#). HB 1132 was heard in House Financial Institutions Committee on Wednesday and would allow mortgage companies to record a certificate of release in the real property records of each county in which the mortgage is recorded. The goal of this bill is to improve the notification of mortgage releases to local government. No committee vote has yet been taken on the bill.

IACT Position: Support

Link to Bills:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=1537>

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=433>

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=1132>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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## **Meth Discussion Continues**

Recent statistics show Indiana meth incidents are still on the rise. In 1995, Indiana reported 6 meth lab busts. In 2012, Indiana reported 1,726 meth lab busts, a number that puts Indiana in the top three in the nation for the number of meth lab busts. The making and taking of meth is devastating our communities, often putting innocent lives at risk and leaving properties destroyed and dangerous. The monetary costs are high for clean-up, incarceration and child protective services. But the human cost of lives destroyed and children neglected and endangered is the real tragedy. An IACT Legislative Initiative for 2013 is to curb the making of meth in Indiana. The key ingredients used to make meth are ephedrine and pseudoephedrine, which are available in over-the-counter drugs. Our goal is to require a doctor's prescription for medications sold that contain these ingredients.

### **Bills were filed to require prescriptions for meds containing these meth-making ingredients.**

**Rep. Rebecca Kubacki** (R-Syracuse) is a leader on this issue in the House and authored [HB 1355](#). Representatives **Ben Smaltz** (R-Auburn), **Ron Bacon** (R-Chandler) and **Gail Riecken** (D-Evansville) signed onto the bill as co-authors. **Sen. Tim Skinner** (D-Terre Haute) also authored a similar bill, [SB 611](#). We appreciate their leadership and advocacy! Unfortunately, we do not expect these bills to receive a hearing. However, another bill coined as "Anti-Meth" is moving in SB 496.

### **SB 496 Control of Ephedrine and Pseudoephedrine (Yoder, R-Middlebury)**

While we do not believe this bill goes far enough, it does keep the conversation going at the Statehouse. [SB 496](#) passed out the Senate 44-4 on Monday. Rep. Jud McMillan (R-Brookville) will sponsor the bill in the House. The bill as amended in committee lowers the annual limit of ephedrine and pseudoephedrine an individual may purchase and a pharmacy or retailer may sell from 72 grams to 61.2 grams.

IACT Position: Neutral on SB 496, but hopeful the discussion will continue this session on the widespread problem of meth in Indiana.

Link to bill: <http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=496>

### **Meth Lab Data & News:**

[Lab Incidents](#)

[Lab Stats](#)

[Labs Seized](#)

[Meth Stories in the News.](#)

For more information, contact Justin E. Swanson, IACT Government Affairs Specialist at (317) 237-6200 or [jswanson@citiesandtowns.org](mailto:jswanson@citiesandtowns.org).

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### **More Clarification for PSAPs Needed, IACT Keeps Pushing Issue**

While drastic changes were made to PSAP funding last year in SEA 345, there were some issues that required more study. Particularly, more study was needed on the issue of revenue sharing to fund PSAPs (these E911 call centers) between counties and cities and towns. The Indiana Advisory Commission on Intergovernmental Relations took up the issue and released a [final report](#) prior to session.

### **HB 1304 PSAPs (Karickhoff, R-Kokomo)**

While IACT will continue to work on more clarification of city/town and county responsibilities for PSAPs, we will support [HB 1304](#). This bill authorizes the fiscal bodies of a county and another political subdivision that are parties to a contract under which the county has assumed the responsibility of operating a PSAP to jointly petition the DLGF to adjust the maximum permissible ad valorem property tax levies of the respective units. The bill also provides that in a county that operates a PSAP, an additional CEDIT rate of 0.1% may be imposed to pay expenses incurred by the county to operate the PSAP. The bill awaits a committee hearing.

IACT Position: Support

Link to Bill: <http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=1304>

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### **IACT Working to Resolve Unfair LOIT Distribution Issue**

Last year, the state Director of the Office of Management and Budget announced that the state made some serious accounting errors which affected the distribution of local revenues. Since that revelation, an accounting firm was hired to do a state audit and a "Tax Working Group" was assembled. They found that when a county adopts a local option income tax, employers are required to collect and submit the tax to the state along with the state income tax. However, the Department of Revenue's system is such that

locals are currently only receiving distributions of the local income tax based on tax returns filed. Many taxpayers don't file returns. For those taxpayers that don't file returns, their payment of local option income tax is kept by the state as un-reconciled cash. Several legislators have now been made aware of this problem and are asking for a correction and more transparency. Some lawmakers have expressed a concern and willingness to help IACT, including **Rep. Wes Culver** (R-Goshen), **Rep. David Ober** (R-Albion) and **Rep. Mark Messmer** (R-Jasper). At this time, no bill is moving to address this issue specifically. However, it is our hope that a remedy will be amended into a broader tax bill. IACT will continue to work on this matter.

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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## IN Other Bills

### Gaming Admissions Tax and Revenue Sharing Among Major Changes to Gaming Bill

#### SB 528 Gaming (Boots, R – Crawfordsville)

A bill is moving through the Senate that makes several structural and fiscal changes to Indiana's gaming law. Earlier in the session SB 528 cleared the Public Policy committee and last week was amended and passed the Senate Appropriations committee. We are currently reviewing the legislation and assessing the potential fiscal impact it could have on Indiana's gaming communities and possibly other municipalities who receive gaming revenues.

IACT Position: Still analyzing impact of bill

Link to Bill:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&session=1&request=getBill&docno=528>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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### Mass Transit Passes Key House Committee, Now Heads to Floor for Vote

#### HB 1011 Public Mass Transportation (Rep. Torre, R – Carmel)

[HB 1011](#) would create a referendum that – if approved – would let counties raise taxes to pay for more buses, more routes and eventually the constructions of a light rail system between Marion and Hamilton counties.

Following its smooth passage out of the House Roads and Transportation Committee, the legislation was recommitted to the Ways and Means Committee. During the hearing, the State House was full of mass transit supporters and the bill easily passed the committee on a vote of 20-2. The bill now heads to the full House chamber for consideration.

IACT Position: Support

Link to bill:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&session=1&request=getBill&doctype=HB&docno=1011>



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## Indianapolis Reorganization Bill Passes Out of Committee

### **SB 621 Local Government Issues (M. Young, R-Indianapolis)**

After a quite heated debate, a bill that made several changes to Indianapolis' unigov statute was passed out of the Senate Local Government Committee this week. Several individuals from the packed committee room provided testimony on the controversial bill.

IACT Position: Neutral.

Links to Bills:

<http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2013&request=getBill&docno=621>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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## Bill Establishes "TIF" District For Indianapolis Motor Speedway

### **SB 91 Motorsport Investment District (M. Young, R-Speedway)**

[SB 91](#) creates a "TIF"-like district for the Indianapolis Motor Speedway to help provide dollars for renovation to the speedway itself, as well as to the surrounding town. The bill allows the district to capture up to \$5 M per year for the next 20 years in Sales Tax, Individual AGI Tax, County Option Income Tax (COIT), and Entertainment Facilities Admissions Tax attributable to taxable events that occur within the "Motorsports Investment District." The money, which normally goes into the state's general fund, would instead be used to pay back bonds for improvements, including handicap-accessible requirements and lights for nighttime races. The bill received unanimous support in the Senate Appropriations Committee on Thursday and now heads to the Senate floor for consideration.

IACT Position: Support

Link to bill:

<http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2013&request=getBill&docno=91>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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## More Discussions of Allowing Municipalities to Post Notices Online

### **HB 1589 Public Works, Procurements Electronic Notice (Ober, R-Albion)**

1589 allows a political subdivision to provide electronic notice regarding public works projects and procurements by publishing the notice on an official website instead of in a newspaper. If a political subdivision does not have a website, notices may be published on the official webpage of the county government. The bill requires a political subdivision or agency of a political subdivision to publish an advertisement in a newspaper once a week that states the Internet address of the official web site where the notice appears and contains information regarding Internet accessibility.

While IACT appreciates the narrow application of this bill, the general idea of allowing municipalities the choice to post notices online is a policy decision that could save money for every city and town in Indiana. HB 1589 was heard in the House Committee on Government and Regulatory Reform on February 12, 2013 but did not receive a vote.

IACT Position: Neutral

Link to bill: <http://www.in.gov/legislative/bills/2013/PDF/IN/IN1589.1.pdf>

For more information, contact Justin E. Swanson, IACT Government Affairs Specialist at (260) 615-1528 or [jswanson@citiesandtowns.org](mailto:jswanson@citiesandtowns.org).

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## Land Bank Bill Given a Short Hearing

### HB 1317 Land Banks and Tax Sales (Clere, R-New Albany)

HB 1317 was given a short hearing in the House Government and Regulatory Reform Committee. A vote was not taken. A lengthy amendment was proposed to the bill. It appears that not all sides are in agreement with the current form of the legislation and that more work needs to be done.

IACT Position: Supportive of the idea, but the legislation needs improvement.

Links to Bills:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=1317>

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## Municipal Utilities and Sewers Removed from Bill Restricting Sewer Connections

### HB1497 – Sewer Connections (Zent, R-Angola)

After considering HB 1497 at two Environmental Affairs Committee meetings, it was amended and voted out of the committee. The amendment, among other things, removed all references to municipal sanitation departments under IC 36-9 and municipal water utilities under IC 8-3-1.5 with regard to exemptions from mandatory sewer connections. The bill now generally affects regional sewer, water or solid waste district formation matters and not-for-profit sewer utilities. The bill requires though, notice as an additional cost for certain construction permit applications applicable to sewer and water system construction that were formerly were exempt.

IACT Position: Neutral

Link to bill: <http://www.in.gov/legislative/bills/2013/PDF/HB/HB1497.1.pdf>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 237-6200 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org) or Jodie Woods, IACT General Counsel at [jwoods@citiesandtowns.org](mailto:jwoods@citiesandtowns.org).

(here's link to general page that could access the bill and the fiscal)

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&session=1&request=getBill&docno=1497>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 237-6200 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org) or Jodie Woods, IACT General Counsel at [jwoods@citiesandtowns.org](mailto:jwoods@citiesandtowns.org)

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## Wholesale Sewage Service Bill Passes Out of Committee

### SB 385 Regional Sewage Districts (Charbonneau, R-Valparaiso)

SB 385 passed out of the Senate Environmental Affairs Committee this week. The bill provides that a utility that either provides or receives wholesale sewage service and negotiates to renew or enter into a new contract for wholesale sewage service may file a petition with the Indiana Utility Regulatory Commission or a court to resolve a dispute.

IACT Position: Watch.

Links to Bills:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=385>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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## License Fee Limitations on Solid Waste Management Districts.

### HB1536 - Solid Waste Management Districts (Wolkins, R-Warsaw)

A solid waste management district will no longer be allowed to impose a fee for registering, issuing a permit for, or licensing a vehicle as a condition of allowing a solid waste hauler to render services within the solid waste management district if HB 1538 passes the House and later the Senate. The bill passed out of the Environmental Affairs Committee by a vote of 10-2 without amendment.

IACT Position: Neutral

Link to bill: <http://www.in.gov/legislative/bills/2013/PDF/HB/HB1536.1.pdf>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 237-6200 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org) or Jodie Woods, IACT General Counsel at [jwoods@citiesandtowns.org](mailto:jwoods@citiesandtowns.org).

(here's link to general page that could access the bill and the fiscal)  
<http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2013&session=1&request=getBill&docno=1536>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 237-6200 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org) or Jodie Woods, IACT General Counsel at [jwoods@citiesandtowns.org](mailto:jwoods@citiesandtowns.org)

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## Municipalities May Charge a Convenience Fee for Credit Card Transactions

### HB 1145 Payments to political subdivisions or utilities (Candelaria Reardon, D-Hammond)

This bill authorizes a political subdivision or municipally owned utility to charge a reasonable fee (not to exceed \$3) for administration and convenience when accepting a credit card or bank card for payments. HB 1145 was heard in the House Committee on Local Government on February 14, 2013 and was amended before being voted out with a final count of 8-0.

The amendment provides that only the owner of a mobile home may obtain the permit required to move the mobile home from one location to another as well as imposes recording and escrow requirements upon purchase contracts for a mobile home or manufactured home that is not assessed as real property. Under current law, either the owner or the occupant of a manufactured home may obtain a permit to move the home.

The amendment also requires the Department of Local Government Finance to develop a system for recording the property tax information for a mobile home that is not assessed as real property by using the identification number that is unique to the vehicle identification number of the mobile home. This mobile home community register must be open to inspection by township and county assessors and will increase the collection rate for property taxes on manufactured homes.

The amendment also authorized the consolidation of the Hammond Public Library and the Lake County Library.

IACT Position: Support

Link to bill: <http://www.in.gov/legislative/bills/2013/PDF/IN/IN1589.1.pdf>

For more information, contact Justin E. Swanson, IACT Government Affairs Specialist at (260) 615-1528 or [jswanson@citiesandtowns.org](mailto:jswanson@citiesandtowns.org).

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## Suspension of Officeholder Bill Moves Out of Committee

### **SB 226 Suspension of Local Officeholders (Glick, R-LaGrange)**

SB 226 provides that a local elected officeholder may be suspended from office if charged with certain felonies and a 2/3 majority of the legislative body finds the offense with which the officeholder is charged relevant to the officeholder's suitability for office and is in the best interest of the unit. An amendment was adopted which provided that the suspension could be granted with pay.

IACT Position: Neutral.

Links to Bills:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=226>

For more information, contact Rhonda Cook, IACT Director of Government Affairs at (317) 694-1451 or [rcook@citiesandtowns.org](mailto:rcook@citiesandtowns.org).

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## Bill That Reverses Part of Conflict of Interest Law Was Voted Down

### **SB 321 Volunteer Fire Fighters Holding Elected Office (Leising, R-Oldenburg)**

SB 321 was supported by the volunteer fire fighters association. The bill was amended in committee and provided that volunteer fire fighters could be elected to a city or town council when the volunteer fire fighter provided contract services to the municipality. The bill also provided that the volunteers must abstain from voting on their contract and that if a situation arose where a quorum could not be reached to vote on the contract, the *county council* would approve the municipality's contract.

IACT testified in opposition to the bill and noted that it was a reversal of last year's important conflict of interest legislation. We also stated that the county council should not be approving municipal contracts.

Legislators on the committee noted that this was a slippery slope and they expected more people to come forward to want an exemption. In fact, the professional fire fighters testified to say that if the volunteers are exempt, they wanted to be exempt too.

IACT Position: Oppose.

Links to Bills:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2013&request=getBill&docno=321>

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