

aim Accelerate
Indiana
Municipalities

A photograph of the Indiana Statehouse building, featuring a prominent dome and a flag on top, set against a blue-tinted background. The building is surrounded by other city buildings and a street with cars and a sign for 'McCORMICK FRESH' is visible in the lower right.

STATEHOUSE REPORT 2018

Status Quo on Annexation and Success with Aim Initiatives

The 2018 regular legislative session wrapped up on midnight of March 14, however, it was quite an unusual night in comparison with most concluding days of session. For a mix of reasons, key pieces of legislation failed to pass due to the clock ticking down and time running out. A handful of bills were of such importance to Governor Holcomb that he called a special session for mid-May to bring legislators back for one more day to vote on legislation dealing with school safety, state tax reform changes needed to comply with the federal tax reform laws, governance of Muncie and Gary School Corporations and technical corrections.

The one-day special session was held on May 14 where the five critical bills passed in both chambers. The enrolled acts from the special session with municipal impact are found in the section of this report titled "Special Session."

Aim was quite successful during the regular session and quite frankly we were happy to see some bills die on the final day. A myriad of negative annexation bills were filed during the session, but they did not pass after intense lobbying by Aim and with the help of several key lawmakers. One provision which would have voided annexation remonstrance waivers if the waivers were 15 years old or older (an impairment of previously signed contracts) ended up in HB 1104. HB 1104, which mainly contained updates for the Department of Local Government Finance, was one that didn't pass in the final hours of session.

Each year, Aim seeks ideas from its members for needed changes in the Indiana Code. We prepare the language for a bill to be introduced and seek authors and sponsors to carry our "Aim Initiatives." Again this year, we had great success with our initiatives. These were common sense adjustments to the Indiana Code that we felt were not overly controversial. In House Enrolled Act (HEA) 1004, third class city mayors no longer have to consider political party affiliation when appointing park board members. HEA 1004 also allows greater flexibility in setting dates for police pension fund board meetings. HEA 1256 made a clarifying change in the redevelopment statute regarding titling property. Senate Enrolled Act (SEA) 269 provides that a regional sewer district must notify any affected municipality when it plans to expand its service territory. Finally, SEA 296 provides a tool for local governments to be able to provide pre-tax sale notice to potential purchasers of abandoned property that the property requires certain repairs.

After struggling through the road and street funding issue year after year and finally having success in 2017 with a comprehensive road funding bill that provides additional state funding, the next big funding issue we see on the horizon is with water and wastewater infrastructure. HEA 1267 calls for the establishment of a statewide water task force which is charged to develop an empirical decision making tool to prioritize projects. In addition, SEA 362 calls for additional water and wastewater utility oversight. Utilities must submit proof of capability to operate and manage the systems, development asset management plans when applying for loans from the State Revolving Fund, and have a cybersecurity plan in place prior to obtaining an Indiana Department of Environmental Management (IDEM) permit for a new or expanded plant.

In this Statehouse Report, you will find the collection of new laws that Aim has determined to have municipal importance or impact. Most of the laws go into effect on July 1. However, some laws have various effective dates including retroactivity. To view the legislation showing the effective dates, click on the link with the bill number and title. This will take you to information for that bill on the Indiana General Assembly's website, www.iga.in.gov. There, you can click on the "Latest Version" button to view the enrolled act. If you have questions about legislation and you need Aim's help, you can reach a member of the Aim legislative team by calling (317) 237-6200 or click on this link to view the staff directory: <https://aimindiana.org/our-purpose/leadership-and-staff/>.

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Top Twelve Bills with Municipal Impact

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** Denotes bill was an Aim Operational Priority bill or contained language initiated by Aim.*

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2018

Administration

[HEA 1002, PL 174 WORKFORCE FUNDING AND PROGRAMS](#)

Author: Huston, R-Fishers

Sponsor: Eckerty, R-Yorktown

- Requires an annual workforce related program review by the legislative services agency.
- Requires information on workforce related programs as part of the biennial budget report that is submitted to the governor and budget committee for preparation of the governor's proposed budget bill.
- Establishes the next level jobs employer training grant program.
- Revises eligibility criteria for applicants for high value workforce ready credit-bearing grants.
- Provides that if the demand for high value workforce ready credit-bearing grants exceeds the appropriation, the commission for higher education shall prioritize applicants who are classified as independent. Transforms Ivy Tech Community College's regional boards of trustees to campus boards of trustees.
- Adds provisions concerning the appointment, number, and terms of trustees serving on the state board of trustees of Ivy Tech.
- Provides that an emancipated student or the parent of a student enrolled in a career or technical course may voluntarily release information, on a form prescribed by the department of education, pertaining to the student's enrollment in the career and technical education course to potential employers that contact the school to recruit students with particular career and technical skills.
- Requires the state board of education, when establishing an apprenticeship as a graduation pathway requirement, to establish as an apprenticeship only an apprenticeship program registered under the federal National Apprenticeship Act or another federal apprenticeship program administered by the United States Department of Labor.
- Specifies that an individual who is enrolled as a part-time postsecondary student, regardless of whether a part-time student is qualified to receive an adult student grant, may participate in the employment aid readiness network (EARN) Indiana program.
- Requires at least 25% of the money appropriated by the general assembly for adult education or the work Indiana program to be used: (1) to reimburse an eligible provider for adult education that is provided to individuals who need education in basic skills or necessary to receive a high school diploma or an Indiana high school equivalency diploma; or (2) for adult education grants to employers.
- Provides that an employer is eligible for an adult education grant equal to the lesser of \$500 or the employer's out-of-pocket expenditures for each eligible employee who obtains a high school diploma or a high school equivalency diploma through a program organized or funded by the employer.
- Specifies criteria for an individual to be an eligible employee of an employer that is eligible for an adult education grant.
- Requires educational institutions offering programs subject to approval by the Indiana state board of nursing to obtain approval from the board for proprietary education.
- Exempts those educational institutions from obtaining accreditation as postsecondary proprietary educational institutions from the department of workforce development.
- Provides that until July 1, 2021, certain individuals with a bachelor's degree may serve as a nursing faculty member in an associate degree nursing program without yet having obtained a master's degree.
- Requires the office of the secretary of family and social services and the Indiana department of transportation to perform a coordinated study on leveraging money for transportation to workforce related programs.
- Urges the legislative council to assign to an appropriate interim study committee the question of whether the state should submit a combined state plan instead of a unified state plan to the

United States Department of Labor when the state submits a new Workforce Innovation and Opportunity Act plan.

- Makes conforming amendments.

HEA 1003, PL 130 STREAMLINING AGENCY REPORTING REQUIREMENTS

Author: Gutwein, R-Francesville

Sponsor: Bray, R-Martinsville

- Repeals the requirement that the office of management and budget (OMB) perform a cost benefit analysis of certain rules for the three year period following the rules' effective dates.
- Repeals a statute that allows: (1) state agencies to submit comments on proposed legislation to OMB; and (2) OMB to review, amend, and transmit the comments to the legislative services agency for posting on the general assembly's web site.
- Eliminates or consolidates various state agency reporting requirements.
- Repeals the following: (1) Pilot program for state registration of privately certified individuals. (2) Family support program. (3) The early education evaluation program. (4) The health needs assessment component of the state department of health's duty to conduct health planning. (5) Certain reporting requirements of the department of environmental management and the department of insurance.
- Makes conforming changes.

HEA 1004, PL 72 VARIOUS STATE AND LOCAL GOVERNMENT STREAMLINING MATTERS

Author: Siegrist, R-West Lafayette

Sponsor: Alting, R-Lafayette

Aim Comment: Leading into the 2018 session, Rep. Doug Gutwein and Rep. Sally Siegrist led an effort to identify unnecessary or duplicative reporting requirements and other inefficiencies that could easily be corrected at every level of local government. Aim participated in this process, and we were pleased to see three of our operational initiatives included in HEA 1004: 1) removing the requirement for mayors of 3rd class cities to make partisan appointments to the park board; 2) providing more flexibility for setting the date for police pension fund board meetings; and 3) requesting a study of the costs and benefits of publishing various legal notices. The latter began as an effort to remove the requirement for cities and towns to publish the annual report of receipts and expenditures (and let Gateway be sufficient), but that idea evolved into a wider study of other publication requirements as well. We hope to see the Legislative Council assign the topic to a study committee, to begin a comprehensive conversation about whether and how various notices should be published in newspapers.

HEA 1004 became a key component of the House Republican agenda and Aim was invited to participate at the Governor's ceremonial signing of the bill. We think this is a good example of how Aim's operational initiatives can lead to increased collaboration with legislative leadership and the Governor's office. Please keep the ideas coming for the 2019 session!

- Provides that the journals, the enrolled acts, the session laws, and the Indiana Code may be distributed in paper or electronic format.
- Requires that copies of the journals, the session laws, and the Indiana Code must be provided to public libraries located in Indiana that participate in the federal depository library program.
- Permits the clerk of the house of representatives and the secretary of the senate (with respect to the journals) and the legislative council (with respect to the session laws and the Indiana Code) to specify a list of other public officials who automatically receive copies of the journals, the session laws, and the Indiana Code.
- Permits the publication and circulation to circuit court clerks of the enrolled acts, as required by the

state constitution, to be performed electronically, and permits circuit court clerks to electronically acknowledge receipt of the enrolled acts directly to the legislative services agency.

- Permits the implementation of a system that would allow county clerks to send the acknowledgment electronically.
- Requires a meeting for receiving quotes must be open to the public. Provides that certain quotes shall be reported to the board during the public meeting at which the contract is considered.
- Specifies that an employee drug testing program must have been effective and applied at the time of the solicitation for bids for a public works project.
- Allows the board to keep on file a copy of the contractor's policy submitted in the current calendar year or previous two calendar years to satisfy the requirement for submitting a policy unless the policy has been revised.
- Specifies that the fire and building safety commission (commission) shall include citations to specific provisions of state law regarding the fire safety laws and the building laws that are the basis for a denial of an ordinance or other regulation of a political subdivision that is submitted for approval by the commission.
- Provides that a person may electronically file any document that is required to be filed as part of a lis pendens record. Repeals a provision requiring a circuit court clerk to provide to a court the names of all attorneys having business in that court.
- Makes changes concerning the role of a circuit court clerk regarding recovery of treatment and maintenance charges from the estate of a patient of a state institution or from a responsible party.
- Provides that: (1) the secretary and treasurer shall make a report of their trusts to the local board of the 1925 police pension fund (fund) before February 15; and (2) after the local board receives the report of the secretary and treasurer, the trustees of the local board shall be elected at the next meeting of the members of the police department.
- Removes a prohibition on political affiliation for members of a park board in a third class city.
- Urges the legislative council to assign to an appropriate interim study committee the subject of costs and benefits related to publication of certain reports.

[HEA 1023, PL 18 ANNEXATION REMONSTRANCE WAIVERS](#)

Author: Bacon, R-Chandler

Sponsor: Messmer, R-Jasper

Aim Comment: Although there were about half a dozen annexation bills introduced this session, HEA 1023 was the only annexation-related bill that passed during the regular session. This bill was introduced to address a specific local issue, and the stakeholders worked together to find a compromise that would not negatively impact that situation, or other municipalities. Whether to void old annexation remonstrance waivers was a hot topic this session, but HEA 1023 only provides that the Board of Works may waive the requirement that outside property owners must sign a remonstrance waiver before sewer services are extended outside municipal boundaries. If it is in the best interest of the municipality to obtain those waivers, the Board of Works can choose not to waive the requirement and thus not extend services unless the waivers are signed.

- Permits a municipal works board to waive the requirement in a sewage works contract that a property owner releases the property owner's right to remonstrate against pending or future annexations by the municipality of the area served by the sewage works.

[HEA 1035, PL 73 SHORT TERM RENTALS](#)

Author: Lehman, R-Berne
Sponsor: Messmer, R-Jasper

Aim Comment: HEA 1035 is the “Airbnb bill” that sets statewide parameters for the regulation for short term rentals. There was an attempt during the 2017 session to pass a similar bill, but that bill would have largely prohibited municipalities from regulating any short term rental. Over the summer, Aim worked with other stakeholders to find some middle ground that protects the property rights of homeowners while allowing municipalities to have flexibility to respond to any problems with short term rentals that may arise in particular communities. Aim believes the final version of HEA 1035 does represent this middle ground. Although municipalities may not wholesale prohibit short term rentals and preempts most regulation of owner-occupied homes, municipalities retain all planning and zoning options over non-owner occupied homes. Short term rental regulations adopted before January 1, 2018 are grandfathered in under HEA 1035.

- Provides the following with regard to short term rentals that are rented through a short term rental platform: (1) Provides that a short term rental of an owner’s primary residence is a permitted residential use under any applicable ordinance and may not be disallowed. (2) Provides that, in the case of residential property that is not the person’s primary residence, a local unit of government (local unit): (A) may require a special exception, special use, or zoning variance for the short term rental of the property; and (B) may not interpret and enforce zoning regulations for a special exception, special use, or zoning variance in a manner that is intended or has the effect of prohibiting or unreasonably restricting all short term rentals of the property. (3) Allows a local unit to regulate short term rental of residential property only for specified purposes. (4) Allows a local unit to require an owner to obtain one permit for each property of an owner, regardless of the number of dwelling units or detached accessory structures on the property that the owner offers as a short term rental. (5) Allows a local unit to charge a fee of not more than \$150 for an initial permit and for a permit issued after the revocation of a permit, but prohibits a unit from charging a fee for a permit renewal. (6) Allows a local unit to limit or prohibit short term rentals located within a conservancy district.
- Exempts ordinances adopted before January 1, 2018.
- Excludes property owners associations from the provisions of the bill.

[HEA 1036, PL 66 UNEMPLOYMENT INSURANCE](#)

Author: Leonard, R-Huntington
Sponsor: Boots, R-Crawfordsville

- Excludes worker’s compensation and occupational diseases compensation payments from the definition of “wages” for unemployment insurance purposes.
- Establishes a flat fee of \$12 as the employer’s collection fee for withholding amounts from an individual’s income to repay unemployment insurance benefit overpayments.
- Allows an individual to request a review by the commissioner of the department of workforce development or the commissioner’s designee of an adverse decision following an administrative hearing in which the individual contests the income withholding.

[HEA 1070, PL 74 AIRPORT BOARDS](#)

Author: Mayfield, R-Martinsville
Sponsor: Bray, R-Martinsville

- Provides that on July 1, 2018, the advisory member of the board of the Indianapolis Airport Authority representing Morgan County becomes a full voting member of the board.
- Increases from five members to six members the number of appointments made by the mayor of

Indianapolis to the board of the Indianapolis airport authority.

- Makes conforming changes.
- Makes the following changes with regard to the rotary fund of a board aviation commissioners (board): (1) Allows the rotary fund to be used for expenses incurred in operating a public fueling station (instead of only for fuel and oil purchases). (2) Allows the board to transfer funds throughout the fiscal year instead of only at the end of the fiscal year. (3) Specifies that an initial appropriation is made to fund the rotary fund and that additional appropriations to the fund are discretionary. (4) Requires the board to transfer any profits in the rotary fund at the end of the fiscal year to the aviation fund or a reserve or depreciation account for capital improvements and replacements, if the rotary fund balance (not including amounts transferred to the aviation fund or reserve or depreciation account during the fiscal year) exceeds 25% of the previous year's expenditure from the rotary fund. (Current law requires the board to transfer excess funds from the rotary fund to the aviation fund if the rotary fund balance exceeds 25% of the previous year's appropriation to the rotary fund.)

[HEA 1089, PL 138 ST. JOSEPH RIVER BASIN COMMISSION](#)

Author: Ober, R-Albion

Sponsor: Glick, R-LaGrange

- Amends the law concerning the St. Joseph River basin commission (commission).
- Provides that the commission includes the county surveyor of each participating county and a representative of each soil and water conservation district that includes territory in a county participating in the commission and territory in the river basin.
- Eliminates from the commission the member of a soil and water conservation district appointed by the governor.
- Repeals the commission's statutory quorum requirement.
- Authorizes a political subdivision in a participating county to enter into a cooperative agreement with the commission and at least one other legal entity to authorize the commission to develop a plan to improve water quality or mitigate flooding.
- Requires the commission to schedule a public meeting concerning such a plan in each participating county containing a political subdivision that entered into the cooperative agreement with the commission for the development of the plan.
- Requires the commission, at least 10 days before a meeting concerning a proposed plan, to post a copy of the plan on the Internet and publish a meeting notice containing certain information.
- Requires the commission, in developing a plan, to determine the best method and manner of improving water quality or mitigating flooding, in view of certain considerations.
- Requires that a plan be approved by the state before it is implemented.
- Authorizes the commission to: (1) develop plans and tools to mitigate flooding; (2) employ staff; (3) enter into contracts; (4) exercise the powers of a political subdivision specified in a cooperative agreement; (5) require that increased water runoff resulting from new construction be impounded on the construction site, but waive the impoundment requirement upon payment of a reasonable fee; (6) acquire conservation easements and acquire and remove improvements within the 100 year flood plains of the river basin; and (7) adopt rules restricting construction within the 100 year flood plains of the river basin.
- Provides that the commission, the commission's executive board, or employees or authorized representatives of the commission may enter land within the 100 year flood plain of any watercourse in the river basin to investigate suspected violations of the flood control laws.
- Requires written notice to an owner of the affected land 21 days before an entry on the land, and requires the commission to hold a hearing on the necessity of the entry if an owner of the affected land appeals to the commission.

HEA 1115, PL 29 LANDOWNER IMMUNITY FOR TRAIL ACCESS

Author: Hamilton, D-Indianapolis

Sponsor: Freeman, R-Indianapolis

- Specifies that with respect to the statute that restricts a landowner's liability for an injury to a person or property caused by an act or failure to act of another person using the landowner's premises for certain recreational purposes, those purposes include another person going on or through the premises for the purpose of accessing a trail, a greenway, a park, or another similar area used for recreational purposes.
- Makes a technical change to include in the statute that lists Indiana Code provisions that: (1) are outside the Indiana Code title concerning civil law and procedure; and (2) confer immunity; the statute that provides immunity to owners of land used by persons for hunting, fishing, or trapping.

HEA 1143, PL 77 PRIOR AUTHORIZATION FOR HEALTH CARE SERVICES

Author: Schaibley, R-Carmel

Sponsor: Brown, R-Fort Wayne

- Specifies requirements for prior authorization of health plan coverage and claim payment, including provisions requiring electronic transmission of prior authorization requests and responses or, in certain circumstances, use of a standard prior authorization form established by the department of insurance.

HB1245, PL 182 OCCUPATIONAL LICENSING

Author: Devon, R-Granger

Sponsor: Boots, R-Crawfordsville

Aim Comment: As introduced, HEA 1245 would have prohibited municipalities from adopting any new ordinance that required individuals to receive a license, registration or certification from the municipality in order to legally practice their occupation in that community. (For example, some municipalities require plumbers and electricians to obtain a local license and pay a fee.)

Aim worked to narrow this pre-emption. As HEA 1245 passed, municipalities may not require licensure, registration or certification if an occupation is subject to a state-level licensing regime. However, municipalities retain the ability to regulate and license occupations in their communities for public health and safety purposes. Language was also added to make clear that this legislation does not impact building permits.

The local licensing preemption bills we have been seeing in Indiana for the last couple of years are often based on model legislation being introduced in state legislatures across the country. We can likely expect these efforts to continue. The Indiana Professional Licensing Agency, in consultation with the Indiana Economic Development Corporation's Small Business Ombudsman, is also charged with developing by November 1, 2018, a report with recommendations for proposed policies and parameters for local regulation of occupations and professions.

- Provides that the state and a local governmental unit (unit) shall explicitly list the crimes that will disqualify an individual from receiving an occupational license.
- Provides that the use of an individual's conviction of a crime as a disqualifying criminal conviction is limited to a crime that specifically and directly relates to the duties and responsibilities of the occupation for which the individual is applying for or holds a license.
- Provides that the period of disqualification may not exceed five years unless the individual: (1) was convicted of a crime of violence or an offense relating to a criminal sexual act; or (2) is convicted

of a second or subsequent crime during the disqualification period.

- Provides that an individual having a criminal conviction may at any time petition the board or unit requiring a license for a determination as to whether the individual's criminal conviction will disqualify the individual from receiving that license.
- Specifies the notice requirements for network health care providers that make referrals via telephone to out-of-network health care providers.
- Requires the professional licensing agency to consult with the small business ombudsman, the office of management and budget, and representatives of local units to develop and submit by November 1, 2018, a report to the legislative council concerning proposed policies and parameters for the licensing of occupations and professions by local units in order to reduce or eliminate redundant licensing by the state and multiple local units.
- Provides that a unit does not have the power to license, register, or certify a person to practice the person's profession or occupation within the unit if the occupation or profession is subject to licensure, registration, or certification under the Indiana Code.
- Provides that this prohibition does not apply: (1) to registration for particular projects for the alteration, construction, demolition, or repair of a building or other work on real property required under an ordinance or rule adopted under local government law; (2) to the ability to revoke, suspend, or impose additional conditions on a permit or registration previously given if the person holding the permit or registered has performed substandard work or has otherwise violated any condition of the permit or registration; or (3) when the unit determines the establishment and enforcement of health and safety standards for the occupation or profession is appropriate and necessary to protect the public.
- Makes a technical correction.

[HEA 1253, PL 116 VOTER LIST MAINTENANCE](#)

Author: Richardson, R-Noblesville

Sponsor: Walker, R-Columbus

- Adds a requirement that the circuit court clerk permanently retain the minutes of all meetings of the county election board.
- Requires the county voter registration office to scan a paper document that creates, amends, or cancels an individual's voter registration record and attach the scanned image to the voter's file in the computerized list.
- Codifies current administrative procedures ("confidence factors") used by the Indiana election division to determine which potentially duplicate voter registration records to provide to county voter registration offices to assist the county in determining whether a voter of the county has registered more recently in another state.
- Requires the county voter registration office to retain a voter's paper registration records associated with the address at which the voter is registered to vote until all of the following are satisfied: (1) The voter's registration at the address stated in the voter's registration application has been cancelled. (2) The general election immediately following the cancellation of the voter's registration has occurred. (3) Twenty-four months have elapsed following the general election.

[HEA 1257, PL 37 STATE USE PROGRAM](#)

Author: Heaton, R-Terre Haute

Sponsor: Becker, R-Evansville

- Changes references of "person with a severe disability" to "individual with a disability" in the public purchasing laws and the laws concerning the committee for the purchase of products and services of individuals with a disability (committee).

- Defines “individual with a disability.”
- Amends the definition of “qualified agency.”
- Provides that a governmental body’s purchasing agent must determine if a product or service is within 10% of the fair market price.
- Adds a nonvoting member to the committee who represents a central coordinating agency.
- Amends the requirements for a state use products and services catalog.
- Requires the committee to contract with a central coordinating agency.

HEA 1309, PL 197 SEXUAL HARASSMENT PREVENTION POLICIES

Author: Engleman, R-Georgetown

Sponsor: Buck, R-Kokomo

- Requires sexual harassment prevention instruction to be provided annually to members of the general assembly.
- Requires the personnel subcommittee of the legislative council (subcommittee) to prepare and submit recommended sexual harassment prevention policies governing legislators to the legislative council.
- Requires the legislative council to approve sexual harassment policies not later than November 20, 2018.
- Provides that four additional members of the general assembly shall be appointed to serve on the subcommittee for the sole purpose of participating in the preparation of recommended sexual harassment prevention policies.
- Provides that the terms of the additional members expire on November 21, 2018.

HEA 1314, PL 186 STUDENTS IN FOSTER CARE AND HOMELESS STUDENTS

Author: Devon, R-Granger

Sponsor: Zay, R-Huntington

- Requires the state board of education to, in collaboration with the department of education (department) and the department of child services, annually prepare and submit the following: (1) A report on foster care youth educational outcomes. (2) A report on homeless youth educational outcomes. Requires the department to develop and submit a copy of the following: (1) A remediation plan concerning foster care youth. (2) A remediation plan concerning homeless youth.
- Requires certain information regarding students in foster care to be included in a school corporation’s annual performance report.
- Requires the department and the department of child services to enter into a memorandum of understanding that, at a minimum, requires the department of child services to share with the department, at least one time each month, disaggregated information regarding youth in foster care that is sufficient to allow the department to identify students in foster care.
- Repeals, for purposes of provisions concerning the transportation of a homeless student to a school of origin, a provision that provides “homeless student” includes a student who is awaiting placement in foster care.

HEA 1320, PL 187 DISPOSITION OF TAX SALE SURPLUS

Author: Slager, R-Schererville

Sponsor: Niemeyer, R-Lowell

- Amends the definition of “substantial property interest of public record” for purposes of the tax sale statutes to specify that: (1) the term means title to or interest in a tract that is within the tract’s chain of record title and either recorded or properly indexed in the county in which the tract is located; and (2) chain of record title includes instruments executed by the owner and recorded within the five day period before the date the owner acquires title to the tract.
- Eliminates the requirement that a person that redeems property sold in a tax sale must pay an amount equal to the amount deposited in the tax surplus fund at the time of the tax sale.
- Continues current law requiring the redeeming party to pay 5% interest on that money.
- Requires that a conveyance recorded after June 30, 2007, must include a statement specifying the mailing address for tax statement purposes and the mailing address of the grantee.
- Requires that the mailing address of the grantee be a street address or a rural route address.

SEA 165, PL 10 TOWNSHIP BOARD TERMS OF OFFICE

Author: Crane, R-Avon

Sponsor: Thompson, R-Lizton

- Provides for the staggering of the terms of the members of township boards (other than township boards in Marion County) beginning with the 2022 general election.
- Establishes a process for filling vacancies and resolving ties for township board offices being elected during an election at which staggered terms are implemented.

SB182, PL 11 COUNTY BUILDING AUTHORITIES

Author: Grooms, R-Jeffersonville

Sponsor: Engleman, R-Georgetown

- Authorizes the municipal county seat of a county building authority to withdraw its membership from the building authority.
- Provides that in the case of a withdrawal, the county fiscal body appoints the trustee formerly appointed by the municipal fiscal body, and the county executive appoints the trustee formerly appointed by the municipal executive.
- Provides that if the building authority has any bonds or other obligations outstanding, a municipality may not withdraw from the building authority if the withdrawal will impair the ability of the building authority to pay the bonds or other obligations.

SB 184, PL 12 MAXIMUM NUMBER OF FOSTER CHILDREN

Author: Zay, R-Huntington

Sponsor: Sullivan, R-Evansville

- Increases from five to six the number of children who may be supervised in a foster family home.

SB 197, PL 159 VARIOUS PROPERTY ISSUES

Author: Doriot, R-Syracuse

Sponsor: Ober, R-Albion

- Amends the statute concerning the Indiana coordinate system for describing real property to provide that coordinates based on specified coordinate systems and used to define the position of a point on a land boundary may not be presented to be recorded unless the recording document also contains: (1) the method used to relate the coordinates to the National Spatial Reference System; and (2) the name and zone of the coordinate system.
- Eliminates other reporting and certification requirements with respect to such recordings.
- Provides that if any coordinates (not specifically coordinates based on the Indiana coordinate system, as provided in current law) are used to describe a tract of land that is also described by a reference to the United States public land surveys: (1) the description by coordinates shall be construed as supplemental; and (2) in the event of a conflict, the description by reference to the United States public land surveys prevails over the description by coordinates.
- Provides that the statute does not require a purchaser or mortgagee of real estate to rely on a description, any part of which depends exclusively upon the Indiana coordinate system, unless the same description was previously used in a document conveying title to the real estate.
- Amends the Indiana Code provision concerning the establishment of property lines by means of a legal survey to: (1) eliminate the exception to the required notice when all adjoining landowners consent in writing; and (2) specify that the lines established are binding on all affected landowners.
- Defines "original survey." Defines "retracement survey."
- Provides that, other than for descriptions of lots in new subdivisions, any new or modified real property description prepared by a professional surveyor as a product of an original survey or a retracement survey must include a caption that identifies: (1) the name and registration number of the professional surveyor preparing the description; and (2) the plat of survey produced as part of the original survey or retracement survey, including certain specified information.
- Repeals the section in the statute concerning the Indiana coordinate system that provides that the statute does not require a purchaser or mortgagee of real estate to rely on a description, any part of which depends exclusively upon the Indiana coordinate system.
- Makes conforming changes.

SB 290, PL 204 WORKER'S COMPENSATION

Author: Ford, R-Terre Haute

Sponsor: Lehman, R-Berne

- Establishes a time frame for the payment of compensation under a settlement agreement, a permanent partial impairment agreement, and an award of compensation ordered by a single hearing member of the worker's compensation board (board).
- Provides that an employer that fails to make a timely payment is subject to a civil penalty.
- Requires an employer that has mobile or remote employees to convey information about worker's compensation coverage to the employer's employees in an electronic format or in the same manner as the employer conveys other employment related information.
- Allows the electronic filing of certain documents with the board.
- Provides that a permanently, totally disabled worker must reapply to the second injury fund for a wage replacement benefit every three years instead of every 150 weeks.
- Requires the reporting of workplace injuries needing medical attention beyond first aid instead of injuries causing an absence from work for more than one day.
- Provides that reporting requirements for workplace injuries are intended to be consistent

with the recording requirements set out in the United States Occupational Safety and Health Administration's regulations.

- Changes from \$50 per employee to \$100 per day the civil penalty for an employer's failure to provide proof of worker's compensation coverage.
- Revises the definition of employer to include corporations, limited liability companies, limited liability partnerships, and other entities that have common control and ownership.
- Makes conforming amendments for occupational diseases compensation.
- Establishes the assigned risk plan (plan) administered by the worker's compensation rating bureau (bureau).
- Provides that the plan may be substantially modified or eliminated only as the general assembly provides by statute.
- Removes the requirement for representation in the management of the bureau by stock companies and nonstock companies.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying increases to the benefit schedules for worker's compensation and occupational diseases compensation.

[SB 296, PL 99 ORDER TO REPAIR TAX SALE PROPERTY](#)

Author: Raatz, R-Richmond

Sponsor: Negele, R-Attica

Aim Comment: SEA 296 was an Aim initiative to give municipalities another tool to deal with vacant and abandoned homes. Under current law, local governments have an avenue to have a property legally declared vacant or abandoned, after which the property may be sold at tax sale without the typical 120-day redemption period. This allows buyers to immediately begin making improvements without fear that the prior owner will step in and redeem the property. However, there is no way for potential buyers of these vacant/abandoned properties to know, prior to the tax sale, the extent of repairs that will be necessary to bring it back up to code after purchase. This can result in buyers taking gambles on properties, only to discover after the fact that the properties are not worth their investment, thus starting the vacant/abandoned cycle all over again.

SEA 296 lays out an optional process by which municipalities may attach an order for repair that would provide potential buyers with pre-tax sale notice of the necessary repairs that must be made after the property is purchased to bring it up to minimum safety standards. The hope is that a more informed buyer will have a clearer picture of the time, labor and expense required to fix the property up, resulting in a quicker turnaround of these problem properties in communities.

- Provides that an order for necessary repairs originally issued by an enforcement authority under the unsafe building law to the owner of a vacant or abandoned property that is later sold at a tax sale may subsequently be enforced against the successful bidder at the tax sale.
- Organizes several tax sale definitions.

[SB 372, PL 59 NOTARIAL ACTS](#)

Author: Holdman, R-Markle

Sponsor: Carbaugh, R-Fort Wayne

- Makes technical changes to standardize language concerning registration of trademarks and regulation related to notarial acts.

- Specifies requirements related to notarial acts, including use of electronic documentation and technology for electronic notarial acts.
- Requires the secretary of state to adopt rules related to electronic notarial acts and remote notarial acts.
- Specifies requirements for remote notarial acts, including: (1) registration of a remote notary public; (2) certification of and record keeping related to remote notarial acts; (3) use of audio visual communication and recording; (4) verification of credentials; and (5) maintenance of records.
- Makes conforming amendments.

SB 376, PL 70 UNCLAIMED PROPERTY

Author: Perfect, R-Lawrenceburg

Sponsor: Burton, R-Greenwood

- Provides, for purposes of the unclaimed property act, that a time deposit that is automatically renewable is considered matured upon the expiration of its initial period, unless: (1) the owner has consented to a renewal at the time of the account opening or at about the time of the renewal; and (2) the consent is in writing or is evidenced by the original account agreement or by any memorandum or other record on file with the holder of the account. (Current law does not specify that the owner's consent to renewal can occur at the time of the account opening or be evidenced by the original account agreement.)

SB 392, PL 171 LOCAL GOVERNMENT MATTERS

Author: Niemeyer, R-Lowell

Sponsor: Slager, R-Schererville

- Establishes a process to: (1) divide and transfer land that is owned by a county, city, or town; and (2) assess the value of land that a county, city, or town owns that the county, city, or town has divided and transferred to an adjacent property owner.
- Provides that, in a tax sale, a county executive may include any costs directly attributable to the county in the price for the sale of a certificate of sale.
- Amends the law exempting a county executive or a town legislative body from giving notice of a meeting if the meeting concerns routine administrative functions.
- Provides that if a public record is in an electronic format, a state or local government agency (excluding the office of the county recorder) shall provide an electronic copy or a paper copy of the public record, at the option of the person making the request for the public record.
- Prohibits, with certain exceptions, a state or local government agency from charging a fee for providing a public record by electronic mail.
- Makes conforming changes.

SB 419, PL 172 PROFESSIONAL AND OCCUPATIONAL LICENSES

Author: Doriot, R-Syracuse

Sponsor: Morris, R-Fort Wayne

Aim Comment: SEA 419 is one of the bills considered this session that, as introduced, would have largely preempted local governments from licensing and regulating occupations. The language that ultimately passed in SEA 419 is identical to the language in HEA 1245 that prohibits local units from imposing additional licensing requirements on state-regulated professions and occupations, with public health and safety exceptions. For more details and background context on this topic, please see HEA 1245 on Page 10.

- Provides that an agency or political subdivision may require verification of an individual's eligibility for a professional or occupational license, by requiring the individual to verify under penalty of perjury that the individual is: (1) authorized by the federal government to work in the United States; and (2) executing the verification only for the purpose of applying for a professional or occupational license issued by the state agency or political subdivision.
- Provides that an individual who is authorized by the federal government to work in the United States is eligible for a professional or occupational license issued by a state agency or political subdivision if the individual meets all the requirements, other than the requirement under 8 USC 1621(a), to obtain or renew the professional or occupational license.
- Provides that a unit does not have the power to license, register, or certify a person to practice the person's profession or occupation within the unit if the occupation or profession is subject to licensure, registration, or certification under the Indiana Code.
- Provides that this prohibition does not apply to: (1) registration for particular projects for the alteration, construction, demolition, or repair of a building or other work on real property required under an ordinance or rule adopted under local government law; (2) the ability to revoke, suspend, or impose additional conditions on a permit or registration previously given if the person holding the permit or registered has performed substandard work or has otherwise violated any condition of the permit or registration; or (3) when the unit determines the establishment and enforcement of health and safety standards for the occupation or profession is appropriate and necessary to protect the public.

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HB 1256, PL 183 VARIOUS LOCAL GOVERNMENT MATTERS

Author: Lyness, R-West Harrison

Sponsor: Perfect, R-Lawrenceburg

Aim Comment: This legislation was an Aim initiative to correct a statutory conflict in how properties are titled when they are acquired and sold by redevelopment commissions. This was a simple, noncontroversial bill to correct that existing conflict. As the bill passed the Senate, there was language amended in that impacted the residency requirements for a county redevelopment commission member, however, that language was removed at the request of the bill's author before the bill's passage. The titling conflict has been corrected.

- Provides that a county that sells a county hospital before January 1, 2017, may establish a charitable nonprofit foundation (foundation) to hold some or all of the proceeds of the sale of the county hospital in trust for the benefit of the county, by the council and the county executive adopting substantially similar ordinances to establish the foundation after June 30, 2018.
- Provides that the ordinances do not supersede or replace any previously adopted ordinance or agreement effectuating: (1) monetary disbursements; and (2) distributions from the previously executed asset purchase agreement to an Indiana nonprofit corporation.
- Provides the details for the operation of the foundation and use of the trust funds.
- Provides that another unit in the same county may enter into an interlocal agreement with the county council, the county executive, and the board to invest funds obtained by the unit from the sale of a capital asset into the foundation.
- Establishes requirements for the contents of the interlocal agreement.
- Provides that the department of local government finance (DLGF) may not reduce the actual or maximum permissible property tax levy of a unit that enters into an interlocal agreement on account of money transferred into or expended from the foundation.
- Permits the county to: (1) use money from the principal amount of the donation as a pledge of money to bonds, leases, or other obligations; and (2) pay bonds issued by the county.
- Specifies that the DLGF may not reduce a county's maximum or actual permissible property tax levy on account of money deposited into or expended from a foundation.
- Makes changes to certain statutes regarding redevelopment commissions.

HB 1278, PL 207 ECONOMIC IMPROVEMENT DISTRICTS

Author: Eberhart, R-Shelbyville

Sponsor: Holdman, R-Markle

- Provides that a petition to establish an economic improvement district (district) may be filed with the clerk (in the case of a municipality) or the county auditor (in the case of the county).
- Requires a person that intends to file a petition for the establishment of a district to first provide the clerk or county auditor with written notice of the person's intent before initiating the petition process.
- Provides that a petition for the establishment of a district may be filed with the clerk or county auditor not later than 120 days after the date on which the person filed the notice of intent.
- Requires the clerk or county auditor to retain the paper copy of a petition for not less than 90 days from the date the petition is filed.
- Provides that the clerk or county auditor shall publish notice of a hearing on the proposed district, mail a copy of the notice to each owner of real property within the district, and include the hearing date in the notice.
- Provides that the date of the hearing may not be more than 60 days after the date on which the notice is mailed.

- Increases the required percentage number of signatures needed on a petition from owners of real property within a proposed district.
- Specifies that the signature of a person whose property is: (1) owned by this state, or a state agency, or leased to a state agency and is exempt from property taxation; or (2) owned by a political subdivision of this state and is exempt from property taxation; may not be considered in determining whether the required number of signatures needed on a petition are met.
- Provides that the assessed valuation of property that is: (1) owned by this state, or a state agency, or leased to a state agency and is exempt from property taxation; or (2) owned by a political subdivision of this state and is exempt from property taxation; may not be considered in determining the total assessed valuation in the proposed district.
- Repeals the provision that allows the proposals contained in the petition to be amended or modified in the ordinance adopted to establish the district.
- Eliminates the provision that allows the board of a district (board) to increase a special assessment following a hearing on an owner's protest of the special assessment.
- Requires the board to either confirm or decrease the special assessment in its determination of the owner's protest.
- Provides that the legislative body of a unit (legislative body) may not pass an amending ordinance to increase the boundaries of a district.
- Requires the district (or the person that files the petition, if the proposed district is rejected) to, at the request of the unit, reimburse the unit for the reasonable expenses incurred by the unit to comply with the statutory requirements for the district.
- Provides that the legislative body may choose not to collect all or part of the reasonable expenses.

[HB 1288, PL 146 ECONOMIC DEVELOPMENT](#)

Author: Torr, R-Carmel

Sponsor: Raatz, R-Richmond

- Provides that, if the Indiana economic development corporation (IEDC) determines that a business, school corporation, or charter school (entity) that has received a grant award under the skills enhancement fund program is noncompliant with the terms of its grant agreement, the IEDC shall, after giving notice to the entity and an opportunity to explain the noncompliance, provide the entity with a written demand for return or repayment of an amount not to exceed the sum of all grants previously awarded to the entity.
- Provides that, if the entity fails to repay the IEDC, the IEDC may notify the department of state revenue (department) of the noncompliance and request that the department exercise its authority under the department's refund set off program to recover the sum of all grants previously awarded to the entity.
- Provides that the IEDC is authorized to participate in the refund set off program.
- Provides for the expiration of provisions in the enterprise zone statute relating to the functions of the IEDC, and authorizes similar functions to be performed by: (1) the urban enterprise association (U.E.A.) in the enterprise zone; and (2) the fiscal body of the municipality in which the enterprise zone is located.
- Provides for the expiration of the provision that requires a zone business to pay a registration fee to the IEDC.
- Eliminates the enterprise zone fund.
- Provides that any money remaining in the fund after its expiration shall revert to the economic development fund.
- Retains provisions in current law that require each zone business that receives an incentive to assist the U.E.A. in the enterprise zone in an amount determined by the legislative body of the

municipality (legislative body) in which the zone business is located.

- Provides that the legislative body may pass an ordinance disqualifying a zone business from eligibility for incentives if the zone business does not assist the U.E.A.
- Provides that the legislative body may, in certain circumstances, impose an additional fee that is equal to 1% of all the zone business's incentives.
- Authorizes the U.E.A. in an enterprise zone to do the following: (1) Adopt guidelines for the disqualification of a zone business. (2) Modify the boundaries of the enterprise zone.
- Provides that the board of the IEDC may not renew an enterprise zone during a phase out period after June 30, 2018.
- Provides that an enterprise zone that was not renewed under those provisions between January 1, 2017, and June 30, 2018, may be renewed for an additional five year period if the fiscal body of the municipality adopts a resolution to renew the enterprise zone for an additional five year period.
- Amends the definition of "lender" under the capital access program for the period beginning after June 30, 2018, and ending before July 1, 2021, to include: (1) a credit corporation; and (2) other specified entities that are approved as a lender by the IEDC in accordance with policy guidelines adopted by the board of the IEDC.
- Decreases the minimum premium charges payable to the reserve fund account for the capital access program from 1.5% to 1%.
- Repeals and replaces the definition of "disadvantaged business enterprise" used for purposes of determining the premium charges payable to a reserve fund account to incorporate the definition of "small disadvantaged business" under the federal regulation that applies to the United States Small Business Administration.
- Repeals the statute authorizing the department to carry out a centralized debt collection program for use by state agencies to collect delinquent amounts owed to state agencies.
- Makes conforming changes.

[HB 1382, PL 68 STUDY OF PHARMACY DESERTS](#)

Author: C. Brown, R-Gary

Sponsor: Ruckelshaus, R-Indianapolis

- Defines "pharmacy desert."
- Urges the legislative council to assign topics to a study committee concerning pharmacy deserts in rural and urban areas of Indiana.

[SB 1, PL 1 SUNDAY CARRYOUT SALES](#)

Author: Alting, R-Lafayette

Sponsor: Smaltz, R-Auburn

- Allows the following to sell alcoholic beverages for carryout on Sunday from noon until 8 p.m.: (1) A package liquor store, grocery store, convenience store, or drug store. (2) A restaurant that satisfies the requirements to sell carryout. (The introduced version of this bill was prepared by the alcohol code revision commission.)

[SB 190, PL 202 HEALTH FACILITY CERTIFICATE OF NEED](#)

Author: Mishler, R-Bremen

Sponsor: T. Brown, R-Crawfordsville

- Requires the office of the secretary of family and social services to cooperate with the state department of health (state department) in the provision of certain health facility information.
- Amends the expiration of statutes placing certain limitations on the licensure of comprehensive care health facilities and the licensure of comprehensive care beds to the date upon which certain administrative rules take effect.
- Establishes a comprehensive care health facility certificate of need program administered by the state department.
- Sets forth certificate of need application requirements and exemptions.
- Urges the interim study of whether unused or underused facilities at the Logansport State Hospital could feasibly be used as an inpatient treatment facility for Medicaid eligible substance and addictions based treatment.

[SB 296, PL 99 ORDER TO REPAIR TAX SALE PROPERTY](#)

Author: Raatz, R-Richmond

Sponsor: Negele, R-Attica

Aim Comment: SEA 296 was an Aim initiative to give municipalities another tool to deal with vacant and abandoned homes. Under current law, local governments have an avenue to have a property legally declared vacant or abandoned, after which the property may be sold at tax sale without the typical 120-day redemption period. This allows buyers to immediately begin making improvements without fear that the prior owner will step in and redeem the property. However, there is no way for potential buyers of these vacant/abandoned properties to know, prior to the tax sale, the extent of repairs that will be necessary to bring it back up to code after purchase. This can result in buyers taking gambles on properties, only to discover after the fact that the properties are not worth their investment, thus starting the vacant/abandoned cycle all over again.

SEA 296 lays out an optional process by which municipalities may attach an order for repair that would provide potential buyers with pre-tax sale notice of the necessary repairs that must be made after the property is purchased to bring it up to minimum safety standards. The hope is that a more informed buyer will have a clearer picture of the time, labor and expense required to fix the property up, resulting in a quicker turnaround of these problem properties in communities.

- Provides that an order for necessary repairs originally issued by an enforcement authority under the unsafe building law to the owner of a vacant or abandoned property that is later sold at a tax sale may subsequently be enforced against the successful bidder at the tax sale.
- Organizes several tax sale definitions.

[SB 297, PL 57 EMPLOYABILITY SKILLS CURRICULUM](#)

Author: Raatz, R-Richmond

Sponsor: Sullivan, R-Evansville

- Provides that the department of workforce development will establish standards that provide students with career and college planning resources under the Indiana career explorer program and standards. (Current law provides that the department of workforce development will

establish curriculum under the Indiana career explorer program and curriculum.)

- Provides that, not later than July 1, 2019, each school within a school corporation shall include interdisciplinary employability skills standards established by the department of education (department), in conjunction with the department of workforce development and approved by the state board of education, in the school's curriculum.
- Provides that, if the department determines that the pilot program for instruction in and use of the Indiana career explorer program and standards should be extended, the department, in consultation with the department of workforce development, must increase the number of schools involved in the pilot program by at least 15 additional schools, if possible based on the interest from schools.
- Provides that the state board of education, in consultation with the department and the department of workforce development, may approve an alternative Internet based system and standards (Current law provides that the department, in consultation with the department of workforce development may approve alternative Internet based system and standards.)
- Establishes the work ethic certificate program (program).
- Requires the department of workforce development to administer the program.

SB 353, PL 103 STUDY TOPICS

Author: Kruse, R-Auburn

Sponsor: Heine, R-New Haven

Aim Comment: SEA 353 urges the Legislative Council to assign to an interim study committee the topics of: 1) tax increment financing for housing; and 2) the establishment of a regional development tax credit. The latter is an idea the Indiana Economic Development Corporation (IEDC) and other regional economic development groups have been exploring to retire the state's legacy redevelopment programs (e.g. DINO, CRED, Enterprise Zones) and replace those programs with a new tax credit available to all communities to support redevelopment and quality of place investments. To promote regional planning and collaboration, communities that pursue projects in a regional development plan would be eligible to receive a greater award than projects that are only in a local development plan. Key legislators have expressed support for this concept, but there were too many unresolved questions to move forward without further in-depth study.

The language requesting a study of housing TIF was added in the House Ways and Means Committee. Current law allows for housing TIF areas (so the increment from residential property may be captured in these areas), but the statutory criteria is very restrictive and it is not a very accessible tool. Many communities around the state are struggling with a housing shortage, and making it more accessible could help spur residential development to address these shortages. Although this is positive news, this could set the stage for a larger conversation about TIF and the various purposes for which it may be used.

- Urges the legislative council to assign to an interim study committee the tasks of studying issues related to: (1) the establishment of a regional development tax credit; (2) inclusion of property assessed as residential in a property tax allocation area; and (3) certified technology parks.

SB 380, PL 169 IMPROVEMENTS IN HISTORIC DISTRICTS

Author: Messmer, R-Jasper

Sponsor: Bartels, R-Eckerly

- Provides that certain requirements for an alteration to a historic site or a historic structure do not apply to a construction project that is funded by the state and that involves the substantial alteration, demolition, or removal of a road or a sidewalk within the boundaries of

the property of a historic site or a historic structure.

- Requires a person who intends to perform a construction project on a road or a sidewalk within the boundaries of the property of a historic site or a historic structure to submit an application for a certificate of approval with the division of historic preservation and archeology (division) before the person may begin work on the proposed construction project.
- Requires the division to determine not later than 30 days after the date the person submits an application for a certificate of approval whether the proposed construction project will have an adverse impact on the historic site or the historic structure.
- Provides that if the division fails to issue a determination regarding the proposed construction project's impact on the historic site or the historic structure within 30 days after the date the person submits an application for a certificate of approval, the person may begin work on the construction project at the historic site or the historic structure.
- Provides that certain requirements for an alteration to a historic site or a historic structure do not apply to a construction project that is funded by the federal government.

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Courts

HB 1006, PL 65 BROADENING CRIMINAL JUSTICE TREATMENT OPTIONS

Author: Steuerwald, R-Danville

Sponsor: Young, R-Indianapolis

- Makes various changes to the criminal justice institute's annual report on the impact of criminal code reform on local units of government, the department of correction, and the office of judicial administration.
- Requires the report to be prepared in conjunction with the justice reinvestment advisory council (council).
- Adds probation departments, pretrial diversion programs, and jail treatment programs to programs that are eligible to apply for a state grant for community corrections.
- Replaces the Indiana judicial center with the office of judicial administration for purposes of: (1) submitting the community supervision collaboration plan; (2) approval of the commissioner of the department of correction providing additional financial aid to counties with a community supervision collaboration plan; and (3) duties with the council.
- Allows the division of mental health and addiction (division) to establish a pilot program, subject to available funding and on the recommendation of the council, to provide mental health and addiction forensic treatment services to individuals who are charged with a misdemeanor and meet certain eligibility criteria.
- Provides that if the pilot program is established, the division shall issue annual reports.
- Removes an expired provision.

HB 1033, PL 20 TREATMENT OF OUT-OF-STATE CONVICTIONS IN SENTENCING

Author: Washburne, R-Evansville

Sponsor: Koch, R-Bedford

- Provides that, for purposes of law regarding death sentences and sentences for felonies and habitual offenders, a Level 6 felony conviction includes a conviction in another jurisdiction for which the offender might have been imprisoned for more than one year but less than two and one-half years.

HB 1057, PL 24 PRETRIAL DIVERSION

Author: Steuerwald, R-Danville

Sponsor: Young, R-Indianapolis

- Provides that the initial user fee amount for a diversion agreement involving a misdemeanor is \$50.
- Provides that the initial user fee amount for a diversion agreement involving a felony is \$75.
- Allows a court to impose on a person an additional program fee or cost that is reasonably related to the person's rehabilitation.
- Prohibits a monthly user fee from being collected beyond the maximum length of a possible sentence.
- Makes conforming amendments.

[HB 1140, PL 75 INTERLOCAL AGREEMENTS](#)

Author: Miller, R-Elkhart

Sponsor: Head, R-Logansport

Aim Comment: HEA 1140 allows a county to enter into an interlocal agreement with a city or town court to handle ordinance violations on behalf of the county. This creates a good opportunity to lessen the caseload of circuit and superior courts, allowing counties to resolve ordinance violations more efficiently by utilizing municipal courts that may have better capacity to handle the cases.

- Allows a county to enter into an interlocal agreement with a municipality to use: (1) a municipal ordinance violations bureau; or (2) a city or town court; to dispose of county ordinance violations.

[HB 1228, PL 142 DATA CONCERNING YOUTH IN ADULT COURT](#)

Author: McNamara, R-Evansville

Sponsor: Head, R-Logansport

- Requires the criminal justice institute to: (1) track certain information concerning juveniles under the jurisdiction of an adult court due to a juvenile court not having jurisdiction; (2) track certain information concerning waivers of juvenile court jurisdiction; and (3) publish the information annually.

[HB 1250, PL 80 BATTERY OFFENSES](#)

Author: Negele, R-Attica

Sponsor: Koch, R-Bedford

- Adds the following offenses to the statutory definition of “crime of violence”: (1) Battery as a Level 2 felony. (2) Battery as a Level 3 felony. (3) Battery as a Level 4 felony. (4) Battery as a Level 5 felony.
- Adds a bailiff of any court and a special deputy to the definition of “public safety official” for purposes of the battery statute.
- Makes conforming amendments.

[HB 1270, PL 144 CRIMINAL LAW MATTERS](#)

Author: Siegrist, R-West Lafayette

Sponsor: Head, R-Logansport

- Changes the human and sexual trafficking statute by: (1) reclassifying the term “human and sexual trafficking” to “human trafficking”, which includes the offenses of labor and sexual trafficking; (2) creating separate offenses for labor and sexual trafficking and renaming certain crimes; (3) removing the element of force from forced labor, marriage, prostitution, and participating in sexual conduct; (4) removing involuntary servitude from the human trafficking statute; (5) removing from the sexual trafficking statute the element that a solicitor must know that a person is a human trafficking victim before committing the offense; and (6) adding elements to certain human and sexual trafficking offenses.
- Expands the rape shield statute to include victims of human trafficking and certain other offenses.
- Adds an element to the defense of prosecution under the offenses of sexual misconduct with a minor and promotion of sexual trafficking of a younger child.

- Prohibits certain defenses to a prosecution of making an unlawful proposition.
- Requires law enforcement to notify the department of child services of a possible child trafficking victim in certain sexual offenses.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying the topic of human trafficking in Indiana involving law enforcement, creation of programs, and review of the penalties for human trafficking crimes in the criminal code.
- Requires the commission on improving the status of children in Indiana to study the topic of what specific authority a law enforcement officer has in order to take custody of or detain a child in certain situations where the officer believes a child may be a victim of human trafficking and who is potentially a child in need of services.
- Provides a defense to the crime of maintaining a common nuisance if: (1) the charged offense involves less than a specified quantity of marijuana, hashish, hash oil, or salvia or involves paraphernalia; and (2) the person does not have a prior unrelated conviction for maintaining a common nuisance.
- Adds an exemption for the transfer or receipt of reasonable charges and fees for adoption services provided by an attorney licensed in Indiana from a profiting from an adoption offense.
- Makes conforming amendments.
- Makes a technical correction.

[HB 1328, PL 41 BAIL ISSUES](#)

Author: Porter, R-Indianapolis
Sponsor: Young, R-Indianapolis

- Provides that murder is not bailable if the state proves by a preponderance of the evidence that the proof is evident or the presumption strong.

[HB 1359, PL 198 DRUG DEALING RESULTING IN DEATH](#)

Author: Steuerwald, R-Danville
Sponsor: Young, R-Indianapolis

- Makes manufacturing or dealing certain controlled substances resulting in the death of a user: (1) a Level 1 felony if the controlled substance is cocaine, methamphetamine, or a schedule I, II, or III controlled substance; (2) a Level 2 felony if the controlled substance is a schedule IV controlled substance; and (3) a Level 3 felony if the controlled substance is a schedule V controlled substance or a synthetic drug or synthetic drug lookalike substance.
- Makes conforming amendments.

[SB 4, PL 2 DUTIES OF CORRECTIONS AND CRIMINAL CODE INTERIM STUDY COMMITTEE](#)

Author: Bray, R-Martinsville
Sponsor: Young, R-Franklin

- Provides that the interim study committee on corrections and criminal code shall review current trends with respect to criminal behavior, sentencing, incarceration, and treatment and may: (1) identify particular needs of the criminal justice system that can be addressed by legislation; and (2) prepare legislation to address the particular needs found by the committee. (The introduced version of this bill was prepared by the interim study committee on corrections and criminal code.)

SB 60, PL 44 OUT OF STATE SEX OR VIOLENT OFFENDERS

Author: Zakas, R-Elkhart

Sponsor: McNamara, R-Evansville

- Provides that a failure to register as a sex or violent offender for an offense originating from another jurisdiction is a Level 5 felony in certain instances.

SB 64, PL 45 SENTENCE MODIFICATION

Author: Young, R-Indianapolis

Sponsor: Washburne, R-Evansville

- Requires a court to advise a defendant, before accepting a guilty plea, that the court will be bound by terms of a plea agreement both at the time of sentencing and with respect to sentence modification.
- Provides that a court may not, without the consent of the prosecuting attorney, reduce the sentence of a person sentenced under a plea agreement if the reduction was not authorized by the plea agreement.
- Provides that the prohibition against including a waiver of the right to sentence modification in a plea agreement does not prohibit finding that a person has waived the right to have a court modify a sentence in a manner contrary to the plea agreement.

SB 74, PL 89 CONTROLLED SUBSTANCES

Author: Young, R-Indianapolis

Sponsor: Steuerwald, R-Danville

- Adds the substance Mxedrone to the definition of "synthetic drug" and adds additional controlled substances to the existing statutory list of depressants, hallucinogens, and opiates classified as schedule I.

SB 98, PL 46 SPECIALIZED DRIVING PRIVILEGES

Author: Young, R-Indianapolis

Sponsor: Young, R-Franklin

- Provides that an individual's specialized driving privileges expire at the time the suspension of the individual's driving privileges is terminated if: (1) the underlying conviction, charge, adjudication, or determination that forms the basis of the suspension is reversed, vacated, or dismissed; or (2) the individual is acquitted of, found not liable for, or otherwise found not to have committed the underlying act or offense that forms the basis of the suspension.
- Requires the court to inform the bureau of motor vehicles of a termination of a suspension and expiration of specialized driving privileges.

SB 99, PL 47 CIVIL FORFEITURE

Author: Bray, R-Martinsville

Sponsor: Steuerwald, R-Danville

- Requires the prosecuting attorney to file an affidavit of probable cause with a court not later than seven days after property is seized, and provides for the return of the property to the owner if the court does not find probable cause.
- Establishes a procedure for an owner of real property or of a vehicle (if the owner was not

operating the vehicle at the time of the seizure) to obtain provisional custody of the seized property pending a final forfeiture determination.

- Makes the time limit for filing a forfeiture action: (1) 21 days, if the owner has filed a written demand for return of the property; or (2) 90 days, if the owner has not filed a written demand for return of the property.
- Provides that an owner whose property is returned is not liable for the costs of storage, transportation, or maintenance.
- Specifies how the proceeds of a forfeiture action are to be distributed.
- Requires a prosecuting attorney to report certain information concerning forfeitures to the prosecuting attorneys council.
- Imposes certain requirements on the use and compensation of outside counsel in forfeiture actions, and prohibits a prosecuting attorney or deputy prosecuting attorney from receiving a contingency fee for a forfeiture action. (The introduced version of this bill was prepared by the interim study committee on courts and the judiciary.)

SB 126, PL 156 JUDGES AND MAGISTRATES

Author: Head, R-Logansport

Sponsor: Wolkins, R-Winona Lake

- Allows the judges of the Jefferson County circuit and superior courts to jointly appoint a magistrate to serve the Jefferson County courts.
- Adds a fourth judge to the superior court of Kosciusko County.
- Allows the judges of the Putnam circuit and superior courts to jointly appoint a magistrate to serve the Putnam County courts.
- Allows the judges of the Scott County circuit and superior courts to jointly appoint a magistrate to serve the Scott County courts.

SB 128, PL 119 CHANGE OF PLACEMENT OF A CHILD IN NEED OF SERVICES

Author: Head, R-Logansport

Sponsor: Sullivan, R-Evansville

- Requires that, before changing the out-of-home placement of a child who has been in the same out-of-home placement for at least one year, the department of child services (department) must file a motion requesting a change in placement and provide notice to the persons affected.
- Sets forth the procedures for the department to follow if the department determines the out-of-home placement of the child is placing the child's life or health in imminent danger.
- Requires the juvenile court to hold a hearing on the question if the person with whom the child is placed files a written objection to the motion.

SB 203, PL 203 CRIMES RESULTING IN THE LOSS OF A FETUS

Author: Freeman, R-Indianapolis

Sponsor: Speedy, R-Indianapolis

- Provides that the crimes of: (1) murder; (2) voluntary manslaughter; (3) involuntary manslaughter; and (4) feticide; may be committed against a fetus in any stage of development.
- Specifies that the offenses do not apply to a: (1) lawfully performed abortion; or (2) pregnant woman with respect to a fetus carried by the woman.

- Provides, with certain exceptions, that a person who commits a felony that causes the termination of a pregnancy may receive an additional sentence of six to 20 years.

SB 238, PL 161 OFFICE OF JUDICIAL ADMINISTRATION

Author: Bray, R-Martinsville

Sponsor: Steuerwald, R-Danville

- Changes all references to the division of state court administration and the judicial center to the office of judicial administration.
- Changes all references to the executive director of the division of state court administration and the judicial center to chief administrative officer of the office of judicial administration.
- Makes various changes to laws governing courts and court officers, including laws concerning evening court sessions, magistrate judges, senior judges, specialized driving privileges, the collection of certain clerk fees, the administration of the public defense fund, temporary guardianships, and judicial conference membership.
- Repeals the law describing the division of state court administration.
- Repeals the law setting forth the duties of the division of supreme court administration.
- Repeals the law requiring the judicial center to maintain a roster of in-state facilities to provide child services in a residential setting.
- Makes technical corrections.
- Makes conforming changes.

SB 402, PL 62 JUVENILE REPORTS

Author: Becker, R-Evansville

Sponsor: McNamara, R-Evansville

- Requires certain reports concerning juveniles be provided at least 48 hours before a hearing.

SB 404, PL 63 OPERATING WHILE INTOXICATED

Author: Koch, R-Bedford

Sponsor: Washburne, R-Evansville

- Removes the minimum age requirement for a person to be convicted of operating a vehicle while intoxicated causing death, and specifies that the defense to certain operating while intoxicated offenses involving the use of a controlled substance only applies if the defendant consumed the controlled substance in accordance with a valid prescription.

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**Criminal Code
Changes**

HB 1006, PL 65 BROADENING CRIMINAL JUSTICE TREATMENT OPTIONS

Author: Steuerwald, R-Danville

Sponsor: Young, R-Indianapolis

- Makes various changes to the criminal justice institute's annual report on the impact of criminal code reform on local units of government, the department of correction, and the office of judicial administration.
- Requires the report to be prepared in conjunction with the justice reinvestment advisory council (council).
- Adds probation departments, pretrial diversion programs, and jail treatment programs to programs that are eligible to apply for a state grant for community corrections.
- Replaces the Indiana judicial center with the office of judicial administration for purposes of: (1) submitting the community supervision collaboration plan; (2) approval of the commissioner of the department of correction providing additional financial aid to counties with a community supervision collaboration plan; and (3) duties with the council.
- Allows the division of mental health and addiction (division) to establish a pilot program, subject to available funding and on the recommendation of the council, to provide mental health and addiction forensic treatment services to individuals who are charged with a misdemeanor and meet certain eligibility criteria.
- Provides that if the pilot program is established, the division shall issue annual reports.
- Removes an expired provision.

HB 1033, PL 20 TREATMENT OF OUT-OF-STATE CONVICTIONS IN SENTENCING

Author: Washburne, R-Evansville

Sponsor: Koch, R-Bedford

- Provides that, for purposes of law regarding death sentences and sentences for felonies and habitual offenders, a Level 6 felony conviction includes a conviction in another jurisdiction for which the offender might have been imprisoned for more than one year but less than two and one-half years.

HB 1250, PL 80 BATTERY OFFENSES

Author: Negele, R-Attica

Sponsor: Koch, R-Bedford

- Adds the following offenses to the statutory definition of "crime of violence": (1) Battery as a Level 2 felony. (2) Battery as a Level 3 felony. (3) Battery as a Level 4 felony. (4) Battery as a Level 5 felony.
- Adds a bailiff of any court and a special deputy to the definition of "public safety official" for purposes of the battery statute.
- Makes conforming amendments.

HB 1270, 144 CRIMINAL LAW MATTERS

Author: Siegrist, R-West Lafayette

Sponsor: Head, R-Logansport

- Changes the human and sexual trafficking statute by: (1) reclassifying the term "human and sexual trafficking" to "human trafficking", which includes the offenses of labor and sexual trafficking;

(2) creating separate offenses for labor and sexual trafficking and renaming certain crimes; (3) removing the element of force from forced labor, marriage, prostitution, and participating in sexual conduct; (4) removing involuntary servitude from the human trafficking statute; (5) removing from the sexual trafficking statute the element that a solicitor must know that a person is a human trafficking victim before committing the offense; and (6) adding elements to certain human and sexual trafficking offenses.

- Expands the rape shield statute to include victims of human trafficking and certain other offenses.
- Adds an element to the defense of prosecution under the offenses of sexual misconduct with a minor and promotion of sexual trafficking of a younger child.
- Prohibits certain defenses to a prosecution of making an unlawful proposition.
- Requires law enforcement to notify the department of child services of a possible child trafficking victim in certain sexual offenses.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying the topic of human trafficking in Indiana involving law enforcement, creation of programs, and review of the penalties for human trafficking crimes in the criminal code.
- Requires the commission on improving the status of children in Indiana to study the topic of what specific authority a law enforcement officer has in order to take custody of or detain a child in certain situations where the officer believes a child may be a victim of human trafficking and who is potentially a child in need of services.
- Provides a defense to the crime of maintaining a common nuisance if: (1) the charged offense involves less than a specified quantity of marijuana, hashish, hash oil, or salvia or involves paraphernalia; and (2) the person does not have a prior unrelated conviction for maintaining a common nuisance.
- Adds an exemption for the transfer or receipt of reasonable charges and fees for adoption services provided by an attorney licensed in Indiana from a profiting from an adoption offense.
- Makes conforming amendments.
- Makes a technical correction.

[HB 1359, PL 198 DRUG DEALING RESULTING IN DEATH](#)

Author: Steuerwald, R-Danville

Sponsor: Young, R-Indianapolis

- Makes manufacturing or dealing certain controlled substances resulting in the death of a user: (1) a Level 1 felony if the controlled substance is cocaine, methamphetamine, or a schedule I, II, or III controlled substance; (2) a Level 2 felony if the controlled substance is a schedule IV controlled substance; and (3) a Level 3 felony if the controlled substance is a schedule V controlled substance or a synthetic drug or synthetic drug lookalike substance.
- Makes conforming amendments.

[SB 4, PL 2 DUTIES OF CORRECTIONS AND CRIMINAL CODE INTERIM STUDY COMMITTEE](#)

Author: Bray, R-Martinsville

Sponsor: Young, R-Franklin

Provides that the interim study committee on corrections and criminal code shall review current trends with respect to criminal behavior, sentencing, incarceration, and treatment and may: (1) identify particular needs of the criminal justice system that can be addressed by legislation; and (2) prepare legislation to address the particular needs found by the committee. (The introduced version of this bill was prepared by the interim study committee on corrections and criminal code.)

SB 60, PL 44 OUT OF STATE SEX OR VIOLENT OFFENDERS

Author: Zakas, R-Elkhart
Sponsor: McNamara, R-Evansville

- Provides that a failure to register as a sex or violent offender for an offense originating from another jurisdiction is a Level 5 felony in certain instances.

SB 74, PL 89 CONTROLLED SUBSTANCES

Author: Young, R-Indianapolis
Sponsor: Steuerwald, R-Danville

- Adds the substance Moxedrone to the definition of "synthetic drug" and adds additional controlled substances to the existing statutory list of depressants, hallucinogens, and opiates classified as schedule I.

SB 203, PL 203 CRIMES RESULTING IN THE LOSS OF A FETUS

Author: Freeman, R-Indianapolis
Sponsor: Speedy, R-Indianapolis

- Provides that the crimes of: (1) murder; (2) voluntary manslaughter; (3) involuntary manslaughter; and (4) feticide; may be committed against a fetus in any stage of development. Specifies that the offenses do not apply to a: (1) lawfully performed abortion; or (2) pregnant woman with respect to a fetus carried by the woman.
- Provides, with certain exceptions, that a person who commits a felony that causes the termination of a pregnancy may receive an additional sentence of six to 20 years.

SB 404, PL 63 OPERATING WHILE INTOXICATED

Author: Koch, R-Bedford
Sponsor: Washburne, R-Evansville

- Removes the minimum age requirement for a person to be convicted of operating a vehicle while intoxicated causing death, and specifies that the defense to certain operating while intoxicated offenses involving the use of a controlled substance only applies if the defendant consumed the controlled substance in accordance with a valid prescription.

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Environmental

HB 1089, PL 138 ST. JOSEPH RIVER BASIN COMMISSION

Author: Ober, R-Albion
Sponsor: Glick, R-LaGrange

- Amends the law concerning the St. Joseph River basin commission (commission).
- Provides that the commission includes the county surveyor of each participating county and a representative of each soil and water conservation district that includes territory in a county participating in the commission and territory in the river basin.
- Eliminates from the commission the member of a soil and water conservation district appointed by the governor.
- Repeals the commission's statutory quorum requirement.
- Authorizes a political subdivision in a participating county to enter into a cooperative agreement with the commission and at least one other legal entity to authorize the commission to develop a plan to improve water quality or mitigate flooding.
- Requires the commission to schedule a public meeting concerning such a plan in each participating county containing a political subdivision that entered into the cooperative agreement with the commission for the development of the plan.
- Requires the commission, at least 10 days before a meeting concerning a proposed plan, to post a copy of the plan on the Internet and publish a meeting notice containing certain information.
- Requires the commission, in developing a plan, to determine the best method and manner of improving water quality or mitigating flooding, in view of certain considerations.
- Requires that a plan be approved by the state before it is implemented.
- Authorizes the commission to: (1) develop plans and tools to mitigate flooding; (2) employ staff; (3) enter into contracts; (4) exercise the powers of a political subdivision specified in a cooperative agreement; (5) require that increased water runoff resulting from new construction be impounded on the construction site, but waive the impoundment requirement upon payment of a reasonable fee; (6) acquire conservation easements and acquire and remove improvements within the 100 year flood plains of the river basin; and (7) adopt rules restricting construction within the 100 year flood plains of the river basin.
- Provides that the commission, the commission's executive board, or employees or authorized representatives of the commission may enter land within the 100 year flood plain of any watercourse in the river basin to investigate suspected violations of the flood control laws.
- Requires written notice to an owner of the affected land 21 days before an entry on the land, and requires the commission to hold a hearing on the necessity of the entry if an owner of the affected land appeals to the commission.

HB 1155, PL 139 SUBDIVISION DRAIN REPAIR PILOT PROGRAM

Author: Burton, R-Greenwood
Sponsor: Bray, R-Martinsville

- Creates a pilot program for Indianapolis (excluding Lawrence, Speedway, Beech Grove, and Southport) and Johnson County (not including incorporated areas) regarding subdivision drain repairs.
- Authorizes the executive of a county or a consolidated city (unit) to enter into a contract with a subdivision homeowners association providing: (1) for the unit to repair subdivision drains located in the subdivision; and (2) for owners of property in the subdivision to pay assessments to fund the repairs; if a majority of the members of the homeowners association approve the contract.
- Provides that a contract between the unit and the homeowners association must be executed not later than June 30, 2021.

- Requires notice to or written consent of the owner of the property before an employee of the unit or contractor, or the county surveyor, may enter onto the property to perform repair work.
- Provides for the creation of a subdivision drain repair fund with a separate account for each participating subdivision into which the assessments paid by the owners of property in the subdivision are deposited.
- Requires the assessments imposed on a subdivision's homeowners to be set by the executive at an amount not greater than reasonably necessary to meet the cost of repairing the subdivision's drains and that the charge for a homeowner's assessment may appear on the homeowner's semiannual property tax statement.
- Provides that unpaid assessments may be collected in the manner in which other unpaid special assessments are collected.

[HB 1227, PL 141 NOXIOUS WEEDS AND PESTICIDE LAW FEES](#)

Author: Baird, R-Greencastle

Sponsor: Glick, R-LaGrange

- Provides that revenue from fees collected under the pesticide use and application law that remains after the payment of expenses incurred in the administration of the law must be paid to the treasurer of Purdue University and administered by the board of trustees of Purdue University.
- Specifies that waterhemp, marehail, Palmer amaranth, Powell amaranth, poison hemlock, rough pigweed, and smooth pigweed are noxious weeds for purposes of the weed control board law, which requires the weed control board to take all necessary and proper steps to control noxious weeds affecting agricultural production in Indiana.

[HB 1233, PL 181 ENVIRONMENTAL MANAGEMENT MATTERS](#)

Author: Wolkins, R-Winona Lake

Sponsor: Bassler, R-Washington

- Provides that the term "onsite sewage system" applies to systems that treat sewage from municipalities or publicly owned treatment works.
- Strikes an incorrect statutory reference in the section defining that term.
- Amends the air pollution control law to add a reference to the law establishing the procedure for environmental rule making.
- Authorizes the use of certain regulated combustion facilities to dispose of drugs confiscated or collected as evidence by law enforcement agencies.
- Provides for the renewal of the certificate of a wastewater treatment plant operator, water treatment plant operator, or water distribution system operator after three years (instead of two years).
- Authorizes the environmental rules board to establish: (1) continuing education requirements; and (2) dates by which fees must be paid and proof of compliance with continuing education requirements must be submitted; as a condition of certificate renewal for wastewater treatment plant operators, water treatment plant operators, and water distribution system operators.
- Provides that, after a solid waste management district (SWMD) is dissolved, an employee of the SWMD who is also a member of the county executive, county legislative body, or county fiscal body: (1) may continue to hold the employee's elected office; (2) is neither required to resign nor considered to have resigned as a county employee; and (3) may not cast a vote on any matter concerning solid waste management as a member of the county executive, legislative body, or fiscal body.

- Repeals a section providing that a countywide regional water, sewage, or solid waste district established in response to an agreed order must have one appointed trustee who resides in the area that was the subject of the investigation resulting in the agreed order and one appointed trustee who is an elected official representing a political subdivision that has territory in the district.
- Makes it a Class B misdemeanor: (1) to make a false material statement or representation in a form, notice, or report required under an air pollution control permit or water pollution control permit; (2) to tamper with or falsify data from an air or water pollution monitoring device; or (3) to make a false material statement or representation in a label, manifest, record, report, or other document required under a hazardous waste permit.
- Makes it a Class B misdemeanor to transport regulated used oil without a manifest. Makes it a Class C misdemeanor to knowingly violate certain air pollution control rules, permit conditions, or fee or filing requirements.
- Makes it a Class A misdemeanor to willfully or negligently violate certain water pollution control rules, permit conditions, or fee or filing requirements. Defines “negligently.”
- Provides for potential fines for environmental Class A misdemeanors and Class B misdemeanors in an amount exceeding the ordinary statutory limit on fines for Class A and Class B misdemeanors.
- Provides that certain violations of water pollution standards or limitations may be Class B or Class C misdemeanors.
- Provides that it is a felony for a person to knowingly commit any of certain offenses involving hazardous waste, air pollution, or water pollution if the person knows that the person’s act places another person in imminent danger of death or serious bodily injury.
- Requires the state department of health to adopt rules concerning: (1) the disposal of sewage through the use of onsite sewage systems for municipalities and publicly owned treatment works; and (2) sewage disposal in agricultural labor camps through methods other than septic tank absorption fields.
- Provides, for purposes of the statute defining the offense of criminal trespass as knowingly or intentionally entering real property after having been denied entry, that a property owner may “deny entry” to property by placing purple marks on trees or posts around the property.
- Urges the legislative council to assign an interim committee to study research and outreach efforts to reduce non-point source impacts on water quality conducted through government supported programs and by universities.

[SB 178, PL 51 TAKING OF SAND FROM BED OF LAKE MICHIGAN](#)

Author: Tallian, D-Portage

Sponsor: Pelath, D-Michigan City

- Provides that sand taken from the bed or from under the bed of Lake Michigan pursuant to a permit from the department of natural resources (DNR) may only be deposited on the beach of Lake Michigan and may not be removed to any other place or used for any other purpose.
- Provides, however, that: (1) if a permittee dredges not more than ten cubic yards of sand from the bed or from under the bed of Lake Michigan within a 30 day period, the permittee is not required to deposit the sand on the beach and may remove it to another place and use it for another purpose; and (2) instead of being deposited on the beach, dredged sand shall be disposed of in a manner consistent with the hazardous waste management law if the director of the DNR determines that the sand contains a toxic material or a substance that is potentially harmful to human health or to the environment.

SB 274, PL 166 UNDERGROUND STORAGE TANK PROGRAM ENFORCEMENT

Author: Bassler, R-Washington

Sponsor: Wolkins, R-Winona Lake

- Authorizes the commissioner of the department of environmental management (IDEM), after issuing an initial temporary order prohibiting the use of a particular underground storage tank, to reissue the temporary order prohibiting the use of the tank if the tank remains ineligible for delivery, deposit, or acceptance of a regulated substance when the initial order expires.
- Authorizes the commissioner of IDEM to require the closure of an underground storage tank that is subject to delivery prohibition if: (1) the owner or operator of the tank has failed to complete the corrective actions required by the commissioner in an earlier order; and (2) the tank has been the subject of one temporary order prohibiting the use of the underground storage tank and at least two consecutive actions by the commissioner reissuing the order prohibiting the use of the underground storage tank.

SB 386, PL 61 FINANCING OF FLOOD CONTROL IMPROVEMENTS

Author: Ruckleshaus, R-Indianapolis

Sponsor: Porter, R-Indianapolis

- Authorizes the Indianapolis metropolitan development commission (commission), following a written recommendation from the board of public works and approval of the legislative body, to adopt an ordinance designating an area as a flood control improvement district (district) to capture incremental property tax revenue within the district to be used for the construction, replacement, repair, maintenance, or improvement of flood control works.
- Provides that only special flood hazard property may be included within the boundaries of a district.
- Defines "special flood hazard property" as property that on January 1, 2018, is situated in a special flood hazard area as designated by the Federal Emergency Management Agency.
- Provides that a district may not include any property that is already included in a tax increment financing allocation area.
- Provides that, before making a recommendation to the commission to establish a district, a board of public works must: (1) establish the boundaries for the district; (2) identify the owners of each parcel of property in the district; (3) create a proposed plan for flood control works within the district; and (4) hold a public hearing on the proposed district.
- Provides that the fiscal officer of the county shall establish a flood control improvement fund (fund) for each district that is established within the county.
- Provides that the commission shall administer the fund.
- Provides that the incremental property tax revenue from a district shall be deposited in the fund and used only for providing flood control works within the boundaries of that district.
- Provides that the commission may issue bonds payable from the fund for the purpose of construction, replacement, repair, maintenance, or improvement of flood control works.
- Specifies the types of costs for flood control works that may be funded from a bond issue including reimbursement to the county for expenditures made from the county's storm water fund for flood control works prior to the bond issuance.
- Provides that, in lieu of issuing bonds, the fiscal body of the county may adopt an ordinance to authorize money in a fund of a district to be applied to reimburse debt service payments made on bonds for which revenue from the county's storm water fund is pledged, if the bonds for which the reimbursements are made were issued solely for the purpose of construction, replacement, repair, maintenance, or improvement of flood control works that are located within the district for which the fund was established.

- Allows the county to adopt an ordinance to continue distribution and allocation of property taxes after bond maturity, solely for the purpose of maintenance and repair of flood control works within the district for not more than 50 years.
- Requires a commission to make an annual report to the fiscal body of the county and submit a copy of the report to the department of local government finance.

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**Innovation and
Technology**

[HB 1050, PL 23 SMALL CELL WIRELESS STRUCTURES](#)

Author: Ober, R-Albion
Sponsor: Messmer, R-Jasper

Aim Comment: This bill was an anticipated follow up to the passage of SEA 213-2017 and the actions taken by nearly 100 municipalities and counties to designate areas under their jurisdiction as underground utility areas in an effort to utilize the protections granted by legislators in SEA 213. Aim worked with legislators over the interim and during session in an effort to prevent complete preemption of these protections and as an alternative, narrow the protections that were established by the underground utility area designations. Compromise was reached that will narrow the protections in those municipalities to areas zoned residential prior to May 1, 2017, where all infrastructure is buried underground. This bill also clarifies that electric utilities are not obligated to abide by the underground utility area designations of local units.

- Specifies that the statute concerning permits for wireless facilities and wireless support structures applies to permits issued by a permit authority to a communications service provider.
- Provides that a resolution, ordinance, or other regulation: (1) adopted by a permit authority after April 14, 2017, and before May 2, 2017; and (2) that designates an area within the jurisdiction of the permit authority as strictly for underground or buried utilities; applies only to communications service providers and those geographic areas that are zoned residential and where all existing utility infrastructure is already buried.
- Provides that, with respect to the construction, placement, or use of small cell facilities and associated supporting structures, a permit authority may prohibit the placement of a utility pole or a new wireless structure in a right-of-way within an area that is designated strictly for underground or buried utilities if, among other requirements, the area was zoned for residential use before May 1, 2017.

[HB 1065, PL 177 BROADBAND GRANTS AND HIGH SPEED INTERNET SERVICE](#)

Author: Ober, R-Albion
Sponsor: Houchin, R-Salem

Aim Comment: Expanding rural broadband service in the State of Indiana continues to be a priority of many legislators. The General Assembly spent a great deal of time debating the final language of this bill and in the last days of session, there was a concern among the leading legislators on this bill that they may not have enough support for a bill that contained truly beneficial advances. The deliberations on this bill centered on establishing a new minimum standard in code defining what areas of the state are served by broadband service. This new standard sets a download speed of 10 mbps, which is an improvement but still short of the newly established FCC standard of 25 mbps. The other controversial item in this legislation centered on a newly established broadband grant program at the Office of Community and Rural Affairs. Aim views this program and the funds associated with it as just the beginning to address rural broadband issues and there is a great deal of potential to expand this program in the future, as we have seen in many neighboring states. Legislators have vowed to continue looking at other revenue sources as a means to increase broadband related services. All in all, this bill represents positive momentum on broadband issues.

- Authorizes the office of community and rural affairs (office) to award grants to qualified broadband providers in connection with qualified broadband projects involving the deployment of infrastructure to provide qualified broadband service in unserved areas in Indiana.
- Defines “qualified broadband service” as a connection to the Internet at an actual speed of at least 10 megabits per second downstream and at least one megabit per second upstream, regardless of the technology used.
- Defines an “unserved area” as a geographic area in Indiana in which there is not at least one provider of terrestrial broadband service at the designated speeds.
- Provides that grants shall be made from the rural economic development fund.
- Provides that in awarding grants, the office shall give priority to first extending the deployment

of qualified broadband service to areas in which: (1) Internet connections are unavailable; or (2) the only available Internet connections provide for an actual speed of less than 10 megabits per second downstream.

- Sets forth factors that the office must consider in determining whether to award a grant.
- Sets forth conditions that apply to the awarding of grants.
- Requires the office to adopt guidelines to implement these provisions and authorizes the office to collaborate with state agencies and political subdivisions in adopting the guidelines and administering grants.
- Repeals the statute establishing the high speed Internet service deployment and adoption initiative administered by the Indiana economic development corporation.
- Repeals the statute establishing the Indiana broadband development program administered by the Indiana finance authority.
- Amends the Indiana Code section that allows a holder of video service franchises issued by the utility regulatory commission (IURC) to apply to the IURC for direct marketing authority in a service area served by the holder to specify that such authority includes the authority to market directly to all businesses, as well as all households (as set forth in current law), in the service area.
- Directs the IURC to study certain topics regarding universal service reform and broadband services in Indiana and issue a report to the interim study committee on energy, utilities, and telecommunications before October 1, 2018.

[SB 172, PL 132 COMPUTERSCIENCE](#)

Author: Raatz, R-Richmond

Sponsor: Sullivan, R-Evansville

- Establishes the next level computer science grant program (program) and the next level computer science fund (fund) to award grants, after June 30, 2019, to eligible entities to implement teacher professional development programs for training in teaching computer science.
- Requires the department of education (department) to: (1) administer the program and fund; and (2) develop, in consultation with the governor's office, guidelines to award grants from the fund to eligible entities.
- Requires, not later than August 1, 2018, the state superintendent of public instruction to enter into a contract for professional development services.
- Requires the department to biannually submit a progress report to the governor regarding the: (1) development and administration of the program and fund; and (2) status of public schools in meeting computer science curriculum requirements.
- Provides that, if the department does not comply with the requirements regarding the program and fund, the state board of education shall assume the department's duties.
- Requires (beginning July 1, 2021) each public school to offer a computer science course as a one semester elective course in its curriculum at least once each school year to high school students.
- Requires (beginning July 1, 2021) each public school to include computer science in the public school's science curriculum for students in kindergarten through grade 12.

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**Municipal
Finance**

HB 1002, PL 174 WORKFORCE FUNDING AND PROGRAMS

Author: Huston, R-Fishers
Sponsor: Eckerty, R-Yorktown

- Requires an annual workforce related program review by the legislative services agency.
- Requires information on workforce related programs as part of the biennial budget report that is submitted to the governor and budget committee for preparation of the governor's proposed budget bill.
- Establishes the next level jobs employer training grant program.
- Revises eligibility criteria for applicants for high value workforce ready credit-bearing grants.
- Provides that if the demand for high value workforce ready credit-bearing grants exceeds the appropriation, the commission for higher education shall prioritize applicants who are classified as independent.
- Transforms Ivy Tech Community College's regional boards of trustees to campus boards of trustees.
- Adds provisions concerning the appointment, number, and terms of trustees serving on the state board of trustees of Ivy Tech.
- Provides that an emancipated student or the parent of a student enrolled in a career or technical course may voluntarily release information, on a form prescribed by the department of education, pertaining to the student's enrollment in the career and technical education course to potential employers that contact the school to recruit students with particular career and technical skills.
- Requires the state board of education, when establishing an apprenticeship as a graduation pathway requirement, to establish as an apprenticeship only an apprenticeship program registered under the federal National Apprenticeship Act or another federal apprenticeship program administered by the United States Department of Labor.
- Specifies that an individual who is enrolled as a part-time postsecondary student, regardless of whether a part-time student is qualified to receive an adult student grant, may participate in the employment aid readiness network (EARN) Indiana program.
- Requires at least 25% of the money appropriated by the general assembly for adult education or the work Indiana program to be used: (1) to reimburse an eligible provider for adult education that is provided to individuals who need education in basic skills or necessary to receive a high school diploma or an Indiana high school equivalency diploma; or (2) for adult education grants to employers.
- Provides that an employer is eligible for an adult education grant equal to the lesser of \$500 or the employer's out-of-pocket expenditures for each eligible employee who obtains a high school diploma or a high school equivalency diploma through a program organized or funded by the employer.
- Specifies criteria for an individual to be an eligible employee of an employer that is eligible for an adult education grant.
- Requires educational institutions offering programs subject to approval by the Indiana state board of nursing to obtain approval from the board for proprietary education.
- Exempts those educational institutions from obtaining accreditation as postsecondary proprietary educational institutions from the department of workforce development.
- Provides that until July 1, 2021, certain individuals with a bachelor's degree may serve as a nursing faculty member in an associate degree nursing program without yet having obtained a master's degree.
- Requires the office of the secretary of family and social services and the Indiana department of transportation to perform a coordinated study on leveraging money for transportation to workforce related programs.

- Urges the legislative council to assign to an appropriate interim study committee the question of whether the state should submit a combined state plan instead of a unified state plan to the United States Department of Labor when the state submits a new Workforce Innovation and Opportunity Act plan.
- Makes conforming amendments.

[HB 1027, 109 RIVERBOAT ADMISSIONS AND SUPPLEMENTAL WAGERING TAX DISTRIBUTIONS](#)

Author: Frye, R-Batesville

Sponsor: Perfect, R-Lawrenceburg

- Provides that the Dearborn County council may vote to direct the county auditor to distribute 25% of the admissions and supplemental wagering taxes that are distributed to Dearborn County to cities and towns in the county where a riverboat is not located.
- Provides for the taxes to be distributed using a ratio.
- Sets forth how a city or town in Dearborn County may use the admissions and supplemental wagering taxes that are distributed.

[HB 1056, PL 175 INNKEEPERS' TAXES](#)

Author: Ober, R-Albion

Sponsor: Messmer, R-Jasper

- Provides that a member appointed to a convention and tourism commission under the uniform innkeeper's tax statute who is required to be: (1) engaged in a convention, visitor, or tourism business; or (2) involved in or promoting conventions, visitors, or tourism; need not be a resident of the county if the member is an owner or an executive level employee of a convention, visitor, or tourism business that is located within the county.
- Provides that such a member must be a resident of Indiana.
- Repeals the requirement in the uniform innkeeper's tax statute that not more than a simple majority of the members of a convention and tourism commission may be affiliated with the same political party.
- Requires the department of state revenue (department) to provide each commission with summary data of the amount of the innkeeper's tax collections to the county.
- Provides that, in the case of a county that has adopted an ordinance requiring the payment of the innkeeper's tax to the county treasurer instead of the department: (1) the county treasurer is required to annually report to the department the amount of innkeeper's tax collected in the county in the preceding calendar year; and (2) the department is required to provide summary data of the total amount of the county's innkeeper's tax collected in the preceding calendar year to the commission established for that county.
- Makes conforming changes.

[HB 1065, PL 177 BROADBAND GRANTS AND HIGH SPEED INTERNET SERVICE](#)

Author: Ober, R-Albion

Sponsor: Houchin, R-Salem

Aim Comment: Expanding rural broadband service in the State of Indiana continues to be a priority of many legislators. The General Assembly spent a great deal of time debating the final language of this bill and in the last days of session, there was a concern among the leading legislators on this bill that they may not have enough support for a bill that contained truly beneficial advances. The deliberations on this bill centered on establishing a new minimum standard in code defining what areas of the state are served by broadband service. This new standard sets a download speed of 10 mbps, which is an improvement but still short of the

newly established FCC standard of 25 mbps. The other controversial item in this legislation centered on a newly established broadband grant program at the Office of Community and Rural Affairs. Aim views this program and the funds associated with it as just the beginning to address rural broadband issues and there is a great deal of potential to expand this program in the future, as we have seen in many neighboring states. Legislators have vowed to continue looking at other revenue sources as a means to increase broadband related services. All in all, this bill represents positive momentum on broadband issues.

- Authorizes the office of community and rural affairs (office) to award grants to qualified broadband providers in connection with qualified broadband projects involving the deployment of infrastructure to provide qualified broadband service in unserved areas in Indiana.
- Defines “qualified broadband service” as a connection to the Internet at an actual speed of at least 10 megabits per second downstream and at least one megabit per second upstream, regardless of the technology used.
- Defines an “unserved area” as a geographic area in Indiana in which there is not at least one provider of terrestrial broadband service at the designated speeds.
- Provides that grants shall be made from the rural economic development fund.
- Provides that in awarding grants, the office shall give priority to first extending the deployment of qualified broadband service to areas in which: (1) Internet connections are unavailable; or (2) the only available Internet connections provide for an actual speed of less than 10 megabits per second downstream.
- Sets forth factors that the office must consider in determining whether to award a grant.
- Sets forth conditions that apply to the awarding of grants.
- Requires the office to adopt guidelines to implement these provisions and authorizes the office to collaborate with state agencies and political subdivisions in adopting the guidelines and administering grants.
- Repeals the statute establishing the high speed Internet service deployment and adoption initiative administered by the Indiana economic development corporation.
- Repeals the statute establishing the Indiana broadband development program administered by the Indiana finance authority.
- Amends the Indiana Code section that allows a holder of video service franchises issued by the utility regulatory commission (IURC) to apply to the IURC for direct marketing authority in a service area served by the holder to specify that such authority includes the authority to market directly to all businesses, as well as all households (as set forth in current law), in the service area.
- Directs the IURC to study certain topics regarding universal service reform and broadband services in Indiana and issue a report to the interim study committee on energy, utilities, and telecommunications before October 1, 2018.

[HB 1141, PL 76 COMMUNITY MENTAL HEALTH CENTER FUNDING](#)

Author: Schaibley, R-Carmel

Sponsor: Boots, R-Crawfordsville

- Specifies the funding amounts that must be provided by counties to community mental health centers.
- Provides that a county’s maximum funding amount for a year is equal to the maximum funding amount for the previous year multiplied by the percentage change in the county’s general fund property tax levy, after subtracting circuit breaker credits (but provides that the maximum funding amount will not be less than the preceding year’s maximum funding amount).
- Phases-in this change in the case of Marion County.

- Requires the department of local government finance (DLGF) to verify the maximum appropriation calculation as part of the DLGF's certification of the county's budget.
- Specifies that the funding provided by a county to community mental health centers shall be used solely for: (1) the operations of community mental health centers serving the county; or (2) contributing to the nonfederal share of medical assistance payments to community mental health centers serving the county.
- Provides that unless otherwise agreed to by the county and the community mental health center, the county payment to the community mental health center shall be paid by the county treasurer to the treasurer of the community mental health center's board of directors at least as frequently as semiannually (in July and in December).
- Provides that a county's funding for community mental health centers shall be apportioned according to the proportion of: (1) the county's population residing in the primary service area of each center that is certified by the division of mental health and addiction; to (2) the total population of the county.
- Deletes provisions requiring the county to pay the appropriated amounts to the division of mental health and addiction (the division).
- Deletes the provisions specifying how the payments to the division must be made.
- Repeals a provision allowing the appropriation of an additional amount under certain circumstances.
- Provides that the governing board of a community mental health center must include a member of a county fiscal body or a member of a board of county commissioners, appointed by the board of county commissioners of the county where the community mental health center maintains its corporate mailing address.
- Requires the annual report by a community mental health center to be made to the division of mental health and addiction (division) and to the fiscal body and the board of county commissioners of each county located in the community mental health center's primary service area. (Under current law the report is made only to the county fiscal body.)
- Specifies certain information that must be included in the annual reports provided by community mental health centers.
- Requires the division to specify the format of the annual reports that must be provided by community mental health centers.
- Requires the division to provide an annual report containing certain information to the county fiscal body and board of county commissioners of each county.

[HB 1167, PL 140 SCHOOL CORPORATION FINANCIAL MANAGEMENT](#)

Author: Cook, R-Cicero

Sponsor: Mishler, R-Berne

- Permits money in a school corporation's operations fund at the end of a year to be transferred to the school corporation's rainy day fund.
- Combines various levies into a single operations fund levy beginning in 2019.
- Changes provisions concerning the education fund and operations fund.
- Specifies the items to be included in a school corporation's capital projects plan.
- Changes the reasons for which a school corporation may appeal to increase the school corporation's operations fund levy for transportation purposes.
- Requires an appeal to increase or a petition to adjust the maximum operations fund levy for a year to be filed before October 20 of the preceding year.
- Resolves conflicts among various 2017 acts that take effect before the education funding and

accounting changes made by HEA 1009-2017.

- Provides that the governing body of a school corporation may transfer amounts that are levied for the debt service fund to cover unreimbursed costs of certain curricular materials to the curricular materials rental fund, the extracurricular account, or the education fund.
- Provides that in carrying out a curricular materials rental program, the governing body may control the program through the school corporation's curricular materials rental fund or education fund.
- Make technical changes.

HB 1262, PL 117 PUBLIC FUNDS AND TAX REFUND INTERCEPTS

Author: Karickhoff, R-Kokomo

Sponsor: Markle, R-Holdman

Aim Comment: This legislation was introduced at the request of the Association of Indiana Counties to provide some technical changes for a newly established tax intercept program for local units of government. Once the bill passed over to the Senate there was language amended in that impacted the time frame in which a local unit must adopt an ordinance to invest public funds in local financial firms. Previous statute required local units to adopt an ordinance every two years, however, this legislation shortens that time frame to one year. A local unit must now adopt an ordinance on an annual basis to continue making these investments in a local bank.

- Provides that certain restrictions requiring deposits of public funds to be made within the territorial limits of a political subdivision apply to funds invested in: (1) transaction accounts; and (2) certificates of deposit in a depository designated by the state board of finance but not by the local board of finance.
- Provides that an ordinance or resolution authorizing funds to be invested in such certificates of deposit expires not later than one year (rather than two years, under current law) after the ordinance or resolution is adopted.
- Revises the procedures involved when a political subdivision seeks a set off of a tax refund from the department of state revenue for debts owed to the political subdivision by a debtor.
- Repeals a provision pertaining to hearings with debtors on disputed debts that are owed to political subdivisions that use the tax refund set off process.

HB 1263, PL 184 COUNTY JAIL ISSUES

Author: T. Brown, R-Crawfordsville

Sponsor: Sandlin, R-Indianapolis

- Provides that a county fiscal body may adopt an ordinance to impose (within the local income tax expenditure rate) a tax rate for correctional facilities and rehabilitation facilities in the county.
- Specifies that the tax rate must be in increments of 0.01% and may not exceed 0.2%.
- Provides that the tax rate may not be in effect for more than 20 years. Specifies that the revenue generated by such a tax rate: (1) must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed; and (2) shall be maintained in a separate dedicated county fund and used by the county only for paying for correctional facilities and rehabilitation facilities in the county.
- Authorizes the county council of Fulton County to impose an additional local income tax rate of not more than 0.25%.
- Provides that revenue from the additional tax rate may be used only to: (1) pay the costs of financing, constructing, acquiring, improving, renovating, equipping, operating, and maintaining

a county jail and related buildings and parking facilities; and (2) pay bonds issued or leases entered into for the constructing, acquiring, improving, renovating, or equipping of the county jail and related buildings and parking facilities.

- Authorizes the county council of Jennings County to impose a local income tax special purpose rate for the following purposes: (1) To finance, construct, acquire, improve, renovate, and equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs. (2) To repay bonds issued or leases entered into for those purposes.
- Provides that the tax rate may not exceed 0.65%.
- Provides that before adopting the ordinance to impose the tax rate, the county council must first study the feasibility of, the need for, and the desire of contiguous counties to establish a regional single gender jail.
- Provides that the local income tax special rate imposed in Randolph County may also be used for the following purposes: (1) Operating the county courthouse. (2) Financing, constructing, acquiring, renovating, equipping, and operating the county jail, public safety improvements, and other county facilities, including the repayment of bonds issued, or leases entered into, for constructing, acquiring, renovating, and equipping the county jail, public safety improvements, and other county facilities.
- Specifies that before the tax revenue may be used for these purposes, the county fiscal body must adopt an ordinance that: (1) specifically authorizes the revenue to be used for those purposes; and (2) recognizes that if the revenues are used for those purposes, the tax rate will continue after the existing purposes of the tax are completed.
- Provides that the Tipton County local income tax special purpose rate may also be used to operate and maintain the county jail and related buildings and parking facilities and the county courthouse.
- Specifies that before the tax revenue may be used for these purposes, the county council must adopt an ordinance that: (1) specifically authorizes the revenue to be used for those purposes; and (2) recognizes that if the revenues are used for those purposes, the tax rate will continue after the existing purposes of the tax are completed.
- Provides that the local income tax special purpose rate imposed in Union County may also be used for the following purposes: (1) To operate the county courthouse. (2) To finance, construct, acquire, improve, renovate, equip, or operate the county jail or other county criminal justice facilities. (3) To repay bonds issued, or leases entered into, for constructing, acquiring, improving, renovating, and equipping the county jail or other county criminal justice facilities.
- Specifies that before the tax revenue may be used for these purposes, the county fiscal body must adopt an ordinance that: (1) specifically authorizes the revenue to be used for those purposes; and (2) recognizes that if the revenues are used for those purposes, the tax rate will continue after the existing purposes of the tax are completed.
- Provides that a county may not begin the construction or reconstruction of a county jail or submit final plans and specifications for the construction or reconstruction of a county jail to the department of correction, unless the county executive first: (1) prepares a feasibility study of possible alternatives to the construction or reconstruction of the county jail; and (2) holds a public hearing on the feasibility study.
- Specifies certain items that must be included in the feasibility study.
- Provides that the feasibility study and public hearing are not required for the construction or reconstruction of a county jail in the case of a county in which the county executive before July 1, 2018, has voted on or otherwise approved a proposal or contract concerning the construction or reconstruction of the county jail.
- Specifies that the executive of a county may enter into an interlocal agreement with one or more other local or state entities for the construction, maintenance, or operation of a regional jail.
- Provides that in the case of a county, the county executive may not enter into a regional jail agreement unless the regional jail agreement is first approved by both the county fiscal body

and the county sheriff.

- Specifies certain terms that must be included in the regional agreement (in addition to those terms required under all interlocal agreements).
- Provides that per diem and medical expense reimbursements received by a county for the cost of incarcerating persons convicted of felonies: (1) shall be deposited in the county general fund; and (2) upon appropriation by the county fiscal body, shall be used by the county sheriff only for the purposes of paying the costs of incarcerating persons convicted of felonies.
- Requires the county auditor to semiannually provide to the county fiscal body and the county sheriff an itemized record of such per diem and medical expense reimbursements received by the county.
- Urges the legislative council to assign to a study committee the task of studying whether enhanced funding for Level 6 felons in county jails would assist in regional jail financing.

[HB 1290, PL 185 TRANSPORTATION FINANCE](#)

Author: Soliday, R-Valparaiso

Sponsor: Mishler, R-Berne

Aim Comment: This legislation was drafted as a technical corrections bill to HEA 1002-2017, last year's road infrastructure funding bill. Due to legal concerns with the collection method of fees for motor carrier trucks, the state needed to modify the revenue collection system. This modification is fiscally neutral for local units.

Additionally, this bill contained language to clarify legislation from 2017 that placed a restriction on allowable uses for local Motor Vehicle Highway (MVH) funds. HEA 1002-2017 mandated that 50% of MVH funds be utilized for construction, reconstruction or maintenance. The definition of maintenance is defined several different ways in statute, so, as this bill was drafted, it eliminated maintenance all together. Aim partnered with the Association of Indiana Counties to draft language that replaces the term maintenance with preservation. The term preservation is defined based on acceptable activities determined by the Local Technical Assistance Program (LTAP) at Purdue University. Further work will take place with LTAP to clearly define acceptable uses of MVH funds for preservation purposes.

There was also language in this bill that lowers the population threshold for municipalities that are required to complete the Annual Operational Report, which tracks expenditures of MVH and LRS funds. Previously, every county and municipalities with a population greater than 20,000 were required to complete this report, which is submitted to LTAP and the State Board of Accounts. HEA 1290 lowers that population threshold to 15,000. This will impact 12 municipalities that will be required to submit the report, beginning in 2019.

- Repeals the motor carrier surcharge tax and increases the special fuel tax by \$0.21 per gallon.
- Distributes part of the special fuel tax revenue to the motor carrier regulation fund.
- Specifies how netted International Fuel Tax Agreement Clearinghouse refunds and receipts are deposited or credited.
- Specifies that the commercial vehicle excise tax rate calculation that must be done on or before October 1 of each year is effective on January 1 of the following year.
- Excludes the transportation infrastructure improvement fee and the supplemental fees for registering electric and hybrid vehicles from the calculation of the commercial vehicle excise tax.
- Changes various distribution percentages of revenue distributed from the motor vehicle highway account and highway, road and street fund.
- Specifies that heating oil is not included in the sales tax exemption for special fuel.
- Provides that for funds distributed to counties, cities, and towns from the motor vehicle highway account, each county, city, or town must use at least 50% of the money for the construction, reconstruction, and preservation of the unit's highways. (Under current law, at least 50% must be used for construction, reconstruction, and maintenance.)
- Makes various changes to the accounting system for local roads and streets.

- Establishes the New Harmony and Wabash River bridge authority (bridge authority).
- Specifies the composition and terms of bridge authority membership.
- Describes the purpose and duties of the bridge authority.
- Authorizes the bridge authority to charge and collect a toll for transit across the White County bridge (bridge).
- Requires the bridge authority to equip, improve, maintain, operate, reconstruct, rehabilitate, and restore the bridge for use by motor vehicles, pedestrians, and other forms of transportation.
- Allows the bridge authority to issue bonds and notes for certain purposes.
- Provides that all registration fees collected under the International Registration Plan (IRP) or through an Indiana based IRP account (rather than only certain specified fees collected under the IRP or an Indiana based IRP account under current law) are covered by the statute providing for the first \$125,000 of such revenue each state fiscal year to be distributed to the state police building account and any remaining amounts to be distributed to the motor vehicle highway account.
- Specifies that the transportation infrastructure improvement fee shall be apportioned under the IRP.
- Specifies conditions under which a vehicle platoon may be operated in Indiana. Defines certain terms.
- Makes conforming changes.

[HB 1323, PL 188 HEAVY EQUIPMENT RENTAL EXCISE TAX](#)

Author: Huston, R-Fishers

Sponsor: Holdman, R-Markle

- Excludes heavy rental equipment from the assessment of the personal property tax.
- Imposes an excise tax on the rental of heavy rental equipment (excise tax).
- Provides procedures for the sourcing, collection, and distribution of the excise tax.
- Provides that the excise tax is apportioned and distributed to local governmental units (units) in the same manner that property taxes are apportioned and distributed.
- Provides that the excise taxes distributed to the units before January 1, 2020, must be deposited in the unit's excess levy fund.
- Provides that after December 31, 2019, excise taxes distributed to the units must be allocated among the unit's funds in the same proportion that the unit's property tax collections are allocated among those funds.

[HB 1374, PL 189 FINANCING AND TRANSPORTATION](#)

Author: Soliday, R-Valparaiso

Sponsor: Mishler, R-Berne

- Adds a new article to the Indiana Code to consolidate and rewrite various statutes related to the Indiana finance authority (IFA), including statutes: (1) establishing the IFA; (2) specifying the powers, duties, and purposes of the IFA and the members of the IFA; and (3) governing the following programs and funds administered by the IFA: (A) State facility financing, health facility financing, educational facility financing, recreational development financing, and economic development project financing. (B) The wastewater revolving loan program, the drinking water revolving loan program, the supplemental drinking water and wastewater assistance program, and the environmental remediation revolving loan program. (C) The flood control revolving fund.

(D) The infrastructure assistance program. (E) The local infrastructure program. (F) The allocation of volume cap under federal law for private activity bonds. (G) The IFA's duty to monitor and study water quality.

- Repeals the existing statutes governing those programs and funds.
- Changes program and fund names.
- Repeals the statutes concerning: (1) funding and insurance for export promotion; (2) the clean coal technology program; (3) the agricultural loan and rural development project guarantee fund; (4) the issuance of bonds for the underground petroleum storage tank excess liability fund; (5) the powers of the IFA related to substitute natural gas contracts; and (6) the broadband development program administered by the IFA.
- Provides for the state, the IFA, and the northwest Indiana regional development authority to finance the northern Indiana commuter transportation district's construction of the mainline double tracking project and the West Lake corridor project.
- Repeals the law relating to the former next generation trust fund (the fund has no principal).
- Establishes a new next generation trust fund to be used exclusively for the provision of highways, roads, and bridges.
- Provides that the principal of the trust may be used to make and secure lease rental payments that are payable from grant proceeds from the federal government and will be used to pay bonds or notes issued by the Indiana finance authority for a rail project.
- Transfers to the new next generation trust fund the amount in excess of \$250,000,000 that is in the next level Indiana trust fund.
- Provides immunity from civil liability for officers, directors, and employees of the Indiana finance authority and the treasurer of state for transfers made from the next level Indiana trust fund to the new next generation trust fund.
- Modifies the investment policy requirements for the next level Indiana trust fund.
- Requires the IFA to include in a request for proposals a statement that it will consider only offerors that have experience and quality performance in comparable projects in North America in the last two years with regard to entering into a public-private partnership for a toll road, freeway, or facility project.
- Requires the IFA to consider affiliates of the offeror, predecessors to the offeror, and parties that would be entering into a substantive contract with the offeror.
- Requires a resubmission of certain information from an offeror before the IFA holds the public meeting announcing its final selection.
- Requires, instead of allows, the IFA to require the filing of financial statements for the term of the public-private agreement.
- Eliminates using a public-private partnership for a communications infrastructure project.
- Continues current law appropriations for the wastewater and drinking water programs.
- Specifies that the budget agency may (rather than shall) submit a proposed guarantee or direct loan under the industrial development loan guaranty program to the budget committee for review. (The Indiana economic development corporation may not make or guarantee such a loan unless it is reviewed by the budget committee.)
- Specifies documents that must accompany a loan or financial assistance from: (1) the drinking water or wastewater revolving loans funds; (2) the Indiana brownfields fund; (3) the flood control fund; and (4) local transportation infrastructure revolving funds.
- Provides that the revenues securing the Marion County health and hospital corporation's debt and rental obligations are special revenues and provides a lien on these revenues.
- Changes cross references to statutes that are being repealed and rewritten by the bill.
- Makes conforming and technical changes.

- Adds two at-large members to the board of trustees of the Indiana state museum and historic sites corporation.
- Urges the legislative council to assign to a study committee the subject of requiring performance and payment bonds for future public-private projects.

HB 1402, PL 149 VETERANS MATTERS

Author: Baird, R-Greencastle

Sponsor: Boots, R-Crawfordsville

- Urges the legislative council to assign to an appropriate study committee topics related to implementing a program to provide property tax incentives for rental property owners who partner with nonprofit organizations to reduce veteran homelessness.
- Urges the legislative council to assign to an appropriate study committee topics related to establishing an electronic system to provide the Indiana department of veterans' affairs, in collaboration with the national guard (as defined in IC 10-16-1-13), with criminal case information.

SB 99, PL 47 CIVIL FORFEITURE

Author: Bray, R-Martinsville

Sponsor: Steuerwald, R-Danville

- Requires the prosecuting attorney to file an affidavit of probable cause with a court not later than seven days after property is seized, and provides for the return of the property to the owner if the court does not find probable cause.
- Establishes a procedure for an owner of real property or of a vehicle (if the owner was not operating the vehicle at the time of the seizure) to obtain provisional custody of the seized property pending a final forfeiture determination.
- Makes the time limit for filing a forfeiture action: (1) 21 days, if the owner has filed a written demand for return of the property; or (2) 90 days, if the owner has not filed a written demand for return of the property.
- Provides that an owner whose property is returned is not liable for the costs of storage, transportation, or maintenance.
- Specifies how the proceeds of a forfeiture action are to be distributed.
- Requires a prosecuting attorney to report certain information concerning forfeitures to the prosecuting attorneys council.
- Imposes certain requirements on the use and compensation of outside counsel in forfeiture actions, and prohibits a prosecuting attorney or deputy prosecuting attorney from receiving a contingency fee for a forfeiture action. (The introduced version of this bill was prepared by the interim study committee on courts and the judiciary.)

SB 172, PL 132 COMPUTERSCIENCE

Author: Raatz, R-Richmond

Sponsor: Sullivan, R-Evansville

- Establishes the next level computer science grant program (program) and the next level computer science fund (fund) to award grants, after June 30, 2019, to eligible entities to implement teacher professional development programs for training in teaching computer science.
- Requires the department of education (department) to: (1) administer the program and fund; and (2) develop, in consultation with the governor's office, guidelines to award grants from the fund to eligible entities.

- Requires, not later than August 1, 2018, the state superintendent of public instruction to enter into a contract for professional development services.
- Requires the department to biannually submit a progress report to the governor regarding the: (1) development and administration of the program and fund; and (2) status of public schools in meeting computer science curriculum requirements.
- Provides that, if the department does not comply with the requirements regarding the program and fund, the state board of education shall assume the department's duties.
- Requires (beginning July 1, 2021) each public school to offer a computer science course as a one semester elective course in its curriculum at least once each school year to high school students.
- Requires (beginning July 1, 2021) each public school to include computer science in the public school's science curriculum for students in kindergarten through grade 12.

SB 188, PL 201 ELIMINATION OF THE CONSUMER FEES AND SETTLEMENTS FUND

Author: Mishler, R-Berne

Sponsor: Brown, R-Crawfordsville

- Retroactively amends provisions concerning the transfers from the securities rating settlement fund to the consumer fees and settlements fund effective July 1, 2017, to instead make the transfers to the agency settlement fund.
- Requires the auditor of state to transfer money from the consumer fees and settlements fund to the agency settlement fund.
- Provides that the funds appropriated to the attorney general from the consumer fees and settlements fund for the state fiscal year beginning July 1, 2017, and the state fiscal year beginning July 1, 2018, shall instead be appropriated from the agency settlement fund.
- Provides that after the transfers from the consumer fees and settlements fund to the agency settlement fund are completed the auditor of state shall close the consumer fees and settlements fund.
- Provides that the appropriation in current law for liability insurance premiums and expenses incurred by the attorney general for the employment of outside counsel in defending claims against the state is subject to approval by the budget director.
- Requires the attorney general to report to the legislative council, before July 1, 2018, on whether the attorney general intends to pursue or join in a civil action against opioid manufacturers to recoup costs to the state associated with the opioid public health crisis and epidemic.

SB 299, PL 123 STATE PARKS

Author: Raatz, R-Richmond

Sponsor: Lyness, R-West Harrison

- Requires that two (2) of the four (4) legislative members of the White River state park development commission must represent the legislative district that includes the White River State Park.
- Urges the legislative council to assign to a study committee the task of studying whether counties should be authorized to: (1) adopt an ordinance to impose a surcharge on fees collected within a state park; and (2) use the revenue from the surcharge to assist a unit of local government that provides police protection, fire protection, emergency medical services, or road repairs to the state park.

SB 347, PL 125 BONDING PROCEDURES

Author: Bassler, R-Washington

Sponsor: Brown, R-Crawfordsville

- Permits the following political subdivisions to sell bonds at a negotiated sale after June 30, 2018, and before July 1, 2021: (1) A consolidated city. (2) A second class city. (3) A school corporation located in a consolidated city or a second class city. (Current law requires a public sale of bonds.)
- Provides that this change does not apply to refinancing bonds and some revenue bonds that are dedicated to a limited purpose.
- Makes technical corrections.

SB 349, PL 102 STUDY OF TAXES ON SHORT TERM RENTALS

Author: Tallian, D-Portage

Sponsor: Torr, R-Carmel

- Urges the legislative council to assign to the appropriate interim study committee the task of studying the following: (1) The issue of which entities are required to collect sales tax on short term rentals. (2) The issue of whether local units can impose a local innkeeper's tax on short term rentals.
- Urges the legislative council to assign the topic of collecting and remitting state taxes in the peer-to-peer sharing economy.

SB 386, PL 61 FINANCING OF FLOOD CONTROL IMPROVEMENTS

Author: Ruckelshaus, R-Indianapolis

Sponsor: Porter, R-Indianapolis

- Authorizes the Indianapolis metropolitan development commission (commission), following a written recommendation from the board of public works and approval of the legislative body, to adopt an ordinance designating an area as a flood control improvement district (district) to capture incremental property tax revenue within the district to be used for the construction, replacement, repair, maintenance, or improvement of flood control works.
- Provides that only special flood hazard property may be included within the boundaries of a district.
- Defines "special flood hazard property" as property that on January 1, 2018, is situated in a special flood hazard area as designated by the Federal Emergency Management Agency.
- Provides that a district may not include any property that is already included in a tax increment financing allocation area.
- Provides that, before making a recommendation to the commission to establish a district, a board of public works must: (1) establish the boundaries for the district; (2) identify the owners of each parcel of property in the district; (3) create a proposed plan for flood control works within the district; and (4) hold a public hearing on the proposed district.
- Provides that the fiscal officer of the county shall establish a flood control improvement fund (fund) for each district that is established within the county.
- Provides that the commission shall administer the fund.
- Provides that the incremental property tax revenue from a district shall be deposited in the fund and used only for providing flood control works within the boundaries of that district.
- Provides that the commission may issue bonds payable from the fund for the purpose of construction, replacement, repair, maintenance, or improvement of flood control works.

- Specifies the types of costs for flood control works that may be funded from a bond issue including reimbursement to the county for expenditures made from the county's storm water fund for flood control works prior to the bond issuance.
- Provides that, in lieu of issuing bonds, the fiscal body of the county may adopt an ordinance to authorize money in a fund of a district to be applied to reimburse debt service payments made on bonds for which revenue from the county's storm water fund is pledged, if the bonds for which the reimbursements are made were issued solely for the purpose of construction, replacement, repair, maintenance, or improvement of flood control works that are located within the district for which the fund was established.
- Allows the county to adopt an ordinance to continue distribution and allocation of property taxes after bond maturity, solely for the purpose of maintenance and repair of flood control works within the district for not more than 50 years.
- Requires a commission to make an annual report to the fiscal body of the county and submit a copy of the report to the department of local government finance.

[SB 392, PL 171 LOCAL GOVERNMENT MATTERS](#)

Author: Niemeyer, R-Lowell

Sponsor: Slager, R-Schererville

- Establishes a process to: (1) divide and transfer land that is owned by a county, city, or town; and (2) assess the value of land that a county, city, or town owns that the county, city, or town has divided and transferred to an adjacent property owner.
- Provides that, in a tax sale, a county executive may include any costs directly attributable to the county in the price for the sale of a certificate of sale.
- Amends the law exempting a county executive or a town legislative body from giving notice of a meeting if the meeting concerns routine administrative functions.
- Provides that if a public record is in an electronic format, a state or local government agency (excluding the office of the county recorder) shall provide an electronic copy or a paper copy of the public record, at the option of the person making the request for the public record. Prohibits, with certain exceptions, a state or local government agency from charging a fee for providing a public record by electronic mail.
- Makes conforming changes.

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Pensions

HEA 1109, PL 179 VARIOUS PENSION MATTERS

Author: Carbaugh, R-Fort Wayne

Sponsor: Boots, R-Crawfordsville

- Provides that the default investment option for the legislators' defined contribution plan is a target date fund rather than the Indiana public retirement system's (INPRS) consolidated retirement investment fund.
- Removes a requirement that only active members of the public employees' retirement fund (PERF) and the Indiana teachers' retirement fund (TRF) may make rollover distributions into annuity savings accounts (ASA) from other qualified retirement accounts.
- Allows any PERF or TRF member who terminates employment and is not currently employed in a covered position or for the same employer to suspend fund membership, retain the member's creditable service, and withdraw all or part of the amount in the member's ASA before retirement.
- Requires employers eligible to purchase death benefit fund coverage for certain employees to pay for the coverage annually rather than quarterly.
- Removes charitable contributions as a voluntary benefit deduction for the 1977 police officers' and firefighters' pension and disability fund and the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan.
- Revises the effective date of participation by a political subdivision joining PERF from the earlier of January 1 or July 1 to a date approved by the INPRS board of trustees, but not later than 60 days after the date the political subdivision's PERF participation is approved.
- Makes technical corrections. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

SEA 27, PL 43 1977 FUND NEW UNIT CREDITS FOR PRIOR SERVICE

Author: Boots, R-Crawfordsville

Sponsor: Burton, R-Greenwood

- Provides, in the case of a unit (county, city, town, or township) that begins participation in the 1977 police officers' and firefighters' pension and disability fund (1977 fund), that the unit and the member (firefighter, police officer, or emergency medical technician) may agree how to share the cost of acquiring credit in the 1977 fund for the member's prior service as a firefighter, police officer, or emergency medical technician. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

SEA 75, PL 90 1977 FUND RETIREMENT AGE AND BENEFITS STUDY

Author: Ford, R-Terre Haute

Sponsor: VanNatter, R-Kokomo

- Urges the legislative council to assign to the interim study committee on pension management oversight or another appropriate interim study committee the task of studying the following: (1) A reduction from 52 to 50 the age at which a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) is eligible to receive an unreduced retirement benefit. (2) An increase from 1% to 1.5% in the amount of the additional retirement benefit payable to a 1977 fund member for each six months of active service over 20 years. (3) A reduction from 32 to 28 in the number of years of service that may be used to compute a retirement benefit for a 1977 fund member.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying the topic of establishing a public safety research fund.

SEA 119, PL 91 1977 FUND PURCHASE OF SERVICE

Author: Grooms, R-Jeffersonville

Sponsor: Clere, R-New Albany

- Allows a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) to purchase service performed in Indiana as a full-time, fully paid police officer or firefighter for an employer that does not participate in the 1977 fund.

SEA 373, PL 127 PENSION SUPPLEMENTAL ALLOWANCE RESERVE ACCOUNTS

Author: Walker, R-Columbus

Sponsor: Burton, R-Greenwood

- Establishes supplemental allowance reserve accounts (reserve accounts) within the legislators' defined benefit plan, the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan (EGC), the public employees' retirement fund (PERF), and the pre-1996 and 1996 accounts of the Indiana state teachers' retirement fund (TRF) for the purpose of paying postretirement benefit increases, thirteenth checks, and other benefit changes or adjustments granted by the general assembly after June 30, 2018.
- Requires that, after June 30, 2018, the state lottery commission (commission) transfer each quarter \$7,500,000 of the surplus revenue from the commission's administrative trust fund to the Indiana public retirement system (INPRS) for credit first to the pension stabilization fund and second to one or more of the reserve accounts as allocated by the INPRS board of trustees (board). (Current law transfers this amount to the pension stabilization fund.)
- Requires the contribution rate established by the INPRS board for 2019 and each year thereafter to include a surcharge that is paid to the applicable reserve account in an amount not to exceed 1% of the employer's payroll that is attributable to those employees who are members of PERF, the 1996 TRF account, or EGC.
- Provides that all amounts in the reserve account are available to pay postretirement benefit increases, thirteenth checks, or other benefit changes or adjustments, but a postretirement benefit increase, thirteenth check, or other benefit change or adjustment may be granted by the general assembly: (1) only in an odd-numbered calendar year; and (2) only if the postretirement benefit increase, thirteenth check, or other benefit change or adjustment: (A) may be funded from the uncommitted balance in the reserve account of the particular fund or plan; and (B) may be paid in the same amount or percentage, or by using the same formula or computation method, to members of each of the funds and plans.
- Makes changes to the actuarial evaluation and the actuarially determined contribution for each fund or plan to track postretirement benefit increases, thirteenth checks, and other benefit changes or adjustments granted by the general assembly after June 30, 2018, separately.
- Provides that, in each even-numbered calendar year, the INPRS board shall present to the interim study committee on pension management oversight an actuarial report concerning the status of each reserve account.
- Provides that the board may not pay a postretirement benefit change or adjustment, including a postretirement benefit increase, thirteenth check, or other benefit change or adjustment granted by the general assembly after June 30, 2018, unless the change or adjustment is actuarially prefunded. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

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Public Safety

HEA 1004, PL 72 VARIOUS STATE AND LOCAL GOVERNMENT STREAMLINING MATTERS

Author: Siegrist, R-West Lafayette

Sponsor: Alting, R-Lafayette

Aim Comment: Leading into the 2018 session, Rep. Doug Gutwein and Rep. Sally Siegrist led an effort to identify unnecessary or duplicative reporting requirements and other inefficiencies that could easily be corrected at every level of local government. Aim participated in this process, and we were pleased to see three of our operational initiatives included in HEA 1004: 1) removing the requirement for mayors of 3rd class cities to make partisan appointments to the park board; 2) providing more flexibility for setting the date for police pension fund board meetings; and 3) requesting a study of the costs and benefits of publishing various legal notices. The latter began as an effort to remove the requirement for cities and towns to publish the annual report of receipts and expenditures (and let Gateway be sufficient), but that idea evolved into a wider study of other publication requirements as well. We hope to see the Legislative Council assign the topic to a study committee, to begin a comprehensive conversation about whether and how various notices should be published in newspapers.

HEA 1004 became a key component of the House Republican agenda and Aim was invited to participate at the Governor's ceremonial signing of the bill. We think this is a good example of how Aim's operational initiatives can lead to increased collaboration with legislative leadership and the Governor's office. Please keep the ideas coming for the 2019 session!

- Provides that the journals, the enrolled acts, the session laws, and the Indiana Code may be distributed in paper or electronic format.
- Requires that copies of the journals, the session laws, and the Indiana Code must be provided to public libraries located in Indiana that participate in the federal depository library program.
- Permits the clerk of the house of representatives and the secretary of the senate (with respect to the journals) and the legislative council (with respect to the session laws and the Indiana Code) to specify a list of other public officials who automatically receive copies of the journals, the session laws, and the Indiana Code.
- Permits the publication and circulation to circuit court clerks of the enrolled acts, as required by the state constitution, to be performed electronically, and permits circuit court clerks to electronically acknowledge receipt of the enrolled acts directly to the legislative services agency.
- Permits the implementation of a system that would allow county clerks to send the acknowledgment electronically.
- Requires a meeting for receiving quotes must be open to the public.
- Provides that certain quotes shall be reported to the board during the public meeting at which the contract is considered.
- Specifies that an employee drug testing program must have been effective and applied at the time of the solicitation for bids for a public works project.
- Allows the board to keep on file a copy of the contractor's policy submitted in the current calendar year or previous two calendar years to satisfy the requirement for submitting a policy unless the policy has been revised.
- Specifies that the fire and building safety commission (commission) shall include citations to specific provisions of state law regarding the fire safety laws and the building laws that are the basis for a denial of an ordinance or other regulation of a political subdivision that is submitted for approval by the commission.
- Provides that a person may electronically file any document that is required to be filed as part of a lis pendens record.
- Repeals a provision requiring a circuit court clerk to provide to a court the names of all attorneys having business in that court.

- Makes changes concerning the role of a circuit court clerk regarding recovery of treatment and maintenance charges from the estate of a patient of a state institution or from a responsible party.
- Provides that: (1) the secretary and treasurer shall make a report of their trusts to the local board of the 1925 police pension fund (fund) before February 15; and (2) after the local board receives the report of the secretary and treasurer, the trustees of the local board shall be elected at the next meeting of the members of the police department.
- Removes a prohibition on political affiliation for members of a park board in a third class city.
- Urges the legislative council to assign to an appropriate interim study committee the subject of costs and benefits related to publication of certain reports.

[HEA 1006, PL 65 BROADENING CRIMINAL JUSTICE TREATMENT OPTIONS](#)

Author: Steuerwald, R-Danville

Sponsor: Young, R-Indianapolis

- Makes various changes to the criminal justice institute's annual report on the impact of criminal code reform on local units of government, the department of correction, and the office of judicial administration.
- Requires the report to be prepared in conjunction with the justice reinvestment advisory council (council).
- Adds probation departments, pretrial diversion programs, and jail treatment programs to programs that are eligible to apply for a state grant for community corrections.
- Replaces the Indiana judicial center with the office of judicial administration for purposes of: (1) submitting the community supervision collaboration plan; (2) approval of the commissioner of the department of correction providing additional financial aid to counties with a community supervision collaboration plan; and (3) duties with the council.
- Allows the division of mental health and addiction (division) to establish a pilot program, subject to available funding and on the recommendation of the council, to provide mental health and addiction forensic treatment services to individuals who are charged with a misdemeanor and meet certain eligibility criteria.
- Provides that if the pilot program is established, the division shall issue annual reports.
- Removes an expired provision.

[HEA 1007, PL 195 MENTAL HEALTH ACCESS](#)

Author: Kirchhofer, R-Beech Grove

Sponsor: Head, R-Logansport

- Requires the office of Medicaid policy and planning to implement a centralized credentials verification organization and credentialing process.
- Allows the division of mental health and addiction (division) to grant approval for nine additional opioid treatment programs that: (1) are operated by a hospital; and (2) meet other specified requirements; if the division determines that there is a need for the program in the proposed location.
- Provides that mental health and addiction forensic treatment services may be administered or coordinated only by a provider certified by the division or licensed by the Indiana professional licensing agency to provide mental health and addiction treatment. (Under current law, a provider may provide services only if the provider is certified or licensed by the division.)
- Requires the division to establish best practice guidelines to assist employers with certain employees who agree to participate in a drug education and addiction treatment program (program).

- Requires the division to: (1) promote voluntary participation; (2) develop and deliver informational resources and training for employers; and (3) collect information and prepare an annual report.
- Provides that if an employer and employee comply with certain requirements, the employer is not liable in a civil action alleging negligent hiring for negligence of the employee.
- Provides that in certain civil actions, an employer's participation in the program is not admissible as evidence.
- Establishes new temporary permits for certain individuals who are pursuing required clinical supervisory hours needed for licensure.
- Allows clinical social work experience hours obtained under a temporary permit to be counted to supervise work experience requirements if certain conditions are met.
- Provides that the temporary permits are not renewable.
- Requires certain policies of accident and sickness insurance to provide coverage for substance abuse or chemical dependency treatment provided by: (1) an addiction counselor; and (2) a marriage and family therapist.
- Requires: (1) an accident and sickness insurer; and (2) a health maintenance organization; to provide provisional credentialing to a provider for which a credentialing determination is not completed in at least 30 days if certain requirements are met.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying the impact that opioid treatment programs have on the neighborhoods and communities in the immediate area of the opioid treatment programs.

[HEA 1073, PL 25 CHILD CARE LOCATION AND SAFETY](#)

Author: Otlhoff, R-Merrillville

Sponsor: Charbonneau, R-Valparaiso

- Includes other weapons among the items that must be inaccessible to children in the care of certain child care providers, and amends accordingly the child care law concerning the list of imminent threats to children.
- Allows the division of family resources to waive the one year period after revocation during which a person may not apply for or be granted another license.
- Requires a child care provider to provide documentation from the county, city, or town that: (1) the child care provider meets all requirements of any applicable local ordinances; or (2) a business permit or license is not required by a local ordinance.

[HEA 1120, PL 111 STATE DEPARTMENT OF HEALTH MATTERS](#)

Author: Kirchhofer, R-Beech Grove

Sponsor: Charbonneau, R-Valparaiso

- Changes references to "methamphetamine laboratory" to "controlled substance."
- Amends the definition of "property" for purposes of operating a web site that lists properties that have been used in the illegal manufacture of a controlled substance.
- Authorizes the state department of health (state department) instead of the Indiana department of environmental management (department) to certify qualified inspectors and oversee the decontamination of a site that has been used in the illegal manufacture of a controlled substance.
- Transfers from the department to the state department powers, duties, records, property, and rules concerning decontamination of a site that has been contaminated by a controlled substance.

- Repeals the postnatal donation initiative.
- Makes conforming amendments.

[HEA 1180, PL 34 EMT USE OF INJECTABLE EPINEPHRINE](#)

Author: Mahan, R-Hartford City
Sponsor: Holdman, R-Markle

- Requires the emergency medical services commission to establish training and certification standards for the administration of epinephrine through a prefilled syringe and a syringe and ampule by an emergency medical technician (EMT).
- Allows an EMT who has been certified to administer epinephrine through an auto-injector, a pre-filled syringe, and a syringe and ampule.

[HEA 1191, PL 35 SUSPECTED HUMAN TRAFFICKING](#)

Author: Engleman, R-Georgetown
Sponsor: Crider, R-Greenfield

- Removes the requirement that a licensed health practitioner report that an adult patient is a suspected victim of human trafficking to a local law enforcement agency.
- Requires a licensed health practitioner to provide information concerning available resources and services to a patient who is a suspected victim of human trafficking.

[HEA 1193, PL 79 STUDY OF INJURED PUBLIC SAFETY OFFICER MONUMENT](#)

Author: Speedy, R-Indianapolis
Sponsor: Freeman, R-Indianapolis

- Urges the legislative council to assign to an appropriate interim study committee the task of studying the construction of an injured public safety officer monument.

[HEA 1244, PL 131 HEALTH MATTERS](#)

Author: Devon, R-Granger
Sponsor: Zakas, R-Elkhart

- Provides that a law enforcement officer who is exposed to blood or body fluids may request to be included in the list of individuals who are provided with notification concerning exposure to a dangerous communicable disease.
- Specifies that HEA 1017- 2018 concerning newborn screening takes effect on July 1, 2018, instead of on April 1, 2018.

[HEA 1248, PL 115 CHILD SAFETY ALERTS](#)

Author: Negele, R-Attica
Sponsor: Houchin, R-Salem

- Specifies that missing endangered children are included in the silver alert program.
- Defines “missing endangered child” as a missing child who is incapable of returning to the missing child’s residence because of physical or mental incapacities.
- Specifies that state police department guidelines may require that reports of a missing

endangered child be sent to broadcasters and electronic billboard operators electronically or by other means of communication. (Current law specifies that guidelines may require that reports be sent by facsimile or other communications device.)

HEA 1292, PL 39 DEPARTMENT OF NATURAL RESOURCES

Author: Eberhart, R-Shelbyville

Sponsor: Glick, R-LaGrange

- Requires motorboats operated on waters of concurrent jurisdiction with the United States or another state to be equipped with certain combination lights.
- Exempts employees of a federal wildlife management agency, acting in accordance with a permit and the written consent of the director of the department of natural resources (department), from the prohibition on shooting from or across public highways.
- Allows the department to adopt rules authorizing the use of rifles on public property.
- Allows the use of rifles on privately owned land for hunting under certain conditions.
- Allows for fishing within 200 yards (rather than within 300 yards, under current law) of a dam that wholly or partly crosses a river, stream, or waterway in Indiana or the boundary water of the state.
- Specifies that a nonresident youth yearly license to hunt includes all yearly stamps to hunt for a specific species or by specific means.
- Removes the requirement that a resident senior must have been born after March 31, 1943, to receive a resident senior "fish for life" license.
- Repeals certain provisions concerning purple loosestrife and multiflora roses.
- Makes conforming changes.

SEA 12, PL 87 SEX OFFENDERS

Author: Bohacek, R-Michigan City

Sponsor: Negele, R-Attica

- Provides that, unless a court has granted a waiver, a sex offender who establishes a residence: (1) with the intent to reside at the residence; (2) within a one mile radius of the residence of the victim of the offender's sex offense; and (3) knowing the location of the victim's residence; commits invasion of privacy.
- Prohibits a sex offender from attending a house of worship located on school property while classes, extracurricular activities, or other school activities are being held.

SEA 13, PL 4 ADMINISTRATION OF OVERDOSE INTERVENTION DRUGS

Author: Glick, R-LaGrange

Sponsor: Ober, R-Fort Wayne

- Provides that community corrections officers and probation officers may administer an overdose intervention drug.
- Requires community corrections officers and probation officers to report the use of an overdose intervention drug to the emergency ambulance service responsible for reporting the use to the Indiana emergency medical services commission.
- Requires that persons permitted to administer an overdose intervention drug must receive education and training on drug overdose response and treatment, including the administration of an overdose intervention drug before the person may administer an overdose intervention drug.

- Provides civil immunity to community corrections officers and probation officers who administer an overdose intervention drug.
- Provides civil immunity to a person who has an agency relationship with a community corrections officer or probation officer who administers an overdose intervention drug.
- Makes conforming amendments.

SEA 99, PL 47 CIVIL FORFEITURE

Author: Bray, R-Martinsville

Sponsor: Steuerwald, R-Danville

- Requires the prosecuting attorney to file an affidavit of probable cause with a court not later than seven days after property is seized, and provides for the return of the property to the owner if the court does not find probable cause.
- Establishes a procedure for an owner of real property or of a vehicle (if the owner was not operating the vehicle at the time of the seizure) to obtain provisional custody of the seized property pending a final forfeiture determination.
- Makes the time limit for filing a forfeiture action: (1) 21 days, if the owner has filed a written demand for return of the property; or (2) 90 days, if the owner has not filed a written demand for return of the property.
- Provides that an owner whose property is returned is not liable for the costs of storage, transportation, or maintenance.
- Specifies how the proceeds of a forfeiture action are to be distributed.
- Requires a prosecuting attorney to report certain information concerning forfeitures to the prosecuting attorneys council.
- Imposes certain requirements on the use and compensation of outside counsel in forfeiture actions, and prohibits a prosecuting attorney or deputy prosecuting attorney from receiving a contingency fee for a forfeiture action. (The introduced version of this bill was prepared by the interim study committee on courts and the judiciary.)

SEA 100, PL 8 CARBON MONOXIDE EMISSIONS TESTING

Author: Delph, R-Carmel

Sponsor: Burton, R-Greenwood

- Provides that a fire department established by a: (1) county; (2) city; (3) town; or (4) township; or a volunteer fire department may provide vehicular carbon monoxide testing (testing) to the owner of a motor vehicle.
- Requires testing to be offered to the owner of a motor vehicle without charge.
- Specifies the manner in which testing is to be conducted.
- Specifies certain paperwork and record keeping requirements.
- Provides that a test administrator's good faith effort to properly conduct a vehicular carbon monoxide test immunizes the test administrator from civil liability and all associated damages, including punitive damages, arising from or related to the administered test.
- Provides that a fire department, volunteer fire department, or other person may not be found liable for any: (1) claim; (2) cause of action; (3) damages, including punitive damages; (4) demand; or (5) expense; arising from or related to an administered vehicular carbon monoxide test by reason of an agency relationship between the test administrator and the fire department, the volunteer fire department, or the other person.

- Defines certain terms.

[SEA 139, PL 193 INVESTIGATION OF OVERDOSE DEATHS](#)

Author: Merritt, R-Indianapolis

Sponsor: Davisson, R-Salem

- Requires the county coroner to do the following if the county coroner reasonably suspects the cause of a person's death to be accidental or intentional overdose of a controlled substance: (1) Obtain any relevant information about the decedent maintained by the INSPECT program. (2) Extract and test certain bodily fluids of the decedent. (3) Report test results to the state department of health (department). (4) Provide the department notice of the decedent's death, including any information related to the controlled substances involved, if any.
- Authorizes the department to adopt rules.
- Makes conforming changes. Provides that the coroners training and continuing education fund shall be used for the costs incurred by a county coroner to perform investigations of overdose deaths for the 2018-2019 state fiscal year.

[SEA 221, PL 194 INSPECT PROGRAM](#)

Author: Houchin, R-Salem

Sponsor: Smaltz, R-Auburn

- Allows a dispenser of ephedrine, pseudoephedrine, or a controlled substance to transmit certain information to the INSPECT program by any electronic method that meets specifications prescribed by the state board of pharmacy (board).
- Provides that, to the extent considered appropriate by the board, the INSPECT data base must be interoperable with other similar registries operated by federal and state governments.
- Requires the following practitioners to obtain information about a patient from the data base before prescribing an opioid or benzodiazepine to the patient: (1) A practitioner who has had the information from the data base integrated into the patient's electronic health records. (2) Beginning January 1, 2019, a practitioner who provides services to the patient in the emergency department of a hospital or a pain management clinic. (3) Beginning January 1, 2020, a practitioner who provides services to the patient in a hospital. (4) Beginning January 1, 2021, all practitioners.
- Provides that a practitioner is not required to obtain information about a patient who is subject to a pain management contract from the INSPECT data base more than once every 90 days.
- Removes lapsed provisions.
- Provides that beginning January 1, 2019, a practitioner who is permitted to distribute, dispense, prescribe, conduct research with respect to, or administer ephedrine, pseudoephedrine, or a controlled substance in the course of the practitioner's professional practice or research must be certified to receive information from the INSPECT program.
- Allows a practitioner to request a waiver from the requirement of checking the data base before prescribing an opioid or benzodiazepine if the practitioner does not have access to the Internet at the practitioner's place of business.
- Requires the Indiana state board of pharmacy to: (1) establish a process for a practitioner to request a waiver; (2) determine whether to grant a practitioner's request for a waiver; and (3) issue a waiver when the board determines a waiver is warranted.

SEA 240, PL 162 EMOTIONAL SUPPORT ANIMALS

Author: Leising, R-Oldenburg

Sponsor: Siegrist, R-West Lafayette

- Provides that a dwelling that is exempt from the Indiana fair housing law is not subject to the requirements applicable to emotional support animals.
- Defines “emotional support animal.”
- Specifies who may use an emotional support animal, who may prescribe an emotional support animal, and when an individual may be prescribed an emotional support animal.
- Provides that an individual with a disability that is not readily apparent who submits a request for an emotional support animal that falsely suggests the individual has a disability that entitles the individual to the use of an emotional support animal in a dwelling commits a Class A infraction.

SEA 266, PL 164 MOTOR VEHICLE SAFETY

Author: Crider, R-Greenfield

Sponsor: Frye, R-Batesville

- Requires that a license plate must be displayed in a horizontal and upright position that displays the registration expiration year in the upper right corner.
- Requires that a renewal sticker for a license plate must be securely affixed in the upper right corner of the license plate covering the previous registration expiration year.
- Provides that a trailer of less than 3,000 pounds gross weight is not required to be equipped with brakes.
- Specifies that head lamps on motor vehicles, motorcycles, and motor driven cycles may display only white or amber light.
- Requires that motor vehicles except for motorcycles, motor vehicles manufactured before January 1, 1956, and motor driven cycles must be equipped with two stoplights.
- Specifies that: (1) stop lamps on the rear of a vehicle must be red; and (2) signal lamps on the rear of a vehicle must display only red or amber light or any shade of color between red and amber.
- Specifies that signal lamps showing to the front of a vehicle must display only white or amber light or any shade of color between white and amber.
- Specifies that window treatments may not be applied below the AS-1 line.
- Provides that the program established by the Indiana state police for the inspection of equipment for private buses applies only to private buses designed or used to transport 15 or more passengers (including the driver).
- Specifies that the provision in current law prohibiting the bureau of motor vehicles from registering a private bus unless the private bus has an unexpired certificate indicating compliance with the inspection program for private buses applies only to private buses that are designed or used to transport more than 15 passengers (including the driver).
- Provides that exceeding an altered speed limit established by a local authority is a Class C infraction.
- Provides that exceeding a speed limit in a school zone is a Class B infraction.
- Provides that failing to maintain a minimum speed limit established by the department of transportation is a Class C infraction.
- Provides that exceeding an altered speed limit established by the department of transportation is a Class C infraction.
- Provides that a vehicle must be driven entirely within a marked lane.

- Provides that a plain clothes law enforcement officer in an unmarked police vehicle may make an arrest for a violation of: (1) reckless driving causing endangerment; (2) recklessly passing a stopped school bus resulting in bodily injury; and (3) operating a vehicle while intoxicated in a manner that endangers a person.

SEA 331, PL 101 IMPLEMENTATION OF FEDERAL FOOD SAFETY REGULATIONS

Author: Leising, R-Oldenburg

Sponsor: Lehe, R-Brookston

- Amends the definition of “federal act” in the title governing health to recognize the amendments to the federal Food, Drug, and Cosmetic Act by the FDA Food Safety Modernization Act (federal act).
- Adds a definition of “produce farm” in the title governing health.
- Allows the state health commissioner or the commissioner’s authorized representative to enter and inspect certain produce farms.
- Requires certain produce farms to comply with certain federal requirements.
- Provides that the department may suspend the requirement to comply with the federal act if the federal government does not provide sufficient funds for the department to administer and enforce the federal requirements.
- Provides that the department shall suspend the requirement to comply with the federal act if the federal government does not provide any funds for the department to administer and enforce the federal requirements.

SEA 381, PL 71 CHILDREN IN NEED OF SERVICES

Author: Messmer, R-Jasper

Sponsor: McNamara, R-Evansville

- Provides that a child who is: (1) a victim of certain offenses; and (2) unlikely to receive necessary care, treatment, or rehabilitation without the intervention of the court; is a child in need of services.
- Provides that a child who: (1) lives in the same household as an adult who committed an offense against another child who lives in the household that resulted in a conviction or judgment; or (2) lives in the same household as an adult who has been charged with an offense against another child who lives in the household and is awaiting trial; and is unlikely to receive necessary care, treatment, or rehabilitation without the intervention of the court is a child in need of services.

SEA 393, PL 104 SAFETY NOTICE OF ADVANCED STRUCTURAL BUILDINGS

Author: Eckerty, R-Yorktown

Sponsor: Pressel, R-Rolling Prairie

Aim Comment: As this legislation passed, it was a consortium of several different fire safety-related bills and issues that snow balled during the 2018 legislative session. The legislation was drafted to address fire safety issues related to the use of engineered lumber in class 1 and class 2 structures. This legislation had been introduced several times, yet failed to pass in past years. A compromise was reached with some of the stakeholders on this language as well as language preempting municipal government’s ability to require sprinkler systems in these structures. The final negotiating point in the bill was a requirement that the Indiana Fire Prevention and Building Safety Commission adopt a new residential fire code prior to 2020. The most controversial aspect of this language for local units is the requirement to update building permit applications to include an indicator in the use of engineered lumber and that those permits be submitted to the local 911 call centers within 90 days.

- Requires an individual applying for a building permit issued by a city, town, or county for a Class 1 or Class 2 structure after June 30, 2018, to disclose the use of advanced structural components on the building permit application.
- Requires the city, town, or county building commissioner to notify the local fire department and local 911 call center of a Class 1 or Class 2 structure's use of advanced structural components not later than 90 days after issuing a building permit.
- Directs a 911 telephone call center to maintain and relay information contained in a qualifying property's notification and received by the 911 telephone call center.
- Prohibits the fire prevention and building safety commission (commission) or a state agency from adopting rules requiring the installation of an automatic fire sprinkler system.
- Prohibits a political subdivision from adopting an ordinance or other regulation requiring the installation of an automatic fire sprinkler system.
- Requires that the commission adopt rules to replace the current statewide residential code before January 1, 2020.
- Provides that if the commission uses a national code as part of the adoption of the statewide residential code, the commission shall amend the national code as a condition of the adoption of the code.
- Requires the commission to submit a report to the general assembly by January 1, 2019 regarding the commission's work related to the adoption of a replacement statewide residential code.

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2018

Transportation

HEA 1290, PL 185 TRANSPORTATION FINANCE

Author: Soliday, R-Valparaiso

Sponsor: Mishler, R-Berne

Aim Comment: This legislation was drafted as a technical corrections bill to HEA 1002-2017, last year's road infrastructure funding bill. Due to legal concerns with the collection method of fees for motor carrier trucks, the state needed to modify the revenue collection system. This modification is fiscally neutral for local units.

Additionally, this bill contained language to clarify legislation from 2017 that placed a restriction on allowable uses for local Motor Vehicle Highway (MVH) funds. HEA 1002-2017 mandated that 50% of MVH funds be utilized for construction, reconstruction or maintenance. The definition of maintenance is defined several different ways in statute, so, as this bill was drafted, it eliminated maintenance all together. Aim partnered with the Association of Indiana Counties to draft language that replaces the term maintenance with preservation. The term preservation is defined based on acceptable activities determined by the Local Technical Assistance Program (LTAP) at Purdue University. Further work will take place with LTAP to clearly define acceptable uses of MVH funds for preservation purposes.

There was also language in this bill that lowers the population threshold for municipalities that are required to complete the Annual Operational Report, which tracks expenditures of MVH and LRS funds. Previously, every county and municipalities with a population greater than 20,000 were required to complete this report, which is submitted to LTAP and the State Board of Accounts. HEA 1290 lowers that population threshold to 15,000. This will impact 12 municipalities that will be required to submit the report, beginning in 2019.

- Repeals the motor carrier surcharge tax and increases the special fuel tax by \$0.21 per gallon.
- Distributes part of the special fuel tax revenue to the motor carrier regulation fund.
- Specifies how netted International Fuel Tax Agreement Clearinghouse refunds and receipts are deposited or credited.
- Specifies that the commercial vehicle excise tax rate calculation that must be done on or before October 1 of each year is effective on January 1 of the following year.
- Excludes the transportation infrastructure improvement fee and the supplemental fees for registering electric and hybrid vehicles from the calculation of the commercial vehicle excise tax.
- Changes various distribution percentages of revenue distributed from the motor vehicle highway account and highway, road and street fund.
- Specifies that heating oil is not included in the sales tax exemption for special fuel.
- Provides that for funds distributed to counties, cities, and towns from the motor vehicle highway account, each county, city, or town must use at least 50% of the money for the construction, reconstruction, and preservation of the unit's highways. (Under current law, at least 50% must be used for construction, reconstruction, and maintenance.)
- Makes various changes to the accounting system for local roads and streets.
- Establishes the New Harmony and Wabash River bridge authority (bridge authority).
- Specifies the composition and terms of bridge authority membership.
- Describes the purpose and duties of the bridge authority.
- Authorizes the bridge authority to charge and collect a toll for transit across the White County bridge (bridge).
- Requires the bridge authority to equip, improve, maintain, operate, reconstruct, rehabilitate, and restore the bridge for use by motor vehicles, pedestrians, and other forms of transportation.
- Allows the bridge authority to issue bonds and notes for certain purposes.
- Provides that all registration fees collected under the International Registration Plan (IRP) or through an Indiana based IRP account (rather than only certain specified fees collected under the IRP or an Indiana based IRP account under current law) are covered by the statute providing for the first \$125,000 of such revenue each state fiscal year to be distributed to the state police

building account and any remaining amounts to be distributed to the motor vehicle highway account.

- Specifies that the transportation infrastructure improvement fee shall be apportioned under the IRP.
- Specifies conditions under which a vehicle platoon may be operated in Indiana.
- Defines certain terms.
- Makes conforming changes.

[HEA 1311, PL 147 MOTOR VEHICLE MATTERS](#)

Author: Soliday, R-Valparaiso

Sponsor: Merritt, R-Indianapolis

- Establishes the department of state revenue pilot program (pilot program).
- Specifies that the purpose of the pilot program is to assist the state, other states, and other government agencies with: (1) the administration and processing of commercial vehicle registrations as required under the International Registration Plan; (2) the licensing and reporting of fuel tax use for motor carriers under the International Fuel Tax Agreement; (3) audit and record keeping for the International Registration Plan and the International Fuel Tax Agreement; and (4) any other essential or necessary functions related to the motor carrier services.
- Establishes the pilot program fund to assist with the implementation and administration of the pilot program.
- Requires the valuation of a motor vehicle to be based upon the vehicle's model year.
- Requires the county surtax for a motor vehicle to be based upon a vehicle's model year.
- Provides that the following terms may appear on the title of a motor vehicle registration in certain instances: (1) Replica vehicle. (2) Reconstructed vehicle. (3) Specialty reconstructed vehicle.
- Allows the bureau to determine how special identification numbers should read.
- Exempts a motor vehicle that is: (1) owned or leased by certain postsecondary educational institutions; and (2) used for official business purposes; from certain registration fees.
- Repeals the statutory definition of "Indiana firefighter."
- Requires the bureau to consult with the Professional Firefighters Union of Indiana and the Indiana Firefighters Association concerning the design of the Indiana firefighter special group license plate.
- Removes the National Football League franchised football team license plate from the special group license plate program.
- Allows a police officer to charge a fee for title and vehicle identification number (VIN) inspections in certain instances.
- Specifies that a fee related to a title or VIN inspection performed by a police officer may not exceed \$5.
- Specifies that revenue generated by a fee related to a police officer's inspection of a title or VIN must be deposited in: (1) a special vehicle inspection fund; or (2) a local law enforcement continuing education fund.
- Allows the bureau to waive certain: (1) age; (2) experience; and (3) practice; requirements related to hardship waivers.
- Allows a motorcyclist who: (1) is not less than 16 years and 90 days of age; and (2) has successfully completed a motorcycle safety education course; or who is 16 years and 270 days of age to receive a motorcycle endorsement.

- Allows the bureau to waive certain vision and vision testing requirements related to learner's permits and driver's licenses if the applicant provides evidence from a licensed ophthalmologist or licensed optometrist demonstrating an ability to operate a motor vehicle in a manner that does not jeopardize individuals or property.
- Provides that a licensed ophthalmologist or licensed optometrist may not be civilly or criminally liable for a report made in good faith to the bureau concerning a person's fitness to operate a motor vehicle.
- Adds: (1) parents; (2) legal guardians; and (3) grandparents; to the list of individuals who may be transported by a probationary driver.
- Allows certain credentials to be renewed 24 months prior to the expiration of the credential.
- Creates a rebuttable presumption of knowledge for all driver's license suspensions when: (1) a notice; or (2) an order; concerning the suspension of an individual's driving privileges are mailed to the last known address of the individual.
- Requires affidavits pertaining to flood damaged vehicles to be kept and maintained by a dealer.
- Defines the term "fee" as any money assessed or collected by the bureau.
- Allows the bureau to refund certain fees.
- Allows disbursements from a municipal special fund to be used to defray the cost and maintenance expenses associated with the operation of a municipally owned park where parking meters are located.
- Makes conforming amendments.
- Makes a technical correction.

[HEA 1358, PL 84 INTERSECTION SAFETY STUDY](#)

Author: Cherry, R-Greenfield
Sponsor: Crider, R-Greenfield

- Urges the legislative council to assign to a study committee the task of studying safety at certain intersections not controlled by a traffic signal and drainage along rural roads.

[HEA 1374, PL 189 FINANCING AND TRANSPORTATION](#)

Author: Soliday, R-Valparaiso
Sponsor: Mishler, R-Berne

- Adds a new article to the Indiana Code to consolidate and rewrite various statutes related to the Indiana finance authority (IFA), including statutes: (1) establishing the IFA; (2) specifying the powers, duties, and purposes of the IFA and the members of the IFA; and (3) governing the following programs and funds administered by the IFA: (A) State facility financing, health facility financing, educational facility financing, recreational development financing, and economic development project financing. (B) The wastewater revolving loan program, the drinking water revolving loan program, the supplemental drinking water and wastewater assistance program, and the environmental remediation revolving loan program. (C) The flood control revolving fund. (D) The infrastructure assistance program. (E) The local infrastructure program. (F) The allocation of volume cap under federal law for private activity bonds. (G) The IFA's duty to monitor and study water quality.
- Repeals the existing statutes governing those programs and funds.
- Changes program and fund names.
- Repeals the statutes concerning: (1) funding and insurance for export promotion; (2) the clean coal technology program; (3) the agricultural loan and rural development project guarantee fund; (4) the issuance of bonds for the underground petroleum storage tank excess liability fund; (5) the powers of the IFA related to substitute natural gas contracts; and (6) the broadband

development program administered by the IFA.

- Provides for the state, the IFA, and the northwest Indiana regional development authority to finance the northern Indiana commuter transportation district's construction of the mainline double tracking project and the West Lake corridor project.
- Repeals the law relating to the former next generation trust fund (the fund has no principal).
- Establishes a new next generation trust fund to be used exclusively for the provision of highways, roads, and bridges.
- Provides that the principal of the trust may be used to make and secure lease rental payments that are payable from grant proceeds from the federal government and will be used to pay bonds or notes issued by the Indiana finance authority for a rail project.
- Transfers to the new next generation trust fund the amount in excess of \$250,000,000 that is in the next level Indiana trust fund.
- Provides immunity from civil liability for officers, directors, and employees of the Indiana finance authority and the treasurer of state for transfers made from the next level Indiana trust fund to the new next generation trust fund.
- Modifies the investment policy requirements for the next level Indiana trust fund.
- Requires the IFA to include in a request for proposals a statement that it will consider only offerors that have experience and quality performance in comparable projects in North America in the last two years with regard to entering into a public-private partnership for a toll road, freeway, or facility project.
- Requires the IFA to consider affiliates of the offeror, predecessors to the offeror, and parties that would be entering into a substantive contract with the offeror.
- Requires a resubmission of certain information from an offeror before the IFA holds the public meeting announcing its final selection.
- Requires, instead of allows, the IFA to require the filing of financial statements for the term of the public-private agreement.
- Eliminates using a public-private partnership for a communications infrastructure project.
- Continues current law appropriations for the wastewater and drinking water programs.
- Specifies that the budget agency may (rather than shall) submit a proposed guarantee or direct loan under the industrial development loan guaranty program to the budget committee for review. (The Indiana economic development corporation may not make or guarantee such a loan unless it is reviewed by the budget committee.)
- Specifies documents that must accompany a loan or financial assistance from: (1) the drinking water or wastewater revolving loans funds; (2) the Indiana brownfields fund; (3) the flood control fund; and (4) local transportation infrastructure revolving funds.
- Provides that the revenues securing the Marion County health and hospital corporation's debt and rental obligations are special revenues and provides a lien on these revenues.
- Changes cross references to statutes that are being repealed and rewritten by the bill.
- Makes conforming and technical changes.
- Adds two at-large members to the board of trustees of the Indiana state museum and historic sites corporation.
- Urges the legislative council to assign to a study committee the subject of requiring performance and payment bonds for future public-private projects.

[SEA 125, PL 93 REGISTRATION OF UNDERGROUND UTILITY EXCAVATION CONTRACTORS](#)

Author: Merritt, R-Indianapolis

Sponsor: Ober, R-Fort Wayne

- Provides that a contractor that will perform one or more excavations or demolitions in Indiana under a contract with: (1) a communications service provider; or (2) a utility; must include in an entity filing filed with the secretary of state a statement that the contractor and its employees will comply with Indiana's 811 statute.
- Provides that a contractor that is a filing entity under the Uniform Business Organizations Code (Code) shall provide documentation of the contractor's compliance with the registration requirement to a communications service provider or a utility before entering into a contract with the communications service provider or the utility to perform excavations or demolitions in Indiana.
- Authorizes the utility regulatory commission (IURC) or its pipeline safety division to refer to the attorney general contractors that: (1) violate Indiana's 811 statute; and (2) are foreign entities not registered to do business in Indiana.
- Authorizes the attorney general to collect penalties of not more than \$10,000 for the registration violation, as provided for in the Code.
- Provides that at the request of the IURC or its pipeline safety division, and not more than once per year, unless for purposes of an investigation under Indiana's 811 statute, a communications service provider or utility shall provide a list of its contractors operating in Indiana. (The introduced version of this bill was prepared by the interim study committee on energy, utilities, and telecommunications.)

[SEA 212, PL 54 VEHICLE WEIGHT LIMITS](#)

Author: Brown, R-Fort Wayne

Sponsor: Heine, R-New Haven

- Excludes bulk milk from the definition of "overweight divisible load."
- Provides that the department of transportation (department) may issue an overweight permit for the transportation of bulk milk up to 100,000 pounds.
- Requires the department to issue an annual permit with a fee of \$20 to an applicant for a bulk milk permit whose total equivalent single axle load calculation is equal to or less than 2.40 equivalent single axle load credit.
- Requires the department to issue a nondivisible overweight permit to an applicant for a bulk milk permit whose total equivalent single axle load calculation is greater than 2.40 equivalent single axle load credit.

[SEA 265, PL 122 STUDY OF INTERSECTION SAFETY](#)

Author: Crider, R-Greenfield

Sponsor: Cherry, R-Greenfield

- Urges the legislative council to assign to a study committee the task of studying safety at certain intersections not controlled by a traffic signal and drainage along rural roads.

[SEA 266, PL 164 MOTOR VEHICLE SAFETY](#)

Author: Crider, R-Greenfield

Sponsor: Frye, R-Batesville

- Requires that a license plate must be displayed in a horizontal and upright position that displays

the registration expiration year in the upper right corner.

- Requires that a renewal sticker for a license plate must be securely affixed in the upper right corner of the license plate covering the previous registration expiration year.
- Provides that a trailer of less than 3,000 pounds gross weight is not required to be equipped with brakes.
- Specifies that head lamps on motor vehicles, motorcycles, and motor driven cycles may display only white or amber light.
- Requires that motor vehicles except for motorcycles, motor vehicles manufactured before January 1, 1956, and motor driven cycles must be equipped with two stoplights.
- Specifies that: (1) stop lamps on the rear of a vehicle must be red; and (2) signal lamps on the rear of a vehicle must display only red or amber light or any shade of color between red and amber.
- Specifies that signal lamps showing to the front of a vehicle must display only white or amber light or any shade of color between white and amber.
- Specifies that window treatments may not be applied below the AS-1 line.
- Provides that the program established by the Indiana state police for the inspection of equipment for private buses applies only to private buses designed or used to transport 15 or more passengers (including the driver).
- Specifies that the provision in current law prohibiting the bureau of motor vehicles from registering a private bus unless the private bus has an unexpired certificate indicating compliance with the inspection program for private buses applies only to private buses that are designed or used to transport more than 15 passengers (including the driver).
- Provides that exceeding an altered speed limit established by a local authority is a Class C infraction.
- Provides that exceeding a speed limit in a school zone is a Class B infraction. Provides that failing to maintain a minimum speed limit established by the department of transportation is a Class C infraction.
- Provides that exceeding an altered speed limit established by the department of transportation is a Class C infraction.
- Provides that a vehicle must be driven entirely within a marked lane.
- Provides that a plain clothes law enforcement officer in an unmarked police vehicle may make an arrest for a violation of: (1) reckless driving causing endangerment; (2) recklessly passing a stopped school bus resulting in bodily injury; and (3) operating a vehicle while intoxicated in a manner that endangers a person.

[SEA 269, PL 165 ROAD AND UTILITY REPAIR](#)

Author: Koch, R-Bedford

Sponsor: Soliday, R-Valparaiso

Aim Comment: This legislation was an Aim initiative bill that had several other provisions inserted throughout the process, some that we were supported and others on which we remained neutral. The bill, as drafted, included language that would require a regional sewer district to notify impacted municipalities whenever the district expands an existing service territory. Previously, there was a requirement to provide notice when a new district was created but there was no requirement for notification when a district expanded. This led to confusion with service territories and in at least one case, resulted in litigation. This bill now requires a district to provide notification under both circumstances.

There was also language included in the introduced version that requires INDOT to conduct additional public outreach and notification for road construction projects that may result in closures, detours or delays impacting businesses and property owners. Aim did not request this language in the bill, however, we supported the concept.

There was language amended into the bill in the House that changes the current appeals process for a denied request to close an at-grade rail crossing. This legislation requires INDOT to schedule an appeal with an administrative law judge within 60 days of a denial to close a crossing.

- Requires the department of transportation (department) to schedule an appeal of a local unit's denial of a petition to close a railroad crossing within 60 days after the denial of the petition.
- Defines "department action" as one or more of the following: (1) Detour creation or implementation. (2) Planned bridge repair. (3) Planned road repair.
- Requires the department to consider the following when determining when to let a contract involving certain construction, maintenance, and repair projects: (1) Impact on local commerce. (2) Impact on local residents. (3) Impact on local tourism.
- Requires the department to make a good faith effort to use: (1) the least disruptive timing when determining when to let a contract involving certain construction, maintenance, and repair projects; and (2) the least restrictive means when implementing or performing certain construction, maintenance, and repair projects.
- Requires the department to release a contract let list: (1) every 180 days; and (2) to at least 1 news media entity.
- Provides that the hearing officer appointed to conduct a hearing concerning a petition to establish a regional water, sewage, or solid waste district is required to provide notice of the hearing to the executive of a city or town that has a municipal sewage works or public sanitation department having extraterritorial jurisdiction within the boundaries of the area to be included in the proposed district.
- Requires the board of trustees of a regional sewage district, when seeking to add territory to the district, to file a copy of its motion for the addition of territory in the office of: (1) the executive of each governmental entity having territory within the territory proposed to be added to the regional sewage district; and (2) the executive of a city or town that has a municipal sewage works or public sanitation department if the territory proposed to be added to the regional sewage district includes territory within the extraterritorial jurisdiction of the municipal sewage works or public sanitation department.
- Defines "governmental entity", for purpose of the law concerning regional water, sewage, and solid waste districts, as a municipal corporation or a special taxing district.
- Defines certain terms.

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HEA 1267, PL 196 WATER INFRASTRUCTURE TASK FORCE

Author: Soliday, R-Valparaiso

Sponsor: Charbonneau, R-Valparaiso

Aim Comment: This legislation was one of primary points of contention between the House and Senate in the final days of session and there was some concern that they would not reach a compromise in the final hours. Similar language was drafted in SB 361 to create a water task force, but that bill did not list the participants specifically by name. HEA 1267 creates a water infrastructure task force to examine the State of Indiana's needs in regard to water infrastructure, wastewater infrastructure, storm water infrastructure, combined sewer overflows and water supply issues. The main point of contention centered on the named participants of the task force. In the introduced version of this bill Aim was a named member on the task force, however, negotiations were reached that left a broad category for the Governor to appoint individuals, similar to SB 361. Aim is encouraged by the establishment of this task force and we believe it is a great first step to addressing another major infrastructure crisis in Indiana.

- Establishes a water infrastructure task force (task force) consisting of: (1) two members of the senate; (2) two members of the house of representatives; and (3) the following individuals appointed by the governor: (A) Officers or employees of the state. (B) Individuals representing operators of drinking water, wastewater management, or storm water management systems. (C) Engineers or professionals experienced in the design and construction of such systems. (D) Individuals representing ratepayers and others constituting the funding sources for such systems. (E) Members of the general public. Requires the task force to comply with the public meetings and public records laws.
- Requires the task force to: (1) study specified issues concerning drinking water systems, wastewater management systems, and storm water management systems; (2) create an empirical decision making tool that will allow policymakers to prioritize water infrastructure projects; and (3) develop a long term plan for addressing drinking water, wastewater, and storm water management needs in Indiana.
- Requires the task force to submit a report containing certain recommendations to the general assembly and the governor not later than December 1, 2018.
- Provides that the legislative services agency shall provide staff support to the task force.
- Requires the Indiana finance authority (IFA) to contract with an entity of its choosing to study the needs of the state, political subdivisions, and other public and private entities arising from the National Pollutant Discharge Elimination System (NPDES) storm water program.
- Provides that IFA must require the contractor to complete and submit a written report setting forth the results of the study not later than December 1, 2019.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying research and outreach efforts to reduce non-point source impacts on water quality.

SEA 125, PL 93 REGISTRATION OF UNDERGROUND UTILITY EXCAVATION CONTRACTORS

Author: Merritt, R-Indianapolis

Sponsor: Ober, R-Fort Wayne

- Provides that a contractor that will perform one or more excavations or demolitions in Indiana under a contract with: (1) a communications service provider; or (2) a utility; must include in an entity filing filed with the secretary of state a statement that the contractor and its employees will comply with Indiana's 811 statute.
- Provides that a contractor that is a filing entity under the Uniform Business Organizations Code (Code) shall provide documentation of the contractor's compliance with the registration requirement to a communications service provider or a utility before entering into a contract with the communications service provider or the utility to perform excavations or demolitions in Indiana.

- Authorizes the utility regulatory commission (IURC) or its pipeline safety division to refer to the attorney general contractors that: (1) violate Indiana’s 811 statute; and (2) are foreign entities not registered to do business in Indiana.
- Authorizes the attorney general to collect penalties of not more than \$10,000 for the registration violation, as provided for in the Code.
- Provides that at the request of the IURC or its pipeline safety division, and not more than once per year, unless for purposes of an investigation under Indiana’s 811 statute, a communications service provider or utility shall provide a list of its contractors operating in Indiana. (The introduced version of this bill was prepared by the interim study committee on energy, utilities, and telecommunications.)

SEA 156, PL 49 RURAL UTILITY COOPERATIVES

Author: Houchin, R-Salem

Sponsor: Frye, R-Batesville

- Amends the statutes concerning rural telephone cooperative corporations (cooperative corporations) as follows: (1) Specifies that for purposes of the statute, a “member” of a cooperative corporation means a person admitted to membership both under law and under the cooperative corporation’s bylaws. (Current law provides that a member means a person admitted to membership under law or the cooperative corporation’s bylaws.) (2) Allows for electronic notice of a meeting of the cooperative corporation’s members. (3) Authorizes a cooperative corporation to include a provision in its articles of incorporation or its bylaws to allow any votes cast: (A) after notice of a meeting is provided; and (B) before a meeting of its members; to count toward specified quorum requirements.
- Amends the statute concerning the merger or consolidation of rural electric membership corporations and rural telephone cooperative corporations to: (1) allow for electronic notice of a meeting of a surviving corporation’s or successor corporation’s members; (2) authorize a surviving corporation or successor corporation to include a provision in its articles of incorporation or its bylaws to allow any votes cast: (A) after notice of a meeting is provided; and (B) before a meeting of its members; to count toward specified quorum requirements; and (3) specify that a person may not become or remain a member of a surviving corporation or successor corporation unless the person uses energy, communications, or other services (rather than retail electric service or communications service, as specified in current law) supplied by the surviving corporation or successor corporation.
- Makes conforming amendments concerning voting requirements in the statute governing rural electric membership corporations.

SEA 269, PL 165 ROAD AND UTILITY REPAIR

Author: Koch, R-Bedford

Sponsor: Soliday, R-Valparaiso

Aim Comment: This legislation was an Aim initiative bill that had several other provisions inserted throughout the process, some that we were supported and others on which we remained neutral. The bill, as drafted, included language that would require a regional sewer district to notify impacted municipalities whenever the district expands an existing service territory. Previously, there was a requirement to provide notice when a new district was created but there was no requirement for notification when a district expanded. This led to confusion with service territories and in at least one case, resulted in litigation. This bill now requires a district to provide notification under both circumstances.

There was also language included in the introduced version that requires INDOT to conduct additional public outreach and notification for road construction projects that may result in closures, detours or delays impacting businesses and property owners. Aim did not request this language in the bill, however, we supported the concept.

There was language amended into the bill in the House that changes the current appeals process for a denied

request to close an at-grade rail crossing. This legislation requires INDOT to schedule an appeal with an administrative law judge within 60 days of a denial to close a crossing.

- Requires the department of transportation (department) to schedule an appeal of a local unit's denial of a petition to close a railroad crossing within 60 days after the denial of the petition.
- Defines "department action" as one or more of the following: (1) Detour creation or implementation. (2) Planned bridge repair. (3) Planned road repair.
- Requires the department to consider the following when determining when to let a contract involving certain construction, maintenance, and repair projects: (1) Impact on local commerce. (2) Impact on local residents. (3) Impact on local tourism.
- Requires the department to make a good faith effort to use: (1) the least disruptive timing when determining when to let a contract involving certain construction, maintenance, and repair projects; and (2) the least restrictive means when implementing or performing certain construction, maintenance, and repair projects.
- Requires the department to release a contract let list: (1) every 180 days; and (2) to at least 1 news media entity.
- Provides that the hearing officer appointed to conduct a hearing concerning a petition to establish a regional water, sewage, or solid waste district is required to provide notice of the hearing to the executive of a city or town that has a municipal sewage works or public sanitation department having extraterritorial jurisdiction within the boundaries of the area to be included in the proposed district.
- Requires the board of trustees of a regional sewage district, when seeking to add territory to the district, to file a copy of its motion for the addition of territory in the office of: (1) the executive of each governmental entity having territory within the territory proposed to be added to the regional sewage district; and (2) the executive of a city or town that has a municipal sewage works or public sanitation department if the territory proposed to be added to the regional sewage district includes territory within the extraterritorial jurisdiction of the municipal sewage works or public sanitation department.
- Defines "governmental entity," for purpose of the law concerning regional water, sewage, and solid waste districts, as a municipal corporation or a special taxing district.
- Defines certain terms.

[SEA 362, PL 126 REGULATION OF WATER AND WASTEWATER SYSTEMS](#)

Author: Charbonneau, R-Valparaiso

Sponsor: Ober, R-Fort Wayne

Aim Comment: Aim was neutral on this bill. We support the additional requirements to ensure water utilities continue to increase operating standards, though this bill does create additional requirements on those utilities. The final passed version of this bill requires any newly established water or wastewater utility be subject to IURC jurisdiction for the first 10 years. There are also requirements that a water or wastewater utility complete a cost benefit analysis, an asset management plan, and a cyber security program. These are similar requirements that were included as part of the road funding conversation in 2016-17 and Aim believes these additional requirements are setting up municipalities for a serious conversation about water infrastructure issues in 2019.

- Provides that a public utility, conservancy district, or regional water or sewage district that is organized as a legal entity after June 30, 2018, to provide water or wastewater service to the public is subject to the jurisdiction of the Indiana utility regulatory commission for the period of 10 years beginning on the day on which it is organized as a legal entity.
- Amends the laws concerning the wastewater revolving loan program and the drinking water revolving loan program to require a demonstration that each participant to which a loan would be

made has the financial, managerial, technical, and legal capability of operating and maintaining its system and has developed or is in the process of developing an asset management program.

- Establishes new requirements for water treatment plants and wastewater treatment plants applying to the department of environmental management for the issuance or amendment of a permit, including a cost-benefit analysis, a capital asset management plan, and a cybersecurity program.

[SEA 411, PL 64 DISTRESSED UTILITIES](#)

Author: Koch, R-Bedford

Sponsor: VanNatter, R-Kokomo

- Amends a provision in the statute concerning the acquisition of distressed water or wastewater utilities to require that, upon filing a petition with the utility regulatory commission (IURC) to include the cost differentials of the transaction as part of the acquiring utility company's rate base, the acquiring utility company must provide notice to its customers that the petition has been filed. (Current law requires the acquiring utility company to provide notice to its customers if the proposed acquisition will increase the utility company's rates by an amount that is greater than 1% of the utility company's base annual revenue.)
- Amends a provision in the statute concerning the sale or disposition of nonsurplus municipally owned utility property to provide that in determining whether the sale or disposition according to the parties' proposed terms and conditions is in the public interest, the IURC shall accept as reasonable the valuation of the property as determined through an appraisal and review made under the procedures set forth in the statute.

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HEA 1230 (SS) SCHOOL SAFETY

Author: McNamara, R-Evansville

Sponsor: Raatz, R-Richmond

- (This proposed legislation does the following: (1) Sets forth the text of CC123010 adopted by the Senate on March 14, 2018. (2) Makes technical corrections.)
- Provides that curriculum for the school safety specialist training and certification program must include training in identifying, preventing, and intervening in actions by a person who is present on school property with the intent to harm another person.
- Allows charter schools and accredited nonpublic schools to elect to comply with certain laws regarding school safety specialists, school safety plans, and safe school committees.
- Provides that, on or before December 1, 2018, and periodically thereafter, the secured school safety board shall conduct a review and submit a report to the legislative council.
- Provides that the report: (1) must provide an overview of the current status of school safety across the state; and (2) may make recommendations to improve the safety of elementary and secondary school students.
- Provides that a school corporation, a charter school, or a coalition of public schools applying jointly may receive an advance from the common school fund in order to make improvements to school security.
- Provides that the state board of education (state board), in consultation with the secured school safety board, shall administer the program.
- Provides that the total amount of advances that the state board may make during the state biennium beginning July 1, 2017, and ending June 30, 2019, may not exceed \$35,000,000.
- Provides that the state board of finance shall periodically establish the rate or rates of interest payable on advances made as long as the established interest rate or rates are not less than 1% and do not exceed 4%.
- Provides that the term of the advance may not exceed 10 years after the date of the advance.
- Provides that the maximum amount of the advance that the state board may approve is the lesser of: (1) \$500,000 for a school corporation or charter school; or (2) the amount needed to cover costs approved by the secured school safety board that are in excess of the amount awarded by the secured school safety board and the amount committed as a match by the school corporation or charter school (or coalition of public schools filing jointly) that applied for the secured school fund matching grant.
- Provides that a charter school may provide the state board with an adequate security interest for the repayment of an advance made to the charter school.
- Provides that a school corporation may levy a property tax for its debt service fund and transfer those revenues to the school corporation's general fund (before January 1, 2019) or education fund (after December 31, 2018).
- Requires the department of education (department) to maintain a link on the department's Internet web site providing parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying.
- Requires the state board and school corporations to maintain an Internet link to the department's Internet web site on their Internet web sites.
- Requires the department to maintain a link on the department's Internet web site regarding the identification and reporting of human trafficking.
- Requires certain employees of a school corporation or an accredited nonpublic school to receive at least one hour of in service training every two years pertaining to the identification and reporting of human trafficking.
- Provides that a school corporation's disciplinary rules pertaining to bullying must prohibit

bullying through the use of data or computer software that is accessed through a computer or through a cellular telephone or other wireless or cellular communications device. (Current law provides that a school corporation's disciplinary rules pertaining to bullying must prohibit bullying through the use of data or computer software that is accessed through a computer.)

- Requires the department to conduct a statewide needs assessment survey concerning student service providers and how schools are addressing the social and emotional needs of students.
- Requires each charter school and accredited nonpublic school to: (1) adopt a local school safety and emergency plan; and (2) provide a copy of the floor plans for each building located on the school's property to the law enforcement agency and the fire department that have jurisdiction over the school.
- Provides that a school that has one or more employees may barricade or block a door for a period not to exceed three minutes in the event of an unplanned fire alarm activation in order for a designated school official to investigate the alarm.
- Provides that the period may be extended in the event that an active shooter has been verified to be on the school's property.
- Provides that not later than August 1, 2019, an audit should be conducted for each school corporation that includes a review of each school's safety plan and an onsite review of the school corporation.
- Provides that the department's division of school building physical security and safety (division) is primarily responsible for overseeing the audits.
- Provides that the division may request the voluntary assistance of the department of homeland security, the state police department, and any appropriate state or local law enforcement agency necessary to complete the audits.
- Provides that, with the approval of the governor and the budget agency, the amount appropriated by HEA 1001-2017 for the Indiana safe schools fund for the state fiscal year beginning July 1, 2018, and ending June 30, 2019, may be augmented from the state general fund in an amount specified by the budget agency, but not to exceed \$1,000,000 and the Indiana criminal justice institute shall transfer an amount equal to the amount augmented by the budget agency to the department for the purpose of providing training to school safety specialists and conducting the audits.
- Provides that, not later than August 1, 2019, each charter school authorizer, in consultation with the division, shall conduct an audit of the charter school's safety plan for each charter school authorized by the authorizer.
- Provides that, on or before August 1, 2018, the state fire marshal, in consultation with the department, shall send written guidance to each school that has one or more employees that describes how a school may apply current fire safety requirements for an unplanned fire alarm activation in order to provide security to students and school staff in the event of a potential manmade disaster situation.
- Provides that, with the approval of the governor and the budget agency, the amount appropriated by HEA 1001-2017 for the Indiana secured school fund may be augmented from the state general fund in an amount not to exceed \$5,000,000.

[HEA 1242 \(SS\) STATE AND LOCAL ADMINISTRATION](#)

Author: Brown, R-Crawfordsville

Sponsor: Holdman, R-Markle

Aim Comment: HEA 1242 contains new transparency requirements for redevelopment commissions (RDCs). At an RDC meeting, the RDC is required to present certain data and information for the benefit of other taxing units that are affected by tax increment financing (TIF) as well as present information to another unit's governing body upon request.

- (This proposed legislation does the following: (1) Sets forth the text of CC024205 adopted by the Senate on March 14, 2018. (2) Reconciles the text of CC024205 with the text of HEA 1374 (P.L.189-2018) in SECTION 8. (3) Reconciles the text of CC024205 with the text of the 2018 technical corrections bill (P.L.86-2018) in SECTIONS 8, 11, 12, and 13. (4) Makes a technical correction in SECTION 22. (5) Reconciles the text of CC024205 with the text of HEA 1323 (P.L.188-2018) in SECTION 27.)
- Provides that the lottery commission must obtain a tax clearance statement from the department of state revenue (DOR) for a retailer before the lottery commission may enter into a contract with that retailer.
- Repeals the riverboat admissions tax provisions scheduled to expire July 1, 2018.
- Reorganizes the supplemental wagering tax law.
- Specifies that gaming activity information shall be reported to the gaming commission daily.
- Provides that taxes withheld from riverboat and racino winnings are due on a monthly basis rather than the day after the winnings are paid.
- Changes reporting and remitting requirements of the slot machine wagering tax.
- Repeals the establishment of an investment product for the public employee deferred compensation plan and an alternative investment program for the annuity savings account of public employee retirement plans.
- Eliminates the maritime opportunity district property tax deduction for new manufacturing equipment installed in a district after June 30, 2018.
- Provides a sales tax exemption for certain property purchased and used by a person that manufactures hot mix asphalt at an asphalt plant.
- Provides that the DOR may require that certain information be provided or updated before the issuance or renewal of a registered retail merchant's certificate.
- Delays until July 1, 2019, the effective date of provisions concerning the sales taxation of the renting of rooms, lodgings, and accommodations for which a facilitator accepts payment.
- Makes various changes to the state income tax laws, including the calculation of income tax rates when two different rates are in effect during the taxpayer's taxable year, tax due dates, refund claims, and income tax preparer requirements.
- Provides that the reduced tax rate for a corporation in a qualified military enhancement area applies only to a corporation that locates all or part of its operations in an area before January 1, 2019, and that the rate is equal to the lesser of 5% or the corporate tax rate that would otherwise apply.
- Provides that in the case of a project that includes, as part of the project, the use and repurposing of two or more buildings and structures that are: (1) at least 75 years old; and (2) located at a site at which manufacturing previously occurred over a period of at least 75 years; a pass through entity may allocate an industrial recovery tax credit among its partners, beneficiaries, or members of the pass through entity as provided by written agreement. Requires state and local employees, contractors, and subcontractors whose duties include access to confidential tax information to submit to and update background checks.
- Authorizes Vigo County to adopt a county food and beverage tax.
- Provides that the tax rate may not exceed 1%.
- Specifies that the revenue from the tax shall be distributed to the capital improvement board and may be used by the board only for the acquisition, construction, improvement, maintenance, or financing of the following: (1) A convention center. (2) A facility that is used or will be used principally for convention or tourism related events or the arts. (3) Wayfinding improvements. Requires the construction or improvements to be made after June 30, 2018. (4) To pay the principal and interest on bonds issued to finance one of these purposes.
- Specifies that the tax expires December 31, 2043.

- Requires each redevelopment commission to annually present certain information for the governing bodies of all taxing units that have territory within an allocation area of the redevelopment commission.
- Provides that the presentation shall be made at a meeting of the redevelopment commission and must include certain information.
- Provides that the governing body of such a taxing unit may request that a member of the redevelopment commission appear before the governing body at a public meeting of the governing body.
- Requires, for a territory that was annexed by a municipality after June 1, 1976, and before March 4, 1988, one-half of the property taxes attributable to property taxes imposed by the park and recreation district on property that is within the annexed territory to be transferred to the annexing municipality's parks and recreation department.
- Makes technical corrections.

HEA 1315 (SS) SCHOOL CORPORATION FINANCIAL MANAGEMENT

Author: Brown, R-Crawfordsville

Sponsor: Mishler, R-Elkhart

- (This proposed legislation sets forth the text of CC131505 filed in the house of representatives and the senate.)
- Allows the distressed unit appeal board (DUAB) to delegate board authority, duties, and responsibilities to the DUAB executive director by resolution of the board.
- Allows the DUAB to adopt rules.
- Requires the attorney general to represent a member of the distressed unit appeal board, a member of the fiscal management board, an emergency manager, a chief financial officer, or a chief academic officer if the individual requests the representation.
- Specifies restrictions on school corporations that are designated distressed. Specifies that waivers regarding the allocation of protected taxes apply only to distressed school corporations and not other distressed units.
- Authorizes the emergency manager of a distressed school corporation to cancel any employee's contract or terminate an employee's employment as part of a reduction in force.
- Provides that notification for a reduction in force of: (1) certificated employees may be delivered after September 30 and before November 1 of the contract year; and (2) noncertificated employees may be delivered at any time.
- Specifies that the maximum reduction in force of certificated employees under this provision may not exceed 5% of the full-time equivalency for all employees for the school corporation as of September 1.
- Requires the emergency manager to provide any certificated employee whose contract is being canceled with notice at least 90 days before the effective date of the cancellation.
- Permits only the emergency manager to petition the DUAB to terminate a political subdivision's distressed status.
- Makes changes concerning the Gary Community School Corporation and its operation. Converts the Gary Community School Corporation's governing board to an advisory board.
- Provides that the advisory board may not hold a public meeting more often than once every three months.
- Provides that the advisory board may hold additional meetings that are authorized as executive sessions under the open door law.
- Specifies that the advisory board may vote to fill vacancies, select officers, and make

appointments of the advisory board.

- Deletes from current law the requirements: (1) that the emergency manager for the Gary Community School Corporation must consult with the fiscal management board and the governing body; and (2) that the emergency manager for the Gary Community School Corporation must consult with the mayor, the fiscal management board, and the governing body when developing the school corporation's annual budget and developing a financial plan, and provides that the emergency manager shall consider any recommendations from these entities.
- Requires the chief financial officer and chief academic officer to submit a quarterly report to the advisory board.
- Provides that when the emergency manager submits the school corporation's proposed annual budget to the distressed unit appeal board, the emergency manager shall provide copies of the proposed annual budget to the fiscal management board and the advisory board.
- Removes the laws concerning the Muncie Community school corporation being a fiscally impaired school corporation.
- Permits the Ball State University board of trustees to adopt a resolution to govern the Muncie Community school corporation using a newly appointed seven member governing body.
- Requires certain members of the governing body to reside in the Muncie Community school corporation district.
- Specifies that the governing body serving on June 30, 2018, shall become on July 1, 2018, an advisory board to the governing body appointed by the President and board of trustees of Ball State University.
- Requires the governing body to engage academically innovative strategies.
- Specifies that only certain laws in IC 20 will apply to the Muncie Community school corporation.
- Specifies other conditions.
- Provides that during the period beginning July 1, 2018, and ending June 30, 2020, the DUAB may provide financial support to the Muncie Community school corporation in an amount that does not exceed the amount of compensation that would have been provided to an emergency manager of the school corporation if the school corporation had retained the designation of a distressed political subdivision (but not more than \$1,000,000).
- Permits the DUAB to recommend to the state board of finance that the state board of finance make an interest free loan to the Muncie Community school corporation.
- Establishes a fiscal and qualitative indicators committee (committee) to make determinations about the fiscal and qualitative factors to be used in analyzing the financial condition of school corporations.
- Specifies certain factors that may be used.
- Requires the committee to make determinations about the presentation of the factors to the public and the frequency of updates.
- Requires the DUAB to present school financial condition information on its Internet web site or the management performance hub Internet web site.
- Sets minimum standards for presenting the information.
- Requires the committee to publish before January 1, 2019, the fiscal and qualitative indicators for each school corporation on the DUAB's Internet web site or the management performance hub's Internet web site.
- Requires the DUAB executive director to present a report to the state budget committee concerning the processes that will be used by the DUAB and the executive director to do the following: (1) Identify school corporations that demonstrate signs of financial distress. (2) Determine when a corrective action plan is necessary for a school corporation. (3) Determine the conditions that must be satisfied before a school corporation will no longer be subject to a

corrective action plan and will be considered as financially healthy.

- Provides that before June 1, 2019, the executive director shall prepare and submit to the DUAB an initial report identifying those school corporations for which a corrective action plan may be appropriate, based on the fiscal and qualitative indicators.
- Requires the DUAB to consider the report and make a determination concerning which school corporations the executive director shall contact for purposes of conducting an assessment of the school corporation's financial condition.
- Provides that if the DUAB makes a determination that a corrective action plan is necessary for the school corporation, the DUAB shall notify the governing body and the superintendent of the school corporation that the school corporation must develop and submit a corrective action plan within 90 days.
- Provides that upon the request of a school corporation that is required to submit a corrective action plan, the executive director and other appropriate state departments and agencies shall assist the school corporation in developing the corrective action plan and provide technical assistance to the school corporation.
- Specifies that the DUAB shall place the school corporation on a watch list if: (1) the executive director determines that the school corporation is not in compliance with the school corporation's corrective action plan; (2) the executive director notifies the superintendent and governing body of the school corporation that the school corporation is not in compliance with the school corporation's corrective action plan and the school corporation must achieve compliance with the school corporation's corrective action plan within a period specified by the executive director; and (3) the executive director determines that the school corporation has not achieved compliance with the school corporation's corrective action plan within that period.
- Provides that all reports, correspondence, and other records related to a school corporation's corrective action plan and the placement of a school corporation on the watch list are excepted from public disclosure at the discretion of the DUAB or the school corporation unless and until the school corporation is placed on the watch list and the state budget committee has reviewed the school corporation's placement on the watch list.
- Specifies that the DUAB shall hold executive sessions to consider reports related to a school corporation's corrective action plan.
- Amends the definition of «deficit financing» for a budget year to mean, in the case of any distressed school corporation, the Gary Community School Corporation, or the Muncie Community school corporation: (1) actual expenditures; plus (2) additional payments against any outstanding debt obligations; exceeding the employer's current year actual education fund revenue.
- Provides that until June 30, 2018, the governing body of Gary schools, rather than the emergency manager, shall exercise the power to fill a vacancy on the governing body and make appointments on behalf of the governing body.
- Resolves conflicts.
- Makes technical corrections.

[HEA 1316 \(SS\) TAXES AND HIGHER EDUCATION BONDING](#)

Author: Brown, R-Crawfordsville

Sponsor: Holdman, R-Markle

- (This proposed legislation does the following: (1) Sets forth the text of CC131604 adopted by the senate on March 14, 2018. (2) Reconciles the text of CC131604 with the text of the 2018 technical corrections bill (P.L.86-2018) in SECTIONS 2, 5, and 6. (3) Revises the provisions concerning income under Section 965 of the Internal Revenue Code, based on recent guidance from the Internal Revenue Service. (4) Adds the provisions concerning the waiver of interest and penalties if the general assembly enacts a change in a listed tax for a tax period that in-

creates a taxpayer's tax liability after the due date for that listed tax and tax period.)

- Provides a sales tax exemption for sales of the following property by a public library (or a charitable organization formed to support a public library): (1) Items in the library's circulated and publicly available collections, including items from the library's holdings. (2) Items that would typically be included in the library's circulated and publicly available collections and that are donated by individuals or organizations to a public library (or to a charitable organization formed to support a public library).
- Provides that a taxpayer that is entitled to one or more specified economic development tax credits for the 2017 taxable year may elect to carry forward all or any portion of those credits and instead apply the tax credits in the 2018 taxable year.
- Requires a taxpayer to make an election in order to carry forward the tax credit.
- Makes changes to the state income tax laws to conform in part to the latest version of the Internal Revenue Code (IRC), to modify the net operating loss carryover period, the earned income tax credit, and the interest expense deduction.
- Adds a deduction for certain contributions to capital under Section 118 of the IRC. Provides that the department of revenue may waive interest and penalties if the general assembly enacts a change in a listed tax for a tax period that increases a taxpayer's tax liability for that listed tax after the due date for that listed tax and tax period.
- Specifies that such a waiver shall apply only to the extent of the increase in tax liability and only for a period not exceeding 60 days after the change is enacted.
- Provides that in 2018, the state income tax credit for contributions to a college choice 529 education savings plan (529 plan) that will be used to pay for qualified K-12 education expenses is equal to the lesser of: (A) \$500; or (B) 10% multiplied by the amount of the total contributions that will be used to pay for qualified K-12 education expenses.
- Provides that the credit for all contributions is subject to the \$1,000 overall annual limit in existing law.
- Provides that in 2019 and thereafter, contributions to a 529 plan that will be used to pay for qualified K-12 education expenses are eligible for the 20% credit (but are subject to the \$1,000 overall annual limit in existing law).
- Provides that qualified K-12 education expenses means expenses that are for tuition in connection with enrollment or attendance at an elementary or secondary public, private, or religious school located in Indiana and are permitted under Section 529 of the Internal Revenue Code.
- Provides that beginning in 2019 a person making a contribution to or a withdrawal from a 529 plan must designate whether the contribution or withdrawal will be used for higher education or K-12 purposes (qualified purposes include tuition in connection with enrollment or attendance at an elementary or secondary public, private, or religious school located in Indiana). Provides that the credit does not apply to money that is credited to the 529 plan and then transferred to an ABLE account.
- Changes the date that the trustees of certain state educational institutions may issue and sell certain bonds authorized in the 2017 budget bill.
- Makes technical corrections.

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