



# STATE LEGISLATIVE UPDATE

## February 15, 2019

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### 2019 Indiana General Assembly Week 6

- ▲ The conclusion of the sixth week of the 2019 legislative session marked the last full week of committee hearings before bills switch chambers. Legislators have a very busy week ahead as House committee deadlines loom and reports must be adopted by Tuesday, February 19th and Senate committee reports must be approved by Thursday, February 21st. The week following that will be the deadlines for 2nd and 3rd Reading in both the House and Senate, marking the end of the first half of the session.
- ▲ There will be no shortage of activity on major issues in the coming days. The two-year, \$32 billion biennial state budget, House Bill 1001, will be unveiled in committee on Tuesday. Also on Tuesday, the Senate Public Policy Committee will hold a much anticipated hearing on SB 12, the hate crimes legislation that would allow courts to consider bias as an aggravating factor when sentencing a defendant for a crime. This is one of Governor Holcomb's priority issues for the session.
- ▲ Additionally, legislation focusing on gaming, alcohol, funding for several initiatives in Indianapolis (expansion of the Indiana Convention, long term deal to keep the Indiana Pacers in Indy, crafting a public-private partnership to build a stadium for the Indy Eleven soccer team), guns, and various education-related matters will all be debated in the next week and a half.
- ▲ On the local government front, a potentially last ditch effort was made to eliminate township boards across the state, except in Marion County. House Bill 1650 would have done that, but the vote by the full House was not even close, as the bill was rejected 18-75. This was the latest effort in a decade-long fight to reform township government.
- ▲ Senate Bill 535 is the extraterritorial jurisdiction bill that would effectively eliminate a city or town's ability to regulate or exercise a significant portion of its authority outside of its corporate boundaries, including planning and zoning, eminent domain, and regulating watercourses within 10 miles of the municipality. The bill was amended and provisions in the bill were removed that would have eliminated the ability of a municipal advisory plan commission to exercise planning and zoning jurisdiction in the two mile area outside of the municipality's boundaries. It does require a municipality to obtain the approval of the county executive before exercising planning and zoning jurisdiction in the two mile area, and allows a municipality to operate an animal shelter within four miles outside of the municipality's boundaries. The full Senate approved the bill, 39-8.
- ▲ SB 556 is an annexation bill that allows county commissioners to review and deny an annexation if the area to be annexed contains more than 5% of a municipality's assessed value. Additionally, a municipality cannot, in a single annexation or collectively, annex any area that constitutes more than 15% of the municipality's assessed value in a



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calendar year without county commissioner approval. The bill is on the calendar for consideration by the full Senate.

- ▲ As predicted at the beginning of the session, energy issues are not dominating State House discussions this year. However, several bills were introduced that have an impact on municipal utilities generally, so IMPA has been actively watching several pieces of legislation, and has engaged when necessary.
- ▲ This week, the House Energy, Utilities and Telecommunications Committee met to amend and vote on two previously heard bills, House Bill 1347 and 1331. This was the committee's final meeting of the first half of session. As mentioned in previous updates, House Bill 1347 says that a municipality cannot hold a property owner (landlord) responsible for a renter's utility bill if the utility service is in the renter's name. The onerous second section of the bill was removed last week. With regard to the first section of the bill, we believe there are local processes that will enable municipal utilities to continue to work with property owners and tenants. An amendment was also added to the bill this week that deals with delinquent sewer fees. The amendment adds language that allows a sewer lien to be placed on a property only if the municipal utility provides notice of the delinquent sewer fees to any first lien mortgage holder of record no more than 20 days after the fees become 60 days past due. Current law requires that notice only be provided to the property owner.
- ▲ House Bill 1331 concerns homeowner association (HOA) approval of solar panel installations by home owners, and under what conditions the association can prohibit, or require the removal of those installations.

- ▲ The Senate Utilities Committee met and considered Senate Bill 472, which pertains to municipal water utilities, and makes changes to Indiana's distressed utilities statute. SB 472 is part of the General Assembly's continued discussions surrounding aging water and wastewater infrastructure throughout Indiana. The overall objective of SB 472 is to make it less burdensome for small utilities to either merge with or to entertain being acquired by larger utility systems, and to make it so that investments for system improvements can be made in the best interest of the customers of those smaller systems.
- ▲ The Senate Utilities Committee will hold its last meeting of the first half next Thursday, at which time it will hear Senate Bill 517, which deals with the relocation of utilities for highway projects.
- ▲ Additionally this week, Senate Bill 304 was heard in the Senate Corrections and Criminal Law Committee. As originally drafted, SB 304 addressed the issue of intimidation of utility workers. The specific reference to utility workers was removed from the bill in committee, and language was inserted that actually broadens the scope of who would be protected from various threats and intimidating behaviors. Utility workers are included in the more broad language.
- ▲ This week's Tracking List has been updated and continues to contain a broad list of general interest bills and those that have any kind of an impact on IMPA and municipal electrics.