

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1313 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 36-1-20-3, AS ADDED BY P.L.212-2011,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 3. Any ~~inspection, registration, or other~~ fee
6 assessed under ~~section 2~~ of this chapter and collected by a political
7 subdivision must be maintained in a special fund. ~~dedicated solely to~~
8 ~~reimbursing the costs reasonably related to services actually performed~~
9 ~~by the political subdivision that justified the imposition and amount of~~
10 ~~the fee.~~ Each fund shall be maintained as a separate line item in the
11 political subdivision's budget. Money in the fund may not at any time
12 revert to the general fund or any other fund of the political subdivision.
13 **Proceeds from the special fund may be expended to pay only the**
14 **fuel charges and salaries of code enforcement employees and only**
15 **to the extent that the employees perform services in connection**
16 **with leased residential property. If any code enforcement employee**
17 **performs services relating to any property category other than**
18 **leased residential property, the fund proceeds may be expended**
19 **only:**
20 **(1) on a pro rata basis; and**
21 **(2) to pay the part of the employee's fuel charges and salary**
22 **allocable to work performed in connection with leased**
23 **residential property.**
24 **Special fund proceeds may not be used to pay the fuel charges and**
25 **salaries of any other employees, or for any other purpose."**
26 Page 2, delete line 2.
27 Page 2, line 3, delete "(B)" and insert "(A)".
28 Page 2, line 4, delete "(C)" and insert "(B)".
29 Page 2, line 6, delete "from:" and insert "**from adopting a**
30 **regulation that does any of the following:"**.

- 1 Page 2, line 7, delete "establishing" and insert "**Establishing**".
- 2 Page 2, line 7, delete "; or" and insert ".
- 3 **(2) Imposing or increasing a fee in connection with the**
- 4 **inspection of a rental unit or a penalty for noncompliance**
- 5 **with applicable code requirements. However, the political**
- 6 **subdivision may not impose a fee or penalty if the rental unit**
- 7 **has passed an inspection during the previous twelve (12)**
- 8 **months by an inspector qualified by profession or experience**
- 9 **to conduct inspections unless:**
- 10 **(A) the political subdivision receives a complaint about the**
- 11 **rental unit;**
- 12 **(B) a subsequent inspection reveals that the rental unit**
- 13 **does not comply with one (1) or more applicable code**
- 14 **requirements; and**
- 15 **(C) the owner of the rental unit or the owner's designee**
- 16 **fails to cure the noncompliance within a reasonable time**
- 17 **after being notified in writing of the existence of the**
- 18 **noncompliance and of the time within which to cure."**
- 19 Page 2, line 8, delete "(2) imposing" and insert "**(3) Imposing**".
- 20 Page 2, between lines 9 and 10, begin a new line block indented and
- 21 insert:
- 22 **"(4) Imposing or increasing a fee that applies to all property**
- 23 **classes or categories and not only to leased residential**
- 24 **property."**
- 25 Page 2, delete line 10.
- 26 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1313 as printed April 5, 2013.)

Senator ALTING