

ACNA LEGISLATIVE UPDATE

April 23, 2013

Legislative Process

Where are we?

- ▣ Final week of the 2013 Legislative Session

- ▣ Action on bills
 - Sent directly to Governor's desk
 - Concurrences
 - Conference Committees
 - ▣ Negotiations
 - ▣ All Caucuses represented

Property Taxes

▣ HB 1116 – Property Taxes

- Status: Conference Committee

- Summary:

- ▣ Allows Township Fire to borrow only 3 out of 5 years, and to roll the loan into the levy if DLGF agrees
- ▣ Any school building for academic instruction is:
 - (1) subject to the petition and remonstrance process if project cost \leq \$10,000,000;
 - (2) subject to the referendum process if the cost of the project is $>$ \$10,000,000
- ▣ Property taxes attributable to changes in assessment of the owner's property can be paid over the same number of years that corresponds to any delay in assessment
- ▣ Requires redevelopment commissions **MUST** submit reports to the appropriate fiscal body regarding tif areas.

Transportation Funding

- ▣ **HB 1001 – Biennial Budget**
 - Status: Conference Committee
 - Transportation Funding
 - ▣ Removes BMV & State Police budgets from the Gasoline Tax (also known as MVH)
 - ▣ Provides a portion of sales tax from gasoline sales to go directly back to local units
 - ▣ Potential for some funding to be linked to adoption of the wheel tax and surtax

Local Government

- ▣ **HB 1169 – Drainage Issues**
 - Status: Concurrence Passed
 - Summary: Allows the drainage board upon the recommendation of the surveyor to reduce drainage easements to no less than 7' in platted subdivisions
- ▣ **HB 1186 – Incorporation of Towns**
 - Status: Concurrence Passed
 - Summary: Outlines the process in which an area can incorporate into a town; process runs through the Board of Commissioners

Utility & Septic Issues

- ▣ **HB 1497 – Regional Water, Sewer, & Solid Waste Districts**
 - Status: Concurrence Passed
 - Summary:
 - ▣ Amends the requirements for property owner must meet to discontinue use of a sewage disposal system a
 - ▣ Amends the type of notice that must be provided to property owners that would be served by a proposed regional water, sewage, or solid waste district
 - ▣ Provides that a proposed regional water, sewage, or solid waste district may not be established if a majority of property owners submit a petition to IDEM that indicates the owners are opposed. This also applies to an existing regional sewage or solid waste district that wants to add territory.
 - ▣ Provides that notice requirements for certain construction permit applications apply to sewer and water system construction.

Utility & Septic Issues

▣ **SB 204 – Sewer Connections**

- Status: Signed by Governor
- Summary: Allows a not-for-profit public sewer utility or a regional sewage district may require connection to its sewage disposal system if there is an available sanitary sewer line within 300 feet of:
 - ▣ (1) the property line, if the property line is located in a consolidated city or adjacent to a body of water;
 - ▣ (2) any part of a subdivision
 - ▣ (3) for all other properties, the source of the sewage discharge

▣ **SB 205 – Regional Water, Sewer, And Solid Waste Districts**

- Status: Concurrence Passed
- Summary: Requires that members to the board of a RWSD or Solid Waste District representatives are rate payers of the district

Annexation

- ▣ **SB 285 – Waiver for Right to Remonstrate Against Annexation**
 - Status: Conference Committee
 - Summary:
 - ▣ Provides that if a person waives the person's right to remonstrate against an annexation as part of a contract with a municipality for providing sewer service to the person's property, the release is not binding on a successor in title to the property unless, for sewer contracts executed after June 30, 2013, the successor in title:
 - (1) has actual notice of the waiver; or
 - (2) has constructive notice of the waiver because the contract or a signed memorandum of the contract stating the waiver, has been recorded in the chain of title of the property.
 - ▣ Allows municipalities to exempt from property tax liability, for municipal purposes, annexed territory under certain conditions

Homeowner Covenants

▣ SB 126 – Homeowner Covenants

- Status: Signed by Governor
- Summary:
 - ▣ If all the lots included as part of certain homeowners associations are not all subject to the same homeowners association covenants, all the lots may be made subject to new replacement covenants if the homeowners association:
 - (1) distributes to the owner of each lot a proposed set of covenants that would apply to all lots included as part of the homeowners association and a petition to be signed by each lot owner on which the owner indicates whether the owner approves or disapproves of applying the proposed covenants to all lots included as part of the homeowners association; and
 - (2) submits the petitions and covenants to the county recorder if the lesser of:
 - (A) a percentage of lot owners specified in the covenants; or
 - (B) 2/3 of all lot owners; approve of applying the covenants to all lots included as part of the homeowners association.
 - ▣ Homeowners association covenants submitted to a county recorder in accordance with these procedures are considered to be in effect on the date they are recorded.
 - ▣ Provides that a replacement covenant does not apply to and is not binding on certain properties in the homeowner's association to the extent that the new replacement covenant changes an existing covenant or adds a new covenant that pertains to a minimum lot area or minimum home size.
 - ▣ NOT RETROACTIVE

Questions?

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