



# STATE LEGISLATIVE UPDATE

## February 8, 2019

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### 2019 Indiana General Assembly Week 5

- ▲ The activity has really picked up as week 5 of the 2019 legislative session draws to a close. The slow start at the beginning of the session has now shifted into the fast pace typically seen as deadlines begin to come into view.
- ▲ Committees in both the House and Senate are busy moving legislation to the full House and Senate, and the Floor calendars in both chambers are getting longer and longer. With only two full weeks of committee activity left before the deadlines hit on February 19th (House) and 21st (Senate), it promises to be a very busy time at the State House. We will likely see some of the more controversial issues scheduled for committee hearings next week, so stay tuned.
- ▲ This week, House Bill 1643 (gun legislation) was unanimously approved by the House Public Policy Committee. The bill was amended this week following last week's meeting that heard hours of testimony. As it comes out of committee, the bill allows property owners – whether it is a church or a church with a school – to decide whether people can carry guns on those properties. HB 1643 increases the duration of a short-term handgun license from four years to five years and allows individuals to simultaneously hold both a five year license and a lifetime carry license. The bill also makes changes to the license fee schedule, eliminating the fees for the short term licenses.
- ▲ Senate Bill 425 is legislation that will increase the minimum age to purchase tobacco products and e-liquids from 18 years old to 21. The bill was approved by the Senate Health and Provider Services Committee and will now be considered by the full Senate.
- ▲ A significant piece of legislation, Senate Bill 552, dealing with gaming in Indiana was unanimously approved by the Senate Public Policy Committee this week. SB 552 does several important things: it relocates the two Gary riverboat licenses – one to another location in Gary and the other to Terre Haute in Vigo County. The bill also will allow casinos to offer sports wagering in Indiana for the first time. Along with sports betting, SB 552 would allow live table games to be offered at the Anderson and Shelby County racetrack casinos, or “racinos” as they are commonly called. The bill now goes to the Senate Appropriations Committee for further consideration.
- ▲ Other issues discussed this week included funding for virtual and charter schools, alcoholic beverage matters and school safety legislation, among many others.
- ▲ Senate Bill 535 was heard in committee for the second time this week. This 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



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within 10 miles of the municipality. The bill was amended and removed provisions in the bill 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 will now have an opportunity to weigh in on this legislation in the coming days.

- ▲ On the annexation front this week, Senate Bill 94 was approved by the full Senate, 36-13. The bill now moves over to the House for consideration. Senate Bill 556 was heard in the Senate Local Government Committee, and ultimately approved. The bill provides that an annexation of territory for which the total gross assessed value (AV) of all taxable property of the territory to be annexed exceeds 5% of the total gross AV of the annexing municipality, then the annexation may proceed if the county executive does not: (1) vote to deny the annexation; or (2) take action on the annexation within the time required. This legislation applies to annexation ordinances adopted after June 30, 2019.
- ▲ For IMPA and our municipal electric member utilities, we are actively watching several bills that impact our industry or municipal utilities, generally. This week, the House Energy, Utilities and Telecommunications Committee met and considered two bills, House Bill 1347 and 1331.
- ▲ As mentioned in previous updates, House Bill 1347 is of particular interest for all municipal utilities (not only electric). On a positive note,

the bill was amended in committee this week and the second, most onerous, provision was removed. That provision would have required municipalities that have properly withdrawn from IURC jurisdiction over the last 20-30 years to establish a new, elected Policy Review Committee to receive customer complaints against the utility, be it policies, rates or even service quality. With that section removed, HB 1347 now only stipulates 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. While still a little concerning, we believe there are local processes that will enable municipal utilities to continue to work with property owners and tenants. The Committee will vote on the measure at next week's meeting.

- ▲ A big thank you to Shari Johnson, Clerk Treasurer for the Town of Advance, for coming to the State House and testifying before the House Committee. Shari's comments helped Committee members more fully appreciate the viewpoint of smaller municipalities that provide municipal utility service. Shari represented IMPA's Member communities very well!
- ▲ House Bill 1331 concerns homeowner association (HOA) approval of solar panel installations by home owners, and under what conditions the association can prohibit those installations. The committee will vote on this measure at next week's meeting.
- ▲ 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.