



February 20, 2017

HOUSE BILL No. 1441

DIGEST OF HB 1441 (Updated February 20, 2017 11:56 am - DI 77)

Citations Affected: IC 6-1.1; IC 16-18; IC 16-19; IC 16-22; IC 16-41; IC 35-52.

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. Makes conforming amendments.

Effective: July 1, 2017.

Porter

January 17, 2017, read first time and referred to Committee on Public Health.
February 20, 2017, amended, reported — Do Pass.

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February 20, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1441

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 P.L.232-2015,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 12. (a) For purposes of this section, "maximum
4 rate" refers to the maximum:
5 (1) property tax rate or rates; or
6 (2) special benefits tax rate or rates;
7 referred to in the statutes listed in subsection (d).
8 (b) The maximum rate for taxes first due and payable after 2003 is
9 the maximum rate that would have been determined under subsection
10 (e) for taxes first due and payable in 2003 if subsection (e) had applied
11 for taxes first due and payable in 2003.
12 (c) The maximum rate must be adjusted each year to account for the
13 change in assessed value of real property that results from:
14 (1) an annual adjustment of the assessed value of real property
15 under IC 6-1.1-4-4.5;
16 (2) a general reassessment of real property under IC 6-1.1-4-4; or
17 (3) a reassessment under a county's reassessment plan prepared

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- 1 under IC 6-1.1-4-4.2.
 2 (d) The statutes to which subsection (a) refers are:
 3 (1) IC 8-10-5-17;
 4 (2) IC 8-22-3-11;
 5 (3) IC 8-22-3-25;
 6 (4) IC 12-29-1-1;
 7 (5) IC 12-29-1-2;
 8 (6) IC 12-29-1-3;
 9 (7) IC 12-29-3-6;
 10 (8) IC 13-21-3-12;
 11 (9) IC 13-21-3-15;
 12 (10) IC 14-27-6-30;
 13 (11) IC 14-33-7-3;
 14 (12) IC 14-33-21-5;
 15 (13) IC 15-14-7-4;
 16 (14) IC 15-14-9-1;
 17 (15) IC 15-14-9-2;
 18 (16) IC 16-20-2-18;
 19 (17) IC 16-20-4-27;
 20 (18) IC 16-20-7-2;
 21 (19) IC 16-22-14;
 22 (20) IC 16-23-1-29;
 23 (21) IC 16-23-3-6;
 24 (22) IC 16-23-4-2;
 25 (23) IC 16-23-5-6;
 26 (24) IC 16-23-7-2;
 27 (25) IC 16-23-8-2;
 28 (26) IC 16-23-9-2;
 29 (27) IC 16-41-15-5;
 30 (28) IC 16-41-33-4 **(before its repeal on July 1, 2017);**
 31 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);
 32 (30) IC 20-46-6-5;
 33 (31) IC 20-49-2-10;
 34 (32) IC 36-1-19-1;
 35 (33) IC 23-14-66-2;
 36 (34) IC 23-14-67-3;
 37 (35) IC 36-7-13-4;
 38 (36) IC 36-7-14-28;
 39 (37) IC 36-7-15.1-16;
 40 (38) IC 36-8-19-8.5;
 41 (39) IC 36-9-6.1-2;
 42 (40) IC 36-9-17.5-4;



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



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



- 1 subsection (e) had been in effect for the determination of
 2 maximum rates for each calendar year after 2006.
- 3 SECTION 2. IC 16-18-2-278 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 278. "Pest" for
 5 purposes of IC ~~16-41-33~~; has the meaning set forth in IC ~~16-41-33-1~~.
 6 **means an arthropod, a vertebrate, or a microorganism of health**
 7 **significance to humans.**
- 8 SECTION 3. IC 16-18-2-363 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 363. "Vector" for
 10 purposes of IC ~~16-41-33~~; has the meaning set forth in IC ~~16-41-33-2~~.
 11 **means an arthropod responsible for the transmission of pathogens**
 12 **from a host to another animal or human.**
- 13 SECTION 4. IC 16-19-3-4, AS AMENDED BY P.L.113-2014,
 14 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) The executive board may, by
 16 an affirmative vote of a majority of its members, adopt reasonable rules
 17 on behalf of the state department to protect or to improve the public
 18 health in Indiana.
- 19 (b) The rules may concern but are not limited to the following:
 20 (1) Nuisances dangerous to public health.
 21 (2) The pollution of any water supply other than where
 22 jurisdiction is in the environmental rules board and department of
 23 environmental management.
 24 (3) The disposition of excremental and sewage matter.
 25 (4) The control of fly and mosquito breeding places. **pests and**
 26 **vectors.**
 27 (5) The detection, reporting, prevention, and control of diseases
 28 that affect public health.
 29 (6) The care of maternity and infant cases and the conduct of
 30 maternity homes.
 31 (7) The production, distribution, and sale of human food.
 32 (8) Except as provided in section 4.4 of this chapter, the conduct
 33 of camps.
 34 (9) Standards of cleanliness of eating facilities for the public.
 35 (10) Standards of cleanliness of sanitary facilities offered for
 36 public use.
 37 (11) The handling, disposal, disinterment, and reburial of dead
 38 human bodies.
 39 (12) Vital statistics.
 40 (13) Sanitary conditions and facilities in public buildings and
 41 grounds, including plumbing, drainage, sewage disposal, water
 42 supply, lighting, heating, and ventilation, other than where



1 jurisdiction is vested by law in the fire prevention and building
2 safety commission or other state agency.

3 (14) The design, construction, and operation of swimming and
4 wading pools. However, the rules governing swimming and
5 wading pools do not apply to a pool maintained by an individual
6 for the sole use of the individual's household and house guests.

7 SECTION 5. IC 16-22-8-34, AS AMENDED BY P.L.134-2008,
8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2017]: Sec. 34. (a) The board or corporation may do all acts
10 necessary or reasonably incident to carrying out the purposes of this
11 chapter, including the following:

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

14 (2) To serve as the exclusive local board of health and local
15 department of health within the county with the powers and duties
16 conferred by law upon local boards of health and local
17 departments of health.

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

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

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

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

24 (D) To license, regulate, and establish minimum sanitary
25 standards for the operation of a business handling, producing,
26 processing, preparing, manufacturing, packing, storing,
27 selling, distributing, or transporting articles used for food,
28 drink, confectionery, or condiment in the interest of the public
29 health.

30 (E) To control

31 ~~(i) rodents, mosquitos, and other animals, including insects,~~
32 ~~capable of transmitting microorganisms and disease to~~
33 ~~humans and other animals; and~~

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

35 (F) To require persons to connect to available sewer systems
36 and to regulate the disposal of domestic or sanitary sewage by
37 private methods. However, the board and corporation have no
38 jurisdiction over publicly owned or financed sewer systems or
39 sanitation and disposal plants.

40 (G) To control rabies.

41 (H) For the sanitary regulation of water supplies for domestic
42 use.



- 1 (I) To protect, promote, or improve public health. For public
 2 health activities and to enforce public health laws, the state
 3 health data center described in IC 16-19-10 shall provide
 4 health data, medical information, and epidemiological
 5 information to the corporation.
 6 (J) To detect, report, prevent, and control disease affecting
 7 public health.
 8 (K) To investigate and diagnose health problems and health
 9 hazards.
 10 (L) To regulate the sanitary and structural conditions of
 11 residential and nonresidential buildings and unsafe premises.
 12 (M) To regulate the remediation of lead hazards.
 13 (N) To license and regulate the design, construction, and
 14 operation of public pools, spas, and beaches.
 15 (O) To regulate the storage, containment, handling, use, and
 16 disposal of hazardous materials.
 17 (P) To license and regulate tattoo and body piercing facilities.
 18 (Q) To regulate the storage and disposal of waste tires.
 19 (4) To manage the corporation's hospitals, medical facilities, and
 20 mental health facilities.
 21 (5) To furnish health and nursing services to elementary and
 22 secondary schools within the county.
 23 (6) To furnish medical care to insured and uninsured residents of
 24 the county.
 25 (7) To furnish dental services to the insured and uninsured
 26 residents of the county.
 27 (8) To establish public health programs.
 28 (9) To adopt an annual budget ordinance and levy taxes.
 29 (10) To incur indebtedness in the name of the corporation.
 30 (11) To organize the corporation into divisions.
 31 (12) To acquire and dispose of property.
 32 (13) To receive charitable contributions and gifts as provided in
 33 26 U.S.C. 170.
 34 (14) To make charitable contributions and gifts.
 35 (15) To establish a charitable foundation as provided in 26 U.S.C.
 36 501.
 37 (16) To receive and distribute federal, state, local, or private
 38 grants.
 39 (17) To receive and distribute grants from charitable foundations.
 40 (18) To establish corporations and enter into partnerships and
 41 joint ventures to carry out the purposes of the corporation. This
 42 subdivision does not authorize the merger of the corporation with



- 1 a hospital licensed under IC 16-21.
 2 (19) To erect, improve, remodel, or repair corporation buildings.
 3 (20) To determine operating procedures.
 4 (21) To do the following:
 5 (A) Adopt a schedule of reasonable charges for nonresidents
 6 of the county for medical and mental health services.
 7 (B) Collect the charges from the patient, the patient's insurance
 8 company, or a government program.
 9 (C) Require security for the payment of the charges.
 10 (22) To adopt a schedule of and to collect reasonable charges for
 11 medical and mental health services.
 12 (23) To enforce Indiana laws, administrative rules, ordinances,
 13 and the code of the health and hospital corporation of the county.
 14 (24) To purchase supplies, materials, and equipment.
 15 (25) To employ personnel and establish personnel policies.
 16 (26) To employ attorneys admitted to practice law in Indiana.
 17 (27) To acquire, erect, equip, and operate the corporation's
 18 hospitals, medical facilities, and mental health facilities.
 19 (28) To dispose of surplus property in accordance with a policy by
 20 the board.
 21 (29) To determine the duties of officers and division directors.
 22 (30) To fix the compensation of the officers and division
 23 directors.
 24 (31) To carry out the purposes and object of the corporation.
 25 (32) To obtain loans for hospital expenses in amounts and upon
 26 terms agreeable to the board. The board may secure the loans by
 27 pledging accounts receivable or other security in hospital funds.
 28 (33) To establish fees for licenses, services, and records. The
 29 corporation may accept payment by credit card for fees.
 30 IC 5-14-3-8(d) does not apply to fees established under this
 31 subdivision for certificates of birth, death, or stillbirth
 32 registration.
 33 (34) To use levied taxes or other funds to make intergovernmental
 34 transfers to the state to fund governmental health care programs,
 35 including Medicaid and Medicaid supplemental programs.
 36 (b) The board shall exercise the board's powers and duties in a
 37 manner consistent with Indiana law, administrative rules, and the code
 38 of the health and hospital corporation of the county.
 39 SECTION 6. IC 16-41-33 IS REPEALED [EFFECTIVE JULY 1,
 40 2017]. (Pest Control: Local and State Programs for Vector Abatement).
 41 SECTION 7. IC 35-52-16-75 IS REPEALED [EFFECTIVE JULY
 42 1, 2017]. ~~Sec. 75. IC 16-41-33-9 defines a crime concerning pest~~



1 control:



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1441, 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 5, line 11, delete "or a feral animal".

and when so amended that said bill do pass.

(Reference is to HB 1441 as introduced.)

KIRCHHOFER

Committee Vote: yeas 7, nays 0.

