



January 22, 2013

HOUSE BILL No. 1062

DIGEST OF HB 1062 (Updated January 17, 2013 10:39 am - DI 75)

Citations Affected: IC 8-1.5.

Synopsis: Storm water fees. Provides that, subject to the approval of the county executive or the fiscal body of a municipality, the board of directors of a department of storm water management (board) may exempt property owned by certain individuals from the assessment and collection of storm water fees. Requires the board to establish a procedure to apply for the exemption.

Effective: July 1, 2013.

Bacon, Crouch

January 7, 2013, read first time and referred to Committee on Local Government.
January 22, 2013, amended, reported — Do Pass.

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HB 1062—LS 6375/DI 103+



January 22, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1062

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1.5-5-7, AS AMENDED BY P.L.114-2008,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 7. (a) The acquisition, construction, installation,
4 operation, and maintenance of facilities and land for storm water
5 systems may be financed through:
6 (1) proceeds of special taxing district bonds of the storm water
7 district;
8 (2) the assumption of liability incurred to construct the storm
9 water system being acquired;
10 (3) service rates;
11 (4) revenue bonds; or
12 (5) any other available funds.
13 (b) Except as provided in IC 36-9-23-37 **and subsection (f)**, the
14 board, after holding a public hearing with notice given under IC 5-3-1
15 and obtaining the approval of the fiscal body of the unit served by the
16 department, may assess and collect user fees from all of the property of
17 the storm water district for the operation and maintenance of the storm

HB 1062—LS 6375/DI 103+



1 water system. The amount of the user fees must be the minimum
 2 amount necessary for the operation and maintenance of the storm water
 3 system. The assessment and collection of user fees under this
 4 subsection by the board of a county must also be approved by the
 5 county executive.

6 (c) The collection of the fees authorized by this section may be
 7 effectuated through a periodic billing system or through a charge
 8 appearing on the semiannual property tax statement of the affected
 9 property owner.

10 (d) The board shall use one (1) or more of the following factors to
 11 establish the fees authorized by this section:

- 12 (1) A flat charge for each lot, parcel of property, or building.
- 13 (2) The amount of impervious surface on the property.
- 14 (3) The number and size of storm water outlets on the property.
- 15 (4) The amount, strength, or character of storm water discharged.
- 16 (5) The existence of improvements on the property that address
 17 storm water quality and quantity issues.
- 18 (6) The degree to which storm water discharged from the property
 19 affects water quality in the storm water district.
- 20 (7) Any other factors the board considers necessary.

21 (e) The board may exercise reasonable discretion in adopting
 22 different schedules of fees or making classifications in schedules of
 23 fees based on:

- 24 (1) variations in the costs, including capital expenditures, of
 25 furnishing services to various classes of users or to various
 26 locations;
- 27 (2) variations in the number of users in various locations; and
- 28 (3) whether the property is used primarily for residential,
 29 commercial, or agricultural purposes.

30 **(f) Notwithstanding subsection (b), a board may exempt**
 31 **property in the storm water district from the assessment and**
 32 **collection of user fees if the property is owned by an individual who**
 33 **receives an assessed value deduction under IC 6-1.1-12-9 or**
 34 **IC 6-1.1-12-11.**

35 **(g) A board that establishes an exemption under subsection (f)**
 36 **shall do the following:**

- 37 **(1) Amend the ordinance establishing the user fees to comply**
 38 **with subsection (f).**
- 39 **(2) Establish a procedure to apply for the exemption.**
- 40 **(3) Obtain the approval of:**
 - 41 **(A) the county executive for a county board; or**
 - 42 **(B) the fiscal body of a municipality for a board of a**



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1062, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 40 through 41, begin a new line block indented and insert:

"(3) Obtain the approval of:

(A) the county executive for a county board; or

(B) the fiscal body of a municipality for a board of a municipality."

and when so amended that said bill do pass.

(Reference is to HB 1062 as introduced.)

NEESE, Chair

Committee Vote: yeas 11, nays 0.

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