

HOUSE BILL No. 1327

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-18-12; IC 16-18-2; IC 16-19-3-4; IC 16-22-8-34; IC 16-41; IC 35-52-16-75.

Synopsis: Pest and vector control. Repeals statutes concerning state and local programs for pest and vector abatement. Allows: (1) the executive board of the state department of health to adopt rules; and (2) the board of a municipal corporation and the health and hospital corporation to adopt ordinances and rules; concerning the control of pests and vectors. Provides that the owner, lessee, superintendent, or manager of an establishment subject to the lodging establishment laws may not furnish beds or bedding infested with pests or vectors. Requires that a lodging establishment room that has an infested bed or infested bedding must be thoroughly fumigated, disinfected, and renovated until the pests and vectors are entirely exterminated. Makes conforming amendments.

Effective: July 1, 2018; January 1, 2019.

Porter

January 16, 2018, read first time and referred to Committee on Public Health.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1327

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

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

1 SECTION 1. IC 6-1.1-18-12, AS AMENDED BY THE
2 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
3 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 12. (a) For purposes of this section, "maximum
5 rate" refers to the maximum:
6 (1) property tax rate or rates; or
7 (2) special benefits tax rate or rates;
8 referred to in the statutes listed in subsection (d).
9 (b) The maximum rate for taxes first due and payable after 2003 is
10 the maximum rate that would have been determined under subsection
11 (e) for taxes first due and payable in 2003 if subsection (e) had applied
12 for taxes first due and payable in 2003.
13 (c) The maximum rate must be adjusted each year to account for the
14 change in assessed value of real property that results from:
15 (1) an annual adjustment of the assessed value of real property
16 under IC 6-1.1-4-4.5;
17 (2) a ~~general reassessment of real property under IC 6-1.1-4-4~~; or



- 1 ~~(3)~~ **(2)** a reassessment under a county's reassessment plan
 2 prepared under IC 6-1.1-4-4.2.
 3 (d) The statutes to which subsection (a) refers are:
 4 (1) IC 8-10-5-17;
 5 (2) IC 8-22-3-11;
 6 (3) IC 8-22-3-25;
 7 (4) IC 12-29-1-1;
 8 (5) IC 12-29-1-2;
 9 (6) IC 12-29-1-3;
 10 (7) IC 12-29-3-6;
 11 (8) IC 13-21-3-12;
 12 (9) IC 13-21-3-15;
 13 (10) IC 14-27-6-30;
 14 (11) IC 14-33-7-3;
 15 (12) IC 14-33-21-5;
 16 (13) IC 15-14-7-4;
 17 (14) IC 15-14-9-1;
 18 (15) IC 15-14-9-2;
 19 (16) IC 16-20-2-18;
 20 (17) IC 16-20-4-27;
 21 (18) IC 16-20-7-2;
 22 (19) IC 16-22-14;
 23 (20) IC 16-23-1-29;
 24 (21) IC 16-23-3-6;
 25 (22) IC 16-23-4-2;
 26 (23) IC 16-23-5-6;
 27 (24) IC 16-23-7-2;
 28 (25) IC 16-23-8-2;
 29 (26) IC 16-23-9-2;
 30 (27) IC 16-41-15-5;
 31 (28) IC 16-41-33-4 **(before its repeal on July 1, 2018);**
 32 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);
 33 (30) IC 20-46-6-5;
 34 (31) IC 20-49-2-10;
 35 (32) IC 36-1-19-1;
 36 (33) IC 23-14-66-2;
 37 (34) IC 23-14-67-3;
 38 (35) IC 36-7-13-4;
 39 (36) IC 36-7-14-28;
 40 (37) IC 36-7-15.1-16;
 41 (38) IC 36-8-19-8.5;
 42 (39) IC 36-9-6.1-2;



- 1 (40) IC 36-9-17.5-4;
 2 (41) IC 36-9-27-73;
 3 (42) IC 36-9-29-31;
 4 (43) IC 36-9-29.1-15;
 5 (44) IC 36-10-6-2;
 6 (45) IC 36-10-7-7;
 7 (46) IC 36-10-7-8;
 8 (47) IC 36-10-7.5-19;
 9 (48) IC 36-10-13-5;
 10 (49) IC 36-10-13-7;
 11 (50) IC 36-10-14-4;
 12 (51) IC 36-12-7-7;
 13 (52) IC 36-12-7-8;
 14 (53) IC 36-12-12-10;
 15 (54) a statute listed in IC 6-1.1-18.5-9.8; and
 16 (55) any statute enacted after December 31, 2003, that:
 17 (A) establishes a maximum rate for any part of the:
 18 (i) property taxes; or
 19 (ii) special benefits taxes;
 20 imposed by a political subdivision; and
 21 (B) does not exempt the maximum rate from the adjustment
 22 under this section.
 23 (e) For property tax rates imposed for property taxes first due and
 24 payable after December 31, 2013, the new maximum rate under a
 25 statute listed in subsection (d) is the tax rate determined under STEP
 26 EIGHT of the following STEPS:
 27 STEP ONE: Except as provided in subsection (g), determine the
 28 maximum rate for the political subdivision levying a property tax
 29 or special benefits tax under the statute for the previous calendar
 30 year.
 31 STEP TWO: Determine the actual percentage change (rounded to
 32 the nearest one-hundredth percent (0.01%)) in the assessed value
 33 of the taxable property from the previous calendar year to the year
 34 in which the affected property taxes will be imposed.
 35 STEP THREE: Determine the three (3) calendar years that
 36 immediately precede the year in which the affected property taxes
 37 will be imposed.
 38 STEP FOUR: Compute separately, for each of the calendar years
 39 determined in STEP THREE, the actual percentage change
 40 (rounded to the nearest one-hundredth percent (0.01%)) in the
 41 assessed value (before the adjustment, if any, under
 42 IC 6-1.1-4-4.5) of the taxable property from the preceding year.



- 1 STEP FIVE: Divide the sum of the three (3) quotients computed
 2 in STEP FOUR by three (3).
 3 STEP SIX: Determine the greater of the following:
 4 (A) Zero (0).
 5 (B) The STEP FIVE result.
- 6 STEP SEVEN: Determine the greater of the following:
 7 (A) Zero (0).
 8 (B) The result of the STEP TWO percentage minus the STEP
 9 SIX percentage, if any.
- 10 STEP EIGHT: Determine the quotient of the STEP ONE tax rate
 11 divided by the sum of one (1) plus the STEP SEVEN percentage,
 12 if any.
- 13 (f) The department of local government finance shall compute the
 14 maximum rate allowed under subsection (e) and provide the rate to
 15 each political subdivision with authority to levy a tax under a statute
 16 listed in subsection (d).
- 17 (g) This subsection applies only when calculating the maximum rate
 18 for taxes due and payable in calendar year 2013. The STEP ONE result
 19 is the greater of the following:
 20 (1) The actual maximum rate established for property taxes first
 21 due and payable in calendar year 2012.
 22 (2) The maximum rate that would have been established for
 23 property taxes first due and payable in calendar year 2012 if the
 24 maximum rate had been established under the formula under this
 25 section, as amended in the 2012 session of the general assembly.
- 26 (h) This subsection applies only when calculating the maximum rate
 27 allowed under subsection (e) for the Vincennes Community School
 28 Corporation with respect to property taxes first due and payable in
 29 2014. The subsection (e) STEP ONE result for the school corporation's
 30 capital projects fund is nineteen and forty-two hundredths cents
 31 (\$0.1942).
- 32 (i) This subsection does not apply when calculating the maximum
 33 rate for the Vincennes Community School Corporation. This subsection
 34 applies only when calculating the maximum rate for a school
 35 corporation's capital projects fund for taxes due and payable in calendar
 36 year 2016. The subsection (e) STEP ONE result for purposes of the
 37 calculation of that maximum rate is the greater of the following:
 38 (1) The actual maximum rate established for the school
 39 corporation's capital projects fund for property taxes first due and
 40 payable in calendar year 2015.
 41 (2) The maximum rate that would have been established for the
 42 school corporation's capital projects fund for property taxes first



- 1 due and payable in calendar year 2015 if the formula specified in
 2 subsection (e) had been in effect for the determination of
 3 maximum rates for each calendar year after 2006.
- 4 SECTION 2. IC 6-1.1-18-12, AS AMENDED BY THE
 5 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
 6 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2019]: Sec. 12. (a) For purposes of this section,
 8 "maximum rate" refers to the maximum:
 9 (1) property tax rate or rates; or
 10 (2) special benefits tax rate or rates;
 11 referred to in the statutes listed in subsection (d).
- 12 (b) The maximum rate for taxes first due and payable after 2003 is
 13 the maximum rate that would have been determined under subsection
 14 (e) for taxes first due and payable in 2003 if subsection (e) had applied
 15 for taxes first due and payable in 2003.
- 16 (c) The maximum rate must be adjusted each year to account for the
 17 change in assessed value of real property that results from:
 18 (1) an annual adjustment of the assessed value of real property
 19 under IC 6-1.1-4-4.5;
 20 ~~(2) a general reassessment of real property under IC 6-1.1-4-4;~~ or
 21 ~~(2)~~ (2) a reassessment under a county's reassessment plan
 22 prepared under IC 6-1.1-4-4.2.
- 23 (d) The statutes to which subsection (a) refers are:
 24 (1) IC 8-10-5-17;
 25 (2) IC 8-22-3-11;
 26 (3) IC 8-22-3-25;
 27 (4) IC 12-29-1-1;
 28 (5) IC 12-29-1-2;
 29 (6) IC 12-29-1-3;
 30 (7) IC 12-29-3-6;
 31 (8) IC 13-21-3-12;
 32 (9) IC 13-21-3-15;
 33 (10) IC 14-27-6-30;
 34 (11) IC 14-33-7-3;
 35 (12) IC 14-33-21-5;
 36 (13) IC 15-14-7-4;
 37 (14) IC 15-14-9-1;
 38 (15) IC 15-14-9-2;
 39 (16) IC 16-20-2-18;
 40 (17) IC 16-20-4-27;
 41 (18) IC 16-20-7-2;
 42 (19) IC 16-22-14;



- 1 (20) IC 16-23-1-29;
 2 (21) IC 16-23-3-6;
 3 (22) IC 16-23-4-2;
 4 (23) IC 16-23-5-6;
 5 (24) IC 16-23-7-2;
 6 (25) IC 16-23-8-2;
 7 (26) IC 16-23-9-2;
 8 (27) IC 16-41-15-5;
 9 (28) IC 16-41-33-4 **(before its repeal on July 1, 2018);**
 10 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);
 11 (30) IC 20-46-6-5 (before its repeal on January 1, 2019);
 12 (31) IC 20-49-2-10;
 13 (32) IC 36-1-19-1;
 14 (33) IC 23-14-66-2;
 15 (34) IC 23-14-67-3;
 16 (35) IC 36-7-13-4;
 17 (36) IC 36-7-14-28;
 18 (37) IC 36-7-15.1-16;
 19 (38) IC 36-8-19-8.5;
 20 (39) IC 36-9-6.1-2;
 21 (40) IC 36-9-17.5-4;
 22 (41) IC 36-9-27-73;
 23 (42) IC 36-9-29-31;
 24 (43) IC 36-9-29.1-15;
 25 (44) IC 36-10-6-2;
 26 (45) IC 36-10-7-7;
 27 (46) IC 36-10-7-8;
 28 (47) IC 36-10-7.5-19;
 29 (48) IC 36-10-13-5 (before the power to impose a levy was
 30 removed on January 1, 2019);
 31 (49) IC 36-10-13-7 (before the power to impose a levy was
 32 removed on January 1, 2019);
 33 (50) IC 36-10-14-4 (before its repeal on January 1, 2019);
 34 (51) IC 36-12-7-7;
 35 (52) IC 36-12-7-8;
 36 (53) IC 36-12-12-10;
 37 (54) a statute listed in IC 6-1.1-18.5-9.8; and
 38 (55) any statute enacted after December 31, 2003, that:
 39 (A) establishes a maximum rate for any part of the:
 40 (i) property taxes; or
 41 (ii) special benefits taxes;
 42 imposed by a political subdivision; and



1 (B) does not exempt the maximum rate from the adjustment
2 under this section.

3 (e) For property tax rates imposed for property taxes first due and
4 payable after December 31, 2013, the new maximum rate under a
5 statute listed in subsection (d) is the tax rate determined under STEP
6 EIGHT of the following STEPS:

7 STEP ONE: Determine the maximum rate for the political
8 subdivision levying a property tax or special benefits tax under
9 the statute for the previous calendar year.

10 STEP TWO: Determine the actual percentage change (rounded to
11 the nearest one-hundredth percent (0.01%)) in the assessed value
12 of the taxable property from the previous calendar year to the year
13 in which the affected property taxes will be imposed.

14 STEP THREE: Determine the three (3) calendar years that
15 immediately precede the year in which the affected property taxes
16 will be imposed.

17 STEP FOUR: Compute separately, for each of the calendar years
18 determined in STEP THREE, the actual percentage change
19 (rounded to the nearest one-hundredth percent (0.01%)) in the
20 assessed value (before the adjustment, if any, under
21 IC 6-1.1-4-4.5) of the taxable property from the preceding year.

22 STEP FIVE: Divide the sum of the three (3) quotients computed
23 in STEP FOUR by three (3).

24 STEP SIX: Determine the greater of the following:

25 (A) Zero (0).

26 (B) The STEP FIVE result.

27 STEP SEVEN: Determine the greater of the following:

28 (A) Zero (0).

29 (B) The result of the STEP TWO percentage minus the STEP
30 SIX percentage, if any.

31 STEP EIGHT: Determine the quotient of the STEP ONE tax rate
32 divided by the sum of one (1) plus the STEP SEVEN percentage,
33 if any.

34 (f) The department of local government finance shall compute the
35 maximum rate allowed under subsection (e) and provide the rate to
36 each political subdivision with authority to levy a tax under a statute
37 listed in subsection (d).

38 SECTION 3. IC 16-18-2-278 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 278. "Pest" ~~for~~
40 ~~purposes of IC 16-41-33; has the meaning set forth in IC 16-41-33-1.~~
41 **means an arthropod, a vertebrate, or a microorganism of health**
42 **significance to humans.**



1 SECTION 4. IC 16-18-2-363 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 363. "Vector" for
 3 purposes of IC ~~16-41-33~~, has the meaning set forth in IC ~~16-41-33-2~~.
 4 **means an arthropod responsible for the transmission of pathogens**
 5 **from a host to another animal or human.**

6 SECTION 5. IC 16-19-3-4, AS AMENDED BY P.L.113-2014,
 7 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The executive board may, by
 9 an affirmative vote of a majority of its members, adopt reasonable rules
 10 on behalf of the state department to protect or to improve the public
 11 health in Indiana.

12 (b) The rules may concern but are not limited to the following:

- 13 (1) Nuisances dangerous to public health.
- 14 (2) The pollution of any water supply other than where
 15 jurisdiction is in the environmental rules board and department of
 16 environmental management.
- 17 (3) The disposition of excremental and sewage matter.
- 18 (4) The control of ~~fly and mosquito breeding places~~. **pests and**
 19 **vectors.**
- 20 (5) The detection, reporting, prevention, and control of diseases
 21 that affect public health.
- 22 (6) The care of maternity and infant cases and the conduct of
 23 maternity homes.
- 24 (7) The production, distribution, and sale of human food.
- 25 (8) Except as provided in section 4.4 of this chapter, the conduct
 26 of camps.
- 27 (9) Standards of cleanliness of eating facilities for the public.
- 28 (10) Standards of cleanliness of sanitary facilities offered for
 29 public use.
- 30 (11) The handling, disposal, disinterment, and reburial of dead
 31 human bodies.
- 32 (12) Vital statistics.
- 33 (13) Sanitary conditions and facilities in public buildings and
 34 grounds, including plumbing, drainage, sewage disposal, water
 35 supply, lighting, heating, and ventilation, other than where
 36 jurisdiction is vested by law in the fire prevention and building
 37 safety commission or other state agency.
- 38 (14) The design, construction, and operation of swimming and
 39 wading pools. However, the rules governing swimming and
 40 wading pools do not apply to a pool maintained by an individual
 41 for the sole use of the individual's household and house guests.

42 SECTION 6. IC 16-22-8-34, AS AMENDED BY P.L.134-2008,



1 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2018]: Sec. 34. (a) The board or corporation may do all acts
 3 necessary or reasonably incident to carrying out the purposes of this
 4 chapter, including the following:

5 (1) As a municipal corporation, sue and be sued in any court with
 6 jurisdiction.

7 (2) To serve as the exclusive local board of health and local
 8 department of health within the county with the powers and duties
 9 conferred by law upon local boards of health and local
 10 departments of health.

11 (3) To adopt and enforce ordinances consistent with Indiana law
 12 and administrative rules for the following purposes:

13 (A) To protect property owned or managed by the corporation.

14 (B) To determine, prevent, and abate public health nuisances.

15 (C) To establish isolation and quarantine regulations in
 16 accordance with IC 16-41-9.

17 (D) To license, regulate, and establish minimum sanitary
 18 standards for the operation of a business handling, producing,
 19 processing, preparing, manufacturing, packing, storing,
 20 selling, distributing, or transporting articles used for food,
 21 drink, confectionery, or condiment in the interest of the public
 22 health.

23 (E) To control

24 (i) ~~rodents, mosquitos; and other animals, including insects;~~
 25 ~~capable of transmitting microorganisms and disease to~~
 26 ~~humans and other animals; and~~

27 **(ii) the animals' breeding places: pests, and vectors.**

28 (F) To require persons to connect to available sewer systems
 29 and to regulate the disposal of domestic or sanitary sewage by
 30 private methods. However, the board and corporation have no
 31 jurisdiction over publicly owned or financed sewer systems or
 32 sanitation and disposal plants.

33 (G) To control rabies.

34 (H) For the sanitary regulation of water supplies for domestic
 35 use.

36 (I) To protect, promote, or improve public health. For public
 37 health activities and to enforce public health laws, the state
 38 health data center described in IC 16-19-10 shall provide
 39 health data, medical information, and epidemiological
 40 information to the corporation.

41 (J) To detect, report, prevent, and control disease affecting
 42 public health.



- 1 (K) To investigate and diagnose health problems and health
 2 hazards.
 3 (L) To regulate the sanitary and structural conditions of
 4 residential and nonresidential buildings and unsafe premises.
 5 (M) To regulate the remediation of lead hazards.
 6 (N) To license and regulate the design, construction, and
 7 operation of public pools, spas, and beaches.
 8 (O) To regulate the storage, containment, handling, use, and
 9 disposal of hazardous materials.
 10 (P) To license and regulate tattoo and body piercing facilities.
 11 (Q) To regulate the storage and disposal of waste tires.
 12 (4) To manage the corporation's hospitals, medical facilities, and
 13 mental health facilities.
 14 (5) To furnish health and nursing services to elementary and
 15 secondary schools within the county.
 16 (6) To furnish medical care to insured and uninsured residents of
 17 the county.
 18 (7) To furnish dental services to the insured and uninsured
 19 residents of the county.
 20 (8) To establish public health programs.
 21 (9) To adopt an annual budget ordinance and levy taxes.
 22 (10) To incur indebtedness in the name of the corporation.
 23 (11) To organize the corporation into divisions.
 24 (12) To acquire and dispose of property.
 25 (13) To receive charitable contributions and gifts as provided in
 26 26 U.S.C. 170.
 27 (14) To make charitable contributions and gifts.
 28 (15) To establish a charitable foundation as provided in 26 U.S.C.
 29 501.
 30 (16) To receive and distribute federal, state, local, or private
 31 grants.
 32 (17) To receive and distribute grants from charitable foundations.
 33 (18) To establish corporations and enter into partnerships and
 34 joint ventures to carry out the purposes of the corporation. This
 35 subdivision does not authorize the merger of the corporation with
 36 a hospital licensed under IC 16-21.
 37 (19) To erect, improve, remodel, or repair corporation buildings.
 38 (20) To determine operating procedures.
 39 (21) To do the following:
 40 (A) Adopt a schedule of reasonable charges for nonresidents
 41 of the county for medical and mental health services.
 42 (B) Collect the charges from the patient, the patient's insurance



- 1 company, or a government program.
- 2 (C) Require security for the payment of the charges.
- 3 (22) To adopt a schedule of and to collect reasonable charges for
- 4 medical and mental health services.
- 5 (23) To enforce Indiana laws, administrative rules, ordinances,
- 6 and the code of the health and hospital corporation of the county.
- 7 (24) To purchase supplies, materials, and equipment.
- 8 (25) To employ personnel and establish personnel policies.
- 9 (26) To employ attorneys admitted to practice law in Indiana.
- 10 (27) To acquire, erect, equip, and operate the corporation's
- 11 hospitals, medical facilities, and mental health facilities.
- 12 (28) To dispose of surplus property in accordance with a policy by
- 13 the board.
- 14 (29) To determine the duties of officers and division directors.
- 15 (30) To fix the compensation of the officers and division
- 16 directors.
- 17 (31) To carry out the purposes and object of the corporation.
- 18 (32) To obtain loans for hospital expenses in amounts and upon
- 19 terms agreeable to the board. The board may secure the loans by
- 20 pledging accounts receivable or other security in hospital funds.
- 21 (33) To establish fees for licenses, services, and records. The
- 22 corporation may accept payment by credit card for fees.
- 23 IC 5-14-3-8(d) does not apply to fees established under this
- 24 subdivision for certificates of birth, death, or stillbirth
- 25 registration.
- 26 (34) To use levied taxes or other funds to make intergovernmental
- 27 transfers to the state to fund governmental health care programs,
- 28 including Medicaid and Medicaid supplemental programs.
- 29 (b) The board shall exercise the board's powers and duties in a
- 30 manner consistent with Indiana law, administrative rules, and the code
- 31 of the health and hospital corporation of the county.
- 32 SECTION 7. IC 16-41-30-3.5 IS ADDED TO THE INDIANA
- 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2018]: **Sec. 3.5. (a) The owner, lessee,**
- 35 **superintendent, or manager of an establishment subject to this**
- 36 **chapter may not furnish beds or bedding infested with pests or**
- 37 **vectors.**
- 38 **(b) A room in an establishment subject to this chapter with an**
- 39 **infested bed or infested bedding must be thoroughly fumigated,**
- 40 **disinfected, and renovated until the pests and vectors are entirely**
- 41 **exterminated.**
- 42 SECTION 8. IC 16-41-33 IS REPEALED [EFFECTIVE JULY 1,



1 2018]. (Pest Control: Local and State Programs for Vector Abatement).
2 SECTION 9. IC 35-52-16-75 IS REPEALED [EFFECTIVE JULY
3 1, 2018]. Sec. 75. IC 16-41-33-9 defines a crime concerning pest
4 control.

