

2010 GENERAL ASSEMBLY LEGISLATION

SENATE BILLS

SJR 1 Kenley **Citations Affected:** Article 10, Section 1 of the Constitution of the State of Indiana.

Circuit breakers and other property tax matters. Requires, for property taxes first due and payable in 2012 and thereafter, the general assembly to limit a taxpayer's property tax liability as follows: (1) A taxpayer's property tax liability on homestead property may not exceed 1% of the gross assessed value of the homestead property. (2) A taxpayer's property tax liability on other residential property may not exceed 2% of the gross assessed value of the other residential property. (3) A taxpayer's property tax liability on agricultural land may not exceed 2% of the gross assessed value of the property that is the basis for the determination of the agricultural land. (4) A taxpayer's property tax liability on other real property may not exceed 3% of the gross assessed value of the other real property. (5) A taxpayer's property tax liability on personal property may not exceed 3% of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within a particular taxing district. Specifies that property taxes imposed after being approved by the voters in a referendum shall not be considered for purposes of calculating the limits to property tax liability under these provisions. Provides that in the case of a county for which the general assembly determines in 2008 that limits to property tax liability are expected to reduce in 2010 the aggregate property tax revenue that would otherwise be collected by all units and school corporations in the county by at least 20%, the general assembly may provide that property taxes imposed in the county to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the limits to property tax. **Effective:** This proposed amendment must be agreed to by a second general assembly and ratified by a majority of the state's voters voting on the question to be effective.

SJR 2 Boots **Citations Affected:** Article 7 of the Constitution of the State of Indiana.

Prohibit certain mandates by courts. Provides that the supreme court, the court of appeals, a circuit court, or another court established by the general assembly may not issue a mandate, an order, or another writ requiring the state or a political subdivision of the state to expend money for the operation of any court of the state. This proposed amendment has not been previously agreed to by a general assembly. **Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

SJR 10 Young, Michael **Citations Affected:** Article 10 of the Constitution of the State of Indiana.

Property tax. Exempts homesteads from property taxation. This proposed amendment has not been previously agreed to by a general assembly. **Effective:** This proposed

amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

SB 4 Zakas **Citations Affected:** IC 6-1.1-4-4.3.
Homestead assessed value growth cap. Limits the annual increase in assessed value of a homestead to 5% unless: (1) ownership of the homestead changes during the year; or (2) the increase results from physical changes to the homestead. **Effective:** January 1, 2011.

SB 18 Holdman **Citations Affected:** IC 9-13-2; IC 9-21-8-58; IC 9-24-11-0.5.
Texting while driving. Provides that it is a Class C infraction if a person uses a telecommunications device to transmit a text message or electronic mail message while operating a moving motor vehicle. Repeals current definition of "telecommunications device". **Effective:** July 1, 2010.

SB 23 Hershman, Kenley, **Citations Affected:** IC 22-4.
Kruse, Charbonneau

Unemployment contribution rates. Delays from January 1, 2010, to January 1, 2011, changes in the taxable wage base and employer contribution rates for the unemployment compensation system. **Effective:** January 1, 2010 (retroactive).

SB 25 Nugent **Citations Affected:** IC 34-6-2; IC 34-28-7; IC 34-30-20.5.
Firearms in locked vehicles. Prohibits a person (which includes an individual, a corporation, and a governmental entity) from adopting or enforcing a policy or rule that prohibits or has the effect of prohibiting an individual from legally possessing a firearm that is locked in the individual's vehicle while the vehicle is in or on the person's property. Excepts possession of a firearm: (1) on school property, on property used by a school for a school function, or on a school bus; (2) on certain child care and shelter facility property; (3) on penal facility property; (4) in violation of federal law; and (5) on property belonging to an approved postsecondary educational institution. Provides that a person who, in compliance with the prohibition, does not adopt or enforce such a policy or rule is not liable for resulting injury or damage. Authorizes a civil action for damages, costs, attorney's fees, and injunctive relief to remedy a violation. Deletes an outdated reference. **Effective:** July 1, 2010.

SB 26 Head **Citations Affected:** IC 35-42-4-6.
Child solicitation. Makes child solicitation committed by a person at least 21 years of age against a child under 14 years of age a Class C felony if the person performs an overt act demonstrating an intent to physically meet the child. Enhances the penalty to a Class B felony if it is committed by means of a computer network, and to a Class A felony if it is committed by means of a computer network by a person who has a prior

taxing district. Specifies that property taxes imposed after being approved by the voters in a referendum shall not be considered for purposes of calculating the limits to property tax liability under these provisions. Provides that in the case of a county for which the general assembly determines in 2008 that limits to property tax liability are expected to reduce in 2010 the aggregate property tax revenue that would otherwise be collected by all units and school corporations in the county by at least 20%, the general assembly may provide that property taxes imposed in the county to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the limits to property tax. **Effective:** This proposed amendment must be agreed to by a second general assembly and ratified by a majority of the state's voters voting on the question to be effective.

HB 1002 Kersey

Citations Affected: IC 4-13-1-16.5;
IC 4-13.6-6-2.8; IC 5-16-1-7.5; IC 8-10-1-7.7;
IC 8-23-9-4.6; IC 36-1-12-5.5.

Indiana worker preference on public works projects. Provides that contracts for public works projects may not be awarded to a contractor that does not: (1) employ residents of Indiana as at least 80% of the employees working on the contract; and (2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least 80% of the employees working on the contract. Provides that if a contract is being paid for with federal funds and the requirement that 80% of the employees must be residents of Indiana causes the loss of the federal funds as determined by the federal agency providing the funds, the use of 80% residents is a goal and not a requirement. Applies this restriction to contracts entered into by the public works division of the department of administration, any state agency or commission entering into a public works contract, the commission governing the ports of Indiana, the department of transportation, and units of local government. Requires the commissioner of the department of administration to prepare an annual report for the public and the legislative council stating, for the contractors awarded public works contracts by the state and the subcontractors with which these contractors entered into subcontracts, the percentage of the contractors' and subcontractors' employees working on the public works contracts who are residents of Indiana. **Effective:** Upon passage.

HB 1004 Grubb, Pearson, Steuerwald **Citations Affected:** IC 6-1.1-4-4.3.

Assessed value of homesteads and farmland. Limits the annual increase in the gross assessed value of a homestead to 1% and of agricultural land to 2% unless the increase results from a factor that would have increased the assessed value even if neither an annual assessment adjustment nor a general reassessment applied.

Effective: January 1, 2011.