

HOUSE BILL No. 1582

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-1.1-7.4; IC 5-11-10-1.6; IC 6-1.1-20-0.7; IC 8-1.5-3-4; IC 36-4-8-14; IC 36-5-4-12; IC 36-9-25.

Synopsis: Local government matters. Allows a political subdivision to provide for automatic enrollment of employees hired after June 30, 2019, in the political subdivision's deferred compensation plan, if the employee does not reject enrollment in the plan within a specified time period. Allows political subdivisions (except school corporations) that make a preliminary determination after June 30, 2019, as to whether a project is a controlled project to deduct from the project cost any funds segregated for use in the project that are in the political subdivision's capital improvement plan or other plan. (Current law applies only to political subdivisions other than school corporations in Hamilton County.) Allows a municipality to make deposits to a vendor or service provider to ensure the municipality's performance of a contract for the purchase of: (1) personal property having a cost of more than \$150,000; or (2) the services of a performer or performers that a municipality contracts with for performing at an entertainment, cultural, or recreational event or activity. Allows the board governing a: (1) municipal water or sewer provider; (2) municipal department of sanitation; or (3) sewage disposal plant service provider; to fix the time within which service charges become delinquent and service may be discontinued due to nonpayment of charges. (Currently these time periods are provided by statute.)

Effective: July 1, 2019.

Candelaria Reardon

January 17, 2019, read first time and referred to Committee on Local Government.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1582

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

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

1 SECTION 1. IC 5-10-1.1-7.4 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 7.4. (a) This section applies to a**
4 **political subdivision that:**
5 **(1) has a deferred compensation plan under section 7(b)(1) or**
6 **7(b)(2) of this chapter; and**
7 **(2) adopts this section by ordinance or resolution after June**
8 **30, 2019.**
9 **(b) This section applies to an individual who becomes an**
10 **employee of a political subdivision after the date the political**
11 **subdivision adopts the ordinance or resolution under subsection**
12 **(a).**
13 **(c) As used in this section, "plan administrator" means the**
14 **administrator of the deferred compensation plan of the political**
15 **subdivision.**
16 **(d) Unless an employee notifies the plan administrator that the**
17 **employee does not want to enroll in the deferred compensation**



1 **plan, on day thirty-one (31) of the employee's employment:**

2 **(1) the employee is automatically enrolled in the deferred**
3 **compensation plan; and**

4 **(2) the plan administrator is authorized to begin deductions**
5 **as otherwise allowed under this chapter.**

6 **(e) The plan administrator shall provide written notice to an**
7 **employee of the provisions of this chapter. The notice provided**
8 **under this subsection must:**

9 **(1) be provided:**

10 **(A) with the employee's first paycheck; and**

11 **(B) on paper that is a color that is separate and distinct**
12 **from the color of the employee's paycheck;**

13 **(2) contain a statement concerning:**

14 **(A) the purposes of;**

15 **(B) procedures for notifying the administrator that the**
16 **employee does not want to enroll in;**

17 **(C) the tax consequences of; and**

18 **(D) the details of any match for employee contribution to;**
19 **the deferred compensation plan; and**

20 **(3) list the telephone number, electronic mail address, and**
21 **other contact information for the plan administrator.**

22 **(f) The amount that the plan administrator may deduct from an**
23 **employee's compensation as a contribution to a deferred**
24 **compensation plan in which the employee is automatically enrolled**
25 **under this section shall be determined by the state or political**
26 **subdivision according to:**

27 **(1) the law applicable to; and**

28 **(2) the terms and conditions of;**

29 **the employee's deferred compensation plan.**

30 SECTION 2. IC 5-11-10-1.6, AS AMENDED BY P.L.121-2016,
31 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2019]: Sec. 1.6. (a) As used in this section, "governmental
33 entity" refers to any of the following:

34 (1) A municipality (as defined in IC 36-1-2-11).

35 (2) A school corporation (as defined in IC 36-1-2-17), including
36 a school extracurricular account.

37 (3) A county.

38 (4) A regional water or sewer district organized under IC 13-26
39 or under IC 13-3-2 (before its repeal).

40 (5) A municipally owned utility that is subject to IC 8-1.5-3 or
41 IC 8-1.5-4.

42 (6) A board of an airport authority under IC 8-22-3.



- 1 (7) A board of aviation commissioners under IC 8-22-2.
 2 (8) A conservancy district.
 3 (9) A public transportation corporation under IC 36-9-4.
 4 (10) A commuter transportation district under IC 8-5-15.
 5 (11) The state.
 6 (12) A solid waste management district established under
 7 IC 13-21 or IC 13-9.5 (before its repeal).
 8 (13) A levee authority established under IC 14-27-6.
 9 (14) A county building authority under IC 36-9-13.
 10 (15) A soil and water conservation district established under
 11 IC 14-32.
 12 (16) The northwestern Indiana regional planning commission
 13 established by IC 36-7-7.6-3.
- 14 (b) As used in this section, "claim" means a bill or an invoice
 15 submitted to a governmental entity for goods or services.
- 16 (c) The fiscal officer of a governmental entity may not draw a
 17 warrant or check for payment of a claim unless:
- 18 (1) there is a fully itemized invoice or bill for the claim;
 19 (2) the invoice or bill is approved by the officer or person
 20 receiving the goods and services;
 21 (3) the invoice or bill is filed with the governmental entity's fiscal
 22 officer;
 23 (4) the fiscal officer audits and certifies before payment that the
 24 invoice or bill is true and correct; and
 25 (5) payment of the claim is allowed by the governmental entity's
 26 legislative body or the board or official having jurisdiction over
 27 allowance of payment of the claim.
- 28 This subsection does not prohibit a school corporation, with prior
 29 approval of the board having jurisdiction over allowance of payment of
 30 the claim, from making payment in advance of receipt of services as
 31 allowed by guidelines developed under IC 20-20-13-10. This
 32 subsection does not prohibit a municipality from making meal expense
 33 advances to a municipal employee who will be traveling on official
 34 municipal business if the municipal fiscal body has adopted an
 35 ordinance allowing the advance payment, specifying the maximum
 36 amount that may be paid in advance, specifying the required invoices
 37 and other documentation that must be submitted by the municipal
 38 employee, and providing for reimbursement from the wages of the
 39 municipal employee if the municipal employee does not submit the
 40 required invoices and documentation.
- 41 (d) The fiscal officer of a governmental entity shall issue checks or
 42 warrants for claims by the governmental entity that meet all of the



1 requirements of this section. The fiscal officer does not incur personal
2 liability for disbursements:

- 3 (1) processed in accordance with this section; and
- 4 (2) for which funds are appropriated and available.

5 (e) The certification provided for in subsection (c)(4) must be on a
6 form prescribed by the state board of accounts.

7 **(f) This subsection applies only to a municipality (as defined in**
8 **IC 36-1-2-11). The fiscal officer of a municipality may pay a**
9 **deposit or series of deposits to a vendor or service provider to**
10 **ensure the municipality's performance of a contract for the**
11 **purchase of:**

- 12 (1) personal property at a cost of more than one hundred fifty
13 thousand dollars (\$150,000); or
- 14 (2) the services of a performer or group of performers to
15 perform at an entertainment, cultural, or recreational event
16 or activity of the municipality.

17 **Payments may be made in advance of approval of the board having**
18 **jurisdiction over the allowance of claims, if the municipality has**
19 **adopted an ordinance under IC 36-4-8-14 or IC 36-5-4-12.**

20 SECTION 3. IC 6-1.1-20-0.7, AS ADDED BY P.L.203-2015,
21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2019]: Sec. 0.7. (a) This section applies ~~only~~ to **the following:**

23 (1) A preliminary determination made after June 30, 2015, by a
24 political subdivision located in Hamilton County, other than a
25 school corporation, to issue bonds or enter into a lease.

26 (2) **A preliminary determination made after June 30, 2019, by**
27 **a political subdivision:**

- 28 (A) **located in a county other than Hamilton County; and**
- 29 (B) **other than a school corporation;**
- 30 **to issue bonds or enter into a lease.**

31 (b) In determining whether a project is a controlled project for
32 purposes of this chapter and whether the petition and remonstrance
33 process under sections 3.1 and 3.2 of this chapter or the referendum
34 process under sections 3.5 and 3.6 of this chapter apply to the project,
35 the cost of the project for purposes of this chapter does not include the
36 following:

- 37 (1) Any expenditures excluded under section 0.5 of this chapter
38 (expenditures for the project that will be paid from donations or
39 other gifts).
- 40 (2) Any expenditures that will be paid from money that has
41 accumulated or has been deposited by the political subdivision in
42 any fund of the political subdivision, if before the preliminary



1 determination is made the political subdivision segregates the
 2 money for use in the project as provided in a capital improvement
 3 plan, a capital development plan, or a similar plan adopted by the
 4 political subdivision.

5 (c) The proper officers of a political subdivision, other than a school
 6 corporation, must include in the resolution or ordinance making a
 7 preliminary determination to issue bonds or enter into a lease a
 8 determination of that part of the total project cost that will be paid from
 9 sources described in subsection (b)(1) or (b)(2). The proper officers of
 10 the political subdivision must make the determination concerning the
 11 part of the total project cost that will be financed by the bonds or lease
 12 at a public hearing after proper notice under IC 5-3-1.

13 SECTION 4. IC 8-1.5-3-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The board has
 15 general supervisory powers over the utilities under its control, with
 16 responsibility for the detailed supervision of each utility to be vested in
 17 its superintendent, who is responsible to the board for the business and
 18 technical operation of the utility. The board shall:

- 19 (1) fix the number and compensation of employees;
 20 (2) adopt rules governing the appointment of employees including
 21 making proper classifications and rules to:
 22 (A) determine the eligibility of applicants;
 23 (B) determine by competitive examination the relative fitness
 24 of applicants for positions;
 25 (C) establish eligible lists arranged according to the ratings
 26 secured;
 27 (D) provide for the appointment of those having the highest
 28 ratings; and
 29 (E) provide for the promotion of employees;
 30 (3) subject to IC 36-4-9-2, appoint a superintendent or manager
 31 of each utility under its control who is responsible to the board for
 32 the business and technical operation of the utility; the board shall
 33 make the appointment on the basis of fitness to manage the
 34 particular utility to which he is to be assigned, taking into account
 35 his executive ability and his knowledge of the utility industry;
 36 (4) subject to IC 36-4-9-12, hire attorneys when required for the
 37 operation of the utility;
 38 (5) hire professional or expert personnel when required for the
 39 operation of the utility;
 40 (6) submit a budget of its financial needs for the next year in the
 41 detail required by the municipal legislative body;
 42 (7) recommend to the legislative body reasonable and just rates



- 1 and charges for services to the patrons of each utility;
 2 (8) appropriate, lease, rent, purchase, and hold all real and
 3 personal property of the utility;
 4 (9) enter upon lands for the purpose of surveying or examining
 5 the land to determine the location of any plant or appurtenances;
 6 (10) award contracts for:
 7 (A) the purchase of capital equipment;
 8 (B) the construction of capital improvements; or
 9 (C) other property or purposes that are necessary for the full
 10 and efficient construction, management, and operation of each
 11 utility;
 12 (11) adopt rules for the safe, economical, and efficient
 13 management and protection of each utility;
 14 (12) deposit at least weekly with the municipal fiscal officer all
 15 money collected from each utility to be kept in a separate fund
 16 subject to the order of the board; and
 17 (13) make monthly reports to the fiscal officer of the receipts and
 18 disbursements of money belonging to each utility and an annual
 19 report of the condition of the utility.
 20 (b) The board may purchase by contract electricity, water, gas,
 21 power, or any other commodity or service for the purpose of furnishing
 22 the commodity or service to the patrons of the municipally owned
 23 utility or to the municipality itself.
 24 (c) If the board wants to purchase the commodity or service from a
 25 public utility and the parties cannot agree on a rate or charge to be paid
 26 for it, either party may apply to the commission or other appropriate
 27 state or federal regulatory agency to establish a fair and reasonable rate
 28 or charge to be paid for the commodity or service.
 29 (d) The board may discontinue water service by a waterworks to:
 30 (1) a water consumer; or
 31 (2) any property;
 32 upon failure by the water consumer or the property owner to pay
 33 charges legally due for sewer or sewage disposal plant service.
 34 However, the water service may not be discontinued for nonpayment
 35 of sewer or sewage disposal plant service charges until the charges
 36 have been due and unpaid for at least ~~thirty (30) days~~. **the time fixed**
 37 **by the board governing the sewer or sewage disposal plant service.**
 38 (e) Before water service is discontinued under subsection (d), the
 39 board must give written notice to the water consumer or property owner
 40 of its intention to discontinue water service if the unpaid sewer or
 41 sewage disposal plant service charges are not paid before a date
 42 specified in the notice. The notice must be mailed not less than ten (10)



1 days before water service is to be discontinued and addressed to the
2 water consumer or the property owner at his last known address.

3 SECTION 5. IC 36-4-8-14 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) A city
5 legislative body may adopt an ordinance allowing money to be
6 disbursed for lawful city purposes under this section.

7 (b) Notwithstanding IC 5-11-10, with the prior written approval of
8 the board having jurisdiction over the allowance of claims, the city
9 fiscal officer may make claim payments in advance of board allowance
10 for the following kinds of expenses if the city legislative body has
11 adopted an ordinance under subsection (a):

12 (1) Property or services purchased or leased from the United
13 States government, its agencies, or its political subdivisions.

14 (2) License or permit fees.

15 (3) Insurance premiums.

16 (4) Utility payments or utility connection charges.

17 (5) General grant programs where advance funding is not
18 prohibited and the contracting party posts sufficient security to
19 cover the amount advanced.

20 (6) Grants of state funds authorized by statute.

21 (7) Maintenance or service agreements.

22 (8) Leases or rental agreements.

23 (9) Bond or coupon payments.

24 (10) Payroll.

25 (11) State, federal, or county taxes.

26 (12) Expenses that must be paid because of emergency
27 circumstances.

28 (13) Expenses described in an ordinance.

29 **(14) Deposits for the purchase of goods or services under**
30 **IC 5-11-10-1.6(f).**

31 (c) Each payment of expenses under this section must be supported
32 by a fully itemized invoice or bill and certification by the fiscal officer.

33 (d) The city legislative body or the city board having jurisdiction
34 over the allowance of the claim shall review and allow the claim at its
35 next regular or special meeting following the preapproved payment of
36 the expense.

37 SECTION 6. IC 36-5-4-12 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The legislative
39 body of a town may adopt an ordinance allowing money to be
40 disbursed under this section for lawful town purposes.

41 (b) Notwithstanding IC 5-11-10, with the prior written approval of
42 the board having jurisdiction over allowance of the claim, a town fiscal



1 officer may make claim payments in advance of a board allowance for
 2 the following types of expenses if the town legislative body has
 3 adopted an ordinance under subsection (a):

- 4 (1) Property or services purchased or leased from:
 5 (A) the United States government; or
 6 (B) an agency or a political subdivision of the United States
 7 government.
 8 (2) License fees or permit fees.
 9 (3) Insurance premiums.
 10 (4) Utility payments or utility connection charges.
 11 (5) Federal grant programs if:
 12 (A) advance funding is not prohibited; and
 13 (B) the contracting party provides sufficient security for the
 14 amount advanced.
 15 (6) Grants of state funds authorized by statute.
 16 (7) Maintenance agreements or service agreements.
 17 (8) Lease agreements or rental agreements.
 18 (9) Principal and interest payments on bonds.
 19 (10) Payroll.
 20 (11) State, federal, or county taxes.
 21 (12) Expenses that must be paid because of emergency
 22 circumstances.
 23 (13) Expenses described in an ordinance.
 24 **(14) Deposits for the purchase of goods or services under**
 25 **IC 5-11-10-1.6(f).**

26 (c) Each payment of expenses under this section must be supported
 27 by a fully itemized invoice or bill and certification by the fiscal officer.

28 (d) The town legislative body or the board having jurisdiction over
 29 the allowance of the claim shall review and allow the claim at the
 30 body's or board's next regular or special meeting following the
 31 preapproved payment of the expense.

32 SECTION 7. IC 36-9-25-11, AS AMENDED BY P.L.196-2014,
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 11. (a) In connection with its duties, the board
 35 may fix fees for the treatment and disposal of sewage and other waste
 36 discharged into the sewerage system, collect the fees, and establish and
 37 enforce rules governing the furnishing of and payment for sewage
 38 treatment and disposal service. The fees must be just and equitable and
 39 shall be paid by any user of the sewage works and, except as otherwise
 40 provided in an ordinance provision described in subsection (l), the
 41 owner of every lot, parcel of real property, or building that is connected
 42 with and uses the sewage works of the district by or through any part



1 of the sewerage system. This section applies to owners of property that
 2 is partially or wholly exempt from taxation, as well as owners of
 3 property subject to full taxation.

4 (b) The board may change fees from time to time. The fees, together
 5 with the taxes levied under this chapter, must at all times be sufficient
 6 to produce revenues sufficient to pay operation, maintenance, and
 7 administrative expenses, to pay the principal and interest on bonds as
 8 they become due and payable, and to provide money for the revolving
 9 fund authorized by this chapter.

10 (c) Fees may not be established until a public hearing has been held
 11 at which all the users of the sewage works and owners of property
 12 served or to be served by the works, including interested parties, have
 13 had an opportunity to be heard concerning the proposed fees. After
 14 introduction of the resolution fixing fees, and before they are finally
 15 adopted, notice of the hearing setting forth the proposed schedule of
 16 fees shall be given by publication in accordance with IC 5-3-1. After
 17 the hearing the resolution establishing fees, either as originally
 18 introduced or as amended, shall be passed and put into effect.
 19 However, fees related to property that is subject to full taxation do not
 20 take effect until they have been approved by ordinance of the municipal
 21 legislative body or, in the case of a district described in section 3(b)(2)
 22 of this chapter, under section 11.3 of this chapter.

23 (d) A copy of the schedule of the fees shall be kept on file in the
 24 office of the board and must be open to inspection by all interested
 25 parties. The fees established for any class of users or property served
 26 shall be extended to cover any additional premises thereafter served
 27 that fall within the same class, without the necessity of hearing or
 28 notice.

29 (e) A change of fees may be made in the same manner as fees were
 30 originally established. However, if a change is made substantially pro
 31 rata for all classes of service, hearing or notice is not required, but
 32 approval of the change by ordinance of the municipal legislative body
 33 is required, and, in the case of a district described in section 3(b)(2) of
 34 this chapter, approval under section 11.3 of this chapter is required.

35 (f) If a fee established is not paid within ~~thirty (30) days after it is~~
 36 ~~due~~, **the time fixed by the board**, the board may recover, in a civil
 37 action in the name of the municipality, the amount, together with a
 38 penalty of ten percent (10%) and a reasonable attorney's fee from:

- 39 (1) the delinquent user; or
 40 (2) the owner of the property;

41 subject to any ordinance described in subsection (l).

42 (g) Except as otherwise provided in subsection (h) or in an



1 ordinance provision described in subsection (l), fees assessed against
 2 real property under this section also constitute a lien against the
 3 property assessed. The lien attaches at the time of the filing of the
 4 notice of lien in the county recorder's office. The lien is superior to all
 5 other liens except tax liens, and shall be enforced and foreclosed in the
 6 same manner as is provided for liens under IC 36-9-23-33 and
 7 IC 36-9-23-34.

8 (h) A fee assessed against real property under this section
 9 constitutes a lien against the property assessed only when the fee is
 10 delinquent for no more than three (3) years from the day after the fee
 11 is due.

12 (i) In addition to the:

13 (1) penalties under subsections (f) and (g); or

14 (2) alternative penalty available under section 11.5 of this
 15 chapter;

16 a delinquent user may not discharge water into the public sewers and
 17 may have the property disconnected from the public sewers.

18 (j) The authority to establish a user fee under this section includes
 19 fees to recover the cost of construction of sewage works from industrial
 20 users as defined and required under federal statute or rule. Any
 21 industrial users' cost recovery fees may become a lien upon the real
 22 property and shall be collected in the manner provided by law. In
 23 addition, the imposition of the fees, the use of the amounts collected,
 24 and the criteria for the fees must be consistent with the regulations of
 25 the federal Environmental Protection Agency.

26 (k) The authority to establish a user fee under this section includes
 27 fees to recover the costs associated with providing financial assistance
 28 under section 42 of this chapter. A fee that is:

29 (1) established under this subsection or any other law; and

30 (2) used to provide financial assistance under section 42 of this
 31 chapter;

32 is considered just and equitable if the project for which the financial
 33 assistance is provided otherwise complies with the requirements of this
 34 chapter.

35 (l) For purposes of this subsection, "municipal legislative body"
 36 refers to the legislative body of each municipality in the district, in the
 37 case of a district described in section 3(b)(2) of this chapter. This
 38 subsection does not apply to a conservancy district established under
 39 IC 14-33 for the collection, treatment, and disposal of sewage and other
 40 liquid wastes. In an ordinance adopted under this chapter, the
 41 municipal legislative body may include one (1) or more of the
 42 following provisions with respect to property occupied by someone



- 1 other than the owner of the property:
- 2 (1) That fees for the services rendered by the sewerage system to
- 3 the property are payable by the person occupying the property. At
- 4 the option of the municipal legislative body, the ordinance may
- 5 include any:
- 6 (A) requirement for a deposit to ensure payment of the fees by
- 7 the person occupying the property; or
- 8 (B) other requirement to ensure the creditworthiness of the
- 9 person occupying the property as the account holder or
- 10 customer with respect to the property;
- 11 that the municipal legislative body may lawfully impose.
- 12 (2) That the fees for the services rendered by the sewerage system
- 13 to the property are payable by the person occupying the property
- 14 if one (1) of the following conditions is satisfied:
- 15 (A) Either the property owner or the person occupying the
- 16 property gives to the board written notice that indicates that
- 17 the person occupying the property is responsible for paying the
- 18 fees with respect to the property and requests that the account
- 19 or other customer or billing records maintained for the
- 20 property be in the name of the person occupying the property.
- 21 At the option of the municipal legislative body, the ordinance
- 22 may provide that a document that:
- 23 (i) is executed by the property owner and the person
- 24 occupying the property;
- 25 (ii) identifies the person occupying the property by name;
- 26 and
- 27 (iii) indicates that the person occupying the property is
- 28 responsible for paying the fees assessed by the board with
- 29 respect to the property;
- 30 serves as written notice for purposes of this clause.
- 31 (B) The account or other customer or billing records
- 32 maintained by the board for the property otherwise indicate
- 33 that:
- 34 (i) the property is occupied by someone other than the
- 35 owner; and
- 36 (ii) the person occupying the property is responsible for
- 37 paying the fees.
- 38 (C) The property owner or the person occupying the property
- 39 satisfies any other requirements or conditions that the
- 40 municipal legislative body includes in the ordinance.
- 41 (3) That fees assessed against the property for the services
- 42 rendered by the sewerage system to the property do not constitute



1 a lien against the property, notwithstanding subsection (g), and
 2 subject to any requirements or conditions set forth in the
 3 ordinance.

4 This subsection may not be construed to prohibit a municipal
 5 legislative body from including in an ordinance adopted under this
 6 chapter any other provision that the municipal legislative body
 7 considers appropriate.

8 SECTION 8. IC 36-9-25-11.2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11.2. If a fee
 10 established under section 11 of this chapter is not paid within ~~thirty~~
 11 ~~(30) days after it is due; the time fixed by the board,~~ a copy of any
 12 notice of delinquency sent to a delinquent user who is a tenant must be
 13 sent to the owner of the property occupied by the tenant at the latest
 14 address of the owner as shown on the property tax records of the county
 15 in which the property is located.

16 SECTION 9. IC 36-9-25-11.5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11.5. (a) As an
 18 alternative to the penalties provided in section 11 of this chapter, the
 19 board may require that the water utility providing water service to a
 20 delinquent user discontinue service until payment of all overdue user
 21 fees, together with any penalties provided in this section, are received
 22 by the municipality.

23 (b) If a fee established is not paid within ~~one (1) monthly billing~~
 24 ~~cycle after it is due; the time fixed by the board,~~ the board or its
 25 designee shall send notice to the delinquent user stating:

- 26 (1) the delinquent amount due, together with any penalty;
 27 (2) that water service may be disconnected if the user continues
 28 not to pay the delinquency and any penalty; and
 29 (3) the procedure for resolving disputed bills.

30 The municipality shall provide by ordinance a procedure for resolving
 31 disputed bills that includes an opportunity for a delinquent user to meet
 32 informally with designated personnel empowered to correct incorrect
 33 charges. Payment of a disputed bill and penalties by a user does not
 34 constitute a waiver of rights to subsequently claim and recover from the
 35 municipality sums improperly charged to the user.

36 (c) If the user fails to pay the delinquent amount or otherwise
 37 resolve the charges as specified in subsection (a), the board or its
 38 designee shall give written notice to the water utility serving the user
 39 to discontinue water service to the premises designated in the notice
 40 until notified otherwise. The notice must identify the delinquent sewer
 41 user in enough detail to enable the water utility to identify the water
 42 service connection that is to be terminated. Upon receipt of the notice,



1 the water utility shall disconnect water service to the user.
2 (d) Water service may not be shut off under this section if a local
3 board of health has found and certified to the municipality that the
4 termination of water service will endanger the health of the user and
5 others in the municipality.
6 (e) The water utility that discontinues water service in accordance
7 with an order from the board or its designee does not incur any liability
8 except to the extent of its own negligence or improper conduct.
9 (f) If the water utility does not discontinue service within ~~thirty (30)~~
10 **days the time fixed by the board** after receiving notice from the
11 municipality, the utility is liable for any user fees incurred ~~thirty (30)~~
12 ~~days~~ after receipt of notice to discontinue water service and that are not
13 collected from the user.

