

aim Accelerate
Indiana
Municipalities

A blue-tinted photograph of the Indiana Statehouse building, featuring a prominent dome and an American flag on top. The building is surrounded by other city buildings and a street with cars and streetlights.

STATEHOUSE REPORT 2019

MCCORMICK
FRESH

Starting the Discussion on Investment Hubs

During the 2019 session, the Indiana General Assembly passed a biennial budget and even finished a few days early. Aim had success with a government efficiency bill, put to rest several concerning bills and kicked off a discussion about long term funding of cities and towns through regional collaborative efforts.

Late last year, Aim launched a new, broader effort to plan for the long term future of cities and towns. Aim team members held meetings in cities and towns around the state prior to the session to discuss the plan with Aim members as well as legislators. When the session started in January, Aim promoted a regional collaborative plan for local funding and projects. This effort we called the “Investment Hubs” initiative. House Enrolled Act 565 passed with language urging a study committee on the initiative. We are happy to report that the Legislative Council announced the study will come to fruition and has been assigned to the Interim Study Committee on Fiscal Policy. Through the work of the committee and input from Aim, the legislative committee will consider allowing local governments to have greater authority to work within their region to implement projects and fund them via new revenue sources. Read more about this initiative on page 123 and stay tuned for additional Aim updates on Investment Hubs.

Thanks to member input, Aim collected several ideas as to ways the Indiana Code could be revised to make local government processes more efficient. House Enrolled Act 1116 was initiated by Aim and contained several measures to clarify confusing statutes and eliminate unnecessary micromanagement. You can read more about this bill on page 13.

Every two years, the legislature is required to pass the state budget – the fiscal operations plan for all state agencies and various other entities. At one point in the session, a potential amendment to the budget bill, House Enrolled Act 1001, was discussed that would have diverted road funding dollars (that Aim was successful in securing two years ago via the Community Crossings Program) to the Department of Child Services to fix that agency’s funding woes. Luckily, such language did not materialize and local road funding dollars remain intact in the final version of the budget.

Another bill to note is House Enrolled Act 1347 dealing with municipal utilities and their authority to hold landlords responsible for unpaid utility bills of tenants. While Aim expressed concern with this bill during the session, it did move forward and passed into law. We recognize that some utilities may need to make adjustments as a result. We will continue to offer assistance with this challenging piece of legislation and appreciate Aim member input throughout the process of analyzing its legal ramifications.

We hope you will find the 2019 Statehouse Report to be a useful tool in learning about the multitude of new laws that passed this year. As always, if you have questions about any piece of legislation or current law, contact a member of the Aim legislative team or Aim legal counsel for assistance. We appreciate your input throughout the session and keeping your legislators informed about municipal matters that are important to you and your community!

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/>.

TABLE OF CONTENTS

Administration	Page 4
Community and Economic Development.....	Page 29
Courts	Page 43
Criminal Code.....	Page 52
Environmental.....	Page 58
Gaming	Page 63
Healthy Communities.....	Page 71
Innovation and Technology.....	Page 79
Municipal Finance.....	Page 82
Public Safety.....	Page 111
Transportation	Page 125
Utilities	Page 137

Top Twelve Bills with Municipal Impact

1. HEA 1116 – Various Local Government Matters/Aim Government Efficiency bill.....	Page 12
2. HEA 1170 – Public Safety Officer Contract Negotiations	Pages 13 & 114
3. HEA 1258 – Residency of Police Officers and Firefighters.....	Page 115
4. HEA 1347 – Municipally Owned Utilities.....	Page 138
5. HEA 1427 – DLGF bill / Annexation Waivers.....	Pages 17 & 96
6. HEA 1518 – Alcohol Permit Matters.....	Page 33
7. SEA 193 – Sewer & Water Connections/Accessing the Right of Way	Pages 135 & 141
8. SEA 233 – Business Personal Property Taxes.....	Page 105
9. SEA 535 – Extraterritorial Powers of Cities and Towns.....	Pages 27, 37 & 144
10. SEA 565 – Various Income Tax Matters/Aim Investment Hubs Initiative	Page 107
11. SEA 566 – Residential Tax Increment Financing (TIF).....	Pages 41 & 108
12. SEA 582 – Tax Court Jurisdiction/Clarification of Fees Definition	Page 109

aim

Accelerate
Indiana
Municipalities

2019

Administration

HEA 1001, PL 108 STATE BUDGET

Author: Huston, R-Fishers

Sponsor: Mishler, R-Bremen

Aim Comment: While the budget bill is primarily focused on funding state agency operations and education operations, there are typically a few matters of interest to local government before the bill is passed by the General Assembly. That held true this year as both positive and negative language was considered for inclusion in the passed version of the budget. Prior to the Senate passing their version of the bill there was discussion about reverting road funding dollars from the Special Transportation Fund to address a funding shortfall for the Department of Child Services. Aim opposed this suggested action and legislators decided not to recommend Governor Holcomb pursue this redaction of nearly \$100 million of road funding dollars.

There was very positive language included in the bill to establish funding for the rural broadband grant program in the amount of \$100 million dollars. These funds will be utilized to address the lack of broadband service in rural Indiana through a grant program operated by the Office of Community and Rural Affairs.

Another positive funding issue included in the passed version of the budget will include an annual appropriation of \$10 million to the Indiana Finance Authority (IFA) to create a leveraged loan program to assist municipal utilities with water, wastewater, and stormwater infrastructure upgrades. IFA will provide low interest, longer term loans and grants with 40% of the funds mandated to be provided to utilities serving less than 3400 customers. More details about this program may be found in HEA 1406.

- Appropriates money for capital expenditures, the operation of the state, K-12 and higher education, the delivery of Medicaid and other services, and various other distributions and purposes.
- Renames the build Indiana fund the lottery surplus fund.
- Eliminates all the build Indiana fund accounts.
- Declares the policy of the state that no person may be denied coverage for a preexisting condition under a plan of health coverage offered or administered by the state.
- Specifies that the preexisting condition exclusion provisions of the Patient Protection and Affordable Care Act (PPACA) are in effect and enforced in Indiana, regardless of the legal status of the PPACA.
- Establishes the Indiana-Michigan boundary line commission to administer and oversee a survey and remonumentation of the Indiana-Michigan border.
- Eliminates the office of state based initiatives.
- Makes the budget agency responsible for coordinating federal assistance to state agencies. Prohibits certain state agency action regarding federal assistance.
- Requires state agencies to provide federal assistance information to the budget agency.
- Requires the budget agency to: (1) prepare an annual report summarizing the federal assistance received by state agencies during the preceding federal fiscal year; (2) publish a comprehensive federal assistance review plan; and (3) perform a review of the current impact and projected future impact of federal mandates and regulations on Indiana.
- Makes the budget agency the state's single point of contact to review and coordinate proposed federal financial assistance and direct federal development.
- Adds the two deputy budget directors as alternate members of the budget committee, and specifies that one of the deputy directors shall take the place of the budget director when the budget director is not present.
- Removes the restriction on the Indiana horse racing commission using money distributed under a distribution agreement for administrative purposes.
- Requires 0.45% of the adjusted gross receipts from each casino to be deposited in the horse racing commission's operating fund.
- Establishes the problem gambling program fund.

- Specifies that the part of the problem gambling fee that is retained annually by the Indiana gaming commission must be deposited into the fund.
- Provides that the money in the fund is continuously appropriated.
- Permits the trust fund for self-insurance for employees, including retired employees, for the state police department, conservation officers of the department of natural resources, and the state excise police to invest in the same investments as the state police pension plan instead of the public employees' retirement fund (the trust fund could not invest in equity securities).
- Permits the retiree health benefit trust fund to invest in the same investments as the public employees' retirement fund instead of in the same manner as public deposits may be invested.
- Requires a periodic actuarial study of the retiree health benefit trust fund.
- Provides that employer contributions to the retirement medical benefits account (RMBA) on behalf of a participant must be sufficient to provide the specified benefit.
- Changes the administration and investment decisions for the RMBA from the budget agency to the Indiana public retirement system (INPRS).
- Changes responsibility for reports concerning other post-employment benefits (OPEB) from the office of management and budget (OMB) to the INPRS.
- Changes responsibility for reports concerning local pensions from the OMB to the INPRS.
- Changes references to Governmental Accounting Standards Board Statements that apply to OPEB reports.
- Repeals the Indiana technology fund.
- Provides that a taxpayer may submit, beginning in 2021, a personal property tax return using an online submission system established by the department of local government finance in collaboration with county assessors.
- Replaces the postwar construction fund with a fund named the state construction fund.
- Dedicates \$1,800,000 to the state construction fund from a part of the cigarette tax revenue formerly appropriated to the department of natural resources.
- Repeals the state police building account and directs the revenue formerly deposited in the account to the state construction fund.
- Establishes requirements to be eligible to claim the Indiana research expense income tax credit effective January 1, 2019.
- Increases the cap on the scholarship granting organization scholarship tax credit from \$14,000,000 to \$15,000,000 for the state fiscal year beginning July 1, 2019, and to \$16,500,000 for state fiscal years beginning after June 30, 2020.
- Repeals the income tax credit for property taxes paid by a for-profit acute care hospital.
- Provides various tax exemptions for the College Football Playoff Group for the College Football Playoff National Championship, including ancillary events.
- Provides that money in the department of state revenue pilot program fund for functions related to motor carrier services is continuously appropriated.
- Allocates a percentage of St. Joseph County innkeeper's tax revenue: (1) for the development and operation of an indoor sports complex in the city of Mishawaka; and (2) to finance projects for the Potawatomi Zoo in the city of South Bend.
- Expires both of these allocations and decreases the innkeeper's tax rate by the percentage allocated for the respective purposes on the later of: (1) July 1, 2024; or (2) a specified date to occur.
- Removes the reduction from the motor vehicle highway account fund for the appropriation to the department of transportation for traffic safety.
- Transfers \$325,000 each month to the motor carrier regulation fund from the motor vehicle highway

account fund.

- Requires the bureau of motor vehicles to determine the allocation to counties from the motor vehicle highway account fund that is based on motor vehicle registrations.
- Provides that proceeds received under the First Amendment to the Amended and Restated Indiana Toll Road Concession and Lease Agreement entered on September 21, 2018, are to be deposited in a new fund known as the toll road lease amendment proceeds fund for certain state highway projects.
- Appropriates \$239,400,000 from the toll road lease amendment proceeds fund in state fiscal year 2019 to be used for the purposes of the fund.
- Terminates the appropriation to the state police department of part of the handgun license fees as of July 1, 2019.
- Transfers any balance remaining in the fund holding these fees to the state general fund on June 30, 2021.
- Requires the division of disability and rehabilitative services to establish a cost participation schedule for purposes of the first steps program.
- Repeals the statutory cost participation schedule.
- Provides that the money in the division of family resources child care fund is continuously appropriated.
- Removes the requirement that a school corporation distribute to the state general fund 3% of the federal reimbursement for claims paid under the federal Medicaid program. (Under current law, these funds distributed to the state general fund are dedicated for consulting to encourage school participation in the Medicaid program.)
- Extends the prohibition on the office of Medicaid policy and planning from including certain Medicaid recipients who receive nursing facility services in a Medicaid risk based managed care program or a capitated managed care program through June 30, 2020.
- Specifies conditions that apply to a Medicaid disproportionate share hospital payment plan (DSH payment plan). Requires the hospital assessment fee committee (committee) to prepare a DSH payment plan or a default plan and submit the DSH payment plan or default plan to the office of the secretary of family and social services (office of the secretary).
- Sets forth requirements for state fiscal years: (1) beginning July 1, 2019; and (2) beginning on or after July 1, 2020.
- Requires the office of the secretary to file with the federal Centers for Medicare and Medicaid Services (CMS) a proposed Medicaid state plan amendment that is based on the DSH payment plan or default plan prepared by the committee and implement the plan amendment if the state plan amendment is approved by CMS.
- Provides for a continuous appropriation from the prekindergarten pilot program fund.
- Establishes a township assistance online pilot program to provide for ease of access and efficient application for township assistance, automate the application process for township assistance, and create a system to collect and report data regarding township assistance administration.
- Extends the hospital assessment fee and the health facility quality assessment fee through June 30, 2021.
- Increases the maximum amount of a primary care scholarship awarded at Marian University College of Osteopathic Medicine in the first class year from \$10,000 per year to \$15,000 per year.
- Provides that the department of child services may enter into a voluntary service referral agreement with a child's parent, guardian, or custodian.
- Adds the budget director as a member of the justice reinvestment advisory council.
- Permits the state to purchase insurance required by the federal government in connection with the use of federal land for the state's wireless public safety voice and data communications system.
- Extends the judicial and legislative branch leave conversion pilot program through June 30, 2021.

- Requires the governor to appoint a task force to study the Indiana law enforcement academy.
- Appropriates \$325,000 from the state general fund to the Indiana department of gaming research for the July 1, 2018, through June 30, 2019, state fiscal year.
- Provides that appropriations from the state board of accounts dedicated fund for the state board of accounts for the state fiscal year beginning July 1, 2018, may be augmented from the state board of accounts dedicated fund.
- Provides that unused funds appropriated to the legislative council and legislative services agency in FY 2019 or FY 2020 do not revert to the general fund until June 30, 2021.
- Permits a state officer to use state funds to make a communication containing the name and likeness of the state officer if the communication: (1) is posted or maintained on a state owned Internet web site; (2) relates to the official duties of the state officer and is not made for commercial broadcast or dissemination to the general public; or (3) is posted on social media, if the communication relates to the official duties of the state officer, was not created, developed, or posted by a nongovernmental entity, and if the social media service provider does not charge for the posting.
- Specifies allowable terms for a settlement agreement involving the state or a state agency.
- Provides for the ability for cash flow funding before a full funding grant agreement is approved for the northern Indiana railroad project.
- Requires the northwest Indiana regional development authority to repay the amount if a full funding grant agreement is not approved.
- Modifies the membership of the board of the northern Indiana commuter transportation district (board).
- Provides that board members are not entitled to a salary per diem. Permits the board to authorize the Indiana department of transportation (INDOT) to exercise all or a part of the powers of the board that are necessary or desirable to accomplish the purposes of the board subject to the agreement of INDOT, including carrying out a railroad project.
- Broadens the powers of INDOT to contract with third parties to carry out a railroad project.
- Establishes the next level connections fund to provide matching grants to local units of government and nonprofit organizations for trails, incentivize and establish additional nonstop flights originating from Indiana airports, and accomplish the transportation plan of the department of transportation.
- Permits INDOT to transfer up to \$100,000,000 from the next level connections fund to the rural broadband fund for the purpose of awarding broadband grants for rural areas.
- Establishes the northern Indiana commuter rail account within the fund. Requires the budget agency to transfer \$185,000,000 from the next level connections fund to the northern Indiana commuter rail account.
- Permits the transfer of up to an additional \$20,000,000 from the next level connections fund to the northern Indiana commuter rail account, subject to the approval of the governor.
- Provides that any proposed extension or amendment to certain agreements shall be submitted to the budget committee for review.
- Prohibits any extension or amendment to such an agreement until after the budget committee has reviewed the proposed extension or amendment.
- Specifies that any lump sum amounts or series of amounts totaling more than \$1,000,000 received under a public-private agreement entered into by the Indiana finance authority before January 1, 2013, must be held in reserve until May 1 of the calendar year following the calendar year in which the lump sum payment or series of payments was received.
- Authorizes the state and state agencies to enter into cooperative agreements with federally recognized Indian tribes. Specifies the necessary terms of a cooperative agreement.
- Requires a provision of a cooperative agreement waiving the state's sovereign immunity to be reviewed and approved by the attorney general.
- Specifies the conditions that must be met for the state to waive its immunity from suit in federal court

under the Eleventh Amendment to the Constitution of the United States with respect to a cooperative agreement.

- Adds federally recognized Indian tribes to the list of governmental entities with which local governments may enter into interlocal agreements.
- Provides that a marketplace facilitator is required to collect and remit state sales tax as a retail merchant when it facilitates a retail transaction for sellers on the marketplace facilitator's marketplace.
- Specifies circumstances in which a marketplace facilitator or a seller would not be required to collect and remit the state sales tax.
- Specifies that sharing of passenger motor vehicles and trucks through a peer to peer vehicle sharing program is a retail transaction subject to the state gross retail and use tax if sharing occurs more than 15 days in a calendar year.
- Provides that the exemption for the purchase of a new motor vehicle that is acquired for resale, rental, or leasing in the ordinary course of the person's business does not apply to a vehicle purchased for sharing through a peer to peer vehicle sharing program.
- Provides that vehicle sharing through a peer to peer vehicle sharing program is exempt from the auto rental excise tax and a county supplemental auto rental excise tax unless an ordinance is adopted to impose the county tax.
- Limits the county supplemental tax rate to 1%. Imposes a vehicle sharing excise tax at a 2% tax rate.
- Distributes the revenue from the tax to political subdivisions based on the vehicle's county of registration.
- Requires a marketplace facilitator to collect and remit innkeeper's tax.
- Repeals the definition of "facilitator" that is set to go into effect July 1, 2019.
- Repeals the provision requiring a facilitator who is a retail merchant to provide an itemized statement to the consumer.
- Provides that primary personal residences are exempt from the state gross retail tax unless the owner rents or furnishes the residence for more than 14 days.
- Provides for the collection of food and beverage taxes.
- Makes failure to collect or remit food and beverage taxes a Level 6 felony.
- Provides that a county treasurer may enter into an agreement with the fiscal officer of an entity responsible for the expenditure of funds from an innkeeper's tax to furnish the fiscal officer each month with the name and retail address of each business collecting an innkeeper's tax and the amount of money collected from each business.
- Provides that the state department of health shall issue guidelines establishing a cost participation standard for the amount of a parent's or guardian's expected contribution toward the purchase of a hearing aid for which assistance is granted under the hearing aid assistance program (program).
- Provides that the state department of health may issue guidelines establishing additional funding priorities to give to applications that are submitted under the program.
- Suspends the healthy Indiana plan phase out trust fund payments beginning in state fiscal year 2018-2019, subject to budget committee review.
- Requires the department of child services to establish a per diem model to reimburse providers of family preservation services.
- Appropriates \$150,000,000 from the state general fund to the 1996 account of the teachers retirement fund of the Indiana public retirement system (INPRS).
- Specifies that the board of trustees of the INPRS is to reduce the employer contribution rate. Requires the governing body of each school corporation after July 1, 2019, and before October 1, 2019, to hold a public meeting to determine: (1) the dollar amount of the reduction in the school corporation's employer contribution rate; and (2) the actions the governing body of the school corporation intends to take with that amount.

- Provides for thirteenth checks in 2019 and 2020 for certain members of the: (1) Indiana state teachers' retirement fund; (2) public employees' retirement fund; (3) state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan; (4) state police pre-1987 benefit system; and (5) state police 1987 benefit system. Urges the legislative council to assign to the appropriate interim study committee the topic of the complexity index used in funding K-12.
- Requires the auditor of state to transfer any balance in the regional cities development fund to the state general fund on June 30, 2019. Reconciles conflicts with other enactments.
- Makes corresponding changes.
- Makes technical corrections.

[HEA 1018, PL 75 COUNTY PARK BOARDS](#)

Author: Soliday, R-Valparaiso

Sponsor: Charbonneau, R-Valparaiso

- Makes changes to: (1) the procedure for a county to adopt an ordinance creating a department of parks and recreation (department); and (2) the composition of the county park board (county board).
- Requires that if the county fiscal body amends the ordinance that created a department as to the members of the county board, the amended ordinance must provide that the composition of the members of the county board are selected in accordance with the remainder of the bill.
- Prohibits a county fiscal body (after December 31, 2019) from adopting an ordinance to create a department.
- Provides that, if the county fiscal body has not adopted an ordinance or has repealed the ordinance creating a department before January 1, 2020, the county executive may adopt an ordinance to create a department.
- Provides that in a county that has an ordinance that is in effect on June 30, 2019, the ordinance is unchanged unless amended or repealed by the county fiscal body and specifies that the county board in such a county is governed by the current law for the composition of the county board.
- Sets forth who may serve as an ex officio member of the county board created by the county executive using the procedure added by the bill.
- Makes conforming and stylistic changes.

[HEA 1019, PL 43 PUBLIC CONSTRUCTION](#)

Author: Pressel, R-Rolling Prairie

Sponsor: Bohacek, R-Michiana Shores

- Increases, from \$100,000 to \$150,000, the ceiling under which a board of aviation commissioners or an airport authority board may perform certain public construction projects with its own workforce. Increases, from \$75,000 to \$150,000 the ceiling under which a county drainage board may obtain quotes rather than advertise for bids for certain projects under the drainage law.

[HEA 1059, PL 199 SURVIVOR BENEFITS](#)

Author: Carbaugh, R-Fort Wayne

Sponsor: Boots, R-Crawfordsville

- Provides that a surviving spouse or a surviving dependent of a member of the public employees' retirement fund (PERF) or the Indiana state teachers' retirement fund (TRF) who dies after June 30, 2018, and before the member retires from PERF or TRF is entitled to a survivor benefit, regardless of whether the member dies in service in a position covered by PERF or TRF or out of service, if: (1) the member has at least 10 years of creditable service; and (2) the surviving spouse or surviving dependent otherwise

qualifies for the benefit. Makes conforming changes. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

HEA 1062, PL 122 UNEMPLOYMENT MATTERS

Author: Leonard, R-Huntington

Sponsor: Boots, R-Crawfordsville

- Makes various changes to unemployment compensation law concerning confidentiality, the method of sending notices to claimants and employers, the cap on expenditures from the special employment and training services fund, employing units subject to the Federal Unemployment Tax Act, and appeals regarding seasonal determinations. Updates and eliminates outdated language.
- Makes technical corrections.

HEA 1086, PL 123 LOCAL LICENSING AND PERMITTING

Author: Pressel, R-Rolling Prairie

Sponsor: Garten, R-Charlestown

Aim Comment: This legislation provides that if a local unit requires a person to post a surety bond to be permitted to work within the unit, the surety bond posted by the person is considered sufficient even if the bond covers the person in more than one unit. There was language added to the bill on 2nd reading in the Senate that capped the amount a local unit may require on a surety bond at \$15,000. Aim was opposed to this language, but the bill author and sponsor both supported its inclusion in the bill. A political subdivision may not require the bond be recorded but may require a copy be filed with the permitting unit.

- Provides that if a political subdivision requires a person to post a surety bond as a condition that the political subdivision issue a license or permit to the person, a surety bond posted by the person is considered sufficient if the following are satisfied: (1) The bond is written by a surety company authorized to transact business in Indiana. (2) The obligation on the bond is for an amount that is at least the amount required by the political subdivision for the issuance of the particular license or permit. (3) The obligee or obligees named on the bond are any of the following: (A) The political subdivision that requires the bond. (B) Specifically named political subdivisions in the county that include the name of the political subdivision that requires the bond. (C) All political subdivisions in the county in which the political subdivision that requires the bond is located. (D) All political subdivisions of the same kind as the political subdivision that requires the bond located in the county. (4) The conditions of the bond otherwise comply with the requirements of the ordinance that imposes the bond condition.
- Provides that a political subdivision may not require the obligation on a license bond to be more than \$15,000.
- Provides that a person required to post a bond satisfies the posting requirement if the person files a copy of the bond with the political subdivision or appropriate agency of the political subdivision that requires the bond. Provides that a political subdivision may not require that the person record the license bond.

HEA 1113, PL 200 TELECOIL AND BEACON POSITIONING SYSTEMS

Author: Miller, R-Elkhart

Sponsor: Rogers, R-Granger

- Requires the fire prevention and buildings safety commission (commission) to adopt rules requiring that a person performing new construction or any major alteration of an existing public address system in a Class 1 structure located in a first or second class city after June 30, 2020, must consider the installation of an audio frequency induction loop system (AFIL) and a beacon positioning system.
- Requires that the person performing new construction or any major alteration of an existing facility's public address system to solicit at least one bid for the installation of an AFIL and at least one bid for the

installation of a beacon positioning system.

- Requires the commission to: (1) adopt standards of the American National Standards Institute (ANSI) and International Electrotechnical Commission (IEC) for installation, maintenance, and performance of audio frequency induction loop systems; and (2) develop standards for installation and maintenance of beacon positioning systems.
- Requires audiologists, individuals who hold a hearing aid dealer certificate of registration, and individuals who fit or dispense hearing aids while under the supervision and direction of an individual who holds a hearing aid dealer certificate of registration to provide information about telecoil and AFILs when fitting and dispensing hearing aids.

[HEA 1116, PL 164 VARIOUS LOCAL GOVERNMENT MATTERS](#)

Author: Karickhoff, R-Kokomo

Sponsor: Ruckelshaus, R-Indianapolis

Aim Comment: The Aim government efficiency bill this year was authored by Representative Mike Karickhoff and sponsored by Senator John Ruckelshaus. Once again Aim pursued legislation based on suggestions from our membership on ways to increase efficiencies, reduce bureaucracy, and modernize services provided to constituents. First, this legislation will allow local officials to discuss selling property during an executive session. Current statute already allows the discussion of purchasing or leasing property in an executive session. Second, the bill eliminates the requirement of partisan appointments for stormwater and utility service boards in second and third class cities. Third, the bill allows a municipality to utilize electronic bidding for public works projects. Currently, local units are restricted to using postal mail, fax or hand delivery for bidding. The bill also includes clarifying language to assist municipalities in addressing problem properties through the unsafe building code. The bill contains a few other fiscal policy changes that will improve the process for allocating funds received for damaged properties and providing additional flexibility for when utility service bonds must be paid.

- Allows the governing body of a state or local government agency to discuss in an executive session strategy regarding a real estate transaction by the governing body.
- Allows the fiscal officer of a political subdivision to appropriate funds received from any private entity or individual for the purpose of repairing or replacing damaged property. (Current law allows only appropriation of funds from an insurance company.)
- Eliminates political party affiliation requirements for members of a utility service board or storm water management board.
- Allows a political subdivision to receive electronic bids for public work projects that exceed a certain amount, if the bid solicitation states the procedure for transmitting the electronic bid and the means of transmission protects the bid contents.
- Requires a political subdivision that receives electronic bids to provide electronic access to the notice of the bid solicitation through the computer gateway administered by the state office of technology in addition to newspaper publication.
- Provides that a hazardous tract of land containing a building that is not an unsafe building constitutes an unsafe premises and is subject to the unsafe building law.
- Specifies the procedure for notice by publication under the unsafe building law. Eliminates the requirement that a negotiable note for a public work project or eligible efficiency project be repaid by a political subdivision on January 1 and July 1 of each year of the note's term.
- Allows a drainage board to send written invitations for bids for construction work by electronic means.
- Resolves conflicts with HEA 1019-2019 and HEA 1115-2019.

[HEA 1128, PL 125 CONSTRUCTION PERMITS](#)

Author: Miller, R-Elkhart

Sponsor: Doriot, R-Goshen

Aim Comment: As this legislation was introduced, the intent was to expedite the process for construction permits being approved for secondary plats within an ongoing construction site. The bill's author believed some local units were delaying the approval of new permits due to work that was not vital to the completion of an ongoing construction project. Aim worked to expand the review timeline to approve these permits from the introduced version and the bill author did agree to increase the review period to 12 days. We also lobbied to have language inserted that would allow us to deny new construction permits if any existing open permits were creating a health or safety conflict for any new permit being issued. The health and safety language was included in the enacted bill.

- Provides that a local unit may not require, as a condition precedent to granting, issuing, or approving certain permits for any Class 1 or Class 2 structures, completion of work upon which the performance bond or other surety was obtained prior to recording the secondary plat.
- Provides that a local unit may not require, as a condition precedent to granting, issuing, or approving a certificate of occupancy for any Class 1 or Class 2 structure, the completion of work upon which the performance bond or other surety was obtained prior to recording the secondary plat, unless required under certain state building laws or another law to meet a local unit's basic needs for public health and safety.
- Requires a local governmental agency to issue certain permits to a person not later than 12 business days after the person has filed a completed application and meets all required conditions, in certain instances.

[HEA 1170, PL 126 PUBLIC SAFETY OFFICER CONTRACT NEGOTIATIONS](#)

Author: Mahan, R-Hartford City

Sponsor: Buck, R-Kokomo

Aim Comment: This bill was a new approach to legislation that did not become law in 2018 that addressed public safety contract negotiations between contracted police and fire departments. This bill mandates an "Evergreen" clause to all new contracts established after June 30, 2019. This language requires the terms of the current contract be extended for a period of one year from the end of the contract unless a new agreement has been agreed to by both parties. During the one year Evergreen period, the entities must enter into nonbinding mediation unless they have come to an agreement on a new contract. If a new agreement is not successfully accomplished by nonbinding mediation during the one year Evergreen period, the contract is no longer binding for either party.

- Requires a county, city, town, or township (unit) that does not have a procedure for resolution of an impasse in contract negotiations through alternative dispute resolution with an employee organization for the unit's police or fire department employees, to include in a written agreement entered into with the employee organization after June 30, 2019 that: (1) the parties to submit to nonbinding mediation if they fail to agree to a new agreement within one year after the existing agreement expires. (2) the agreement continue without any change in its terms and conditions until the earlier of the following: (A) The parties fail to reach an agreement after mediating the dispute, at which time the written agreement no longer binds the parties. (B) The date the parties execute a new written agreement.

[HEA 1171, PL 127 APPRENTICE PLUMBERS](#)

Author: Morris, R-Fort Wayne

Sponsor: Brown, R-Fort Wayne

- Allows an individual to register as a registered apprentice plumber and to work under a licensed plumbing contractor or journeyman plumber for one year, so long as the registered apprentice plumber has applied for acceptance into an apprenticeship program and is awaiting acceptance or has been placed on the program's waiting list.
- Provides that a registered apprentice plumber must discontinue working under a licensed plumbing

contractor or journeyman plumber if certain events occur.

[HEA 1182, PL 167 WORKER'S COMPENSATION](#)

Author: Lehman, R-Berne

Sponsor: Boots, R-Crawfordsville

- Provides that, for worker's compensation purposes, an employee who leaves work to serve as a volunteer firefighter or member of a volunteer emergency medical services association (volunteer member) is considered an employee of the firefighting unit while in the performance of duties as a volunteer firefighter or volunteer member.
- Increases the maximum amount of burial expenses that an employer must pay under the worker's compensation act for the burial expenses of a covered employee who dies from an injury by an accident arising out of the employee's employment from \$7,500 to \$10,000.
- Increases the maximum amount of burial expenses that an employer must pay under the worker's occupational diseases compensation act for the burial expenses of an employee who dies from an occupational disease arising out of the employee's employment from \$7,500 to \$10,000.

[HEA 1183, PL 281 TOWING SERVICES](#)

Author: Lehman, R-Berne

Sponsor: Doriot, R-Goshen

- Amends the statute concerning the release of an abandoned motor vehicle that has been towed to a storage yard or towing facility as follows: (1) Provides that a towing service or storage yard may charge an inspection fee for inspections or retrievals from a vehicle. (2) Requires a towing service or storage yard to: (A) provide an itemized receipt upon payment; and (B) meet certain requirements as to: (i) hours of operation; and (ii) receiving and returning telephone calls.
- Provides that not later than three business days after towing a vehicle a towing company or storage facility must comply with certain statutes relating to abandoned vehicles for giving notice.
- Requires a towing company to charge reasonable fees.
- Requires a towing company to provide the owner or operator of a motor vehicle that is about to be towed a written and itemized estimate of all charges and services to be performed by the towing company.
- Requires a towing company to document and itemize certain fees related to a tow and certain towing services.
- Specifies certain record keeping requirements for itemized estimates issued by a towing company.
- Creates a new article in the Indiana Code to establish certain requirements for towing companies that engage in, or offer to engage in, the business of providing towing service in Indiana, including provisions concerning the following: (1) Emergency towing. (2) Private property towing. (3) Releasing towed motor vehicles. (4) Prohibited acts by towing companies and storage facilities.
- Provides that a person who violates these new provisions commits a deceptive act that is: (1) actionable under; and (2) subject to the penalties and remedies set forth in; the statute governing deceptive consumer sales.
- Provides that the attorney general: (1) shall receive, and may investigate, complaints alleging violations of the new provisions; and (2) after finding that a violation has occurred, may take appropriate action under the statute governing deceptive consumer sales.
- Authorizes the attorney general to adopt rules to implement the new provisions.

[HEA 1185, PL 79 BUNKHOUSE SAFETY REQUIREMENTS](#)

Author: Negele, R-Attica

Sponsor: Crider, R-Greenfield

- Defines “bunkhouse”.
- Provides that, before January 1, 2021, the commission may adopt rules to exempt bunkhouses from being required to be equipped with an automatic fire sprinkler system.

[HEA 1187, PL 10 TECHNICAL CORRECTIONS](#)

Author: Steuerwald, R-Avon

Sponsor: Young, R-Indianapolis

- Resolves technical conflicts and addresses technical problems in the Indiana Code.
- Provides that the technical corrections bill may be referred to as the “technical corrections bill of the 2019 general assembly”.
- Specifies that the title may be used in the lead-in line of each SECTION of another bill to identify the provisions added, amended, or repealed by the technical corrections bill that are also amended or repealed in another bill being considered during the 2019 legislative session.
- Provides the publisher of the Indiana Code with guidance concerning resolution of amend/repeal conflicts between the technical corrections bill and other bills passed during the 2019 legislative session.
- Specifies that if there is a conflict between a provision in the technical corrections bill and a provision being repealed in another bill, the other bill’s repealer is law. (The introduced version of this bill was prepared by the code revision commission.)

[HEA 1192, PL 203 THEFT BY PUBLIC SERVANTS](#)

Author: Lauer, R- Columbus

Sponsor: Koch, R-Bedford

- Specifies that in the case of a public servant w police and fire departments to reside within a county that is noncontiguous to the county where the police or fire department is located but is not more than 50 miles from the closest boundary of the city, town, or township where the police or fire department is located. Includes an emergency management worker and a division fire investigator in the definition of “public safety officer” to qualify the person for the special death benefit for a public safety officer who dies in the line of duty.

[HEA 1330, PL 172 DISPOSAL OF ABANDONED OR DERELICT AIRCRAFT](#)

Author: Speedy, R-Indianapolis

Sponsor: Doriot, R-Goshen

- Specifies that a “person” includes a political subdivision for purposes of the statute concerning liens for the repair, storage, servicing, or furnishing of supplies for certain motor vehicles, airplanes, machinery, and equipment.
- Establishes a procedure for the disposal and removal of an abandoned aircraft or a derelict aircraft from the premises of: (1) a public-use airport; or (2) a fixed-base operator at a public-use airport.

[HEA 1341, PL 84 OCCUPATIONAL SAFETY AND HEALTH](#)

Author: Carbaugh, R-Fort Wayne

Sponsor: Brown, R-Fort Wayne

- Creates a new civil penalty for certain occupational safety and health violations.

[HEA 1362, PL 253 PEER TO PEER VEHICLE SHARING](#)

Author: Eberhart, R-Shelbyville

Sponsor: Crider, R-Greenfield

- Defines peer to peer vehicle sharing.
- Provides requirements for a peer to peer (P2P) vehicle sharing program.
- Provides that a shared vehicle may not be shared on a peer to peer vehicle program if any safety recalls have not been repaired.
- Provides insurance requirements for a shared vehicle if the vehicle will be shared on a peer to peer vehicle sharing program.
- Provides that a P2P vehicle sharing program is responsible for maintaining liability insurance coverage during the car sharing period for a vehicle shared through the P2P vehicle sharing program.
- Provides that a P2P vehicle sharing program shall assume liability of a shared vehicle owner for any bodily injury or property damage to third parties or uninsured and underinsured motorist losses during the car sharing period in an amount stated in the car sharing agreement, which may not be less than the minimum amount set forth in the financial responsibility statute.
- Provides that the bureau of motor vehicles may not suspend the driving privileges of a shared vehicle owner for failure to submit proof of financial responsibility at the time an accident occurred if the vehicle was shared through a peer to peer vehicle sharing program at the time the accident occurred.
- Provides that a political subdivision may not enact or enforce an ordinance, resolution, policy, or rule to regulate peer to peer vehicle sharing.
- Allows the board of an airport authority or a board of aviation commissioners to enact or enforce an ordinance, resolution, policy, or rule regulating P2P vehicle sharing.

[HEA 1374, PL 208 PERFORMANCE AND PAYMENT BONDS](#)

Author: Lehman, R-Berne

Sponsor: Doriot, R-Goshen

- Provides that for public-private BOT agreements, public-private agreements for toll road projects, and public-private partnership agreements for transportation projects entered into after June 30, 2019, a performance bond must be for not less than 50% of the cost to design and construct the project and a payment bond must be for not less than 100% of the cost to design and construct the project.

[HEA 1411, PL 88 EMINENT DOMAIN FOR NONPUBLIC USES](#)

Author: Wolkins, R-Winona Lake

Sponsor: Young, R-Indianapolis

- Amends the statute concerning the use of eminent domain to acquire real property for nonpublic uses to provide that the requirement that a condemnor compensate the owner of residential property acquired under the statute in the amount of 150% of the fair market value of the property applies: (1) only to residential property occupied by the owner as a residence, in the case of an eminent domain proceeding:

(A) initiated before July 1, 2019; and (B) with respect to which the fair market value of the parcel has been determined before July 1, 2019; and (2) to all residential property, regardless of whether the property is occupied by the owner as a residence, in the case of an eminent domain proceeding initiated: (A) after June 30, 2019; or (B) before July 1, 2019, and with respect to which the fair market value of the parcel has not been determined before July 1, 2019.

- Defines “residential property” for purposes of the statute.

[HEA 1427, PL 257 LOCAL GOVERNMENT MATTERS](#)

Author: Leonard, R-Huntington

Sponsor: Bassler, R-Washington

Aim Comment: HEA 1427 is the Department of Local Government Finance’s annual agency bill. This bill usually becomes a home for many different local government matters, and this year was no exception. The good news is that one of Aim’s initiatives to address a problematic timing issue that can occur if a mayor vetoes the budget with an effective date after October 1 was included in HEA 1427. Now, a council will have a 30-day extension from the effective date of the veto for the council to act (e.g. to override the veto) and submit the city’s budget, if the effective date of the veto is after October 1.

Unfortunately, HEA 1427 also included language that voids annexation remonstrance waivers that were executed before July 1, 2003. It also puts a 15-year expiration date on all waivers executed after June 30, 2003 (e.g. a waiver executed in 2005 will expire in 2020). This has been a topic of discussion for several sessions, and we argued that the 15-year expiration date should only be applied on a going forward basis, which was adopted as part of the 2015 changes to the annexation statute. We also argued that voiding existing waivers could be an unconstitutional impairment of contract and regardless, is an unfair change of the rules in the middle of the game.

In addition to the 15-year expiration date, there are new recording requirements. All waivers executed before June 30, 2019 must be recorded before January 1, 2020 in order to remain valid. All new waivers executed after June 30, 2019 must be recorded within 30 business days after the date of execution to be valid.

Any municipality considering an annexation should check for waivers and account for expiration dates in the decision and ensure compliance with the new recording requirements.

- Provides that, if a political subdivision publishes or submits to the department of local government finance’s (DLGF) computer gateway a notice that contains an error or omission that inaccurately reflects the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision by an amount that is less than 0.1%, the notice is a valid notice and the DLGF shall correct the error or omission.
- Provides that the state board of accounts, instead of the budget agency, is to approve audits for regional development authorities and allows for private examiners to perform audits.
- Excludes political subdivisions that do not have the power to impose property taxes from the requirement to upload a digital copy of certain contracts on the Indiana transparency Internet web site.
- Specifies the deadlines for county auditors to submit property tax settlement and distribution information to the DLGF.
- Repeals the electronic digital signature act.
- Specifies the calculation of the acquisition cost of depreciable personal property acquired in like kind exchange for personal property tax purposes.
- Removes the provision in current law that requires the DLGF to be a party to any contract in which a county assessor employs professional appraisers as technical advisers for assessments.
- Provides that the standard contract to employ professional appraisers is void if: (1) the appraiser is not certified at the time the contract is executed; or (2) the DLGF subsequently revokes the appraiser’s certification.
- Eliminates the permissive written demand to a county resident who is delinquent in the payment of personal property taxes during the period from May 10 to October 31.

- Changes the time period from at least 21 to 30 days for the county treasurer's notice of the sale of a mobile home.
- Makes the filing deadlines for property tax deductions applicable to mobile homes and manufactured homes that are not assessed as real property the same as the filing deadlines for property tax deductions applicable to real property.
- Amends the definition of "owner" (for purposes of the property tax statutes) to delete the provision specifying that an owner of tangible property includes the holder of a tenancy for a term of years.
- Requires county auditors to submit data on deductions applicable to the current tax year to the homestead property data base on or before March 15 of each year, in a manner prescribed by the DLGF.
- Specifies that if a penalty is imposed on a taxpayer for failing to declare on the taxpayer's tax return that the taxpayer is entitled to the exemption for business personal property, the county shall include the penalty on a property tax bill associated with the tax district in which the majority value of the taxpayer's business personal property within the county is located.
- Eliminates (effective retroactive to July 1, 2017) several property tax deduction and credit reapplication requirements that were added by HEA 1450-2017 concerning unmarried taxpayers who married, married taxpayers who divorced, and taxpayers who came to own their property jointly or as tenants in common with another individual.
- Provides that a person seeking a property tax exemption for property used for a charitable purpose may file an exemption application up to 30 days following the statutory deadline for the exemption application if the person pays a late filing fee.
- Makes changes to the time frame for the board of tax review to conduct a hearing and issue a determination.
- Requires that the budget notice that political subdivisions must publish on the DLGF's computer gateway must also include information concerning the percentage change between the current and proposed tax levies of each fund.
- Specifies that a political subdivision shall file the budget adopted by the political subdivision with the DLGF not later than five business days after the budget is adopted.
- Authorizes the DLGF to adopt rules for procedures related to local government budgeting. Specifies that the adoption, amendment, or repeal of such a rule by the DLGF may not take effect before March 1 or after July 31 of a particular year.
- Requires a political subdivision to adopt the needed changes to its budget, tax levy, or rate in a public meeting if the political subdivision's tax levy is increased by the DLGF to an amount that exceeds the amount originally advertised or adopted by the political subdivision.
- Provides for an extension of time to submit a city's budget in the case of a veto after October 1.
- Provides that Highland Township in Greene County may increase its maximum township property tax levy for 2020 and thereafter.
- Provides that Taylor Township in Greene County may increase its maximum township property tax levy and its maximum fire protection and emergency services property tax levy for 2020 and thereafter.
- Allows Green Township in Hancock County to increase its maximum levy for the township's general fund to offset the reduction in the maximum levy that occurred beginning in 2003 that was based on the township's actual levy (levy banked amount).
- Requires the DLGF to increase the North Harrison fire protection territory provider unit's maximum permissible ad valorem property tax levy for purposes of IC 36-8-19 for property taxes due and payable in 2020 if a petition requesting an increase is filed.
- Provides that a civil taxing unit may not request permission to impose a property tax on account of revenue shortfalls, if the revenue shortfall preceded the most recent certified budget for the civil taxing unit by more than five years.
- Requires a statement in the county treasurer's notice of intention to sell mobile homes that the county treasurer will apply for a court judgment against the mobile homes for an amount that is set by the county executive and that includes collection expenses.

- Provides that whenever no bid is received on a mobile home, the taxpayer who is delinquent in the payment of taxes causing the tax sale maintains ownership of the mobile home and liability for the delinquent taxes.
- Repeals the statute providing for a county board of tax adjustment.
- Repeals provisions related to the county board of tax adjustment and the local budgeting process. Specifies that: (1) rules adopted by the DLGF for the appraisal of real property may not apply to any appraisal contemporaneously being conducted under a county's reassessment plan; and (2) rules adopted by the DLGF may first apply to the reassessment phase beginning in the following calendar year under a county's reassessment plan.
- Requires a county that enters into a contract for computer software and with a software provider to upload the contract to the Indiana transparency Internet web site.
- Specifies that for purposes of attributing the amount of a property tax deduction or exemption to the gross assessed value of a property: (1) a deduction or exemption that is specific to an improvement shall be applied only to the assessed value allocation pertaining to that improvement; and (2) to the extent that a deduction or exemption is not specific to an improvement, the deduction or exemption shall be applied in the order that will maximize the benefit of the deduction or exemption to the taxpayer.
- Provides that the county executive (instead of the DLGF) may cancel any property taxes assessed against real property owned by a county, township, city, town, or body corporate and politic under certain circumstances.
- Removes local income tax economic development allocations from the adjustment to Clark County's economic development revenue allocation.
- Extends the maximum time period from 20 to 22 years for the allocation of local income taxes for correctional and rehabilitation facilities.
- Limits to 20% the amount of revenue that may be used for operating expenses for correctional facilities and rehabilitation facilities in the county if the ordinance to impose the tax rate is adopted after June 30, 2019.
- Changes the timeline for providing local income tax distribution numbers to local units. Allows the board governing a: (1) municipal water or sewer provider; (2) municipal department of sanitation; or (3) sewage disposal plant service provider; to fix the time within which service charges become delinquent and service may be discontinued due to nonpayment of charges. (Currently these time periods are provided by statute.)
- Provides a formula for determination of a county's required appropriation amount for the operation of community mental health centers (other than in Marion County for calendar years 2019 through 2021) based on the increase, if any, in the certified levy for funding over the previous two years after application of the tax caps.
- Revises a statute concerning the investment of proceeds from the sale of the Montgomery County hospital.
- Provides that certain parties may elect to be represented by the office of the attorney general under a written agreement between the party and the office of the attorney general.
- Provides that certain statutes relating to the lease of real property by a political subdivision do not apply to a lease if the total annual cost of the lease is less than \$250,000.
- Validates a lease entered into by a political subdivision before January 1, 2019, with an annual cost of less than \$250,000 if the political subdivision's leasing agent did not comply with these statutes when the lease was entered into.
- Specifies that all members or employees of a volunteer fire department who also serve on the fiscal body of a local government unit must abstain from voting on the unit's budget.
- Authorizes a county fiscal body to establish a salary schedule that includes greater compensation for the presiding officer or secretary of the county fiscal body or county executive if certain conditions are satisfied.
- Increases, from \$5 to \$10, the amount of the county fee that a county auditor shall charge for endorsing

a real estate conveyance document and provides that the fee revenue must be used for developing or maintaining plat books, in traditional or electronic format.

- Provides that money in the county elected officials training fund may be used to provide: (1) travel, lodging, and related expenses associated with any training paid for from the fund; and (2) training of one or more designees of a county elected official if sufficient funds are appropriated by the county fiscal body.
- Provides that money in the county elected officials training fund may be used for the newly elected official training course expenses.
- Provides that the failure of an individual to complete the required training does not prevent the individual from taking an office to which the individual was elected.
- Provides that an individual elected to certain county offices must take a newly elected official training course before the individual first takes office.
- Provides that the newly elected official training course counts toward the individual's other elected official training requirements.
- Requires the clerk and fiscal officer of all cities and towns to complete at least: (1) 14 hours of training courses within one year; and (2) 36 hours of training courses within three years.
- Provides that a training course that an individual completes after being elected or appointed as clerk or fiscal officer of a city or town and before the individual begins serving in office applies toward the training requirements.
- Requires all city and town clerks and fiscal officers to fulfill the training requirements for each term the clerk or fiscal officer serves in office.
- Provides, in the case of a city or town that reorganizes, that the individual who performs the functions of clerk or fiscal officer for the reorganizing city or town shall comply with the training requirements for the reorganized political subdivision.
- Provides that a redevelopment commission may issue bonds or enter into leases with a term of up to 35 years to finance 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.
- Specifies that in the case of an allocation area for such a project, the expiration date of the allocation provision may not be more than 35 years after the date on which the allocation provision is established.
- Provides that a redevelopment commission or other entity that creates a tax increment financing area shall file the resolution and supporting documents that create the tax increment financing area with both the county auditor in which the tax increment financing area is located and the DLGF within 30 days after the redevelopment commission or other entity takes final action on the resolution.
- Provides that if a redevelopment commission or other entity that creates a tax increment financing area files the resolution and supporting documents with either the county auditor and the DLGF after the first anniversary of the effective date of the tax increment financing area, the county auditor shall compute the base assessed value of the tax increment financing area using the assessment date immediately preceding the later of the date on which the documents were filed with the county auditor or the date on which the documents were filed with the DLGF.
- Extends a pilot program in Lake County concerning disposal of certain real property. Removes the appointment of members to the Fort Harrison reuse authority by the Indianapolis mayor and by Marion County.
- Provides that a city or town may contract for fire protection services and requires that a contract for fire protection services be in writing and for a fixed term.
- Voids an annexation remonstrance waiver (waiver) executed before July 1, 2003.
- Voids a waiver executed after June 30, 2003, and before July 1, 2019, unless the waiver was recorded in the county where the property is located before January 1, 2020.
- Voids a waiver executed after June 30, 2019, unless the waiver was recorded in the county where the property is located within 30 business days after the date the waiver was executed.

- Provides that a waiver executed after June 30, 2003, that was properly recorded expires 15 years after the date the waiver was executed.
- Provides that waivers voided under the bill do not invalidate annexations that were effective before July 1, 2019.
- Urges the legislative council to assign to an appropriate interim study committee, for study during the 2019 interim of the general assembly, the topic of local income taxes, including revenue allocations and uses. Urges the study of the advisability of eliminating the mortgage property tax deduction and the advisability of increasing the homestead standard deduction.
- Urges the study of automatic enrollment of employees in a political subdivision's deferred compensation plan. Urges the study of allowing municipalities to make deposits of a certain amount to a vendor or service provider for certain transactions.
- Makes technical conforming changes.

[HEA 1465, PL 57 PROFESSIONAL DEVELOPMENT IN ACCOUNTING](#)

Author: Carbaugh, R-Fort Wayne

Sponsor: Spartz, R-Noblesville

- Removes the requirement of a learning plan to be undertaken by a licensed accountant to maintain and improve professional competency.
- Specifies that there are only two options for license renewal for accountants.

[HEA 1482, PL 284 DEALER SERVICES](#)

Author: Sullivan, R-Evansville

Sponsor: Crider, R-Greenfield

- Provides that a broker is not defined as a lead generation or other marketing service except in certain instances.
- Defines "dealer owner" for a business entity.
- Moves certain provisions providing temporary license plates and dealer plates to the dealer services law.
- Removes the requirement that a person must be licensed by the secretary of state before the person may possess for more than 30 days more than two inoperable motor vehicles.
- Provides that an automotive salvage recycler must be licensed by the secretary of state before the automotive salvage recycler may do certain activities.
- Requires that an automotive salvage recycler must report a purchase of a motor vehicle to the National Motor Vehicle Title Information System within 72 hours. (Current law requires 30 days.)
- Requires an automotive salvage recycler to allow the secretary of state, a police officer, or an agent of the secretary of state to inspect a certificate of authority.
- Changes the composition of the motor vehicle sales advisory board (board).
- Allows the board members to be reappointed.
- Requires that a zoning affidavit or statement be signed not more than 90 days before the affidavit or statement is submitted to the secretary of state as part of an application for various permits and licenses.
- Requires a dealer to submit an application for approval of a change to a dealer manager.
- Removes the provision providing for a manufacturer or distributor to recover costs under a uniform warranty reimbursement policy in certain instances.
- Requires a copy of a contract between a manufacturer or distributor and a franchisee be provided to the secretary of state. (Current law requires that the copy be submitted to the bureau of motor vehicles.)

- Makes conforming changes. Makes technical changes.

[HEA 1569, PL 90 PROFESSIONAL LICENSING MATTERS](#)

Author: Zent, R-Angola

Sponsor: Perfect, R-Lawrenceburg

- Provides for an annual renewal process for appraisal management companies.
- Changes the designation of certified dietician to licensed dietician.
- Allows for a hearing aid dealer in training to fit or dispense hearing aids while under the supervision and direction of an individual who holds a temporary or valid hearing aid dealer certificate of registration.
- Defines a conviction of concern.
- Amends a provision concerning the way a conviction for a crime of concern affects an individual with a professional license or certification.
- Removes a provision that requires a dental hygienist to obtain and maintain a national provider identifier number.
- Allows for the state board of dentistry (board) to issue dental residency permits and dental faculty licenses. (Current law allows for the board to issue limited dental residency permits and limited faculty licenses.)
- Removes a provision that prohibits an Indiana dental school from having more than 10% of its full-time faculty licensed with an instructor's license.
- Makes various changes to provisions concerning how a conviction for a crime of concern affects an individual with a professional license or certification.

[SEA 22, PL 27 PENSION MATTERS](#)

Author: Boots, R-Crawfordsville

Sponsor: Burton, R-Greenwood

- Makes additional conforming changes with previous legislation for the purpose of allowing a retired member of PERF or TRF to make partial withdrawals from the member's annuity savings account.
- Rephrases provisions concerning the election to begin receiving PERF or TRF benefits while employed that applies to certain elected officials and other employees who have attained the age of 70.
- Rephrases the method for calculating service credit for leaves of absence taken by PERF members.
- Provides that money in the pension relief fund may be used for reasonable administrative expenses approved by the Indiana public retirement system.
- Rephrases certain provisions in the statutes governing the public employees' defined contribution plan and the teachers' defined contribution plan to remove references to the annuity savings accounts in PERF and TRF, which are no longer used to implement the two defined contribution plans.
- Adds the public employees' defined contribution plan and the teachers' defined contribution plan to the list of public pension and retirement funds that comprise the Indiana public retirement system.
- Provides that assets of the judges' retirement system and the prosecuting attorneys retirement fund are exempt from legal process and that a member may assign benefit payments only for certain medical insurance premiums and association dues for certain associations.
- Specifies that any postretirement benefit increase to the PERF part of a prosecuting attorney's retirement benefit has no effect on the part of the retirement benefit that is paid from the prosecuting attorneys retirement fund.
- Makes clarifying additions to certain provisions of the 1977 police officers' and firefighters' pension and disability fund relating to the purchase of service credit by or on behalf of members.

- (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

SEA 79, PL 271 RIGHTS OF POLICE OFFICERS

Author: Sandlin, R-Indianapolis

Sponsor: Speedy, R-Indianapolis

- Adds provisions establishing minimum due process and personnel rights of a full-time, paid, nonprobationary member of a police department (member) who is the subject of: (1) an internal investigation; or (2) an investigation of a complaint. Adds provisions regarding a member's (1) political activity; and (2) disclosure of property and assets.

SEA 85, PL 146 1977 FUND RETIREMENT AND SURVIVING SPOUSE BENEFITS

Author: Ford, R-Terre Haute

Sponsor: VanNatter, R-Kokomo

Aim Comment: This legislation was the result of an issue reviewed by the Pension Management Oversight Committee that met during the fall of 2018. In 2018 there was legislation to increase the annual benefit to members of the 1977 fund from 50% to 52% of a first class patrolman or firefighter, however, legislators wanted to fully understand the impact of this legislation on the fund's financial stability. Prior to the passage of this legislation, the fund was adequately funded at 104% and the passage of this legislation will keep the fund above 100% funded, so Aim was neutral on the change. This bill also increases the survivor monthly benefit from 60% to 70% of the fund member's monthly benefit.

- Increases the basic monthly pension benefit payable to a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who retires after June 30, 2019, with 20 years of service from 50% to 52% of the monthly salary of a first class patrolman or firefighter in the year the member ended active service.
- Increases from 60% to 70% of the member's monthly benefit the monthly benefit paid to a surviving spouse of a 1977 fund member who dies after June 30, 2019, other than in the line of duty.

SEA 94, PL 212 INTERIM STUDY COMMITTEE (BOOTS P)

Author: Boots, R-Crawfordsville

Sponsor: Mahan, R-Hartford City

Aim Comment: In 2015, Indiana's annexation statute was drastically overhauled, making it significantly more difficult for municipalities to successfully complete "involuntary" (municipally-initiated) annexations. Despite the high bar that was set with the 2015 legislation, there continues to be bad annexation bills introduced each session. As introduced, SEA 94 would have completely eliminated the ability of municipalities to initiate an annexation, so any future annexation would have to be voluntary. Although the bill passed the Senate with that language, it was stripped out in the House Government and Regulatory Reform Committee. The Chairman of that committee, Representative Mahan, said his committee did not have the appetite to go that far and that the 2015 changes should stand. SEA 94 passed as a summer study request, and it was not assigned as a topic. This has been a contentious issue for many years, but we are hopeful that the dust can start to settle.

- Urges the legislative council to assign the topic of municipal annexation to the appropriate interim study committee during the 2019 interim.

[SEA 99, PL 147 WAGE ASSIGNMENTS FOR CLOTHING AND TOOLS](#)

Author: Boots, R-Crawfordsville

Sponsor: VanNatter, R-Kokomo

- Provides that a wage assignment may be made for the rental of uniform shirts, pants, and job-related clothing.
- Provides that a wage assignment may be made for the purchase of equipment or tools necessary to fulfill the duties of employment.
- Provides that an employee shall not be charged or subject to a wage assignment for personal protective equipment except for those instances provided under federal rules.
- Provides that the total amount of wages subject to assignment for the purchase of uniforms and equipment or rental of uniform shirts, pants and job-related clothing may not exceed certain amounts.
- Legalizes deductions made before the passage of the bill by an employer from the wages of an employee for the rental of uniforms, shirts, pants, or other job-related clothing.

[SEA 130, PL 63 UNEMPLOYMENT INSURANCE MATTERS](#)

Author: Doriot, R-Goshen

Sponsor: Miller, R-Elkhart

- Includes in the definition of “employment”, for the purposes of the unemployment compensation system, service performed by a driver who provides drive away operations, if the driver is employed by a state or local government entity, a federally recognized Indiana tribe, or a nonprofit organization.
- Excludes from the definition of “employment”, for purposes of the unemployment compensation system, service performed by a driver who provides drive away operations when: (1) the vehicle being driven is the commodity being delivered; and (2) the driver has entered into an agreement with the party arranging for the transportation that specifies the driver is an independent contractor and not an employee.

[SEA 142, PL 3 BUILDING PERMITS](#)

Author: Bohacek, R-Michiana Shores

Sponsor: Zent, R-Angola

- Prohibits a building commissioner, building code official, or inspector for a local unit of government (unit) from issuing a building permit when the building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of the permit.
- Requires a unit to adopt an ordinance to establish a procedure to address instances where a building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of a permit.

[SEA 162, PL 149 CHRONIC PAIN MANAGEMENT](#)

Author: Messmer, R-Jasper

Sponsor: Zent, R-Angola

- Requires state employee health plans, Medicaid, policies of accident and sickness insurance, and health maintenance organization contracts to provide coverage for chronic pain management.
- Requires the office of Medicaid policy and planning to apply for any Medicaid state plan amendment necessary to provide the coverage.

SEA 171, PL 214 STATE AND LOCAL ADMINISTRATION

Author: Holdman, R-Markle

Sponsor: Huston, R-Fishers

- Makes the filing deadlines for property tax deductions applicable to mobile homes and manufactured homes that are not assessed as real property the same as the filing deadlines for property tax deductions applicable to real property.
- Repeals the coal conversion system property tax deduction, the coal combustion product property tax deduction, the recycled coal combustion byproduct personal property tax deduction, the aircraft property tax deduction, the intrastate aircraft property tax deduction, the Hoosier alternative fuel vehicle manufacturer investment income tax credit, and the local income tax option hiring incentive credit.
- Extends the legislative services agency tax incentive review schedule from five to seven years.
- Provides that a redevelopment commission or other entity that creates a tax increment financing area shall file the resolution and supporting documents that create the tax increment financing area with both the county auditor in which the tax increment financing area is located and the department of local government finance within 30 days after the redevelopment commission or other entity takes final action on the resolution.
- Provides that if a redevelopment commission or other entity that creates a tax increment financing area files the resolution and supporting documents with either the county auditor and the department of local government finance after the first anniversary of the effective date of the tax increment financing area, the county auditor shall compute the base assessed value of the tax increment financing area using the assessment date immediately preceding the later of the date on which the documents were filed with the county auditor or the date on which the documents were filed with the department of local government finance.
- Urges the study of the advisability of eliminating the mortgage property tax deduction and the advisability of increasing the homestead deduction.

SEA 172, PL 111 SURVIVOR HEALTH COVERAGE

Author: Crider, R-Greenfield

Sponsor: Frye, R-Greensburg

- Provides that, if the employer of a public safety officer who dies in the line of duty after June 30, 2019, offers health coverage for active employees, the employer shall offer to provide and pay for health coverage under the plan covering active employees for the surviving spouse and each natural child, stepchild, and adopted child of the public safety officer.
- Provides that health coverage for a surviving child continues: (1) until the child becomes 18 years of age; (2) until the child becomes 23 years of age, under certain circumstances; or (3) during the entire period of the child's physical or mental disability; whichever period is longest.
- Changes the application date from a death occurring after June 30, 2019, to a death occurring after December 31, 2017.
- Requires the department of local government finance to establish a state address confidentiality form to be used to restrict access to the home address of certain persons.
- Adds to the definition of "covered person" the surviving spouse of a covered person if the person is killed in the line of duty.
- Provides that the state address confidentiality form may be used when applying for address confidentiality.

[SEA 230, PL 65 UNLAWFUL INDEMNITY AGREEMENTS](#)

Author: Messmer, R-Jasper

Sponsor: Lehman, R-Berne

- Provides that the law concerning indemnity agreements in construction or design contracts applies to certain design-build contracts.
- Specifies that “sole negligence” for purposes of liability under a construction or design contract does not include: (1) vicarious liability; (2) imputed negligence; or (3) assumption of a nondelegable duty.
- Specifies that provisions in certain professional services contracts requiring indemnification or defense of a promisee for liability are void.

[SEA 485, PL 230 BUILDING STANDARDS](#)

Author: Alting, R-Lafayette

Sponsor: Gutwein, R-Francesville

- Removes language that relates to the temporary rules and regulation of sanitary conditions and sanitary facilities of Class I structures.
- Adds certain elevator standards to the list of national codes, or their equivalent, that the fire prevention and building safety commission (commission) shall adopt to comply with the statewide code of fire and safety building laws.
- Removes the requirement that the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard).
- Allows the department of homeland security (department) to request certain types of documentation to determine that work conducted on a regulated lifting device was performed by a licensed individual.
- Requires the commission to adopt national codes within 24 months after the effective date of the national code.
- Provides that the commission may not adopt an amendment to a national code if the amendment will unreasonably impair safety.
- Allows the commission to set a fee that is less than the standard fee for certain permits if the acceptance inspection is performed by an inspector that is not employed by the department.
- Requires an individual who is renewing an operating certificate to submit all safety test results when making application for the renewal operating certificate.
- Removes obsolete sections. Makes conforming changes.

[SEA 529, PL 193 AGRICULTURAL MATTERS](#)

Author: Grooms, R-Jeffersonville

Sponsor: Clere, R-New Albany

- Provides that a county, city, town, or township may not adopt or continue in effect any ordinance, rule, regulation, or resolution prohibiting the establishment or maintenance of beekeeping on property that the person owns, rents, or leases.
- Specifies that a county, city, town, or township may adopt an ordinance, rule, regulation, or resolution that regulates certain aspects of beekeeping.

[SEA 535, PL 277 EXTRATERRITORIAL POWERS OF MUNICIPALITIES](#)

Author: Boots, R-Crawfordsville

Sponsor: Davisson, R-Salem

Aim Comment: SEA 535 contains many provisions that impact various powers and authority that municipalities have outside corporate boundaries. As introduced, it would have completely eliminated a municipality's opportunity to have planning and zoning jurisdiction in the two-mile fringe. Aim successfully negotiated that back to a much more acceptable place. Under SEA 535:

- For a municipality exercising fringe jurisdiction for the first time, the county commissioners must approve the exercise of that jurisdiction.
- For a municipality currently exercising fringe jurisdiction, there will be no change unless/until the county commissioners take required steps to assume jurisdiction over the fringe area.
- For a municipality in a county with no zoning, there will be no change and no commissioner approval is required to exercise fringe jurisdiction.

Another significant provision in SEA 535 repeals the ability of municipalities to adopt new public health, safety and welfare ordinances that regulate activities up to four miles from corporate boundaries. The impetus for this repeal came after a handful of communities adopted these four-mile ordinances in an effort to prevent wind turbines from being erected in unincorporated areas where the county either did not have zoning regulations or the county had regulations that allowed them.

SEA 535 also prohibits the exercise of eminent domain powers outside municipal boundaries unless a statute specifically allows it. Although current law specifically allows municipalities to use eminent domain to acquire property for parks up to ten miles outside corporate boundaries, SEA 535 repeals that authority, in addition to repealing the ability of municipalities to operate parks outside corporate boundaries. Municipalities also now may not regulate watercourses outside corporate boundaries.

This is a far-reaching bill with many provisions. We encourage municipal attorneys to take a close look at this bill anytime extraterritorial powers are exercised.

- Repeals the general authority of a city or town (municipality) to regulate conduct or property use endangering public health, safety, and welfare within four miles outside of its municipal boundaries and provides that the repeal: (1) does not void such an ordinance or resolution adopted before January 1, 2019, or prevent the validity of such an ordinance or resolution from being challenged in a legal proceeding; and (2) voids such an ordinance or resolution adopted after December 31, 2018.
- Repeals the general authority of a municipality to: (1) impose restrictions upon persons or animals in order to prevent injury or disease; and (2) capture and destroy animals; within four miles outside its boundaries.
- Voids any such ordinances or resolutions adopted by a municipality before July 1, 2019.
- Provides that a municipality may only exercise eminent domain within the municipality unless a statute expressly provides otherwise.
- Eliminates the express authority of a municipal park board to acquire property outside its boundaries by eminent domain.
- Provides that a municipal airport board may exercise eminent domain: (1) within four miles outside its municipal boundaries; and (2) more than four miles outside its municipal boundaries in order to acquire land contiguous to an airport that existed on January 1, 2019.
- Repeals the general authority of a municipality to do the following with regard to watercourses located within 10 miles outside the municipal boundaries: (1) Change the channel of, dam, dredge, remove an obstruction in, straighten, and widen a watercourse. (2) Regulate the taking of water, or causing or permitting water to escape, from a watercourse. (3) Regulate conduct that might alter the temperature of water, or affect the flow of water, in a watercourse. (4) Regulate the introduction of any substance into a watercourse or onto its banks. (5) Purify the water in a watercourse.
- Provides that the repeal of the powers in (1) through (5) regarding watercourses: (1) voids any municipal

ordinances or resolutions adopted before July 1, 2019, that exercise those powers; (2) does not affect a municipality's ability to take water from a watercourse within the 10 mile area outside its boundaries; and (3) does not affect a municipality's authority under these sections with regard to a municipal park existing on June 30, 2019, that is located within 10 miles outside the municipal boundaries.

- Allows a municipality to continue to exercise eminent domain to acquire property outside its boundaries, if it has reached a specified point in the eminent domain proceedings on January 1, 2019.
- Provides that for comprehensive plans that were initially adopted before July 1, 2019, if the municipal plan commission provided in its comprehensive plan for the development of a contiguous unincorporated area, the municipal plan commission may continue to exercise territorial jurisdiction over that area unless the jurisdiction of the municipal plan commission is terminated as provided by law.
- Provides that for comprehensive plans that are initially adopted after June 30, 2019: (1) If the municipality is located in a county that has not adopted a comprehensive plan covering the contiguous unincorporated area and the municipality is providing municipal services to the contiguous unincorporated area, the municipal plan commission may exercise territorial jurisdiction over that area by filing certain notices. (2) If the municipality is located in a county that has adopted a comprehensive plan and ordinance covering the contiguous unincorporated area, the municipal plan commission may exercise territorial jurisdiction over that area only if it obtains the approval of the county legislative body of each affected county.
- Provides that the power to aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs may be exercised by a municipality with regard to a municipal park located within 10 miles outside the boundaries of the municipality that exists on June 30, 2019.

[SEA 545, PL 20 REPORTS ON STRESS TESTS AND RISK ASSESSMENTS](#)

Author: Spartz, R-Noblesville

Sponsor: Carbaugh, R-Fort Wayne

- Provides that: (1) the executive director of the Indiana public retirement system; and (2) the trustee of the Indiana state police pension trust; shall report to the interim study committee on pension management oversight on any stress tests or sensitivity analyses performed during a state fiscal year on the pension funds under their respective administration.

[SEA 604, PL 196 VOIDING AND RELEASING CLAIMS IN LAND INTERESTS](#)

Author: Doriot, R-Goshen

Sponsor: Manning, R-Denver

- Adds a provision to the statute concerning marketable title for real property to provide that, after a person has filed a claim for an interest in land, the claim is void if: (1) the owner of the property subject to the claim (or any person having an interest in the property) provides written notice to the claimant to file an action to enforce the claim; and (2) the claimant fails to file, within 30 days after receiving the notice to enforce the claim, an action to enforce the claim in the county where the property is located.
- Provides that upon the claimant's failure to file an action to enforce the claim within the 30 day period, the person who provided the notice to the claimant may file with the recorder of the county where the property is located an affidavit stating that the person has served notice on the claimant to enforce the claim and that no action for enforcement of the claim is pending.
- Requires the county recorder to record the affidavit of service.
- Requires that an affidavit of service must also include a reference to the recording information for the recorded notice of claim.
- Requires that, when the county recorder records the affidavit of service, the recorder must include a reference to the recorded notice of claim in the record book.
- Allows a county recorder to certify certain records by cross reference to the records, rather than on the records themselves.

aim

Accelerate
Indiana
Municipalities

2019

**Community
and Economic
Development**

HB1002, PL 143 CAREER AND TECHNICAL EDUCATION

Author: Sullivan, R-Evansville

Sponsor: Perfect, R-Lawrenceburg

- Makes various changes concerning the following: (1) The membership, duties, meetings, and deadlines of certain requirements concerning the governor's workforce cabinet (cabinet). (2) Eligibility and requirements regarding certain grants: (A) from the skills enhancement fund; and (B) under the next level jobs employer training grant program. (3) Eligibility for supplemental payment for certain teachers. (4) Requirements to renew a practitioner license or accomplished practitioner license. (5) Grant amounts, additional fund distributions (if funds are available), and the eligibility of instructor salary costs for grants and additional fund distributions under the work Indiana program. (6) Eligibility requirements to receive a high value workforce ready credit-bearing grant. (7) Requirements regarding a student's graduation plan.
- Establishes the career coaching grant program and fund.
- Provides that the cabinet shall receive, distribute, and account for all funds received for career and technical education under the Carl D. Perkins Vocational and Applied Technology Act.
- Provides that, after June 30, 2019, a school corporation, school, or secondary school vocational program may employ an instructor who does not have a license if the instructor meets certain occupational and training requirements.
- Requires: (1) a public school to include a summary on implementing certain career curriculum in a public school's improvement plan; (2) the budget agency to estimate the costs incurred to implement the curriculum for each school corporation and submit a report regarding the costs; and (3) the department of education (department) to review the plans and assist schools in incorporating best practices.
- Allows a governing body of a school corporation to include a postsecondary level career and technical education course in the high school curriculum of certain schools.
- Provides that a contract between a career and technical education center and a school or school corporation is a public record under Indiana's open door law.
- Provides that: (1) a school that has entered into an agreement for a joint program of career and technical education may add a new career and technical education course to its curriculum without being approved by the joint program board or the governing body overseeing the joint program if the course is being offered in partnership with certain entities; and (2) if the added career and technical education course is offered after June 30, 2018, the course is eligible for career and technical education funding.
- Requires the Indiana economic development corporation to assemble and provide to the commission for higher education and the department of workforce development information concerning the economic benefits of residing and working in Indiana.
- Provides for certification by the cabinet of an industry collaboration organization (ICO).
- Provides that an organization qualifies as an ICO if the organization meets certain qualification requirements.
- Provides that contributions to an ICO may be used by the ICO for the following purposes: (1) To support the development and implementation of high school graduation pathways. (2) To provide money to the ICO to establish and operate a career counseling program for students. (3) To enhance career and technical education and training programs. (4) To expand apprenticeships and work based learning opportunities. (5) To provide grants to schools to be used by the school to pay the transportation costs for students to attend an eligible training program. (6) To provide grants for any other course or program, if the course or program leads to the attainment of a specific employment related credential that documents the student's skills for employment success. (7) To partner with other ICOs, nonprofits, public foundations, or other entities to provide workforce related educational programs or training for students.
- Requires that an ICO report certain information to the cabinet.
- Requires the cabinet to support an ICO in sharing and scaling best practices on a statewide basis by: (1) conducting an annual survey of the business, education, and community organizations participating in the ICO, in consultation with the management performance hub; and (2) convening the ICOs on an ongoing basis in collaboration with Indiana's statewide business and industry associations.

- Provides that the cabinet shall annually compile lists of the: (1) industry sectors and geographic regions in which ICOs are operating, disaggregated by industry category and region; and (2) business, educational institutions, and community organizations affiliated with the ICOs established under this chapter, disaggregated by industry category and region.
- Provides that a high school may count: (1) an approved work based learning course, program, or experience; or (2) an approved career and technical education course, program, or experience; as satisfying an Indiana diploma with a Core 40 with academic honors designation or another designation requirement.
- Establishes the school accountability panel to study the topic of aligning school accountability with graduation pathways and recommend new indicators of school performance.
- Amends the definition of “work based learning course” for purposes of determining career and technical education funding. Provides that the commission for higher education, in consultation with the department of workforce development, shall consider a program’s impact on public safety when determining which certificate programs are eligible for the high value workforce ready credit-bearing grant.
- Requires, not later than July 1, 2020, the state board of education to adopt teacher licensing examinations to replace the teacher licensing examinations administered on July 1, 2019.
- Requires, not later than September 1, 2021, the department to implement the adopted teacher licensing examinations. Requires the commission for higher education (commission) to establish, in coordination with the department of workforce development (department) and the Indiana economic development corporation (corporation), the Let Indiana Work for You program (program) to: (1) provide to colleges and universities information concerning workforce opportunities in Indiana and other benefits of residing and working in Indiana after graduating from the college or university; and (2) implement the program.
- Provides that, if a college or university approves of the information under the program for distribution to students of the college or university, the: (1) commission, in coordination with the department and the corporation, shall provide the information to the college or university; and (2) college or university shall present in person or use other communication mediums to provide the information to students of the college or university.
- Requires the corporation to assemble and provide to the commission and the department information concerning the economic benefits of residing and working in Indiana.
- Voids an administrative rule that requires a school corporation to ensure that a teacher of a secondary school vocational program is licensed by the department.
- Resolves a conflict between HEA 1074-2018 and HEA 1002-2018.

[HB1065, PL 239 REGIONAL HOLDING FACILITY](#)

Author: Frye, R-Greensburg

Sponsor: Koch, R-Bedford

- Provides that a “regional holding facility” is an existing facility that is currently established and operated by the department of correction (department) that offers mental health and substance abuse treatment, workforce development, educational programs, and other evidence based programs designed to reduce recidivism.
- Provides that a local economic development organization may enter into a regional holding facility lease agreement with the department of correction to: (1) address the issue of jail overcrowding in Indiana; (2) reduce recidivism by offering programs in an unused department of correction facility; and (3) obtain federal funding to operate the facility.
- Establishes conditions under which a county sheriff may transfer certain confined jail offenders to a regional holding facility.
- Establishes requirements for transfer agreements between the department and county sheriffs.
- Requires the department to collect data and report the outcomes of services provided by a regional holding facility to the legislative council.

- Provides that reimbursements paid by the state to the county for the costs of incarcerating a confined jail offender shall be used to pay for a confined jail offender housed in either a regional holding facility or a county jail.
- Provides that the Indiana criminal justice institute shall identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities.
- Allows political subdivisions to enter into public-private agreements with an operator to accomplish the design, financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of a regional jail. Establishes the county jail overcrowding task force to: (1) conduct a statewide review of jail overcrowding; and (2) study the issue of how to reduce recidivism for convicted felons in county jails by offering programs designed to reduce recidivism.
- Requires the justice reinvestment advisory council to conduct a statewide review of bail reform and pretrial issues and to identify common reasons and possible local, regional, and statewide solutions.

[HEA 1115, PL 78 TOURISM DEVELOPMENT](#)

Author: Karickhoff, R-Kokomo

Sponsor: Perfect, R-Lawrenceburg

- Expires the office of tourism development (office) on July 1, 2020.
- Modifies the office's duties and administrative structure and transfers the duties to the Indiana destination development corporation (corporation) after June 30, 2020.
- Establishes the corporation as a public body corporate and politic and an instrumentality of the state. Provides that the corporation is governed by a board composed of the following individuals: (1) The governor or governor's designee. (2) The president of the Indiana economic development corporation or president's designee. (3) Five members of the private sector tourism industry, appointed by the governor.
- Sets forth the corporation's powers and duties.
- Makes corresponding changes.

[HEA 1165, PL 166 STUDY OF FARMLAND PRESERVATION](#)

Author: Bauer, R-South Bend

Sponsor: Leising, R-Oldenburg

- Urges the legislative council to assign to an appropriate interim study committee the topic of achieving farmland preservation in Indiana.

[HEA 1405, PL 256 TAXATION OF DATA CENTERS](#)

Author: Soliday, R-Valparaiso

Sponsor: Messmer, R-Jasper

- Provides that a county or municipal fiscal body may designate an area in which a property tax exemption will be provided for certain enterprise information technology equipment.
- Provides a state sales and use tax exemption (exemption) for the purchase of certain data center equipment that is located in a data center that results in a minimum qualified investment within five years, ranging from at least \$25,000,000 to more than \$150,000,000 depending on the population of the county in which the data center is located.
- Provides that costs that meet the requirement are exempt from the state gross retail tax. Requires a qualified data center user to apply to the Indiana economic development corporation (IEDC) for a specific transaction award certificate (award certificate).
- Requires a qualified data center user to enter into an agreement with the IEDC as a condition of receiving an award certificate.

HEA 1518, PL 285 ALCOHOLIC MATTERS AND TOBACCO CERTIFICATES

Author: Smaltz, R-Auburn

Sponsor: Alting, R-Lafayette

Aim Comment: HEA 1518 contains many alcohol-related provisions. Aim has been advocating for a reform of Indiana's alcohol permit quotas (the number of which are based arbitrarily on a municipality's population), and we were hopeful that the issue would be addressed by this year's General Assembly. New restaurants are an important aspect of some economic development plans with a focus on quality of place, and the current system can hinder those efforts because very rarely are three-way permits available. Although there were some positive changes that will potentially open up a few permits in some areas, there was not a holistic reform this year.

With HEA 1518, a permit may now only remain in escrow for two years, with a possibility for a permit holder to receive up to three 12-month extensions at the discretion of the Alcohol and Tobacco Commission. Other permits may also be available in certain circumstances (e.g. for an "entertainment complex" in any municipality and facility that has permanent seating for at least 800 people, and for civic centers, auditoriums, marinas, stadiums, exhibition halls, convention centers, community centers or social centers).

The existing exceptions or procedures for creating new off-quota permits (e.g. riverfront development districts) remain available options. Communities may also approach the General Assembly to request special off-quota permits. However, the Chairman of the House Public Policy Committee has expressed dissatisfaction with granting special permits and the hodgepodge of exceptions or procedures that are currently in statute. We will continue working with him and other leading legislators to find a path forward on this issue.

- Amends for consistency provisions allowing a manufacturer that has two types of production facilities in one building to serve alcohol from a single bar.
- Specifies that a person with an interest in an artisan distiller's permit may have an interest in other manufacturer's permits.
- Allows a patron to carry wine into an art instruction studio. Requires the alcohol and tobacco commission (ATC) to post on its Internet web site quarterly reports of permittee noncompliance. Disqualifies persons having certain criminal convictions from receiving certain alcoholic beverage permits or being appointed to the ATC or local ATC board.
- Provides that expunged criminal convictions may not be considered in determining an individual's eligibility to: (1) receive certain alcoholic beverage permits; or (2) be appointed to the ATC or to a local ATC board.
- Allows a hotel, restaurant, caterer, and private club to allow a customer to run a tab for alcohol purchases.
- Allows a brewery or farm winery to sell their product to a supplemental caterer for an outdoor event held at the brewery or farm winery.
- Amends the definition of "entertainment complex" to apply to: (1) all municipalities and facilities that have permanent seating for at least 800 individuals; and (2) certain facilities with seating for 200 individuals located within a mile of the center of Indianapolis.
- Removes provisions restricting the permits issued for civic centers, auditoriums, marinas, stadiums, exhibition halls, convention centers, community centers, or social centers to political subdivisions of a certain population.
- Makes the following changes regarding permit ownership transfers: (1) Requires ATC review of an itemized purchase agreement. (2) Requires the ATC to maintain a public data base of information regarding private sales.
- Provides that a retailer's permit with carryout privileges that is exempt from gross retail requirements remains exempt if the permit is transferred to a new location.
- Provides that the money collected for various fees is distributed to the ATC's enforcement and administration fund.
- Provides the following regarding deposit of a permit in escrow: (1) A permit may be placed in escrow for an initial two year term. (2) Subject to the ATC's approval, the permit holder may receive up to three 12 month extensions of the initial two year escrow period.

- Makes conforming amendments concerning permits currently escrowed.
- Repeals provisions regarding the following: (1) Malt manufacturer's permit. (2) Malt wholesaler's permit. (3) Malt dealer's permit. (4) Malt excise tax. (5) Seasonal resort hotel permit.
- Allows the ATC to issue retailer's permits for: (1) a three-way retailer's permit (a master food hall permit) for a food hall containing multiple food and beverage vendors for an initial fee of \$50,000; and (2) a one-, two-, or three-way permit (food hall vendor's permit) for a person that has vendor food and beverage space within a food hall for an initial fee of \$2,500 or \$5,000.
- Provides that for a vending space that is more than 2,000 square feet, a one-way, two-way, or three-way permit must be purchased subject to availability under the quota.
- Allows the holder of a food hall vendor's permit to have an interest in a farm winery, artisan distiller, or brewer's permit.
- Provides requirements for an outdoor beer garden.
- Regulates the sale of alcohol on jumbo boats.
- Provides that an application for renewal of a permit may be filed not later than six months (instead of one year) after the permit expires.
- Provides that an alcoholic beverage retailer's permit may be issued for proposed premises located at least 85 feet from a church if the church is separated from the retailer by a road having a width of 30 feet.
- Allows a supplemental caterer operating at certain collegiate stadiums to purchase alcoholic beverages and have the alcoholic beverages stored in areas approved by the ATC to be later served at the stadium.
- Adds a county that owns a marina to the units that may receive an alcoholic beverage permit for the marina. Provides that a holder of a permit for the state fair grounds that is a small brewery, farm winery, or artisan distillery, may, at the discretion of the state fair commission, sell alcoholic beverages produced by the permit holder for carryout at a trade show or exposition but not during the state fair.
- Specifies that if a small brewery, farm winery, or artisan distillery: (1) has two production facilities in one building and serves both types of products from a single bar; and (2) the law applicable to one of the permits regarding the presence of minors in the bar area is more prohibitive or restrictive than the law applicable to the other permit, the more prohibitive or restrictive law applies.
- Allows a brewery to can and carbonate liquor for a distillery in the same county.
- Permits a farm winery or the holder of a vintner's permit to manufacture wine and place it in boxes or bulk containers.
- Allows liquor to be sold from a golf cart at a golf course under the club permit.
- Allows additional permits for a specified manufacturing complex that is part of a redevelopment project.
- Allows outdoor bars at civic centers and certain retailers with a gross business of at least \$1 million in food. Allows the ATC to revoke or suspend tobacco certificates.
- Permits an alcohol manufacturer, wholesaler, or retailer to provide free or discounted rides to a consumer for the purpose of furthering public safety.
- Specifies that the provision of a free or discounted ride may not be conditioned on the purchase of an alcoholic beverage.

[SEA 7, PL 109 MARION COUNTY CAPITAL IMPROVEMENT BOARD](#)

Author: Mishler, R-Bremen

Sponsor: Huston, R-Fishers

- Provides for the expansion of the professional sports development area (tax area) in Marion County.
- Provides for the capture of covered taxes in the expanded tax area.
- Authorizes the city-county council to adopt a resolution that continues imposition of the increase to the

county supplemental auto rental excise tax through December 31, 2040.

- Authorizes the city-county council to adopt a resolution that continues imposition of the increase to the county admissions tax through December 31, 2040.
- Authorizes the city-county council to adopt a resolution that continues the capture of local income taxes attributable to the tax area through December 31, 2040.
- Provides that revenues available for deposit in the sports and convention facilities operating fund may be pledged to secure and provide for the payment of bond or lease obligations of the board.
- Provides that Marion County capital improvement board may not use revenue derived from local or state taxes to finance, construct, or in any way subsidize the construction of meeting or ballroom space related to a privately owned hotel.
- Permits the Indianapolis metropolitan development commission or capital improvement board to adjust the equal opportunity percentages to reflect the results of a disparity study conducted by the City of Indianapolis.
- Provides that if restricted deposits are insufficient to fully repay the board's obligations, revenues collected by the board from certain taxes must be used.
- Establishes an additional professional sports development area in Marion County to capture state and local revenue for capital improvements.
- Provides for the issuance of indebtedness to finance a multipurpose soccer stadium subject to budget committee review.
- Provides that the Indiana stadium and convention building authority, the Marion County capital improvement board, and the Marion County convention and recreational facilities authority may not require a contractor or a subcontractor to enter into a contract limitation and may not grant a public benefit relating to any project that is financed in whole or in part from funds derived from the establishment of a new tax area under the bill.
- Provides that any such provisions are void.
- Strikes a provision requiring the Indiana stadium and convention building authority to enter into project labor agreement on all projects.
- Establishes the legacy project, which must be located at an Indianapolis parks and recreation department location located within a four mile radius of the Soldiers' and Sailors' Monument in Indianapolis.

[SEA 94, PL 212 INTERIM STUDY COMMITTEE](#)

Author: Boots, R-Crawfordsville

Sponsor: Mahan, R-Hartford City

Aim Comment: In 2015, Indiana's annexation statute was drastically overhauled, making it significantly more difficult for municipalities to successfully complete "involuntary" (municipally-initiated) annexations. Despite the high bar that was set with the 2015 legislation, there continues to be bad annexation bills introduced each session. As introduced, SEA 94 would have completely eliminated the ability of municipalities to initiate an annexation, so any future annexation would have to be voluntary. Although the bill passed the Senate with that language, it was stripped out in the House Government and Regulatory Reform Committee. The Chairman of that committee, Representative Mahan, said his committee did not have the appetite to go that far and that the 2015 changes should stand. SEA 94 passed as a summer study request, and it was not assigned as a topic. This has been a contentious issue for many years, but we are hopeful that the dust can start to settle.

- Urges the legislative council to assign the topic of municipal annexation to the appropriate interim study committee during the 2019 interim.

[SEA 179, PL 216 ALCOHOL REGULATION](#)

Author: Alting, R-Lafayette

Sponsor: Smaltz, R-Auburn

- Amends the definition of “entertainment” for purposes of alcohol regulation to include meals, beverages, and ground transportation provided in connection with entertainment.
- Amends the definition of “entertainment complex” to apply to: (1) all municipalities and facilities that have permanent seating for at least 800 individuals; and (2) certain facilities with seating for 200 individuals located within a mile of the center of Indianapolis.

[SEA 191, PL 16 HISTORIC PRESERVATION AND REHABILITATION GRANTS](#)

Author: Ford, R-Terre Haute

Sponsor: Morrison, R-Fort Wayne

- Provides that for purposes of the historic preservation and rehabilitation grant program, the term “person” includes a nonprofit organization or nonprofit corporation.
- Provides that the office of community and rural affairs may award a grant under the program to a nonprofit organization or nonprofit corporation if the historic property will be used by the nonprofit organization or nonprofit corporation for the organization’s or corporation’s purposes and functions.
- Increases the maximum amount of a preservation or rehabilitation grant (grant) from 35% to 50% of qualified expenditures, not to exceed the grant ceiling in current law of \$100,000.
- Provides that a person is eligible for a grant if the qualified expenditures for preserving or rehabilitating the historic property exceed \$5,000 (instead of \$10,000).

[SEA 460, PL 189 BROADBAND DEVELOPMENT](#)

Author: Messmer, R-Jasper

Sponsor: Soliday, R-Valparaiso

- Establishes the rural broadband fund for the purpose of awarding grants: (1) before August 1, 2019, under the existing statute governing grants for qualified broadband projects for unserved areas in Indiana; and (2) after July 31, 2019, under new procedures governing grants for eligible broadband projects for rural areas in Indiana.
- Requires the office of community and rural affairs (office) to establish procedures for the awarding of grants from the fund after July 31, 2019, by state agencies to eligible broadband service providers for eligible broadband projects in rural areas of Indiana.
- Provides that the procedures established by the office must establish specified priorities for the awarding of grants, based on the available Internet speeds in a particular area.
- Provides that the procedures established by the office may not permit the awarding of a grant from the fund for any proposed broadband project in an area in which eligible broadband service is available.
- Provides that the procedures established by the office may not permit the office to award a grant from the fund for any project in a rural area for which funding has been allocated from certain federal funding programs.
- Provides that the procedures established by the office must establish a system of priorities for awarding grants, weighted as determined by the office in guidelines adopted by the office, that gives preference to eligible broadband projects that meet certain specified criteria.
- Requires an eligible broadband service provider awarded a grant to sign with the office a grant agreement that: (1) outlines a start date and an end date for completion of the project; and (2) conditions the release of any grant funds on the progressive completion of the project.
- Beginning in 2020, requires the office to submit to the general assembly an annual report on the awarding of grants under these procedures during the most recent state fiscal year.

- Provides that every three years, beginning in 2021, the state board of accounts shall conduct an audit of the awarding of grants from the fund during the most recent three state fiscal years.
- Provides that a communications service provider that holds a certificate of territorial authority shall be designated as a public utility solely as that term is used in federal law that allows a state to exempt a public utility from the federal law's requirement that the state must charge fair market value for the use of real property acquired by the state using federal transportation funding.
- Provides that the department of transportation (INDOT) may not charge an access rate or any other recurring charge or recurring fee for communications infrastructure that is located before May 1, 2019, in any rights-of-way that are owned or controlled by INDOT.
- Specifies that INDOT may charge routine right-of-way permit fees to enter INDOT's rights-of-way for the maintenance of existing facilities.
- Provides that the department may create a broadband corridor program to manage communications infrastructure along or within limited access highway rights-of-way.
- Specifies that for purposes of the broadband corridor program, "communications infrastructure" does not include privately owned vertical structures used primarily for providing wireless communications service.
- Provides that: (1) INDOT may not unreasonably discriminate among entities requesting access to broadband corridors or other INDOT controlled right-of-way; and (2) the bill's provisions prohibiting INDOT from discriminating among such entities do not abrogate or limit INDOT's statutory authority to safely and efficiently manage and operate the state highway system and associated highway rights-of-way.
- Provides that, before July 1, 2020, INDOT shall adopt rules to provide that, as used throughout the department's administrative code regarding utility facility relocation for purposes of construction contracts, "utility" has the meaning set forth in federal law concerning utility relocations, adjustments, and reimbursement.

[SEA 535, PL 277 EXTRATERRITORIAL POWERS OF MUNICIPALITIES](#)

Author: Boots, R-Crawfordsville

Sponsor: Davisson, R-Salem

Aim Comment: SEA 535 contains many provisions that impact various powers and authority that municipalities have outside corporate boundaries. As introduced, it would have completely eliminated a municipality's opportunity to have planning and zoning jurisdiction in the two-mile fringe. Aim successfully negotiated that back to a much more acceptable place. Under SEA 535:

- For a municipality exercising fringe jurisdiction for the first time, the county commissioners must approve the exercise of that jurisdiction.
- For a municipality currently exercising fringe jurisdiction, there will be no change unless/until the county commissioners take required steps to assume jurisdiction over the fringe area.
- For a municipality in a county with no zoning, there will be no change and no commissioner approval is required to exercise fringe jurisdiction.

Another significant provision in SEA 535 repeals the ability of municipalities to adopt new public health, safety and welfare ordinances that regulate activities up to four miles from corporate boundaries. The impetus for this repeal came after a handful of communities adopted these four-mile ordinances in an effort to prevent wind turbines from being erected in unincorporated areas where the county either did not have zoning regulations or the county had regulations that allowed them.

SEA 535 also prohibits the exercise of eminent domain powers outside municipal boundaries unless a statute specifically allows it. Although current law specifically allows municipalities to use eminent domain to acquire property for parks up to ten miles outside corporate boundaries, SEA 535 repeals that authority, in addition to repealing the ability of municipalities to operate parks outside corporate boundaries. Municipalities also now may not regulate watercourses outside corporate boundaries.

This is a far-reaching bill with many provisions. We encourage municipal attorneys to take a close look at this bill

anytime extraterritorial powers are exercised.

- Repeals the general authority of a city or town (municipality) to regulate conduct or property use endangering public health, safety, and welfare within four miles outside of its municipal boundaries and provides that the repeal: (1) does not void such an ordinance or resolution adopted before January 1, 2019, or prevent the validity of such an ordinance or resolution from being challenged in a legal proceeding; and (2) voids such an ordinance or resolution adopted after December 31, 2018.
- Repeals the general authority of a municipality to: (1) impose restrictions upon persons or animals in order to prevent injury or disease; and (2) capture and destroy animals; within four miles outside its boundaries.
- Voids any such ordinances or resolutions adopted by a municipality before July 1, 2019.
- Provides that a municipality may only exercise eminent domain within the municipality unless a statute expressly provides otherwise.
- Eliminates the express authority of a municipal park board to acquire property outside its boundaries by eminent domain.
- Provides that a municipal airport board may exercise eminent domain: (1) within four miles outside its municipal boundaries; and (2) more than four miles outside its municipal boundaries in order to acquire land contiguous to an airport that existed on January 1, 2019.
- Repeals the general authority of a municipality to do the following with regard to watercourses located within 10 miles outside the municipal boundaries: (1) Change the channel of, dam, dredge, remove an obstruction in, straighten, and widen a watercourse. (2) Regulate the taking of water, or causing or permitting water to escape, from a watercourse. (3) Regulate conduct that might alter the temperature of water, or affect the flow of water, in a watercourse. (4) Regulate the introduction of any substance into a watercourse or onto its banks. (5) Purify the water in a watercourse.
- Provides that the repeal of the powers in (1) through (5) regarding watercourses: (1) voids any municipal ordinances or resolutions adopted before July 1, 2019, that exercise those powers; (2) does not affect a municipality's ability to take water from a watercourse within the 10 mile area outside its boundaries; and (3) does not affect a municipality's authority under these sections with regard to a municipal park existing on June 30, 2019, that is located within 10 miles outside the municipal boundaries.
- Allows a municipality to continue to exercise eminent domain to acquire property outside its boundaries, if it has reached a specified point in the eminent domain proceedings on January 1, 2019. Provides that for comprehensive plans that were initially adopted before July 1, 2019, if the municipal plan commission provided in its comprehensive plan for the development of a contiguous unincorporated area, the municipal plan commission may continue to exercise territorial jurisdiction over that area unless the jurisdiction of the municipal plan commission is terminated as provided by law.
- Provides that for comprehensive plans that are initially adopted after June 30, 2019: (1) If the municipality is located in a county that has not adopted a comprehensive plan covering the contiguous unincorporated area and the municipality is providing municipal services to the contiguous unincorporated area, the municipal plan commission may exercise territorial jurisdiction over that area by filing certain notices. (2) If the municipality is located in a county that has adopted a comprehensive plan and ordinance covering the contiguous unincorporated area, the municipal plan commission may exercise territorial jurisdiction over that area only if it obtains the approval of the county legislative body of each affected county.
- Provides that the power to aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs may be exercised by a municipality with regard to a municipal park located within 10 miles outside the boundaries of the municipality that exists on June 30, 2019.

[SEA 549, PL 101 SCHOOL FINANCIAL MATTERS](#)

Author: Spartz, R-Noblesville

Sponsor: Cook, R-Cicero

Aim Comment: Originally, SEA 549 contained language that would have changed the membership of redevelopment commissions (RDCs) to include a voting school board member. Under current law, the municipal executive appoints

three members and the council appoints two members. Mayors and council members are held accountable to voters for the economic development success of their communities, and redevelopment commissioners help carry out the vision of the elected officials who appoint them. Aim believes that the framework in place today is the proper balance that gives those most accountable for economic development flexible appointment authority while still allowing the nonvoting advisory school board member an adequate opportunity to participate on behalf of schools.

When the bill was heard in the Senate Tax and Fiscal Policy Committee, the RDC language was removed. SEA 549 as passed only contained language that requested an interim study committee on Tax Increment Finance (TIF) issues. It was not selected by the Legislative Council as a topic to be studied.

- Requires the superintendent of a school corporation to submit a written report to the local board of finance for the school corporation.
- Provides that the report must assess the financial condition of the school corporation using certain fiscal and qualitative indicators.
- Provides that the report must be received and reviewed at the annual meeting of the local board of finance for the school corporation.
- Urges the legislative council to assign to the appropriate interim study committee the task of identifying and studying best practices in: (1) the governance structure and oversight of tax increment financing to promote transparency and economic development in Indiana; and (2) reporting mechanisms between local government units to facilitate better collaboration and decision making.

[SEA 554, PL 194 ECONOMIC DEVELOPMENT](#)

Author: Garten, R-Charlestown

Sponsor: Clere, R-New Albany

- Provides that the Indiana economic development corporation (IEDC) may renew an enterprise zone that is established in an inactive or closed military base (enterprise zone) for not more than 10 years subject to certain criteria.
- Provides that a reuse authority, following the expiration of an enterprise zone over which the reuse authority had jurisdiction, may, subject to the approval of the IEDC, certify a business that is located within the boundaries of the enterprise zone for a tax credit, deduction, or exemption that could have been available to the business had the enterprise zone not expired.
- Provides that a business that is certified by a reuse authority to receive a tax credit, deduction, or exemption must assist the reuse authority in an amount determined by the reuse authority.
- Provides that a zone business that received a tax credit, deduction, or exemption in an enterprise zone before the phase out of the enterprise zone and claims the tax credit, deduction, or exemption after the phase out must pay to the reuse authority the same fee or amount that the zone business would have paid to the urban enterprise association before the expiration of the enterprise zone.
- Provides that the IEDC shall make a determination on grants from the twenty-first century research and technology fund (fund) to a district board established in Lafayette or Fort Wayne by September 1 if a district board established in Lafayette or Fort Wayne applies for a grant.

[SEA 563, PL 158 ECONOMIC DEVELOPMENT](#)

Author: Holdman, R-Markle

Sponsor: Huston, R-Fishers

- Establishes the small business innovation voucher program (program) to provide vouchers to eligible small businesses to be used by the business to purchase research and development support or other forms of technical assistance and services from an Indiana institution of higher education or other authorized research provider.

- Provides that the Indiana economic development corporation (IEDC) shall administer the program.
- Provides that the program is subject to appropriation from the general assembly.
- Amends the definition of “sales” and adds a definition of “telecommunication services” and “broadcast services” under the state adjusted gross income tax provisions.
- Amends the provisions for determining when sales, other than sales of tangible personal property, are derived from sources within Indiana for purposes of determining the state adjusted gross income of corporations and nonresident persons.
- Provides that the IEDC may enter into an agreement for mutual economic assistance and a payment agreement with a similar agency or body of a state bordering Indiana.
- Provides that a taxpayer (with certain exceptions) is not entitled to receive an industrial recovery tax credit for a qualified investment made after December 31, 2019.
- Amends the definition of “incremental income tax withholdings” for purposes of the EDGE tax credit to accommodate nonresident employees covered by a mutual economic assistance agreement and payment agreement.
- Permits a taxpayer to claim an income tax credit for qualified investments made after a community revitalization enhancement district has expired if the taxpayer satisfies certain conditions.
- Allows a taxpayer to assign all or part of a venture capital investment tax credit, subject to certain limitations.
- Amends the definition of “qualified investment” under the Hoosier business investment tax credit to include the purchase of: (1) retooled or refurbished machinery; (2) new energy conservation and pollution control equipment; and (3) new onsite digital manufacturing equipment.
- Provides that the Hoosier business tax investment credit for new onsite digital manufacturing equipment for a tax credit is not to exceed 15% of the qualified investment and is for a limited time period.
- Amends the headquarters relocation tax credit to extend the credit to an eligible business that: (1) acquired at least \$4,000,000 in venture capital within either six months prior to or six months after applying for the credit; and (2) commits to: (A) relocating its headquarters to Indiana; or (B) relocating the number of jobs that equals 80% of the business’s payroll to Indiana.
- Provides that the total amount of headquarters relocation tax credits that may be approved in a state fiscal year for all eligible businesses that qualify for the tax credit under the new provision may not exceed \$5,000,000.
- Establishes the redevelopment tax credit (credit). Requires a taxpayer to apply to the IEDC for the credit. Provides that a taxpayer may claim a credit against state tax liability if: (1) the taxpayer makes a qualified investment for the redevelopment or rehabilitation of real property located within a qualified redevelopment site; and (2) the qualified investment is approved by the IEDC.
- Provides that the amount of the credit is equal to: (1) the qualified investment made by the taxpayer and approved by the IEDC in an agreement; multiplied by (2) the applicable credit percentage determined by the IEDC.
- Specifies the maximum applicable credit percentages that apply to qualified investments.
- Caps the redevelopment tax credit at \$50,000,000 per state fiscal year with certain exceptions.
- Allows a taxpayer to assign all or part of a redevelopment tax credit, subject to certain limitations.
- Authorizes the IEDC to include in an agreement for the tax credit provisions that require the taxpayer to repay all or part of a credit awarded over a period of years.
- Provides that an agreement for the redevelopment tax credit must include a repayment provision for the amount of any credit award that exceeds \$7,000,000.
- Requires the IEDC to establish measurements for evaluating the performance of the redevelopment tax credit and evaluate the tax credit program on a biennial basis.
- Requires the IEDC to collect data on the effectiveness of an assignment of both the venture capital investment tax credit and the redevelopment tax credit and report its findings to the legislative council

before November 1, 2022.

- Changes the recertification period for certified technology parks from three years to four years.
- Provides that once a certified technology park reaches its cap, an additional amount equal to a specified amount of incremental income taxes shall be captured.
- Requires a redevelopment commission that has designated a third party manager or operator of a certified technology park to transfer to the manager or operator the amount owed within 30 days of receiving a distribution.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying the development of regional airports throughout Indiana.
- Makes an appropriation.

[SEA 566, PL 235 RESIDENTIAL TAX INCREMENT FINANCING](#)

Author: Raatz, R-Richmond

Sponsor: Pressel, R-Rolling Prairie

Aim Comment: SEA 566 permits a redevelopment commission (RDC) to establish Housing TIF areas as part of a residential housing program in communities where the three-year average of new residential homes is less than 1% of the total number of homes in the county or municipality. Before a program and a Housing TIF area can be established, however, the Department of Local Government Finance is required to determine eligibility for the program, and the program cannot take effect until the school board of every affected school corporation passes a resolution approving the program.

Aim supports the underlying mission of SEA 566 to give local governments a new tool to meet a community's housing needs, but we opposed the school corporation approval requirement. We agree that there should be collaboration among local units of government, but this level of oversight is not necessary or good public policy.

- Permits a redevelopment commission to establish a program for residential housing development and a tax increment funding allocation area for the program if the average of new, residential houses constructed in the county or municipality in the preceding three years is less than 1% of the total number of residential houses in the county or municipality.
- Requires the department of local government finance, in cooperation with appropriate county and municipal agencies, to determine eligibility for the program.
- Provides that a program may not take effect until the governing body of each school corporation affected by the program passes a resolution approving the program.
- Defines "residential housing" as housing or workforce housing that consists of single family dwelling units sufficient to secure quality housing in reasonable proximity to employment.

[SEA 607, PL 237 WORKFORCE PROGRAMS](#)

Author: Raatz, R-Richmond

Sponsor: Sullivan, R-Evansville

- Establishes the (1) workforce diploma reimbursement program; and (2) workforce diploma reimbursement program fund.
- Provides that the governor's workforce cabinet (cabinet), in coordination with the department of workforce development (department), shall administer the program.
- Provides that the purpose of the fund is to provide payments to eligible program providers that assist adults who are more than 22 years of age in: (1) developing employability and career technical skills; and (2) obtaining high school diplomas.
- Provides that: (1) the cabinet shall approve eligible program providers to participate in the program;

and (2) the department shall publish a list of approved eligible program providers and other information concerning the program on the department's Internet web site.

- Requires the cabinet to include in the report the cabinet submits concerning workforce related programs the cabinet's review, analysis, and evaluation of the program, including the cabinet's and department's activities related to the development of the program.

SEA 609, PL 279 ALCOHOL MATTERS

Author: Grooms, R-Jeffersonville

Sponsor: Clere, R-New Albany

- For purposes of the law regarding farm wineries, specifies that: (1) "bottle" means a standard wine container that meets the design, fill, and headspace requirements under federal law; and (2) "bulk", with regard to bulk wine purchases and sales, means a container of more than 60 liters.
- Allows a farm winery permit holder or an artisan distiller's permit holder to: (1) be the proprietor of a restaurant; (2) transfer wine or liquor from the farm winery or artisan distillery to the restaurant; (3) have a window between the farm winery or artisan distillery and the restaurant; and (4) have a doorway or other opening between the farm winery or artisan distillery and the restaurant.
- Provides that the restaurant of a microbrewery, farm winery, or artisan distillery is not required to sell the minimum amount of food required to provide separation between the bar area and the family room by means of a structure or barrier (instead of providing separation by a nontransparent wall).
- Provides that a minor may be on the premises of a farm winery under certain circumstances.
- Allows the holder of a retailer's (restaurant) permit to have an interest in an artisan distiller's permit and a farm winery permit.
- Allows distillers and rectifiers to have an interest in a beer permit.
- Repeals the crime prohibiting artisan distillers, distillers, and rectifiers from owning stock of a corporation that holds a retailer's permit.

aim

Accelerate
Indiana
Municipalities

2019

Courts

[HEA 1078, PL 240 COMMITMENT OF LEVEL 6 OFFENDERS TO DOC](#)

Author: Steuerwald, R-Avon

Sponsor: Young, R-Indianapolis

- Provides that a court may commit a person convicted of a Level 6 felony to the department of correction (DOC) if: (1) the person is a violent offender; or (2) the person has two prior unrelated felony convictions.

[HEA 1087, PL 77 PAYMENT OF COURT COSTS](#)

Author: Pressel, R-Rolling Prairie

Sponsor: Bohacek, R-Michiana Shores

- Allows a court to reduce some or all of the court costs owed by a person who performs community service or approved uncompensated volunteer work by: (1) determining the number of hours of community service or volunteer work performed by the person; (2) multiplying the number of hours worked by the Indiana minimum wage; and (3) deducting that figure from the amount owed.
- Excludes from the calculation community service hours required to be performed under a plea agreement.

[HEA 1118, PL 48 HOWARD COUNTY MAGISTRATE](#)

Author: Karickhoff, R-Kokomo

Sponsor: Buck, R-Kokomo

- Allows the judges of the Howard circuit and superior courts to jointly appoint a magistrate to serve the Howard County courts.

[HEA 1141, PL 202 TRAFFIC AMNESTY PROGRAM](#)

Author: Shackleford, D-Indianapolis

Sponsor: Bohacek, R-Michiana Shores

- Establishes a temporary traffic amnesty program to permit certain persons owing unpaid traffic fines, or who may be required to pay a fee for reinstatement of driving privileges, to obtain a reduction in the amount owed or amount payable. Specifies that a person seeking a reduction in fees owed is not required to pay a court filing fee.
- Provides that as part of the traffic amnesty program a person must: (1) pay the driving privileges reinstatement fee to the bureau of motor vehicles (bureau); (2) provide proof of financial responsibility to the court; and (3) not be ineligible to have the person's driving privileges reinstated.
- Provides that the court must transmit a copy of its order to the bureau in a manner prescribed by the bureau.
- Specifies that a petition for traffic amnesty is not an admission of guilt, and requires a court to include in its order granting amnesty that the order is not a conviction, finding of guilt, or finding of liability.
- Makes a technical correction.

[HEA 1173, PL 9 TIPPECANOE COUNTY SUPERIOR COURT](#)

Author: Negele, R-Attica

Sponsor: Alting, R-Lafayette

- Adds a superior court in Tippecanoe County.

[HEA 1223, PL 205 ADMINISTRATIVE LAW JUDGES](#)

Author: Steuerwald, R-Avon

Sponsor: Head, R-Logansport

- Establishes the office of administrative law proceedings (office) within the state personnel department to hear certain administrative proceedings that result in a finding of fact determining the legal rights, duties, or privileges of a party after an opportunity for an evidentiary hearing.
- Specifies the administrative proceedings over which the office has jurisdiction.
- Provides a list of agencies over whose administrative proceedings the administrative law judges from the office do not preside.
- Provides that the office shall have a director who is responsible for administering the office, hiring administrative law judges, and assigning administrative law judges to administrative proceedings.
- Makes conforming amendments.

[HEA 1284, PL 107 SELF-DEFENSE, DEFENSE OF OTHERS, AND FIREARMS MATTERS](#)

Author: Lucas, R-Seymour

Sponsor: Tomes, R-Wadesville

- Designates the following as voter registration offices: (1) Each office affiliated with the Indiana state police. (2) Each office affiliated with the sheriff of a county. (3) Each office affiliated with a municipal law enforcement agency.
- Provides immunity for a justified use of force in certain instances. Requires a court to award, in certain instances, reasonable attorney's fees and costs to a defendant when the justified use of force immunity is successfully raised.
- Permits a person who may legally possess a firearm to possess a firearm on school property if the person possesses the firearm: (1) as an employee or volunteer of a house of worship located on the school property; or (2) while attending a worship service or religious ceremony conducted at a house of worship.
- Increases the duration of a four year handgun license to five years.
- Provides that an individual may simultaneously hold both a five year license and a lifetime license.
- Requires a law enforcement officer to whom an application for a handgun license is made to consult available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System (NICS), when determining whether possession of a firearm by an applicant would be a violation of state or federal law.
- Modifies the fees for five year licenses beginning July 1, 2020. Makes conforming amendments.

[HEA 1299, PL 207 VETERANS AFFAIRS](#)

Author: Zent, R-Angola

Sponsor: Glick, R-LaGrange

- Requires the office of judicial administration with the United States Department of Veterans Affairs to identify and address the needs of veterans in the court system.

[HEA 1332, PL 53 MARION COUNTY MAGISTRATES](#)

Author: Speedy, R-Indianapolis

Sponsor: Merritt, R-Indianapolis

- Allows the Marion County superior courts to appoint 24 full-time magistrates after December 31, 2019, not more than 12 of whom may be from the same political party.

[HEA 1432, PL 258 PARENTAL INCARCERATION](#)

Author: Macer, D-Indianapolis

Sponsor: Young, R-Indianapolis

- Provides that a child in need of services (CHINS) case plan must include a description and discussion of: (1) the services and treatment available to an incarcerated parent at the facility at which the parent is incarcerated; and (2) how the parent and child may be afforded visitation opportunities, unless visitation with the parent is not in the best interests of the child.
- Requires a CHINS dispositional decree to provide a reasonable opportunity for a parent of the child who: (1) is incarcerated; and (2) has maintained a meaningful role in the child's life; to maintain a relationship with the child, subject to the safety of the community and best interests of the child.
- Provides that a motion to dismiss a petition to terminate a parent-child relationship (TPR) may be filed if: (1) the parent is incarcerated or the parent's prior incarceration is a significant factor in the child having been under the supervision of the department of child services (DCS) or a county probation department for at least 15 of the most recent 22 months; (2) the parent maintains a meaningful role in the child's life; (3) DCS has not documented a reason to conclude that it would otherwise be in the child's best interests to terminate the parent-child relationship; and (4) the parent is not incarcerated due to conviction for certain crimes. Provides that in determining whether to grant the motion to dismiss the TPR, the court may consider the length of time remaining in the incarcerated parent's sentence and any other factor the court considers relevant.

[HEA 1651, PL 289 JUDICIAL EVALUATION OF DANGEROUS INDIVIDUALS AND FIREARMS](#)

Author: Schaibley, R-Zionsville

Sponsor: Houchin, R-Salem

- Provides that a judicial finding of dangerousness may be used to initiate temporary commitment proceedings. Provides that a dangerous person is not a proper person for the purpose of: (1) applying for; or (2) receiving; a license to carry a handgun.
- Provides that a dangerous person who knowingly or intentionally: (1) rents; (2) purchases; (3) receives transfer of; (4) owns; or (5) possesses; a firearm commits dangerous possession of a firearm, a Class A misdemeanor.
- Provides that a person who knowingly or intentionally: (1) rents; (2) transfers; (3) sells; or (4) offers for sale; a firearm to a person that a court has found to be dangerous or prohibited from owning or possessing a firearm commits dangerous transfer of a firearm, a Level 5 felony.
- Requires a law enforcement officer (officer) who seizes a firearm from a person believed to be dangerous without a warrant to provide an affidavit to a court with jurisdiction over the person at issue: (1) not later than 48 hours after the seizure or attempted seizure of the firearm; and (2) for each seizure or attempted seizure of a firearm from the person.
- Requires a court to order the retention of a seized firearm by a law enforcement agency if the court: (1) finds; or (2) has previously found; the person to be dangerous. Requires a court to determine if a person is dangerous by conducting a hearing.
- Provides that if a court finds that an individual is not dangerous or no longer dangerous, the court shall order the law enforcement agency having custody of the firearm confiscated, recovered, or seized from the individual to return the firearm to the individual as quickly as practicable, but not later than five days after the court's order.
- Provides that a dangerous person may petition a court for a court order vacating the person's designation as a dangerous individual 180 days after being found dangerous by a circuit or superior court.
- Defines "responsible third party".
- Requires a responsible third party to: (1) safely and responsibly care for and store a firearm that is entrusted to the third party; and (2) prevent dangerous persons from accessing any firearm entrusted to the third party. Makes conforming amendments.

[SEA 186, PL 184 TRAFFIC CRIMES](#)

Author: Koch, R-Bedford

Sponsor: McNamara, R-Evansville

- Provides that an operator of a motor vehicle who: (1) operates a motor vehicle after the operator's driving privileges have been suspended or revoked; and (2) causes an accident that results in injury or death to another person; commits a separate offense for each person injured or killed as a result of an accident caused by the operator.
- Provides that an operator of a motor vehicle who leaves the scene of an accident that: (1) was caused by the operator; and (2) involves injury to another person; commits a separate offense for each person injured by an accident caused by the operator.
- Provides that leaving the scene of an accident involving moderate bodily injury is a Level 6 felony.
- Makes the penalty for leaving the scene of an accident involving the death or catastrophic injury of another person a Level 4 felony.
- Increases the penalty for causing serious bodily injury when operating a motor vehicle while intoxicated from a Level 6 felony to a Level 5 felony.
- Enhances the penalty for the offense to a Level 4 felony if the person has a previous conviction for the offense.
- Makes the penalty for causing the death or catastrophic injury of another person when operating a motor vehicle while intoxicated a Level 4 felony in certain instances.
- Provides that an operator of a motor vehicle who: (1) is a habitual traffic violator; and (2) causes an accident that results in the injury or death of another person; commits a separate offense for each person injured or killed as a result of an accident caused by the operator.
- Allows multiple sentences for the offense to be served consecutively in certain instances. Provides that the operator of a motor vehicle who: (1) flees from a law enforcement officer; and (2) causes an accident resulting in bodily injury, serious bodily injury, catastrophic injury, or death of another person; commits a separate offense for each person injured or killed as a result of the operator's vehicular flight from police.
- Allows multiple sentences for the offense to be served consecutively in certain instances. Defines "catastrophic injury" and increases the penalty for certain offenses involving catastrophic injuries. Specifies that "metabolites" refers to metabolites in a person's blood.
- Makes conforming amendments.

[SEA 198, PL 5 SENTENCING](#)

Author: Bohacek, R-Michiana Shores

Sponsor: Pressel, R-Rolling Prairie

- Makes committing a controlled substance offense on the property of a penal facility or juvenile facility an enhancing circumstance.
- Makes it an aggravating circumstance that a crime was committed because of certain perceived or actual characteristics of the victim.

[SEA 220, PL 113 GOING UPON THE PREMISES OF ANOTHER](#)

Author: Koch, R-Bedford

Sponsor: May, R-Bedford

- Amends the law providing that a person who goes upon the premises of another for certain purposes does not have an assurance that the premises are safe for the person's purpose.
- Specifies that the law applies to a person who goes upon the premises of another for the purpose of

departing from a trail, greenway, or similar area.

[SEA 235, PL 219 EXPUNGEMENTS](#)

Author: Freeman, R-Indianapolis

Sponsor: Young, R-Indianapolis

- Defines “collateral action” as an action that is factually or legally related to an arrest, a criminal charge, a delinquency allegation, a criminal conviction, or a delinquency adjudication.
- Specifies that certain information relating to: (1) an arrest; and (2) a collateral action is required to be sealed or marked expunged if a petition for expungement is granted.
- Specifies that an amendment affecting the information required to be expunged, marked as expunged, or otherwise sealed or restricted does not apply to an expungement order granted before the effective date of the amendment.
- Sets forth a procedure for a person to file a petition for a supplemental order of expungement.
- Provides that a person convicted of a felony that resulted in death to another person may not seek expungement of that felony.
- Strikes and relocates a provision relating to certain nonpublic records maintained by a law enforcement agency, and specifies that this provision also applies to records maintained by a public defender agency.
- Establishes a method for a person to expunge a protection order if the petition for a protection order is dismissed or denied.
- Requires an IDACS coordinator to remove the name of a respondent from the Indiana protective order registry when the IDACS coordinator receives notice from the county clerk that the protective order against the respondent has been dismissed.

[SEA 258, PL 220 SEX OFFENDER EMPLOYMENT AND RESIDENCE](#)

Author: Mrvan, D-Hammond

Sponsor: Young, Manning, R-Denver

- Allows a court to prohibit, as a condition of probation, a sexually violent predator or an offender against children from having: (1) unsupervised contact; or (2) contact; with a child less than 16 years of age.
- Requires that as a condition of probation, a court shall inform an offender against children of the restrictions on an offender against children residing near: (1) school property; (2) a youth program center; (3) a public park; or (4) the residence of the victim of the offender’s sex offense.
- Prohibits a sexually violent predator or an offender against children from working: (1) as or for a child care provider; (2) as a provider of respite care services and other support services for primary or family caregivers; or (3) as a provider of adult day care services.
- Prohibits an offender against children from residing in a residence where a person provides child care services, or within 1,000 feet of a licensed day care center.

[SEA 265, PL 221 VARIOUS TRUST MATTERS](#)

Author: Head, R-Logansport

Sponsor: Steuerwald, R-Avon

- Defines “designated representative”, “judicial proceeding”, and “nonjudicial matter” for purposes of the trust code.
- Authorizes the establishment of legacy trusts.
- Prescribes the procedures for establishing a legacy trust and requirements for claims under a legacy trust.

- Provides that a court shall exercise jurisdiction over a legacy trust or a qualified disposition and adjudicate a case or controversy regarding the legacy trust, if the case or controversy is within the subject matter of the court.
- Adopts the uniform directed trust act, which allows for the terms of a trust to grant a person other than a trustee power over some aspect of the trust's administration.
- Provides that current law regarding the duties and liabilities of a trustee of a trust under the control of a third person applies to directions given to a trustee before July 1, 2019, by a person who has power under the terms of the trust to direct the trustee.
- Allows for the use of quiet trusts. Provides that an interested person may enter into a binding nonjudicial settlement agreement with respect to trust matters.
- Provides for nonjudicial account settlements.

[SEA 333, PL 224 BODY CAVITY SEARCHES AND BLOOD DRAWS](#)

Author: Grooms, R-Jeffersonville

Sponsor: Mahan, R-Hartford City

- Establishes a procedure authorizing licensed medical personnel to obtain a body fluid sample or to retrieve contraband from the body cavity of an individual as part of a criminal investigation, and, grants, with certain exceptions, immunity to medical personnel.
- Provides a method for certain emergency medical services providers and law enforcement officers who have been exposed to blood or body fluids to obtain the results of a test for a dangerous communicable disease.
- Establishes a procedure for a court to issue an emergency ex parte order for a blood or body fluid specimen.

[SEA 336, PL 32 MISDEMEANOR PENALTIES](#)

Author: Young, R-Indianapolis

Sponsor: Young, R-Franklin

- Makes numerous misdemeanors civil infractions for the first offense.
- Repeals the crimes of vending machine vandalism and refusing to yield a party line.
- Increases the penalty for obstructing a medical person from a Class B misdemeanor to a Class A misdemeanor.
- Makes conforming provisions and repeals obsolete provisions.

[SEA 424, PL 36 PRIVACY AND TRACKING OF RAPE KITS](#)

Author: Crider, R-Greenfield

Sponsor: Frye, R-Greensburg

- Provides that a hospital or licensed medical services provider that provides forensic medical exams and additional forensic services to a victim (provider) is entitled to reimbursement from the victim services division of the Indiana criminal justice institute (division) if the provider initiates a claim for reimbursement through the sexual assault web based claims reimbursement and tracking system.
- Provides that personal information: (1) concerning a sexual assault victim; and (2) entered into the division's web based claims reimbursement and sexual assault examination kit tracking system; is confidential in certain instances.
- Provides that notification of a forensic sample's destruction may be provided by the division through the sexual assault web based claims reimbursement and tracking system.

- Requires law enforcement agencies and prosecuting attorneys to cooperate with the division by providing storage updates to the division via the sexual assault web based claims reimbursement and tracking system.
- Allows a victim to register for notifications concerning a sexual assault examination kit through the sexual assault web based claims reimbursement and tracking system.
- Defines certain terms.
- Makes conforming amendments.
- Makes technical corrections.

[SEA 471, PL 276 OFFENSES INVOLVING CRITICAL INFRASTRUCTURE](#)

Author: Koch, R-Bedford

Sponsor: Soliday, R-Valparaiso

- Repeals the term “key facility” and replaces it with “critical infrastructure facility”.
- Defines “critical infrastructure facility”.
- Provides that a person who, not having a contractual interest in the property, knowingly or intentionally enters the real property of a critical infrastructure facility without the permission of the owner of the critical infrastructure facility or an authorized person commits the offense of critical infrastructure facility trespass.
- Provides that a person who recklessly, knowingly, or intentionally damages or defaces property of a critical infrastructure facility commits the offense of critical infrastructure facility mischief.
- Provides criminal penalties and civil remedies for offenses involving a critical infrastructure facility.
- Provides that the chapter addressing offenses of related critical infrastructure facilities does not apply to protected conduct or collective bargaining agreements.
- Provides that a victim of the offense of critical infrastructure facility trespass or mischief may recover damages sustained from a person who caused the loss.
- Provides that a person that compensates, provides consideration to, or remunerates a person for committing the offense of critical infrastructure facility trespass or mischief may be held liable for civil damages.
- Provides that if a person commits the offense of conspiracy to commit the offense of critical infrastructure facility trespass or mischief with a person who commits the offense of critical infrastructure facility trespass or mischief, the conspiring person shall be punished by a fine not to exceed \$100,000.

[SEA 488, PL 69 PUBLIC DEFENDERS](#)

Author: Young, R-Indianapolis

Sponsor: Young, R-Franklin

- Authorizes the Indiana public defender commission to create guidelines and requirements pertaining to a multicounty public defender’s office.
- Authorizes a county executive to adopt an ordinance that allows the county to enter into an interlocal agreement with one or more counties for the purpose of: (1) creating a multicounty public defender’s office; and (2) providing legal services to indigent persons located in the areas subject to the interlocal agreement.
- Requires interlocal agreements concerning indigent criminal defense to be administered by a joint board. Prohibits certain persons from acting as a member of a joint board.
- Specifies: (1) term limits; and (2) meeting requirements; for joint boards.
- Requires the auditor of one county belonging to an interlocal agreement to: (1) receive; (2) disburse; and

(3) account for; all monies distributed to a multicounty public defender's office.

- Amends certain definitions.
- Makes conforming amendments.

aim

Accelerate
Indiana
Municipalities

2019

**Criminal Code
Changes**

[HEA 1114, PL 201 CRIMINAL MATTERS](#)

Author: Miller, R-Elkhart

Sponsor: Head, R-Logansport

- Provides that a person commits interfering with law enforcement, a Class B misdemeanor, if, after being denied entry by a law enforcement officer, the person enters an area that is marked off with barrier tape or other physical barriers.
- Provides a defense if the person enters the prohibited area due to a reasonable belief that certain family members were injured or were at risk of injury.
- Increases the penalty if the person uses a vehicle, draws or uses a deadly weapon, or causes injury or death to another person.
- Provides that resisting or interfering with law enforcement is enhanced to a Level 6 felony if the person uses a vehicle to commit the offense.
- (Under current law, the felony enhancement to resisting law enforcement applies only if the person flees from law enforcement using a vehicle.)

[HEA 1186, PL 80 CRIMES INVOLVING SYNTHETIC DRUGS](#)

Author: Negele, R-Attica

Sponsor: Bohacek, R-Michiana Shores

- Makes possessing or dealing in a substance that is a controlled substance analog an offense of the same level as possession of or dealing in the controlled substance of which the substance is an analog.
- Defines “substance represented to be a controlled substance” and establishes certain factors the trier of fact may consider to determine if a substance meets the definition.
- Repeals crimes concerning synthetic drug lookalike substances.
- Provides that convictions for synthetic drug offenses will, in certain cases, no longer be treated the same as marijuana offenses. Makes conforming amendments.

[HEA 1294, PL 51 INSPECT PROGRAM](#)

Author: Zent, R-Angola

Sponsor: Houchin, R-Salem

- Moves existing language concerning the central repository for controlled substances data from Title 35 to Title 25 and makes conforming changes.
- Specifies that a practitioner may obtain information about a patient directly through the Indiana scheduled prescription electronic collection and tracking program data base (INSPECT data base) or through the patient’s integrated health record.
- Decreases the instances in which a Class A misdemeanor is a violation to when a practitioner discloses confidential information without authorization. (Current law provides for a Class A misdemeanor for any violation of the chapter.)
- Provides for instances in which a practitioner is not required to obtain information from the INSPECT data base.

[HEA 1615, PL 141 ANIMAL CRUELTY](#)

Author: Hatfield, D-Evansville

Sponsor: Becker, R-Evansville

- Amends and creates certain definitions for offenses relating to animals.

- Specifies that an animal control program, humane society, and governmental entity operating an animal shelter may only destroy an animal by means of humane euthanasia.
- Removes duplicative language and makes conforming amendments.

[SEA 80, PL 211 CODE REVISION CORRECTIONS](#)

Author: Young, R-Indianapolis

Sponsor: Steuerwald, R-Avon

- Addresses problems in the Indiana Code not suitable for resolution in the annual Technical Corrections bill, including corresponding amendment to certain percentages and overly broad or ambiguous language.
- Resolves technical conflicts between various enrolled acts passed during the 2019 legislative session. Corrects technical errors in various enrolled acts passed during the 2019 legislative session.

[SEA 110, PL 182 DRUG DEALING](#)

Author: Koch, R-Bedford

Sponsor: McNamara, R-Evansville

- Adds an item to the existing list of enhancing circumstances for offenses relating to controlled substances.
- Provides that an enhancing circumstance means that the person knowingly committed the offense in, on, or within 100 feet of a drug treatment facility.

[SEA 119, PL 183 MACHINE GUNS](#)

Author: Tomes, R-Wadesville

Sponsor: Lucas, R-Seymour

- Defines “machine gun”.
- Provides that a person may not sell, give, or in any other manner transfer ownership or possession of a machine gun to any person under 18 years of age.
- Provides that a person who knowingly or intentionally sells, provides, or in any other manner transfers ownership or possession of a machine gun to a person under 18 years of age commits a: (1) Level 5 felony; (2) Level 4 felony if the person has a prior conviction for the offense; or (3) Level 3 felony if a person under 18 years of age uses the machine gun to commit murder.
- Makes conforming amendments and a technical correction.

[SEA 186, PL 184 TRAFFIC CRIMES](#)

Author: Koch, R-Bedford

Sponsor: McNamara, R-Evansville

- Provides that an operator of a motor vehicle who: (1) operates a motor vehicle after the op death to another person; commits a separate offense for each person injured or killed as a result of an accident caused by the operator.
- Provides that an operator of a motor vehicle who leaves the scene of an accident that: (1) was caused by the operator; and (2) involves injury to another person; commits a separate offense for each person injured by an accident caused by the operator.
- Provides that leaving the scene of an accident involving moderate bodily injury is a Level 6 felony.
- Makes the penalty for leaving the scene of an accident involving the death or catastrophic injury of another person a Level 4 felony.

- Increases the penalty for causing serious bodily injury when operating a motor vehicle while intoxicated from a Level 6 felony to a Level 5 felony.
- Enhances the penalty for the offense to a Level 4 felony if the person has a previous conviction for the offense.
- Makes the penalty for causing the death or catastrophic injury of another person when operating a motor vehicle while intoxicated a Level 4 felony in certain instances.
- Provides that an operator of a motor vehicle who: (1) is a habitual traffic violator; and (2) causes an accident that results in the injury or death of another person; commits a separate offense for each person injured or killed as a result of an accident caused by the operator.
- Allows multiple sentences for the offense to be served consecutively in certain instances.
- Provides that the operator of a motor vehicle who: (1) flees from a law enforcement officer; and (2) causes an accident resulting in bodily injury, serious bodily injury, catastrophic injury, or death of another person; commits a separate offense for each person injured or killed as a result of the operator's vehicular flight from police.
- Allows multiple sentences for the offense to be served consecutively in certain instances. Defines "catastrophic injury" and increases the penalty for certain offenses involving catastrophic injuries.
- Specifies that "metabolites" refers to metabolites in a person's blood.
- Makes conforming amendments.

[SEA 192, PL 29 NONCONSENSUAL PORNOGRAPHY](#)

Author: Bohacek, R-Michiana Shores

Sponsor: Negele, R-Attica

- Defines "intimate image" and creates a civil cause of action against a person who discloses an intimate image without the consent of the individual depicted in the intimate image. Provides that a prevailing plaintiff may recover the greater of: (1) economic and noneconomic damages; or (2) statutory damages not to exceed \$10,000; plus attorney's fees, court costs, and other relief, including injunctive relief. Establishes criteria to be used by the trier of fact in determining damages.
- Provides that an interactive computer service may not be liable for disclosing nonconsensual pornography.

[SEA 198, PL 5 SENTENCING](#)

Author: Bohacek, R-Michiana Shores

Sponsor: Pressel, R-Rolling Prairie

- Makes committing a controlled substance offense on the property of a penal facility or juvenile facility an enhancing circumstance.
- Makes it an aggravating circumstance that a crime was committed because of certain perceived or actual characteristics of the victim.

[SEA 240, PL 66 TERRORISM](#)

Author: Freeman, R-Indianapolis

Sponsor: McNamara, R-Evansville

- Repeals and replaces in a new article the offense of: (1) possession, use, or manufacture of a weapon of mass destruction; (2) agricultural terrorism; (3) terroristic mischief; and (4) terroristic deception.
- Specifies that "terrorism" includes the unlawful threat or use of force to affect the conduct of a government.
- Makes providing material support to a terrorist a Level 5 felony, and increases the penalty to a Level 2

felony if the material support includes the commission of a felony or if the act of terrorism is reasonably likely to cause serious bodily injury to another person.

- Makes concealing or harboring a person who has committed a terrorist act a Level 6 felony, and increases the penalty to a Level 3 felony if the terrorist act resulted in serious bodily injury or death.
- Makes committing a criminal offense with the intent to benefit a terrorist organization or to increase the person's standing in a terrorist organization a Level 5 felony, and increases the penalty to a Level 3 felony if the offense involves the unlawful use of a firearm or a weapon of mass destruction.
- Provides that a person who commits an offense with the intent to assist another person in the commission of a felony terrorist offense is subject to an additional sentence enhancement equal to the sentence imposed for the underlying offense.
- Specifies that a person commits intimidation if: (1) the threatening communication places a person in fear that certain threats will be carried out; or (2) if the threatening communication is made to a person other than the person who is the subject of the threat.
- Enhances the penalty for intimidation if the threat relates to a person's occupation. Defines "police radio mobile application" as an application installed on a mobile device that allows a person to listen to the contents of traffic carried on police radio frequencies.
- Provides that a person who possesses or uses a police radio mobile application: (1) while committing a crime; (2) to further the commission of a crime; or (3) to avoid detection by a law enforcement agency; commits unlawful use of a police radio, a Class B misdemeanor.

[SEA 243, PL 185 NONCONSENSUAL PORNOGRAPHY](#)

Author: Freeman, R-Indianapolis

Sponsor: Speedy, R-Indianapolis

- Defines "intimate image" and provides that a person who: (1) knows that an individual does not consent to the distribution of an intimate image of the individual; and (2) distributes the intimate image on the Internet; commits internet distribution of an intimate image, a Class A misdemeanor.
- Increases the penalty to a Level 6 felony for a second or subsequent offense.

[SEA 519, PL 191 CRIMINAL LAW ISSUES](#)

Author: Koch, R-Bedford

Sponsor: McNamara, R-Evansville

- Allows certain individuals who commit an offense in a penal facility to be sentenced to the department of correction.
- Urges the legislative council to assign an appropriate study committee to study the topic of the implementation of HEA 1006-2014.

[SEA 551, PL 40 VICTIMS OF CRIMINAL ACTS](#)

Author: Messmer, R-Jasper

Sponsor: McNamara, R-Evansville

- Provides that a new registration period may be imposed if a sex or violent offender fails to register or improperly registers as a sex or violent offender.
- Prohibits records held by the department of child services to be disclosed to any person who requests the record if it related to an ongoing police investigation or criminal prosecution.
- Provides that a parent, a guardian, or another representative may file a petition for an order for protection on behalf of a child against a person who engages in sexual grooming activity.

- Amends the definition of “crime of domestic violence”.
- Creates a procedure where a victim of a sex crime and child victim of a sex crime can have their identity protected from the public.
- Provides that if a child less than 16 years of age is summoned to testify as a witness to any hearing in any criminal matter, the child shall be allowed to have a comfort item or comfort animal while testifying.
- Expands the list of offenses that may be prosecuted before a victim reaches 31 years of age to include all offenses of child molesting, vicarious sexual gratification, child solicitation, child seduction, sexual misconduct with a minor, and incest.
- Provides that a person commits the offense of domestic battery, as a Level 6 felony, if the person has a prior unrelated conviction for strangulation.
- Provides that a person commits the offense of strangulation, as a Level 5 felony, if the person has a prior unrelated conviction for strangulation.
- Provides that a person commits the offense of kidnapping, as a Level 4 felony, if it results in moderate bodily injury to a person other than the removing person.
- Provides that a person commits the offense of criminal confinement, as a Level 4 felony, if it results in moderate bodily injury to a person other than the confining person.
- Amends certain age requirements and adds enhanced offenses to the offense of child seduction.
- Provides that a person at least 18 years of age who knowingly or intentionally: (1) performs or submits to sexual intercourse or other sexual conduct with a child less than 16 years of age; or (2) performs or submits to any fondling or touching with a child less than 16 years of age with the intent to arouse or to satisfy the sexual desires of either the child or the older person; commits sexual misconduct with a minor. Prohibits a person who has a Class D felony conviction or a Level 6 felony conviction for domestic battery within the previous 15 years from petitioning the court to reduce the felony conviction to a Class A misdemeanor.
- Urges the legislative council to assign to an interim study committee the issue of depositions of child victims of sex offenses.
- Makes conforming amendments.

aim

Accelerate
Indiana
Municipalities

2019

Environmental

HEA 1266, PL 248 SEDIMENT AND EROSION CONTROL IN CONSTRUCTION

Author: Miller, R-Elkhart

Sponsor: Doriot, R-Goshen

Aim Comment: In 2018 Aim worked to defeat similar legislation which ultimately did not pass the General Assembly. The bill's author let us know that he would be pursuing similar legislation in the 2019 legislative session and requested we work with him to address our concerns with the legislation. As the bill was introduced this year we had serious concerns due to its impact on our ability to issue stop work orders, challenging timeframes to review permits and limitations on local best management practices (BMP's) for stormwater protections. Aim was able to improve the permit review timeframe to an acceptable amount and found a compromise on our process to issue stop work orders. There was no compromise found on the language that restricts local BMP's to be no more stringent than Indiana Department of Environmental Management (IDEM) requirements. IDEM is currently modifying their rulemaking for MS4 communities to a general permit so these requirements may not be fully established until that process is completed.

- Provides that a review authority (an MS4 community or a soil and water conservation district) to which a construction plan is submitted must make a preliminary determination whether the construction plan is substantially complete: (1) before the end of the tenth working day after the day on which the construction plan is submitted in the case of a small construction activity site (one at which construction results in land disturbance of at least one but less than five acres) or very small construction activity site (one at which construction results in land disturbance of less than one acre); or (2) before the end of the fourteenth working day after the day on which the construction plan is submitted in the case of a large construction activity site (one at which construction activities result in land disturbance of at least five acres).
- Provides that if a review authority to which a construction plan is submitted does not notify the project site owner before the end of the tenth or fourteenth working day (whichever applies) of its preliminary determination whether the construction plan is substantially complete, the project site owner may submit a notice of intent letter and, 48 hours later, may begin the construction project.
- Provides that an MS4 community may require erosion and sediment control measures at a very small construction activity site but that the control measures may not be more stringent than the control measures required at a small construction activity site by administrative rules or the general permit that will be issued by the department of environmental management (IDEM).
- Establishes minimum qualifications for an individual who begins employment after July 1, 2019, reviewing and making conclusive determinations concerning construction plans submitted to an MS4 community.
- Provides that if an MS4 community has made a conclusive favorable determination concerning a construction plan and work on the construction project has begun, the MS4 community may not order work on the construction project to stop on the grounds that the erosion and sediment control measures are not adequate unless the project site owner is notified in writing of the inadequacies and the inadequacies are not resolved within 72 hours.
- Provides that the general permit that will be issued by the department of environmental management to establish erosion and sediment control requirements for construction sites, to the extent allowed under federal law, must recognize and be consistent with these provisions.

HEA 1278, PL 250 ENVIRONMENTAL MATTERS

Author: Wolkins, R-Winona Lake

Sponsor: Messmer, R-Jasper

- Establishes the 15 member 21st century energy policy development task force (task force). Requires the task force to: (1) examine and evaluate specified aspects of the state's policies concerning electric generation portfolios; (2) develop recommendations for the general assembly and the governor concerning any identified challenges with respect to Indiana's electric generation portfolios; and (3) issue a report setting forth the task force's recommendations not later than December 1, 2020.
- Requires the utility regulatory commission (IURC), before July 1, 2020, to conduct a comprehensive study

of the statewide impacts of: (1) transitions in the fuel sources and other resources used to generate electricity by electric utilities; and (2) new and emerging technologies for the generation of electricity; on electric generation capacity, system reliability, system resilience, and the cost of electric utility service.

- Requires the IURC to provide a final report on its study to the governor, the legislative council, and the 21st century energy policy development task force not later than July 1, 2020.
- Replaces the term “wastewater management vehicle” with the term “septage management vehicle”.
- Changes the membership of the environmental rules board (board) by adding one representative of the residential or commercial construction industry and removing the state health commissioner as an ex officio member.
- Requires certain reports concerning public water systems to be submitted to the department of environmental management (IDEM) electronically.
- Eliminates record keeping requirements relating to solid waste transported outside Indiana for final disposal.
- Revises the law concerning the assessment of the state solid waste management fee.
- Changes the deadline for IDEM’s annual assessment of hazardous waste annual operation fees.
- Provides that the administrator of the underground petroleum storage tank excess liability trust fund (ELTF) is required, not more than 45 business days after a claim on the ELTF is submitted, to: (1) approve the claim; (2) notify the claimant that a correction, a clarification, or additional information is needed; or (3) deny the claim.
- Provides that IDEM, rather than the board, is to deposit solid waste fees in the waste facility operator trust fund.
- Provides for IDEM to receive payment of solid waste fees by electronic fund transfer.
- Authorizes the board to adopt rules that increase the amounts of environmental fees.
- Requires the board, in changing the amount of a fee, to take into account the cost to IDEM of amendments, modifications, and renewals of a permit, license, or approval.
- Provides that a fee established by the board for a type or class of permit: (1) may be set at a particular amount in consideration of the type and amount of discharge or emission to which the permit relates; and (2) may not be different in amount for public sector permit holders than for private sector permit holders unless the difference is specifically authorized by law.
- Requires IDEM to arrange for an independent study of certain IDEM costs and to develop other information relevant to fees.
- Provides that all fee amounts set forth numerically in Title 13 of the Indiana Code are minimum amounts and that the board may increase the amount of a fee even though the minimum amount of the fee is set forth numerically in Title 13.
- Provides that the board may not increase an environmental fee: (1) more than once in five years; or (2) by more than 10%. Requires the board to adopt rules to implement a onetime increase in fees before January 1, 2022, and provides that: (1) the pre-2022 increase in the confined feeding operation, NPDES, safe drinking water act, solid waste, and hazardous waste program fees must be calculated to cause an increase in annual aggregate fee revenue of \$3,200,000; and (2) the pre-2022 increase in the air pollution control program fees must be calculated to cause an increase in annual aggregate fee revenue of \$2,000,000.

[HEA 1279, PL 251 NATURAL RESOURCES MATTERS](#)

Author: Wolkins, R-Winona Lake

Sponsor: Zay, R-Huntington

- Provides that a person may reconstruct an earthen berm or levee located in a floodway: (1) if the person obtains a permit from the department of natural resources (DNR); or (2) if the earthen berm or levee is located in a rural area, if it was constructed before January 1, 1973, or after December 31, 1972, pursuant

to a construction permit issued by the DNR, and if the plans and specifications for the reconstruction demonstrate to the satisfaction of the DNR that the reconstruction will meet certain requirements.

- Makes the violation of certain prohibitions or requirements concerning the reconstruction of an earthen berm or levee a Class B infraction.
- Establishes new requirements concerning freeholders' signatures on a petition to establish a conservancy district, providing: (1) that for a proposed district of not more than 5,000 freeholds, 30% of the freeholders must sign the petition; that for a proposed district of more than 5,000 but not more than 25,000 freeholds, 15%, but not less than 1,000, of the freeholders must sign the petition; and that for a proposed district of more than 25,000 freeholds, 10%, but not less than 3,000, of the freeholders must sign the petition; and (2) that the freeholders signing a petition to establish a conservancy district must own at least 51% of the assessed valuation of the real property located within the boundaries of the proposed conservancy district.
- Provides that these new requirements do not apply to the establishment of a conservancy district pursuant to a petition filed with a clerk of the circuit court before January 1, 2020.

[HEA 1492, PL 13 NOXIOUS WEED CONTROL](#)

Author: Baird, R-Greencastle

Sponsor: Leising, R-Oldenburg

- Adds common waterhemp, tall waterhemp, marehail, palmer amaranth, poison hemlock, powell amaranth, rough pigweed, and smooth pigweed to the list of detrimental plants that are required to be destroyed by certain persons under state law.

[SEA 375, PL 19 COLLECTING SOLID WASTE MANAGEMENT DISTRICT FEES](#)

Author: Niemeyer, R-Lowell

Sponsor: Aylesworth, R-Hebron

- Amends the solid waste management district law and the local government law to provide that, after June 30, 2019, a unit of local government may not enact an ordinance requiring a solid waste hauler or a hauler of recyclable materials to collect solid waste management fees and remit the fees to the board of a solid waste management district or a unit of local government.

[SEA 442, PL 291 UNDERGROUND STORAGE OF CARBON DIOXIDE](#)

Author: Ford, R-Terre Haute

Sponsor: Morrison, R-Fort Wayne

- Declares the underground storage of carbon dioxide to be a public use and service, in the public interest, and a benefit to the welfare and people of Indiana.
- Authorizes the establishment of a carbon sequestration pilot project (pilot project) that will capture carbon dioxide at a proposed ammonia production facility in West Terre Haute and inject the carbon dioxide into underground strata and formations pursuant to a Class VI well permit from the United States Environmental Protection Agency (EPA) as an alternative to releasing the carbon dioxide into the air.
- Provides that if the operator of the pilot project is not able to reach an agreement with an owner of property to acquire: (1) ownership of underground strata or formations located under the surface of the property; or (2) ownership or other rights to one or more areas of the surface of the property for purposes of establishing and operating monitoring facilities required by the EPA; the operator of the pilot project may exercise the power of eminent domain to make the acquisition.
- Provides that the pilot project operator's acquisitions by eminent domain must be made through the law on eminent domain for gas storage, which provides that a condemnor, before condemning any underground stratum or formation, must have acquired the right to store gas in at least 60% of the stratum or formation by a means other than condemnation.

- Amends the law on eminent domain for gas storage to make it applicable to the pilot project operator's acquisitions by eminent domain.
- Provides that the state of Indiana, upon the recommendation of the director of the department of natural resources and review by the state budget committee, may obtain ownership of: (1) the carbon dioxide stored in the underground strata and formations; and (2) the underground strata and formations in which the carbon dioxide is stored; 12 years after pilot project underground injections begin or, if the underground injections cease in less than 12 years, after the underground injections cease.
- Urges the legislative council to assign to an appropriate interim study committee for the 2019 interim the task of studying the geologic storage of carbon dioxide.

aim

Accelerate
Indiana
Municipalities

2019

Gaming

HEA 1001, PL 108 STATE BUDGET

Author: Huston, R-Fishers

Sponsor: Mishler, R-Bremen

- State budget. Appropriates money for capital expenditures, the operation of the state, K-12 and higher education, the delivery of Medicaid and other services, and various other distributions and purposes. Renames the build Indiana fund the lottery surplus fund.
- Eliminates all the build Indiana fund accounts.
- Declares the policy of the state that no person may be denied coverage for a preexisting condition under a plan of health coverage offered or administered by the state.
- Specifies that the preexisting condition exclusion provisions of the Patient Protection and Affordable Care Act (PPACA) are in effect and enforced in Indiana, regardless of the legal status of the PPACA.
- Establishes the Indiana-Michigan boundary line commission to administer and oversee a survey and remonumentation of the Indiana-Michigan border.
- Eliminates the office of state based initiatives.
- Makes the budget agency responsible for coordinating federal assistance to state agencies.
- Prohibits certain state agency action regarding federal assistance.
- Requires state agencies to provide federal assistance information to the budget agency.
- Requires the budget agency to: (1) prepare an annual report summarizing the federal assistance received by state agencies during the preceding federal fiscal year; (2) publish a comprehensive federal assistance review plan; and (3) perform a review of the current impact and projected future impact of federal mandates and regulations on Indiana.
- Makes the budget agency the state's single point of contact to review and coordinate proposed federal financial assistance and direct federal development.
- Adds the two deputy budget directors as alternate members of the budget committee, and specifies that one of the deputy directors shall take the place of the budget director when the budget director is not present.
- Removes the restriction on the Indiana horse racing commission using money distributed under a distribution agreement for administrative purposes.
- Requires 0.45% of the adjusted gross receipts from each casino to be deposited in the horse racing commission's operating fund.
- Establishes the problem gambling program fund. Specifies that the part of the problem gambling fee that is retained annually by the Indiana gaming commission must be deposited into the fund.
- Provides that the money in the fund is continuously appropriated. Permits the trust fund for self-insurance for employees, including retired employees, for the state police department, conservation officers of the department of natural resources, and the state excise police to invest in the same investments as the state police pension plan instead of the public employees' retirement fund (the trust fund could not invest in equity securities).
- Permits the retiree health benefit trust fund to invest in the same investments as the public employees' retirement fund instead of in the same manner as public deposits may be invested. Requires a periodic actuarial study of the retiree health benefit trust fund.
- Provides that employer contributions to the retirement medical benefits account (RMBA) on behalf of a participant must be sufficient to provide the specified benefit.
- Changes the administration and investment decisions for the RMBA from the budget agency to the Indiana public retirement system (INPRS).
- Changes responsibility for reports concerning other post-employment benefits (OPEB) from the office of management and budget (OMB) to the INPRS.

- Changes responsibility for reports concerning local pensions from the OMB to the INPRS.
- Changes references to Governmental Accounting Standards Board Statements that apply to OPEB reports.
- Repeals the Indiana technology fund.
- Provides that a taxpayer may submit, beginning in 2021, a personal property tax return using an online submission system established by the department of local government finance in collaboration with county assessors.
- Replaces the postwar construction fund with a fund named the state construction fund. Dedicates \$1,800,000 to the state construction fund from a part of the cigarette tax revenue formerly appropriated to the department of natural resources.
- Repeals the state police building account and directs the revenue formerly deposited in the account to the state construction fund.
- Establishes requirements to be eligible to claim the Indiana research expense income tax credit effective January 1, 2019.
- Increases the cap on the scholarship granting organization scholarship tax credit from \$14,000,000 to \$15,000,000 for the state fiscal year beginning July 1, 2019, and to \$16,500,000 for state fiscal years beginning after June 30, 2020.
- Repeals the income tax credit for property taxes paid by a for-profit acute care hospital.
- Provides various tax exemptions for the College Football Playoff Group for the College Football Playoff National Championship, including ancillary events.
- Provides that money in the department of state revenue pilot program fund for functions related to motor carrier services is continuously appropriated.
- Allocates a percentage of St. Joseph County innkeeper's tax revenue: (1) for the development and operation of an indoor sports complex in the city of Mishawaka; and (2) to finance projects for the Potawatomi Zoo in the city of South Bend. Expires both of these allocations and decreases the innkeeper's tax rate by the percentage allocated for the respective purposes on the later of: (1) July 1, 2024; or (2) a specified date to occur.
- Removes the reduction from the motor vehicle highway account fund for the appropriation to the department of transportation for traffic safety.
- Transfers \$325,000 each month to the motor carrier regulation fund from the motor vehicle highway account fund.
- Requires the bureau of motor vehicles to determine the allocation to counties from the motor vehicle highway account fund that is based on motor vehicle registrations.
- Provides that proceeds received under the First Amendment to the Amended and Restated Indiana Toll Road Concession and Lease Agreement entered on September 21, 2018, are to be deposited in a new fund known as the toll road lease amendment proceeds fund for certain state highway projects.
- Appropriates \$239,400,000 from the toll road lease amendment proceeds fund in state fiscal year 2019 to be used for the purposes of the fund.
- Terminates the appropriation to the state police department of part of the handgun license fees as of July 1, 2019. Transfers any balance remaining in the fund holding these fees to the state general fund on June 30, 2021.
- Requires the division of disability and rehabilitative services to establish a cost participation schedule for purposes of the first steps program.
- Repeals the statutory cost participation schedule.
- Provides that the money in the division of family resources child care fund is continuously appropriated.
- Removes the requirement that a school corporation distribute to the state general fund 3% of the federal reimbursement for claims paid under the federal Medicaid program. (Under current law, these funds distributed to the state general fund are dedicated for consulting to encourage school participation in

the Medicaid program.)

- Extends the prohibition on the office of Medicaid policy and planning from including certain Medicaid recipients who receive nursing facility services in a Medicaid risk based managed care program or a capitated managed care program through June 30, 2020.
- Specifies conditions that apply to a Medicaid disproportionate share hospital payment plan (DSH payment plan).
- Requires the hospital assessment fee committee (committee) to prepare a DSH payment plan or a default plan and submit the DSH payment plan or default plan to the office of the secretary of family and social services (office of the secretary).
- Sets forth requirements for state fiscal years: (1) beginning July 1, 2019; and (2) beginning on or after July 1, 2020.
- Requires the office of the secretary to file with the federal Centers for Medicare and Medicaid Services (CMS) a proposed Medicaid state plan amendment that is based on the DSH payment plan or default plan prepared by the committee and implement the plan amendment if the state plan amendment is approved by CMS.
- Provides for a continuous appropriation from the prekindergarten pilot program fund.
- Establishes a township assistance online pilot program to provide for ease of access and efficient application for township assistance, automate the application process for township assistance, and create a system to collect and report data regarding township assistance administration.
- Extends the hospital assessment fee and the health facility quality assessment fee through June 30, 2021.
- Increases the maximum amount of a primary care scholarship awarded at Marian University College of Osteopathic Medicine in the first class year from \$10,000 per year to \$15,000 per year.
- Provides that the department of child services may enter into a voluntary service referral agreement with a child's parent, guardian, or custodian.
- Adds the budget director as a member of the justice reinvestment advisory council.
- Permits the state to purchase insurance required by the federal government in connection with the use of federal land for the state's wireless public safety voice and data communications system.
- Extends the judicial and legislative branch leave conversion pilot program through June 30, 2021.
- Requires the governor to appoint a task force to study the Indiana law enforcement academy.
- Appropriates \$325,000 from the state general fund to the Indiana department of gaming research for the July 1, 2018, through June 30, 2019, state fiscal year.
- Provides that appropriations from the state board of accounts dedicated fund for the state board of accounts for the state fiscal year beginning July 1, 2018, may be augmented from the state board of accounts dedicated fund.
- Provides that unused funds appropriated to the legislative council and legislative services agency in FY 2019 or FY 2020 do not revert to the general fund until June 30, 2021.
- Permits a state officer to use state funds to make a communication containing the name and likeness of the state officer if the communication: (1) is posted or maintained on a state owned Internet web site; (2) relates to the official duties of the state officer and is not made for commercial broadcast or dissemination to the general public; or (3) is posted on social media, if the communication relates to the official duties of the state officer, was not created, developed, or posted by a nongovernmental entity, and if the social media service provider does not charge for the posting.
- Specifies allowable terms for a settlement agreement involving the state or a state agency.
- Provides for the ability for cash flow funding before a full funding grant agreement is approved for the northern Indiana railroad project.
- Requires the northwest Indiana regional development authority to repay the amount if a full funding grant agreement is not approved.

- Modifies the membership of the board of the northern Indiana commuter transportation district (board).
- Provides that board members are not entitled to a salary per diem.
- Permits the board to authorize the Indiana department of transportation (INDOT) to exercise all or a part of the powers of the board that are necessary or desirable to accomplish the purposes of the board subject to the agreement of INDOT, including carrying out a railroad project.
- Broadens the powers of INDOT to contract with third parties to carry out a railroad project.
- Establishes the next level connections fund to provide matching grants to local units of government and nonprofit organizations for trails, incentivize and establish additional nonstop flights originating from Indiana airports, and accomplish the transportation plan of the department of transportation.
- Permits INDOT to transfer up to \$100,000,000 from the next level connections fund to the rural broadband fund for the purpose of awarding broadband grants for rural areas.
- Establishes the northern Indiana commuter rail account within the fund.
- Requires the budget agency to transfer \$185,000,000 from the next level connections fund to the northern Indiana commuter rail account.
- Permits the transfer of up to an additional \$20,000,000 from the next level connections fund to the northern Indiana commuter rail account, subject to the approval of the governor.
- Provides that any proposed extension or amendment to certain agreements shall be submitted to the budget committee for review.
- Prohibits any extension or amendment to such an agreement until after the budget committee has reviewed the proposed extension or amendment.
- Specifies that any lump sum amounts or series of amounts totaling more than \$1,000,000 received under a public-private agreement entered into by the Indiana finance authority before January 1, 2013, must be held in reserve until May 1 of the calendar year following the calendar year in which the lump sum payment or series of payments was received.
- Authorizes the state and state agencies to enter into cooperative agreements with federally recognized Indian tribes. Specifies the necessary terms of a cooperative agreement.
- Requires a provision of a cooperative agreement waiving the state's sovereign immunity to be reviewed and approved by the attorney general.
- Specifies the conditions that must be met for the state to waive its immunity from suit in federal court under the Eleventh Amendment to the Constitution of the United States with respect to a cooperative agreement.
- Adds federally recognized Indian tribes to the list of governmental entities with which local governments may enter into interlocal agreements.
- Provides that a marketplace facilitator is required to collect and remit state sales tax as a retail merchant when it facilitates a retail transaction for sellers on the marketplace facilitator's marketplace.
- Specifies circumstances in which a marketplace facilitator or a seller would not be required to collect and remit the state sales tax.
- Specifies that sharing of passenger motor vehicles and trucks through a peer to peer vehicle sharing program is a retail transaction subject to the state gross retail and use tax if sharing occurs more than 15 days in a calendar year.
- Provides that the exemption for the purchase of a new motor vehicle that is acquired for resale, rental, or leasing in the ordinary course of the person's business does not apply to a vehicle purchased for sharing through a peer to peer vehicle sharing program.
- Provides that vehicle sharing through a peer to peer vehicle sharing program is exempt from the auto rental excise tax and a county supplemental auto rental excise tax unless an ordinance is adopted to impose the county tax.
- Limits the county supplemental tax rate to 1%.

- Imposes a vehicle sharing excise tax at a 2% tax rate.
- Distributes the revenue from the tax to political subdivisions based on the vehicle's county of registration.
- Requires a marketplace facilitator to collect and remit innkeeper's tax.
- Repeals the definition of "facilitator" that is set to go into effect July 1, 2019.
- Repeals the provision requiring a facilitator who is a retail merchant to provide an itemized statement to the consumer.
- Provides that primary personal residences are exempt from the state gross retail tax unless the owner rents or furnishes the residence for more than 14 days.
- Provides for the collection of food and beverage taxes.
- Makes failure to collect or remit food and beverage taxes a Level 6 felony.
- Provides that a county treasurer may enter into an agreement with the fiscal officer of an entity responsible for the expenditure of funds from an innkeeper's tax to furnish the fiscal officer each month with the name and retail address of each business collecting an innkeeper's tax and the amount of money collected from each business.
- Provides that the state department of health shall issue guidelines establishing a cost participation standard for the amount of a parent's or guardian's expected contribution toward the purchase of a hearing aid for which assistance is granted under the hearing aid assistance program (program).
- Provides that the state department of health may issue guidelines establishing additional funding priorities to give to applications that are submitted under the program.
- Suspends the healthy Indiana plan phase out trust fund payments beginning in state fiscal year 2018-2019, subject to budget committee review. Requires the department of child services to establish a per diem model to reimburse providers of family preservation services.
- Appropriates \$150,000,000 from the state general fund to the 1996 account of the teachers retirement fund of the Indiana public retirement system (INPRS).
- Specifies that the board of trustees of the INPRS is to reduce the employer contribution rate.
- Requires the governing body of each school corporation after July 1, 2019, and before October 1, 2019, to hold a public meeting to determine: (1) the dollar amount of the reduction in the school corporation's employer contribution rate; and (2) the actions the governing body of the school corporation intends to take with that amount.
- Provides for thirteenth checks in 2019 and 2020 for certain members of the: (1) Indiana state teachers' retirement fund; (2) public employees' retirement fund; (3) state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan; (4) state police pre-1987 benefit system; and (5) state police 1987 benefit system.
- Urges the legislative council to assign to the appropriate interim study committee the topic of the complexity index used in funding K-12.
- Requires the auditor of state to transfer any balance in the regional cities development fund to the state general fund on June 30, 2019.
- Reconciles conflicts with other enactments. Makes corresponding changes.
- Makes technical corrections.

[HEA 1015, PL 293 VARIOUS GAMING MATTERS](#)

Author: Torr, R-Carmel

Sponsor: Messmer, R-Jasper

Aim Comment: This legislation was one of the largest overhauls since the legalization of gaming in the state of Indiana. Following a recent US Supreme Court decision allowing sports gambling outside of Nevada, Indiana, along with several other states, are now authorizing mobile sports betting. This legislation also expedites the date for

table games at the two Indiana racinos from the year 2021 to January 1, 2020. This bill also authorizes one of two gaming licenses located in Gary, Indiana to be moved to a land based casino away from Lake Michigan with stipulations on the license holder. The second license will go through an approval process by the Indiana Gaming Commission to be moved to a new location in the state of Indiana. The likely location will be establishment in Terre Haute. The most controversial aspect of this bill was the hold harmless language that was sought by neighboring gaming communities where casino operations would be modified.

- Authorizes sports wagering at riverboats, racinos, a Vigo County casino, and satellite facilities.
- Provides for the administration and conduct of sports wagering.
- Imposes initial and annual fees on a licensed owner, operating agent, vendor, or permit holder conducting sports wagering. Imposes initial and annual licensing fees on vendors conducting sports wagering.
- Specifies that a vendor contracting with a certificate holder has the same authority to conduct sports wagering as the certificate holder.
- Provides that the Indiana gaming commission (IGC) may issue a temporary certificate of authority or a temporary license to conduct business under certain circumstances.
- Requires the IGC to deposit vendor license application fees in the sports wagering fund.
- Requires the IGC to deposit sports wagering service provider license application fees in the sports wagering fund.
- Sets forth duties for the IGC concerning: (1) sports wagering; and (2) granting certain gambling licenses. Requires the IGC to adopt administrative rules.
- Specifies that the IGC may act upon information received from a sports governing body in considering requests to prohibit wagering on particular events or to prohibit making wagers of a particular type.
- Establishes a sports wagering service provider license. Provides that certain items must be acquired from a person that holds a supplier's license or a sports wagering service provider license.
- Provides that certain services must be obtained from a person holding a sports wagering service provider license.
- Specifies that required background checks apply to employees engaged in activities related to sports wagering.
- Specifies permissible sports wagering wagers.
- Prohibits wagering on e-sports.
- Provides the process for withholding delinquent child support from sports wagering winnings.
- Imposes a sports wagering tax of 9.5% on adjusted gross receipts received from sports wagering.
- Requires 3.33% of the tax revenue received to be deposited in the addiction services fund.
- Provides that the Gary riverboat may transfer to an inland location if the licensed owner: (1) submits a request to relocate; and (2) pays a \$20,000,000 fee.
- Caps the maximum number of gambling games that may be offered at a Gary casino. Requires the licensed owner of the relocated Gary casino to pay an additional fee of \$20,000,000 if: (1) gaming operations are relocated; and (2) the licensed owner sells or transfers the owner's interest in the owner's license within five years of relocation.
- Requires the licensed owner of the relocated Gary casino to: (1) offer each employee at the riverboat a similar position at the inland casino; and (2) consider hiring and training individuals laid off from the riverboat in East Chicago before considering other applicants.
- Provides that if a request to relocate the Gary riverboat is submitted, the IGC shall accept applications and proposals to award an owner's license to operate an inland casino in Vigo County.
- Requires a license fee for the owner's license to operate in Vigo County in the amount of \$5,000,000. Requires the fee for the Vigo County casino license to be deposited in the state general fund.

- Requires a licensed owner conducting gaming operations in Vigo County to make certain payments to the City of Evansville.
- Provides that a person may not have an ownership interest in more than six of any combination of: (1) riverboat licenses; and (2) gambling game licenses.
- Reduces the graduated wagering tax on gambling games at racinos and the wagering tax on gambling games at riverboats.
- Provides that beginning with state fiscal years after June 30, 2021, a licensed owner or racino may not deduct more than \$9,000,000 from adjusted gross receipts from wagering on gambling games.
- Distributes wagering tax revenue from a riverboat located in a historic hotel district to the West Baden Springs historic hotel preservation and maintenance fund beginning in 2021.
- Provides that wagering taxes for the Gary relocated casino continue to be imposed as if two riverboats were in operation for four years.
- Provides that East Chicago, Hammond, and Michigan City may receive supplemental payments from wagering tax distributions that would otherwise be paid to Gary if certain conditions are met. Provides that the IGC shall approve wagering on table games at a racino beginning January 1, 2020.
- Makes technical corrections and other changes to conform with recent changes to the riverboat law.

aim

Accelerate
Indiana
Municipalities

2019

**Healthy
Communities**

[HEA 1006, PL 198 DEPARTMENT OF CHILD SERVICES](#)

Author: Steuerwald, R-Avon

Sponsor: Houchin, R-Salem

- Provides that an older youth who received foster care is eligible to receive collaborative care services until the individual becomes 21 years of age.
- Provides that the caseload of a family case manager may not be more than: (1) 12 active cases relating to initial assessments; (2) 12 families in active cases relating to ongoing in-home services; or (3) 13 children in active cases relating to ongoing services who are in out-of-home placements.
- Requires the department of child services (department) to initiate an assessment immediately, but not later than two hours (rather than one hour, under current law), after receiving a report of child abuse or neglect if the department believes the child is in immediate danger of serious bodily harm.
- Requires the department to provide a report concerning an assessment or investigation of a report of suspected child abuse or neglect not later than 45 days after the department initiates the assessment if the report of suspected child abuse or neglect was received from certain entities.
- Provides that a child is a child in need of services if the child's parent, guardian, or custodian has failed to supply the child with necessary food, clothing, shelter, medical care, education, or supervision: (1) when the parent, guardian, or custodian is financially able to do so; or (2) due to the failure, refusal, or inability of the parent, guardian, or custodian to seek financial or other reasonable means to do so. (Current code does not consider financial ability.)

[HEA 1007, PL 292 PERINATAL CARE](#)

Author: Kirchhofer, R-Beech Grove

Sponsor: Charbonneau, R-Valparaiso

- Requires the state department of health (department) to establish a perinatal navigator program. Requires a health care provider to: (1) use a validated and evidence based verbal screening tool to assess a substance use disorder in pregnancy for all pregnant women who are seen by the health care provider; and (2) if the health care provider identifies a pregnant woman who has a substance use disorder and is not currently receiving treatment, provide treatment or refer the patient to treatment.
- Requires the department to establish guidelines for health care providers treating substance use disorder in pregnancy.
- Adds the department of child services to the list of agencies to which a health care provider may not release the results of certain tests given to a pregnant woman.

[HEA 1094, PL 46 AMBULANCE SERVICE PROGRAM MEMBERSHIP](#)

Author: Lindauer, R-Jasper

Sponsor: Zay, R-Huntington

- Increases from one year to five years the maximum period permitted for membership in an ambulance service program for the program to be exempt from regulation as an insurance product.

[HEA 1175, PL 128 BEHAVIORAL HEALTH PROFESSIONALS](#)

Author: Ziemke, R-Batesville

Sponsor: Charbonneau, R-Valparaiso

- Requires that the office of Medicaid policy and planning include a licensed clinical social worker, a licensed mental health counselor, a licensed clinical addiction counselor, and a licensed marriage and family therapist who meet certain qualifications as eligible providers for the supervision of a plan of treatment for a patient's outpatient mental health or substance abuse treatment services.

- Requires Medicaid reimbursement, upon approval from the United States Department of Health and Human Services, for: (1) clinical social workers; (2) marriage and family therapists; (3) mental health counselors; and (4) clinical addiction counselors; who work in federally-qualified health centers and rural health clinics.

[HEA 1198, PL 243 DEPARTMENT OF CHILD SERVICES MATTERS](#)

Author: Frizzell, R-Indianapolis

Sponsor: Grooms, R-Jeffersonville

- Defines “child”, for purposes of provisions regarding the filing of a petition to terminate a parent-child relationship involving a delinquent child or a child in need of services, as an individual who is: (1) less than 18 years of age; and (2) a delinquent child or a child in need of services.
- Provides that a criminal history check for certain family law and juvenile law provisions includes a check of local criminal records (rather than local law enforcement records under current law).
- Amends the list of offenses that disqualify an individual from acting as an adoptive parent or accepting placement of a child (“nonwaivable offenses”) to: (1) add additional nonwaivable offenses; and (2) provide for additional offenses that are nonwaivable only if the conviction for the offense occurred within the past five years. Changes the threshold amount of child support payments that must be collected by a Title IV-D agency to require that the agency collect a fee.
- Requires a criminal history check to be conducted for an employee, volunteer, or contractor of an applicant for various licenses, regardless of whether the individual has direct contact with children.
- Provides for denial or revocation of various licenses for employees, volunteers, or contractors, regardless of whether the individual has direct contact with children.
- Requires that a child in need of services or a delinquent child be provided with a foster care verification form when the child leaves foster care or has been in foster care for at least six months.
- Adds department of child services employees to the list of individuals who may request that a county, municipality, or township restrict access to the individual’s home address on a public property data base operated by the county, municipality, or township.

[HEA 1216, PL 131 FIRST STEPS PROGRAM](#)

Author: Clere, R-New Albany

Sponsor: Houchin, R-Salem

- Provides that, for purposes of determining a family’s income under the first steps program, a family is presumed to have an income that is not more than 250% of the federal income poverty level if the family is receiving benefits under Medicaid, the Supplemental Nutrition Assistance Program (SNAP), or the Temporary Assistance for Needy Families (TANF) program.
- Requires the division of disability and rehabilitative services to review and revise the division’s policy regarding make-up therapy sessions, including defining what constitutes a “make-up” or “missed” session, based on recommendations from the interagency coordinating council.

[HEA 1224, PL 104 SCHOOL INTERGENERATIONAL SAFETY PILOT PROJECT](#)

Author: Goodrich, R-Noblesville

Sponsor: Kruse, R-Auburn

- Establishes the school intergenerational safety pilot project (project) to foster positive youth development through intergenerational relationships between individuals who are at least 55 years of age and students and to improve school safety. Provides that the project expires July 1, 2021.
- Provides that a school corporation selected by the department of education is eligible to receive a grant from the Indiana safe schools fund to administer the project.

[HEA 1341, PL 84 OCCUPATIONAL SAFETY AND HEALTH](#)

Author: Carbaugh, R-Fort Wayne

Sponsor: Brown, R-Fort Wayne

- Creates a new civil penalty for certain occupational safety and health violations.

[HEA 1432, PL 258 PARENTAL INCARCERATION](#)

Author: Macer, D-Indianapolis

Sponsor: Young, R-Indianapolis

- Provides that a child in need of services (CHINS) case plan must include a description and discussion of: (1) the services and treatment available to an incarcerated parent at the facility at which the parent is incarcerated; and (2) how the parent and child may be afforded visitation opportunities, unless visitation with the parent is not in the best interests of the child.
- Requires a CHINS dispositional decree to provide a reasonable opportunity for a parent of the child who: (1) is incarcerated; and (2) has maintained a meaningful role in the child's life; to maintain a relationship with the child, subject to the safety of the community and best interests of the child.
- Provides that a motion to dismiss a petition to terminate a parent-child relationship (TPR) may be filed if: (1) the parent is incarcerated or the parent's prior incarceration is a significant factor in the child having been under the supervision of the department of child services (DCS) or a county probation department for at least 15 of the most recent 22 months; (2) the parent maintains a meaningful role in the child's life; (3) DCS has not documented a reason to conclude that it would otherwise be in the child's best interests to terminate the parent-child relationship; and (4) the parent is not incarcerated due to conviction for certain crimes. Provides that in determining whether to grant the motion to dismiss the TPR, the court may consider the length of time remaining in the incarcerated parent's sentence and any other factor the court considers relevant.

[SEA 1, PL 210 DEPARTMENT OF CHILD SERVICES](#)

Author: Houchin, R-Salem

Sponsor: Mahan, R-Hartford City

- Specifies that all decisions made by the department of child services (department) in specified statutes shall be made in consideration of the best interests of the child.
- Provides that a petition for adoption of an adult is not required to include a report regarding the health status and medical history of the adoptee.
- States that a court shall determine that consent to adoption is not required from a parent if the parent is convicted of crimes in another state that are substantially similar to specified crimes.
- Requires the department to implement and make available telephone contacts for family case managers to provide access to assistance in finding suitable placement for a child.
- Allows the department to waive the limits on the number of children who may be placed in a single foster home under certain circumstances.
- Provides for a right to intervene in a: (1) child in need of services proceeding; or (2) termination of parent-child relationship proceeding; by a foster parent, long term foster parent, or person who has been a foster parent of the child, and sets forth hearing requirements on the petition to intervene.
- Allows a court to find that a child is not a child in need of services based on credible evidence presented by the child's parent, guardian, or custodian that the parent, guardian, or custodian: (1) is financially unable to supply the child with necessary food, clothing, or shelter; and (2) has not failed, refused, or demonstrated an inability to seek financial or other reasonable means to do so.
- Requires the department and the office of judicial administration (office) to prepare a form that may be used to provide written testimony by certain individuals and allows foster parents to provide written testimony in a format other than the form.

- Provides that a dispositional decree must require the department to continue exercising due diligence to identify all adult relatives and adult siblings of the child who may be considered as out-of-home placements for the child.
- Requires the department to include in a progress report prepared for a case review hearing or permanency hearing information concerning the department's continued effort to identify all adult relatives and adult siblings of the child who may be considered as out-of-home placements for the child.
- Provides that before a child who was: (1) placed in an out-of-home placement; and (2) moved from the out-of-home placement to an in-home placement; may be returned to an out-of-home placement, the court and the department shall make a reasonable attempt to place the child in the previous out-of-home placement.
- Provides that if: (1) a child has been removed from a parent and has been under the supervision of the department for 15 months of the most recent 22 months; and (2) a petition to terminate the child's parent-child relationship has not been filed; a foster parent, relative of the child, or de facto custodian with whom the child has been placed for at least six months may file a notice with the court.
- Provides that if the notice is filed with the court, the court shall schedule a hearing within 30 days. Requires the department and the office to jointly provide a report to the general assembly before July 1, 2020, that includes information concerning: (1) the office's progress in providing training and technical assistance to judicial officers regarding foster parents' statutory right to be heard by the court; and (2) the department's progress in improving opportunities for foster parents to provide oral and written testimony to a court.

[SEA 33, PL 145 COMPREHENSIVE ADDICTION RECOVERY CENTERS](#)

Author: Merritt, R-Indianapolis

Sponsor: Kirchhofer, R-Beech Grove

Aim Comment: Like many other states throughout the country, Indiana continues to grapple with the opioid epidemic. A critical aspect of this battle is ensuring that individuals who are struggling with drug addiction have available addiction recovery treatment options. SEA 33 establishes a certification and grant program for comprehensive addiction recovery centers (CARCs). These CARCs must offer the full continuum of treatment services. Individuals seeking treatment often experience confusion and frustration while trying to coordinate care, and these CARCs are intended to help them have access to the full range of services they need in one centralized location. The program will be administered by the Division of Mental Health and Addiction, with \$10 million earmarked for grants over this biennium.

- Establishes certification and a grant program for comprehensive addiction recovery centers to be administered by the division of mental health and addiction (division).
- Sets forth requirements for certification and a grant. Requires entities that are awarded a grant to report specified data to the division. Establishes the comprehensive addiction recovery center fund.

[SEA 111, PL 96 SUBSTANCE ABUSE PREVENTION GRANT PROGRAMS](#)

Author: Koch, R-Bedford

Sponsor: Karickhoff, R-Kokomo

- Provides that the division of mental health and addiction may establish and administer the: (1) community and faith based substance abuse programs grant; and (2) community and faith based substance abuse transportation assistance grant program. Sets forth requirements for the grants.

[SEA 133, PL 148 PRESCRIPTION DRUG LABEL](#)

Author: Leising, R-Oldenburg

Sponsor: Davisson, R-Salem

- Provides that if a pharmacist dispenses a prescription drug that contains or is derived from opium, the prescription label must bear a statement that the drug is an opioid.

[SEA 141, PL 213 OFFICE BASED OPIOID TREATMENT PROVIDERS](#)

Author: Houchin, R-Salem

Sponsor: Smaltz, R-Auburn

- Specifies requirements that a health care provider that prescribes for a patient in an office based opioid treatment setting must meet in the treatment of the patient.
- Requires the medical licensing board of Indiana, in consultation with the state department of health and the office of the secretary of family and social services, to adopt rules or protocols concerning office based opioid treatment providers and: (1) treatment agreements; (2) periodic scheduled patient visits; (3) urine toxicology screenings; (4) HIV, hepatitis B, and hepatitis C testing; and (5) the medical record documentation required for the prescribing of buprenorphine over a specified dosage.

[SEA 228, PL 218 DEPARTMENT OF HEALTH MATTERS](#)

Author: Charbonneau, R-Valparaiso

Sponsor: Kirchhofer, R-Beech Grove

- Allows the state health commissioner to issue standing orders (current law allows for statewide standing orders) and sets forth requirements of a standing order.
- Removes the requirement that the state department of health (state department) adopt rules defining a birth problem. Requires the state department to publish a list annually of birth problems required to be reported and allows for the state department to update the list.
- Adds considerations by the state department in compiling the birth problem list.
- Allows the state department to release information in the immunization data registry to the Centers for Disease Control and Prevention.
- Requires the state department to publish a list of reportable communicable diseases and other diseases and conditions that are a danger to health and to publish the list of control measures for the diseases and conditions on the state department's Internet web site.
- Sets forth considerations in updating the list of communicable diseases and conditions.

[SEA 238, PL 30 INDIANA CRIMINAL JUSTICE INSTITUTE](#)

Author: Freeman, R-Indianapolis

Sponsor: Steuerwald, R-Avon

- Expands the possible recipients of grants from the Indiana criminal justice institute (institute) beyond a county government or the state government.
- Changes the institute's responsibility from administering sexual offense services, domestic violence programs, and assistance to victims of human sexual trafficking to administering funds to support those programs and services.
- Requires the state police department to establish, maintain, and operate an Internet web site containing a list of properties that have been used in the illegal manufacture of a controlled substance.
- Abolishes the institute's: (1) meth watch program; (2) responsibility for developing guidelines concerning

reporting of methamphetamine abuse; (3) gang crime witness protection program; (4) gang crime witness protection fund; and (5) sexual assault victim advocate standards and certification board.

- Requires the institute to distribute certain funds to the statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention.
- Makes conforming amendments.

[SEA 276, PL 222 OPIOID TREATMENT PILOT PROGRAM](#)

Author: Raatz, R-Richmond

Sponsor: Barrett, R-Richmond

- Extends the opioid treatment pilot program until 2022. (Under current law the pilot program will expire in 2020.)

[SEA 293, PL 115 ALLEN COUNTY SUBSTANCE ABUSE PILOT PROGRAM](#)

Author: Merritt, R-Indianapolis

Sponsor: Heine, R-New Haven

- Changes the date by which the administrator of the Allen County substance abuse pilot program must raise local funds in order to be allowed to expend state funds.

[SEA 325, PL 153 STUDENT MENTAL HEALTH](#)

Author: Crider, R-Greenfield

Sponsor: Cook, R-Cicero

- Adds additional purposes for which matching grants made under the Indiana secured school fund (fund) may be used. Amends the uses relating to school security for which the fund may be used. Establishes the student and parent support services grant program.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying school districts, within and outside of Indiana, that have: (1) implemented trauma informed approaches in the school districts; and (2) worked with community partners to provide systems of care for students.

[SEA 359, PL 225 INDIVIDUALIZED MENTAL HEALTH SAFETY PLANS](#)

Author: Crider, R-Greenfield

Sponsor: Kirchhofer, R-Beech Grove

- Requires the division of mental health and addiction to establish a standard format for individualized mental health safety plans.
- Requires psychiatric crisis centers, psychiatric inpatient units, and psychiatric residential treatment providers to: (1) collaboratively develop a mental health safety plan with each patient; (2) explain the benefits of coordinating care and sharing mental health safety plans with mental health providers in the community that can help with the patient's safe transition back into the community; and (3) make a good faith effort before a patient leaves a facility at which the patient is receiving care to obtain the patient's consent to disclose the patient's individualized mental health safety plan with mental health providers, integrated school based mental health providers, and mental health community paramedicine programs that will be supporting the patient's safe transition back into the community and, if applicable, school.
- Provides that if a licensed mental health professional or paramedic determines that a patient may be a harm to himself or herself or others, the mental health professional or paramedic may request a patient's individualized safety plan.
- Provides that each psychiatric crisis center, psychiatric inpatient unit, and psychiatric residential treatment provider shall, upon request and without the consent of the patient, share a patient's individualized

mental safety to a mental health professional or paramedic who demonstrate proof of licensure and commit to protecting the information in compliance with privacy laws.

- Provides that a psychiatric crisis center, psychiatric inpatient unit, or psychiatric residential treatment provider that discloses an individualized mental health safety plan to certain licensed providers in good faith is immune from civil and criminal liability.

[SEA 498, PL 100 MOBILE INTEGRATION HEALTHCARE](#)

Author: Tallian, D-Portage

Sponsor: Brown, R-Crawfordsville

- Provides that the office of the secretary of family and social services may reimburse certain emergency medical services provider agencies for covered services provided to a Medicaid recipient as part of a mobile integration healthcare program.
- Amends the definition of “emergency medical services” to include transportation services, acute care, chronic condition services, or disease management services as part of a mobile integration healthcare program.
- Provides that the emergency medical services commission (commission), in consultation with the state department of health, may develop a mobile integration healthcare program and approve mobile integration healthcare program applications.
- Sets forth requirements of the commission concerning the mobile integration healthcare program.
- Provides that the commission may establish and administer a mobile integration healthcare grant and establishes the mobile integration healthcare grant fund.

[SEA 596, PL 41 VOLUNTARY PREVENTATIVE PROGRAMS FOR JUVENILES](#)

Author: Spartz, R-Noblesville

Sponsor: Schaibley, R-Zionsville

- Provides that the Indiana supreme court may establish a two-year pilot program to assist juvenile court judges in five Indiana counties in providing voluntary preventative programs for at-risk children.
- Requires nonjudicial state agencies to assist the Indiana supreme court in the implementation of the pilot program.
- Requires the supreme court office of judicial administration to report to the legislative council specified information regarding the pilot program.

aim

Accelerate
Indiana
Municipalities

2019

**Innovation and
Technology**

HEA 1113, PL 200 TELECOIL AND BEACON POSITIONING SYSTEMS

Author: Miller, R-Elkhart

Sponsor: Rogers, R-Granger

- Requires the fire prevention and buildings safety commission (commission) to adopt rules requiring that a person performing new construction or any major alteration of an existing public address system in a Class 1 structure located in a first or second class city after June 30, 2020, must consider the installation of an audio frequency induction loop system (AFIL) and a beacon positioning system.
- Requires that the person performing new construction or any major alteration of an existing facility's public address system to solicit at least one bid for the installation of an AFIL and at least one bid for the installation of a beacon positioning system.
- Requires the commission to: (1) adopt standards of the American National Standards Institute (ANSI) and International Electrotechnical Commission (IEC) for installation, maintenance, and performance of audio frequency induction loop systems; and (2) develop standards for installation and maintenance of beacon positioning systems.
- Requires audiologists, individuals who hold a hearing aid dealer certificate of registration, and individuals who fit or dispense hearing aids while under the supervision and direction of an individual who holds a hearing aid dealer certificate of registration to provide information about telecoil and AFILs when fitting and dispensing hearing aids.

SEA 460, PL 189 BROADBAND DEVELOPMENT

Author: Messmer, R-Jasper

Sponsor: Soliday, R-Valparaiso

- Establishes the rural broadband fund for the purpose of awarding grants: (1) before August 1, 2019, under the existing statute governing grants for qualified broadband projects for unserved areas in Indiana; and (2) after July 31, 2019, under new procedures governing grants for eligible broadband projects for rural areas in Indiana.
- Requires the office of community and rural affairs (office) to establish procedures for the awarding of grants from the fund after July 31, 2019, by state agencies to eligible broadband service providers for eligible broadband projects in rural areas of Indiana.
- Provides that the procedures established by the office must establish specified priorities for the awarding of grants, based on the available Internet speeds in a particular area.
- Provides that the procedures established by the office may not permit the awarding of a grant from the fund for any proposed broadband project in an area in which eligible broadband service is available.
- Provides that the procedures established by the office may not permit the office to award a grant from the fund for any project in a rural area for which funding has been allocated from certain federal funding programs. Provides that the procedures established by the office must establish a system of priorities for awarding grants, weighted as determined by the office in guidelines adopted by the office, that gives preference to eligible broadband projects that meet certain specified criteria. Requires an eligible broadband service provider awarded a grant to sign with the office a grant agreement that: (1) outlines a start date and an end date for completion of the project; and (2) conditions the release of any grant funds on the progressive completion of the project.
- Beginning in 2020, requires the office to submit to the general assembly an annual report on the awarding of grants under these procedures during the most recent state fiscal year.
- Provides that every three years, beginning in 2021, the state board of accounts shall conduct an audit of the awarding of grants from the fund during the most recent three state fiscal years. Provides that a communications service provider that holds a certificate of territorial authority shall be designated as a public utility solely as that term is used in federal law that allows a state to exempt a public utility from the federal law's requirement that the state must charge fair market value for the use of real property acquired by the state using federal transportation funding.
- Provides that the department of transportation (INDOT) may not charge an access rate or any other

recurring charge or recurring fee for communications infrastructure that is located before May 1, 2019, in any rights-of-way that are owned or controlled by INDOT.

- Specifies that INDOT may charge routine right-of-way permit fees to enter INDOT's rights-of-way for the maintenance of existing facilities.
- Provides that the department may create a broadband corridor program to manage communications infrastructure along or within limited access highway rights-of-way. Specifies that for purposes of the broadband corridor program, "communications infrastructure" does not include privately owned vertical structures used primarily for providing wireless communications service.
- Provides that: (1) INDOT may not unreasonably discriminate among entities requesting access to broadband corridors or other INDOT controlled rightsof-way; and (2) the bill's provisions prohibiting INDOT from discriminating among such entities do not abrogate or limit INDOT's statutory authority to safely and efficiently manage and operate the state highway system and associated highway rights-of-way.
- Provides that, before July 1, 2020, INDOT shall adopt rules to provide that, as used throughout the department's administrative code regarding utility facility relocation for purposes of construction contracts, "utility" has the meaning set forth in federal law concerning utility relocations, adjustments, and reimbursement.

[SEA 498, PL 100 MOBILE INTEGRATION HEALTHCARE](#)

Author: Tallian, D-Portage

Sponsor: Brown, R-Crawfordsville

- Provides that the office of the secretary of family and social services may reimburse certain emergency medical services provider agencies for covered services provided to a Medicaid recipient as part of a mobile integration healthcare program.
- Amends the definition of "emergency medical services" to include transportation services, acute care, chronic condition services, or disease management services as part of a mobile integration healthcare program.
- Provides that the emergency medical services commission (commission), in consultation with the state department of health, may develop a mobile integration healthcare program and approve mobile integration healthcare program applications.
- Sets forth requirements of the commission concerning the mobile integration healthcare program.
- Provides that the commission may establish and administer a mobile integration healthcare grant and establishes the mobile integration healthcare grant fund.

aim

Accelerate
Indiana
Municipalities

2019

**Municipal
Finance**

HEA 1001, PL 108 STATE BUDGET

Author: Huston, R-Fishers

Sponsor: Mishler, R-Bremen

Aim Comment: While the budget bill is primarily focused on funding state agency operations and education operations, there are typically a few matters of interest to local government before the bill is passed by the General Assembly. That held true this year as both positive and negative language was considered for inclusion in the passed version of the budget. Prior to the Senate passing their version of the bill there was discussion about reverting road funding dollars from the Special Transportation Fund to address a funding shortfall for the Department of Child Services. Aim opposed this suggested action and legislators decided not to recommend Governor Holcomb pursue this redaction of nearly \$100 million of road funding dollars.

There was very positive language included in the bill to establish funding for the rural broadband grant program in the amount of \$100 million dollars. These funds will be utilized to address the lack of broadband service in rural Indiana through a grant program operated by the Office of Community and Rural Affairs.

Another positive funding issue included in the passed version of the budget will include an annual appropriation of \$10 million to the Indiana Finance Authority (IFA) to create a leveraged loan program to assist municipal utilities with water, wastewater, and stormwater infrastructure upgrades. IFA will provide low interest longer term loans and grants with 40% of the funds mandated to be provided to utilities serving less than 3400 customers. More details about this program may be found in HEA 1406.

- State budget. Appropriates money for capital expenditures, the operation of the state, K-12 and higher education, the delivery of Medicaid and other services, and various other distributions and purposes. Renames the build Indiana fund the lottery surplus fund.
- Eliminates all the build Indiana fund accounts.
- Declares the policy of the state that no person may be denied coverage for a preexisting condition under a plan of health coverage offered or administered by the state.
- Specifies that the preexisting condition exclusion provisions of the Patient Protection and Affordable Care Act (PPACA) are in effect and enforced in Indiana, regardless of the legal status of the PPACA.
- Establishes the Indiana-Michigan boundary line commission to administer and oversee a survey and remonumentation of the Indiana-Michigan border.
- Eliminates the office of state based initiatives.
- Makes the budget agency responsible for coordinating federal assistance to state agencies.
- Prohibits certain state agency action regarding federal assistance.
- Requires state agencies to provide federal assistance information to the budget agency.
- Requires the budget agency to: (1) prepare an annual report summarizing the federal assistance received by state agencies during the preceding federal fiscal year; (2) publish a comprehensive federal assistance review plan; and (3) perform a review of the current impact and projected future impact of federal mandates and regulations on Indiana.
- Makes the budget agency the state's single point of contact to review and coordinate proposed federal financial assistance and direct federal development.
- Adds the two deputy budget directors as alternate members of the budget committee, and specifies that one of the deputy directors shall take the place of the budget director when the budget director is not present.
- Removes the restriction on the Indiana horse racing commission using money distributed under a distribution agreement for administrative purposes.
- Requires 0.45% of the adjusted gross receipts from each casino to be deposited in the horse racing commission's operating fund.
- Establishes the problem gambling program fund. Specifies that the part of the problem gambling fee

that is retained annually by the Indiana gaming commission must be deposited into the fund.

- Provides that the money in the fund is continuously appropriated. Permits the trust fund for self-insurance for employees, including retired employees, for the state police department, conservation officers of the department of natural resources, and the state excise police to invest in the same investments as the state police pension plan instead of the public employees' retirement fund (the trust fund could not invest in equity securities).
- Permits the retiree health benefit trust fund to invest in the same investments as the public employees' retirement fund instead of in the same manner as public deposits may be invested. Requires a periodic actuarial study of the retiree health benefit trust fund.
- Provides that employer contributions to the retirement medical benefits account (RMBA) on behalf of a participant must be sufficient to provide the specified benefit.
- Changes the administration and investment decisions for the RMBA from the budget agency to the Indiana public retirement system (INPRS).
- Changes responsibility for reports concerning other post-employment benefits (OPEB) from the office of management and budget (OMB) to the INPRS.
- Changes responsibility for reports concerning local pensions from the OMB to the INPRS.
- Changes references to Governmental Accounting Standards Board Statements that apply to OPEB reports.
- Repeals the Indiana technology fund.
- Provides that a taxpayer may submit, beginning in 2021, a personal property tax return using an online submission system established by the department of local government finance in collaboration with county assessors.
- Replaces the postwar construction fund with a fund named the state construction fund. Dedicates \$1,800,000 to the state construction fund from a part of the cigarette tax revenue formerly appropriated to the department of natural resources.
- Repeals the state police building account and directs the revenue formerly deposited in the account to the state construction fund.
- Establishes requirements to be eligible to claim the Indiana research expense income tax credit effective January 1, 2019.
- Increases the cap on the scholarship granting organization scholarship tax credit from \$14,000,000 to \$15,000,000 for the state fiscal year beginning July 1, 2019, and to \$16,500,000 for state fiscal years beginning after June 30, 2020.
- Repeals the income tax credit for property taxes paid by a for-profit acute care hospital.
- Provides various tax exemptions for the College Football Playoff Group for the College Football Playoff National Championship, including ancillary events.
- Provides that money in the department of state revenue pilot program fund for functions related to motor carrier services is continuously appropriated.
- Allocates a percentage of St. Joseph County innkeeper's tax revenue: (1) for the development and operation of an indoor sports complex in the city of Mishawaka; and (2) to finance projects for the Potawatomi Zoo in the city of South Bend. Expires both of these allocations and decreases the innkeeper's tax rate by the percentage allocated for the respective purposes on the later of: (1) July 1, 2024; or (2) a specified date to occur.
- Removes the reduction from the motor vehicle highway account fund for the appropriation to the department of transportation for traffic safety.
- Transfers \$325,000 each month to the motor carrier regulation fund from the motor vehicle highway account fund.
- Requires the bureau of motor vehicles to determine the allocation to counties from the motor vehicle highway account fund that is based on motor vehicle registrations.

- Provides that proceeds received under the First Amendment to the Amended and Restated Indiana Toll Road Concession and Lease Agreement entered on September 21, 2018, are to be deposited in a new fund known as the toll road lease amendment proceeds fund for certain state highway projects.
- Appropriates \$239,400,000 from the toll road lease amendment proceeds fund in state fiscal year 2019 to be used for the purposes of the fund.
- Terminates the appropriation to the state police department of part of the handgun license fees as of July 1, 2019. Transfers any balance remaining in the fund holding these fees to the state general fund on June 30, 2021.
- Requires the division of disability and rehabilitative services to establish a cost participation schedule for purposes of the first steps program.
- Repeals the statutory cost participation schedule.
- Provides that the money in the division of family resources child care fund is continuously appropriated.
- Removes the requirement that a school corporation distribute to the state general fund 3% of the federal reimbursement for claims paid under the federal Medicaid program. (Under current law, these funds distributed to the state general fund are dedicated for consulting to encourage school participation in the Medicaid program.)
- Extends the prohibition on the office of Medicaid policy and planning from including certain Medicaid recipients who receive nursing facility services in a Medicaid risk based managed care program or a capitated managed care program through June 30, 2020.
- Specifies conditions that apply to a Medicaid disproportionate share hospital payment plan (DSH payment plan).
- Requires the hospital assessment fee committee (committee) to prepare a DSH payment plan or a default plan and submit the DSH payment plan or default plan to the office of the secretary of family and social services (office of the secretary).
- Sets forth requirements for state fiscal years: (1) beginning July 1, 2019; and (2) beginning on or after July 1, 2020.
- Requires the office of the secretary to file with the federal Centers for Medicare and Medicaid Services (CMS) a proposed Medicaid state plan amendment that is based on the DSH payment plan or default plan prepared by the committee and implement the plan amendment if the state plan amendment is approved by CMS.
- Provides for a continuous appropriation from the prekindergarten pilot program fund.
- Establishes a township assistance online pilot program to provide for ease of access and efficient application for township assistance, automate the application process for township assistance, and create a system to collect and report data regarding township assistance administration.
- Extends the hospital assessment fee and the health facility quality assessment fee through June 30, 2021.
- Increases the maximum amount of a primary care scholarship awarded at Marian University College of Osteopathic Medicine in the first class year from \$10,000 per year to \$15,000 per year.
- Provides that the department of child services may enter into a voluntary service referral agreement with a child's parent, guardian, or custodian.
- Adds the budget director as a member of the justice reinvestment advisory council.
- Permits the state to purchase insurance required by the federal government in connection with the use of federal land for the state's wireless public safety voice and data communications system.
- Extends the judicial and legislative branch leave conversion pilot program through June 30, 2021.
- Requires the governor to appoint a task force to study the Indiana law enforcement academy.
- Appropriates \$325,000 from the state general fund to the Indiana department of gaming research for the July 1, 2018, through June 30, 2019, state fiscal year.

- Provides that appropriations from the state board of accounts dedicated fund for the state board of accounts for the state fiscal year beginning July 1, 2018, may be augmented from the state board of accounts dedicated fund.
- Provides that unused funds appropriated to the legislative council and legislative services agency in FY 2019 or FY 2020 do not revert to the general fund until June 30, 2021.
- Permits a state officer to use state funds to make a communication containing the name and likeness of the state officer if the communication: (1) is posted or maintained on a state owned Internet web site; (2) relates to the official duties of the state officer and is not made for commercial broadcast or dissemination to the general public; or (3) is posted on social media, if the communication relates to the official duties of the state officer, was not created, developed, or posted by a nongovernmental entity, and if the social media service provider does not charge for the posting.
- Specifies allowable terms for a settlement agreement involving the state or a state agency.
- Provides for the ability for cash flow funding before a full funding grant agreement is approved for the northern Indiana railroad project.
- Requires the northwest Indiana regional development authority to repay the amount if a full funding grant agreement is not approved.
- Modifies the membership of the board of the northern Indiana commuter transportation district (board).
- Provides that board members are not entitled to a salary per diem.
- Permits the board to authorize the Indiana department of transportation (INDOT) to exercise all or a part of the powers of the board that are necessary or desirable to accomplish the purposes of the board subject to the agreement of INDOT, including carrying out a railroad project.
- Broadens the powers of INDOT to contract with third parties to carry out a railroad project.
- Establishes the next level connections fund to provide matching grants to local units of government and nonprofit organizations for trails, incentivize and establish additional nonstop flights originating from Indiana airports, and accomplish the transportation plan of the department of transportation.
- Permits INDOT to transfer up to \$100,000,000 from the next level connections fund to the rural broadband fund for the purpose of awarding broadband grants for rural areas.
- Establishes the northern Indiana commuter rail account within the fund.
- Requires the budget agency to transfer \$185,000,000 from the next level connections fund to the northern Indiana commuter rail account.
- Permits the transfer of up to an additional \$20,000,000 from the next level connections fund to the northern Indiana commuter rail account, subject to the approval of the governor.
- Provides that any proposed extension or amendment to certain agreements shall be submitted to the budget committee for review.
- Prohibits any extension or amendment to such an agreement until after the budget committee has reviewed the proposed extension or amendment.
- Specifies that any lump sum amounts or series of amounts totaling more than \$1,000,000 received under a public-private agreement entered into by the Indiana finance authority before January 1, 2013, must be held in reserve until May 1 of the calendar year following the calendar year in which the lump sum payment or series of payments was received.
- Authorizes the state and state agencies to enter into cooperative agreements with federally recognized Indian tribes. Specifies the necessary terms of a cooperative agreement.
- Requires a provision of a cooperative agreement waiving the state's sovereign immunity to be reviewed and approved by the attorney general.
- Specifies the conditions that must be met for the state to waive its immunity from suit in federal court under the Eleventh Amendment to the Constitution of the United States with respect to a cooperative agreement.
- Adds federally recognized Indian tribes to the list of governmental entities with which local governments

may enter into interlocal agreements.

- Provides that a marketplace facilitator is required to collect and remit state sales tax as a retail merchant when it facilitates a retail transaction for sellers on the marketplace facilitator's marketplace.
- Specifies circumstances in which a marketplace facilitator or a seller would not be required to collect and remit the state sales tax.
- Specifies that sharing of passenger motor vehicles and trucks through a peer to peer vehicle sharing program is a retail transaction subject to the state gross retail and use tax if sharing occurs more than 15 days in a calendar year.
- Provides that the exemption for the purchase of a new motor vehicle that is acquired for resale, rental, or leasing in the ordinary course of the person's business does not apply to a vehicle purchased for sharing through a peer to peer vehicle sharing program.
- Provides that vehicle sharing through a peer to peer vehicle sharing program is exempt from the auto rental excise tax and a county supplemental auto rental excise tax unless an ordinance is adopted to impose the county tax.
- Limits the county supplemental tax rate to 1%.
- Imposes a vehicle sharing excise tax at a 2% tax rate.
- Distributes the revenue from the tax to political subdivisions based on the vehicle's county of registration.
- Requires a marketplace facilitator to collect and remit innkeeper's tax.
- Repeals the definition of "facilitator" that is set to go into effect July 1, 2019.
- Repeals the provision requiring a facilitator who is a retail merchant to provide an itemized statement to the consumer.
- Provides that primary personal residences are exempt from the state gross retail tax unless the owner rents or furnishes the residence for more than 14 days.
- Provides for the collection of food and beverage taxes.
- Makes failure to collect or remit food and beverage taxes a Level 6 felony.
- Provides that a county treasurer may enter into an agreement with the fiscal officer of an entity responsible for the expenditure of funds from an innkeeper's tax to furnish the fiscal officer each month with the name and retail address of each business collecting an innkeeper's tax and the amount of money collected from each business.
- Provides that the state department of health shall issue guidelines establishing a cost participation standard for the amount of a parent's or guardian's expected contribution toward the purchase of a hearing aid for which assistance is granted under the hearing aid assistance program (program).
- Provides that the state department of health may issue guidelines establishing additional funding priorities to give to applications that are submitted under the program.
- Suspends the healthy Indiana plan phase out trust fund payments beginning in state fiscal year 2018-2019, subject to budget committee review. Requires the department of child services to establish a per diem model to reimburse providers of family preservation services.
- Appropriates \$150,000,000 from the state general fund to the 1996 account of the teachers retirement fund of the Indiana public retirement system (INPRS).
- Specifies that the board of trustees of the INPRS is to reduce the employer contribution rate.
- Requires the governing body of each school corporation after July 1, 2019, and before October 1, 2019, to hold a public meeting to determine: (1) the dollar amount of the reduction in the school corporation's employer contribution rate; and (2) the actions the governing body of the school corporation intends to take with that amount.
- Provides for thirteenth checks in 2019 and 2020 for certain members of the: (1) Indiana state teachers' retirement fund; (2) public employees' retirement fund; (3) state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan; (4) state police pre-1987 benefit

system; and (5) state police 1987 benefit system.

- Urges the legislative council to assign to the appropriate interim study committee the topic of the complexity index used in funding K-12.
- Requires the auditor of state to transfer any balance in the regional cities development fund to the state general fund on June 30, 2019.
- Reconciles conflicts with other enactments. Makes corresponding changes.
- Makes technical corrections.

[HEA 1015, PL 293 VARIOUS GAMING MATTERS](#)

Author: Torr, R-Carmel

Sponsor: Messmer, R-Jasper

Aim Comment: This legislation was one of the largest overhauls since the legalization of gaming in the state of Indiana. Following a recent US Supreme Court decision allowing sports gambling outside of Nevada, Indiana, along with several other states, are now authorizing mobile sports betting. This legislation also expedites the date for table games at the two Indiana racinos from the year 2021 to January 1, 2020. This bill also authorizes one of two gaming licenses located in Gary, Indiana to be moved to a land based casino away from Lake Michigan with stipulations on the license holder. The second license will go through an approval process by the Indiana Gaming Commission to be moved to a new location in the state of Indiana. The likely location will be establishment in Terre Haute. The most controversial aspect of this bill was the hold harmless language that was sought by neighboring gaming communities where casino operations would be modified.

- Authorizes sports wagering at riverboats, racinos, a Vigo County casino, and satellite facilities.
- Provides for the administration and conduct of sports wagering.
- Imposes initial and annual fees on a licensed owner, operating agent, vendor, or permit holder conducting sports wagering. Imposes initial and annual licensing fees on vendors conducting sports wagering.
- Specifies that a vendor contracting with a certificate holder has the same authority to conduct sports wagering as the certificate holder.
- Provides that the Indiana gaming commission (IGC) may issue a temporary certificate of authority or a temporary license to conduct business under certain circumstances.
- Requires the IGC to deposit vendor license application fees in the sports wagering fund.
- Requires the IGC to deposit sports wagering service provider license application fees in the sports wagering fund.
- Sets forth duties for the IGC concerning: (1) sports wagering; and (2) granting certain gambling licenses. Requires the IGC to adopt administrative rules.
- Specifies that the IGC may act upon information received from a sports governing body in considering requests to prohibit wagering on particular events or to prohibit making wagers of a particular type.
- Establishes a sports wagering service provider license. Provides that certain items must be acquired from a person that holds a supplier's license or a sports wagering service provider license.
- Provides that certain services must be obtained from a person holding a sports wagering service provider license.
- Specifies that required background checks apply to employees engaged in activities related to sports wagering.
- Specifies permissible sports wagering wagers.
- Prohibits wagering on e-sports.
- Provides the process for withholding delinquent child support from sports wagering winnings.

- Imposes a sports wagering tax of 9.5% on adjusted gross receipts received from sports wagering.
- Requires 3.33% of the tax revenue received to be deposited in the addiction services fund.
- Provides that the Gary riverboat may transfer to an inland location if the licensed owner: (1) submits a request to relocate; and (2) pays a \$20,000,000 fee.
- Caps the maximum number of gambling games that may be offered at a Gary casino. Requires the licensed owner of the relocated Gary casino to pay an additional fee of \$20,000,000 if: (1) gaming operations are relocated; and (2) the licensed owner sells or transfers the owner's interest in the owner's license within five years of relocation.
- Requires the licensed owner of the relocated Gary casino to: (1) offer each employee at the riverboat a similar position at the inland casino; and (2) consider hiring and training individuals laid off from the riverboat in East Chicago before considering other applicants.
- Provides that if a request to relocate the Gary riverboat is submitted, the IGC shall accept applications and proposals to award an owner's license to operate an inland casino in Vigo County.
- Requires a license fee for the owner's license to operate in Vigo County in the amount of \$5,000,000. Requires the fee for the Vigo County casino license to be deposited in the state general fund.
- Requires a licensed owner conducting gaming operations in Vigo County to make certain payments to the City of Evansville.
- Provides that a person may not have an ownership interest in more than six of any combination of: (1) riverboat licenses; and (2) gambling game licenses.
- Reduces the graduated wagering tax on gambling games at racinos and the wagering tax on gambling games at riverboats.
- Provides that beginning with state fiscal years after June 30, 2021, a licensed owner or racino may not deduct more than \$9,000,000 from adjusted gross receipts from wagering on gambling games.
- Distributes wagering tax revenue from a riverboat located in a historic hotel district to the West Baden Springs historic hotel preservation and maintenance fund beginning in 2021.
- Provides that wagering taxes for the Gary relocated casino continue to be imposed as if two riverboats were in operation for four years.
- Provides that East Chicago, Hammond, and Michigan City may receive supplemental payments from wagering tax distributions that would otherwise be paid to Gary if certain conditions are met. Provides that the IGC shall approve wagering on table games at a racino beginning January 1, 2020.
- Makes technical corrections and other changes to conform with recent changes to the riverboat law.

[HEA 1003, PL 161 SCHOOL CORPORATION EXPENDITURE TARGETS](#)

Author: Devon, R-Granger

Sponsor: Mishler, R-Bremen

- Provides that a school must specify in its proposed budget the anticipated amount it will transfer from its education fund to its operations fund during the budget year and requires an acknowledgment at its budget hearing of whether it will transfer more than 15% from its education fund to its operations fund.
- Requires the Indiana education employment relations board to annually prepare, publish, and submit a report to the budget committee and the legislative council that covers various employment information for school employees.
- Provides that a school corporation shall make every reasonable effort to budget and spend for its education fund so that not more than 15% of the revenue deposited in its education fund is transferred to its operations fund.
- Requires the department of education (department) to identify and notify those school corporations that transfer more than the 15% amount for the previous calendar year beginning in 2020.
- Requires a school corporation's governing body to publicly acknowledge receipt of a notice that the

school corporation is on the list and publish on the school corporation's Internet web site that it is on the list along with related items.

- Requires the Indiana education employment relations board and the division of finance of the department to be available to provide assistance to each school corporation that is included on the list.
- Requires a school corporation that is not on the list to publish this fact on the school corporation's Internet web site.
- Provides that, if a school corporation is over the transfer target, the school corporation is required to explain its expenditures to the department and the fiscal and qualitative indicators committee.
- Provides that the department may require the school corporation to present its explanation to the fiscal and qualitative indicators committee at a public meeting.
- Permits the fiscal and qualitative indicators committee to issue a recommendation to the school corporation, and requires posting of the recommendation on the school corporation's Internet web site.

[HEA 1010, PL 162 INCOME TAX DEDUCTIONS](#)

Author: Cherry, R-Greenfield

Sponsor: Crider, R-Greenfield

- Increases the income tax deduction for income from military retirement or survivor's benefits beginning in 2019.

[HEA 1021, PL 238 EDUCATION FINANCE](#)

Author: Thompson, R-Lizton

Sponsor: Bassler, R-Washington

- Replaces references to pre-2019 school funds with references to conform to the education funding and accounting changes made by HEA 1009-2017 and HEA 1167-2018.
- Extends (through 2023) the ability in current law for a school corporation to allocate circuit breaker credits proportionately (without taking protected taxes into account) under certain circumstances.
- Provides that credits attributable to new debt incurred by the school corporation after June 30, 2019, shall not be included in determining the school corporation's eligibility to allocate circuit breaker credits proportionately.
- Provides that the amount of credits that the school corporation may allocate proportionately is determined based on a calculation of the percentage amount of credits granted against the school corporation's levy for its operations fund compared to the school corporation's levy for its operations fund.
- Provides for the calculation of the growth in the maximum levy for a school corporation's operation fund to be based on an assessed value growth quotient (AVGQ) using the average annual growth in net assessed value over the most recent three year period.
- Provides for a ceiling of 4% plus the statewide AVGQ and a floor of the statewide AVGQ.
- Removes a requirement concerning an estimate of: (1) the source of all revenue to be dedicated to a school corporation's proposed capital expenditures in the upcoming calendar year; and (2) the amount of property taxes to be collected in the upcoming calendar year and retained in the fund for capital expenditures proposed for a later year; from the format of a school corporation's capital expenditures plan.
- Provides for an adjustment to the Evansville Vanderburgh School Corporation operations fund levy for 2020 to fund a historical society supporting Bosse Field (The 2019 operations fund levy did not recognize the historical society fund levy that was imposed in 2018).
- Makes technical corrections.
- Requires a school corporation to submit to the department of local government finance's computer gateway the school corporation's: (1) capital projects expenditure plan; and (2) school bus replacement

plan.

[HEA 1025, PL 120 COUNTY HIGHWAY ENGINEER'S SALARY](#)

Author: Aylesworth, R-Hebron

Sponsor: Buck, R-Kokomo

- Increases the state subsidy for a county highway engineer's annual salary. Makes an appropriation.

[HEA 1056, PL 121 PROPERTY TAX APPEALS](#)

Author: Manning, R-Denver

Sponsor: Busch, R-Fort Wayne

- Requires a county or township official who receives a written appeal notice from a taxpayer to forward the notice to the county auditor, if the taxpayer raises a claim regarding a matter that is in the discretion of the county auditor.
- Provides that the county auditor is a party before the county property tax assessment board of appeals and for any appeal of the board's decision in an appeal related to a matter that is in the discretion of the county auditor.
- Specifies the notice that the Indiana board of tax review (Indiana board) must file with the tax court regarding the preparation of a certified record of the proceedings related to a petition for which judicial review has been sought.
- Repeals a statute requiring the Indiana board to recommend that parties settle or mediate any case pending before the board if certain conditions are met.
- Provides that certain burden shifting requirements do not apply if the assessment that is the subject of the review or appeal is based on substantial renovations or new improvements.
- Provides that "small claim" means an appeal where the parties have elected to proceed under the Indiana board's small claims rules. (Current law defines the term as an appeal of a final determination of assessed valuation that does not exceed \$1,000,000.)
- Provides that a party must be able to elect out of the small claims rules.

[HEA 1065, PL 239 REGIONAL HOLDING FACILITY](#)

Author: Frye, R-Greensburg

Sponsor: Koch, R-Bedford

- Provides that a "regional holding facility" is an existing facility that is currently established and operated by the department of correction (department) that offers mental health and substance abuse treatment, workforce development, educational programs, and other evidence based programs designed to reduce recidivism.
- Provides that a local economic development organization may enter into a regional holding facility lease agreement with the department of correction to: (1) address the issue of jail overcrowding in Indiana; (2) reduce recidivism by offering programs in an unused department of correction facility; and (3) obtain federal funding to operate the facility.
- Establishes conditions under which a county sheriff may transfer certain confined jail offenders to a regional holding facility.
- Establishes requirements for transfer agreements between the department and county sheriffs.
- Requires the department to collect data and report the outcomes of services provided by a regional holding facility to the legislative council.
- Provides that reimbursements paid by the state to the county for the costs of incarcerating a confined jail offender shall be used to pay for a confined jail offender housed in either a regional holding facility or a county jail.

- Provides that the Indiana criminal justice institute shall identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities.
- Allows political subdivisions to enter into public-private agreements with an operator to accomplish the design, financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of a regional jail.
- Establishes the county jail overcrowding task force to: (1) conduct a statewide review of jail overcrowding; and (2) study the issue of how to reduce recidivism for convicted felons in county jails by offering programs designed to reduce recidivism.
- Requires the justice reinvestment advisory council to conduct a statewide review of bail reform and pretrial issues and to identify common reasons and possible local, regional, and statewide solutions.

[HEA 1125, PL 124 CUMULATIVE CAPITAL IMPROVEMENT FUND](#)

Author: Ellington, R-Bloomington

Sponsor: Koch, R-Bedford

- Permits a local government unit to establish a cumulative capital improvement fund to provide money to purchase, lease, or pay all or part of the cost of electronic monitoring equipment used by a state or local community corrections program.

[HEA 1128 PL 125 CONSTRUCTION PERMITS](#)

Author: Miller, R-Elkhart

Sponsor: Doriot, R-Goshen

Aim Comment: As this legislation was introduced, the intent was to expedite the process for construction permits being approved for secondary plats within an ongoing construction site. The bill's author believed some local units were delaying the approval of new permits due to work that was not vital to the completion of an ongoing construction project. Aim worked to expand the review timeline to approve these permits from the introduced version and the bill author did agree to increase the review period to 12 days. We also lobbied to have language inserted that would allow us to deny new construction permits if any existing open permits were creating a health or safety conflict for any new permit being issued. The health and safety language was included in the enacted bill

- Provides that a local unit may not require, as a condition precedent to granting, issuing, or approving certain permits for any Class 1 or Class 2 structures, completion of work upon which the performance bond or other surety was obtained prior to recording the secondary plat.
- Provides that a local unit may not require, as a condition precedent to granting, issuing, or approving a certificate of occupancy for any Class 1 or Class 2 structure, the completion of work upon which the performance bond or other surety was obtained prior to recording the secondary plat, unless required under certain state building laws or another law to meet a local unit's basic needs for public health and safety.
- Requires a local governmental agency to issue certain permits to a person not later than 12 business days after the person has filed a completed application and meets all required conditions, in certain instances.

[HEA 1177, PL 129 TOWNSHIP GOVERNMENT ISSUES](#)

Author: Ziemke, R-Batesville

Sponsor: Niemeyer, R-Lowell

- Requires a township to prepare a capital improvement plan for at least the ensuing three years if the balance in certain capital improvement funds in the preceding year exceeds both of the following: (1) 150% of the township's annual budget estimate. (2) \$200,000.
- Prohibits the township from collecting property taxes for certain capital improvement funds in the ensuing year unless the township has adopted a capital improvement plan.

- Allows a township to make a one time transfer of an excess balance or part of an excess balance between township funds.
- Provides that the transfer may not be completed until after the township adopts a capital improvement plan, if the township is required to adopt a capital improvement plan.
- Requires the transfers must be completed not later than September 1, 2020.
- Provides that if an eligible municipality petitions an adjacent township to accept the transfer of the territory of the eligible municipality that is within the transferor township, the legislative body of the adjacent township must accept transfer of the territory of an eligible municipality within two years (instead of one year) after the legislative body receives the petition.
- Repeals a provision that prohibits the transfer of territory from taking effect in the year before a federal decennial census is conducted.

[HEA 1305, PL 83 GAS AND OIL WELL ASSESSMENT](#)

Author: Lindauer, R-Jasper

Sponsor: Messmer, R-Jasper

- Provides for the imposition of a monetary penalty against owners of oil or gas interests who fail to timely file a property schedule for gas and oil well assessments.

[HEA 1343, PL 252 LIBRARIES](#)

Author: Leonard, R-Huntington

Sponsor: Zay, R-Huntington

- Provides that, in the case of a public library outside Marion County, the fiscal body of a city, town, or county that established the public library, the governing body of which is not comprised of a majority of officials who are elected to serve on the governing body, may adopt a resolution to require the public library to submit its proposed budget and property tax levy to the city, town, or county fiscal body for binding review and approval in the same manner that is required under current law if the public library's cash on hand plus its expected revenues is greater than 150% of the public library's proposed budget. (These amounts exclude gifts, bequests, and philanthropic funds and debt funds.)
- Provides that the fiscal body of the city, town, or county may not reduce the public library's proposed operating budget or tax levy in a budget year by more than 10% of the public library's operating levy.

[HEA 1345, PL 85 PROPERTY TAX MATTERS](#)

Author: Miller, R-Elkhart

Sponsor: Rogers, R-Granger

- Provides that if a for-profit land developer acquires land in inventory from a school corporation or a local unit of government, the land in inventory shall be assessed as agricultural land at the agricultural land base rate on the first assessment date immediately following the date on which the land developer acquires title to the land in inventory, and thereafter the land in inventory is subject to the usual provisions for reassessment of a land developer's land in inventory.
- Restores the property tax exemption for certain real property that is acquired for the purpose of erecting, renovating, or improving a single family residential structure that is to be given away or sold: (1) in a charitable manner; (2) by a nonprofit organization; and (3) to low income individuals who will use the land as a family residence.
- Provides a property tax exemption for assessment dates occurring after December 31, 2016, for certain property owned by an Indiana nonprofit public benefit corporation exempt from taxation under Section 501(c)(3) of the Internal Revenue Code if: (1) the property is used in the operation of a nonprofit health, fitness, aquatics, and community center; and (2) the acquisition and development of the property are provided in part under the regional cities initiative of the Indiana economic development corporation.
- Allows a refund for any property taxes paid in 2018 and 2019 for property that qualifies for the exemption.

HEA 1375, PL 209 STATE BOARD OF ACCOUNTS

Author: Lehman, R-Berne

Sponsor: Buck, R-Kokomo

- Makes various changes to statutes concerning the state board of accounts (board). Provides that an examination of an entity shall be limited to matters relevant to the use of public money received by the entity.
- Relocates language addressing examinations of certain not-for-profit corporations.
- Provides that an examination of a not-for-profit corporation that derives at least 50% but less than \$750,000 (rather than \$200,000, under current law) of its disbursements from appropriations, public funds, taxes, and other sources of public expense shall be limited to matters relevant to the use of the public money received by the entity.
- Provides that an individual may confidentially report suspected malfeasance, misfeasance, or nonfeasance that involves an individual who has responsibility for administering public funds on behalf of an entity.
- Expands the list of individuals to whom the board may disclose examination workpapers and investigation records.
- Makes changes to the procedure governing the payment of delinquent property taxes and specifies how delinquent property tax payments are to be applied.
- Eliminates a requirement that the county auditor transmit a monthly financial report to the board.
- Authorizes a county fiscal body to establish a salary schedule that includes greater compensation for the presiding officer or secretary of the county fiscal body or county executive if certain conditions are satisfied.
- Defines "compensation" for purposes of statutes concerning compensation paid to elected county, city, town, and township officials (local elected officials).
- Provides that certain information must be included in an ordinance establishing compensation for local elected officials.
- Makes corresponding changes. Renames the board trust and agency fund the examinations fund.
- Annually appropriates money in the fund for the payment of the board's expenses for examinations.
- Provides that money in the fund does not revert to the state general fund.
- Requires that the board certify the expense incurred for an examination as needed.

HEA 1402, PL 290 INNKEEPER'S TAXES AND OTHER LOCAL TAXES

Author: Karickhoff, R-Kokomo

Sponsor: Sandlin, R-Indianapolis

- Renames the convention center operating fund established under the Vanderburgh County innkeeper's statute to the convention center operating, capital improvement, and financial incentive fund (fund).
- Provides that expenditures from the fund for a convention center in Vanderburgh County may be used only for operating expenses, capital improvements, and financial incentives to attract new businesses.
- Changes the date on which Vanderburgh County innkeeper's tax revenue deposited in the fund decreases from the amount equal to the revenue generated by a 2% innkeeper's tax rate to the amount equal to the revenue generated by a 1% innkeeper's tax rate.
- Allows the Clark County and Floyd County councils to adopt substantially similar ordinances to increase the innkeeper's tax rate in both counties from 4% to 6%. (These taxes were imposed by state law in 1976.)
- Allows the Allen County council to adopt an ordinance to increase the innkeeper's tax rate in the county from 7% to 8%. (The tax was imposed by state law before 1980.)
- Provides that if an ordinance to increase the innkeeper's tax rate to 8% is in effect in Allen County, the

minimum part of the innkeeper's tax proceeds used to provide development and promotion grants within the county increases from 2/7 to 3/8.

- Allows the fiscal body of White County to levy the county innkeeper's tax on resorts and any other buildings or structures in the county in which lodging is regularly furnished for consideration.
- Repeals the innkeeper's tax law specific to Howard County. (Howard County elected to impose an innkeeper's tax under the uniform innkeeper's tax law beginning in 2014.)
- Provides that the maximum innkeeper's tax rate for Howard County under the uniform innkeeper's tax law is 8% on the gross income derived from lodging income. (Current law authorizes a maximum tax rate of 5% under the uniform innkeeper's tax law.)
- Authorizes Knox County to establish an innkeeper's tax at a rate not to exceed 6%.
- Provides that, if Knox County adopts a rate that exceeds 5%, the amount of the additional tax revenue from the increased rate shall be paid to the Grouseland Foundation, Inc., to be used only for the restoration, maintenance, and operations of the Indiana territorial mansion and presidential site of William Henry Harrison located in Vincennes.
- Authorizes Brown County to impose a \$1 admissions tax upon admissions to the indoor performing arts center.
- Specifies how the revenue may be used. Permits the county to enter into an operating lease with the convention and visitors commission and a contract with a nonprofit organization to operate the indoor performing arts center.
- Authorizes the city of Attica to impose a food and beverage tax.
- Authorizes the town of Danville to impose a food and beverage tax. Authorizes the city of Greenwood to impose a food and beverage tax.

[HEA 1405, PL 256 TAXATION OF DATA CENTERS](#)

Author: Soliday, R-Valparaiso

Sponsor: Messmer, R-Jasper

- Provides that a county or municipal fiscal body may designate an area in which a property tax exemption will be provided for certain enterprise information technology equipment.
- Provides a state sales and use tax exemption (exemption) for the purchase of certain data center equipment that is located in a data center that results in a minimum qualified investment within five years, ranging from at least \$25,000,000 to more than \$150,000,000 depending on the population of the county in which the data center is located.
- Provides that costs that meet the requirement are exempt from the state gross retail tax. Requires a qualified data center user to apply to the Indiana economic development corporation (IEDC) for a specific transaction award certificate (award certificate).
- Requires a qualified data center user to enter into an agreement with the IEDC as a condition of receiving an award certificate.

[HEA 1406, PL 56 WATER INFRASTRUCTURE ASSISTANCE FUND AND PROGRAM](#)

Author: Soliday, R-Valparaiso

Sponsor: Charbonneau, R-Valparaiso

- Provides that money from certain sources in the water infrastructure assistance fund (fund) is continuously appropriated for the purposes of the law concerning the water infrastructure assistance program. Authorizes the authority to establish: (1) the interest rate; or (2) parameters for establishing the interest rate; on each loan made from the fund.
- Provides that a participant, to receive a loan, grant, or other financial assistance from the fund: (1) must have an asset management program; and (2) must demonstrate to the authority that it has a plan to

participate with one or more other participants in cooperative activities.

- Provides that a participant, after receiving a loan or grant from the fund, must maintain its asset management program: (1) as long as the loan remains unpaid; or (2) during the useful life of the asset financed with the loan or grant.
- Requires a participant, if appropriate, to conduct or participate in efforts to determine and eliminate the causes of non-revenue water in its water distribution system.
- Requires the authority to establish a project prioritization system and project priority list for the purposes of awarding loans and grants from the fund.
- Requires the authority to set aside 40% of the fund for purposes of providing grants, loans, and other financial assistance to or for the benefit of utilities serving less than 3,200 customers.
- Authorizes the authority to provide advisory services to participants in connection with loans from the fund. Provides that, if appropriate, the authority shall require a participant receiving a loan or other financial assistance from the fund to establish and maintain sufficient user charges, fees, taxes, special assessments, or revenues to: (1) operate and maintain; and (2) pay the obligations of; its water or wastewater collection and treatment system. Authorizes the authority to make loans or provide other financial assistance from the fund to or for the benefit of a participant to establish guaranties, reserves, or sinking funds or for other purposes.
- Authorizes the authority, as an alternative to making loans or providing other financial assistance to participants, to use the money in the fund to provide a leveraged loan program and other financial assistance programs to or for the benefit of participants.

[HEA 1427, PL 257 LOCAL GOVERNMENT MATTERS](#)

Author: Leonard, R-Huntington

Sponsor: Bassler, R-Washington

Aim Comment: HEA 1427 is the Department of Local Government Finance’s annual agency bill. This bill usually becomes a home for many different local government matters, and this year was no exception. The good news is that one of Aim’s initiatives to address a problematic timing issue that can occur if a mayor vetoes the budget with an effective date after October 1 was included in HEA 1427. Now, a council will have a 30-day extension from the effective date of the veto for the council to act (e.g. to override the veto) and submit the city’s budget, if the effective date of the veto is after October 1.

Unfortunately, HEA 1427 also included language that voids annexation remonstrance waivers that were executed before July 1, 2003. It also puts a 15-year expiration date on all waivers executed after June 30, 2003 (e.g. a waiver executed in 2005 will expire in 2020). This has been a topic of discussion for several sessions, and we argued that the 15-year expiration date should only be applied on a going forward basis, which was adopted as part of the 2015 changes to the annexation statute. We also argued that voiding existing waivers could be an unconstitutional impairment of contract and regardless, is an unfair change of the rules in the middle of the game.

In addition to the 15-year expiration date, there are new recording requirements. All waivers executed before June 30, 2019 must be recorded before January 1, 2020 in order to remain valid. All new waivers executed after June 30, 2019 must be recorded within 30 business days after the date of execution to be valid.

Any municipality considering an annexation should check for waivers and account for expiration dates in the decision and ensure compliance with the new recording requirements.

- Provides that, if a political subdivision publishes or submits to the department of local government finance’s (DLGF) computer gateway a notice that contains an error or omission that inaccurately reflects the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision by an amount that is less than 0.1%, the notice is a valid notice and the DLGF shall correct the error or omission.
- Provides that the state board of accounts, instead of the budget agency, is to approve audits for regional development authorities and allows for private examiners to perform audits.
- Excludes political subdivisions that do not have the power to impose property taxes from the requirement

to upload a digital copy of certain contracts on the Indiana transparency Internet web site.

- Specifies the deadlines for county auditors to submit property tax settlement and distribution information to the DLGF.
- Repeals the electronic digital signature act.
- Specifies the calculation of the acquisition cost of depreciable personal property acquired in like kind exchange for personal property tax purposes.
- Removes the provision in current law that requires the DLGF to be a party to any contract in which a county assessor employs professional appraisers as technical advisers for assessments. Provides that the standard contract to employ professional appraisers is void if: (1) the appraiser is not certified at the time the contract is executed; or (2) the DLGF subsequently revokes the appraiser's certification.
- Eliminates the permissive written demand to a county resident who is delinquent in the payment of personal property taxes during the period from May 10 to October 31.
- Changes the time period from at least 21 to 30 days for the county treasurer's notice of the sale of a mobile home.
- Makes the filing deadlines for property tax deductions applicable to mobile homes and manufactured homes that are not assessed as real property the same as the filing deadlines for property tax deductions applicable to real property.
- Amends the definition of "owner" (for purposes of the property tax statutes) to delete the provision specifying that an owner of tangible property includes the holder of a tenancy for a term of years.
- Requires county auditors to submit data on deductions applicable to the current tax year to the homestead property data base on or before March 15 of each year, in a manner prescribed by the DLGF.
- Specifies that if a penalty is imposed on a taxpayer for failing to declare on the taxpayer's tax return that the taxpayer is entitled to the exemption for business personal property, the county shall include the penalty on a property tax bill associated with the tax district in which the majority value of the taxpayer's business personal property within the county is located.
- Eliminates (effective retroactive to July 1, 2017) several property tax deduction and credit reapplication requirements that were added by HEA 1450-2017 concerning unmarried taxpayers who married, married taxpayers who divorced, and taxpayers who came to own their property jointly or as tenants in common with another individual.
- Provides that a person seeking a property tax exemption for property used for a charitable purpose may file an exemption application up to 30 days following the statutory deadline for the exemption application if the person pays a late filing fee.
- Makes changes to the time frame for the board of tax review to conduct a hearing and issue a determination.
- Requires that the budget notice that political subdivisions must publish on the DLGF's computer gateway must also include information concerning the percentage change between the current and proposed tax levies of each fund.
- Specifies that a political subdivision shall file the budget adopted by the political subdivision with the DLGF not later than five business days after the budget is adopted.
- Authorizes the DLGF to adopt rules for procedures related to local government budgeting. Specifies that the adoption, amendment, or repeal of such a rule by the DLGF may not take effect before March 1 or after July 31 of a particular year.
- Requires a political subdivision to adopt the needed changes to its budget, tax levy, or rate in a public meeting if the political subdivision's tax levy is increased by the DLGF to an amount that exceeds the amount originally advertised or adopted by the political subdivision.
- Provides for an extension of time to submit a city's budget in the case of a veto after October 1.
- Provides that Highland Township in Greene County may increase its maximum township property tax levy for 2020 and thereafter.
- Provides that Taylor Township in Greene County may increase its maximum township property tax levy

and its maximum fire protection and emergency services property tax levy for 2020 and thereafter.

- Allows Green Township in Hancock County to increase its maximum levy for the township's general fund to offset the reduction in the maximum levy that occurred beginning in 2003 that was based on the township's actual levy (levy banked amount).
- Requires the DLGF to increase the North Harrison fire protection territory provider unit's maximum permissible ad valorem property tax levy for purposes of IC 36-8-19 for property taxes due and payable in 2020 if a petition requesting an increase is filed.
- Provides that a civil taxing unit may not request permission to impose a property tax on account of revenue shortfalls, if the revenue shortfall preceded the most recent certified budget for the civil taxing unit by more than five years.
- Requires a statement in the county treasurer's notice of intention to sell mobile homes that the county treasurer will apply for a court judgment against the mobile homes for an amount that is set by the county executive and that includes collection expenses.
- Provides that whenever no bid is received on a mobile home, the taxpayer who is delinquent in the payment of taxes causing the tax sale maintains ownership of the mobile home and liability for the delinquent taxes.
- Repeals the statute providing for a county board of tax adjustment.
- Repeals provisions related to the county board of tax adjustment and the local budgeting process.
- Specifies that: (1) rules adopted by the DLGF for the appraisal of real property may not apply to any appraisal contemporaneously being conducted under a county's reassessment plan; and (2) rules adopted by the DLGF may first apply to the reassessment phase beginning in the following calendar year under a county's reassessment plan.
- Requires a county that enters into a contract for computer software and with a software provider to upload the contract to the Indiana transparency Internet web site.
- Specifies that for purposes of attributing the amount of a property tax deduction or exemption to the gross assessed value of a property: (1) a deduction or exemption that is specific to an improvement shall be applied only to the assessed value allocation pertaining to that improvement; and (2) to the extent that a deduction or exemption is not specific to an improvement, the deduction or exemption shall be applied in the order that will maximize the benefit of the deduction or exemption to the taxpayer.
- Provides that the county executive (instead of the DLGF) may cancel any property taxes assessed against real property owned by a county, township, city, town, or body corporate and politic under certain circumstances.
- Removes local income tax economic development allocations from the adjustment to Clark County's economic development revenue allocation.
- Extends the maximum time period from 20 to 22 years for the allocation of local income taxes for correctional and rehabilitation facilities.
- Limits to 20% the amount of revenue that may be used for operating expenses for correctional facilities and rehabilitation facilities in the county if the ordinance to impose the tax rate is adopted after June 30, 2019.
- Changes the timeline for providing local income tax distribution numbers to local units. Allows the board governing a: (1) municipal water or sewer provider; (2) municipal department of sanitation; or (3) sewage disposal plant service provider; to fix the time within which service charges become delinquent and service may be discontinued due to nonpayment of charges. (Currently these time periods are provided by statute.)
- Provides a formula for determination of a county's required appropriation amount for the operation of community mental health centers (other than in Marion County for calendar years 2019 through 2021) based on the increase, if any, in the certified levy for funding over the previous two years after application of the tax caps.
- Revises a statute concerning the investment of proceeds from the sale of the Montgomery County hospital.

- Provides that certain parties may elect to be represented by the office of the attorney general under a written agreement between the party and the office of the attorney general.
- Provides that certain statutes relating to the lease of real property by a political subdivision do not apply to a lease if the total annual cost of the lease is less than \$250,000.
- Validates a lease entered into by a political subdivision before January 1, 2019, with an annual cost of less than \$250,000 if the political subdivision's leasing agent did not comply with these statutes when the lease was entered into.
- Specifies that all members or employees of a volunteer fire department who also serve on the fiscal body of a local government unit must abstain from voting on the unit's budget.
- Authorizes a county fiscal body to establish a salary schedule that includes greater compensation for the presiding officer or secretary of the county fiscal body or county executive if certain conditions are satisfied.
- Increases, from \$5 to \$10, the amount of the county fee that a county auditor shall charge for endorsing a real estate conveyance document and provides that the fee revenue must be used for developing or maintaining plat books, in traditional or electronic format.
- Provides that money in the county elected officials training fund may be used to provide: (1) travel, lodging, and related expenses associated with any training paid for from the fund; and (2) training of one or more designees of a county elected official if sufficient funds are appropriated by the county fiscal body.
- Provides that money in the county elected officials training fund may be used for the newly elected official training course expenses.
- Provides that the failure of an individual to complete the required training does not prevent the individual from taking an office to which the individual was elected.
- Provides that an individual elected to certain county offices must take a newly elected official training course before the individual first takes office.
- Provides that the newly elected official training course counts toward the individual's other elected official training requirements.
- Requires the clerk and fiscal officer of all cities and towns to complete at least: (1) 14 hours of training courses within one year; and (2) 36 hours of training courses within three years.
- Provides that a training course that an individual completes after being elected or appointed as clerk or fiscal officer of a city or town and before the individual begins serving in office applies toward the training requirements.
- Requires all city and town clerks and fiscal officers to fulfill the training requirements for each term the clerk or fiscal officer serves in office.
- Provides, in the case of a city or town that reorganizes, that the individual who performs the functions of clerk or fiscal officer for the reorganizing city or town shall comply with the training requirements for the reorganized political subdivision.
- Provides that a redevelopment commission may issue bonds or enter into leases with a term of up to 35 years to finance 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.
- Specifies that in the case of an allocation area for such a project, the expiration date of the allocation provision may not be more than 35 years after the date on which the allocation provision is established.
- Provides that a redevelopment commission or other entity that creates a tax increment financing area shall file the resolution and supporting documents that create the tax increment financing area with both the county auditor in which the tax increment financing area is located and the DLGF within 30 days after the redevelopment commission or other entity takes final action on the resolution.
- Provides that if a redevelopment commission or other entity that creates a tax increment financing area files the resolution and supporting documents with either the county auditor and the DLGF after the first anniversary of the effective date of the tax increment financing area, the county auditor shall compute

the base assessed value of the tax increment financing area using the assessment date immediately preceding the later of the date on which the documents were filed with the county auditor or the date on which the documents were filed with the DLGF.

- Extends a pilot program in Lake County concerning disposal of certain real property. Removes the appointment of members to the Fort Harrison reuse authority by the Indianapolis mayor and by Marion County.
- Provides that a city or town may contract for fire protection services and requires that a contract for fire protection services be in writing and for a fixed term.
- Voids an annexation remonstrance waiver (waiver) executed before July 1, 2003. Voids a waiver executed after June 30, 2003, and before July 1, 2019, unless the waiver was recorded in the county where the property is located before January 1, 2020.
- Voids a waiver executed after June 30, 2019, unless the waiver was recorded in the county where the property is located within 30 business days after the date the waiver was executed. Provides that a waiver executed after June 30, 2003, that was properly recorded expires 15 years after the date the waiver was executed.
- Provides that waivers voided under the bill do not invalidate annexations that were effective before July 1, 2019.
- Urges the legislative council to assign to an appropriate interim study committee, for study during the 2019 interim of the general assembly, the topic of local income taxes, including revenue allocations and uses.
- Urges the study of the advisability of eliminating the mortgage property tax deduction and the advisability of increasing the homestead standard deduction.
- Urges the study of automatic enrollment of employees in a political subdivision's deferred compensation plan. Urges the study of allowing municipalities to make deposits of a certain amount to a vendor or service provider for certain transactions. Makes technical conforming changes.

[HEA 1465, PL 57 PROFESSIONAL DEVELOPMENT IN ACCOUNTING](#)

Author: Carbaugh, R-Fort Wayne

Sponsor: Spartz, R-Noblesville

- Removes the requirement of a learning plan to be undertaken by a licensed accountant to maintain and improve professional competency.
- Specifies that there are only two options for license renewal for accountants.

[HEA 1473, PL 259 INDIANA BOND BANK](#)

Author: Steuerwald, R-Avon

Sponsor: Head, R-Logansport

- Allows the Indiana bond bank to require certain entities to establish separate reserve accounts as additional security in connection with the issuance of bonds or notes.
- Allows and establishes terms and procedures for certain entities to assign or otherwise transfer a future stream of revenue to the Indiana bond bank or certain other entities to obtain funding.
- Establishes conditions under which the state board of finance may sell, transfer, or liquidate agreements that evidence the state's right to make deductions from state tuition support to pay advances from the common school fund under the school corporation and charter school safety advance program.
- Provides that the state board of education must report to the budget committee each year on any defaults on the repayment of advances from the common school fund by charter schools that have closed or otherwise ceased operations.
- Requires the department of local government finance to notify the Lake County auditor of the estimated

and certified tax revenue that will be withheld from revenue allocated for economic development purposes for certain civil taxing units and distributed to the secretary-treasurer of the northwest Indiana regional development authority (authority).

- Requires the auditor of state to withhold local income tax revenue from the revenue allocated for economic development purposes for certain civil taxing units in Lake County and distribute it to the secretary-treasurer of the authority.
- Provides for distribution of certain amounts collected by the authority if a full funding grant agreement is not entered into for the West Lake corridor project.

[HEA 1506, PL 178 BUREAU OF MOTOR VEHICLES](#)

Author: Soliday, R-Valparaiso

Sponsor: Merritt, R-Indianapolis

- Provides that if one or more of the following taxes have not been paid for one or more preceding years, the bureau of motor vehicles may collect only the tax for the year immediately preceding the current registration year, the current registration year, and the year immediately following the current registration year: (1) The county vehicle excise tax. (2) The county wheel tax. (3) The municipal vehicle excise tax. (4) The municipal wheel tax. (5) The motor vehicle excise tax. (6) The recreational vehicle excise tax. (7) The commercial vehicle excise tax. (8) The boat excise tax.
- Specifies to which vehicles a county vehicle excise tax, county wheel tax, municipal vehicle excise tax, and municipal wheel tax apply.
- Provides that an owner who has paid a surtax or wheel tax and moves out of state may be entitled to a refund.
- Specifies the minimum and maximum vehicle registration periods for a vehicle with an: (1) expired; and (2) unexpired; registration.
- Requires that all copies of all ordinances that impose, rescind, or change the rate or amount of a surtax or wheel tax be submitted in a manner prescribed by the bureau of motor vehicles (bureau).
- Provides that the maximum design speed for a low speed vehicle is 25 miles per hour. (Current law provides for 35 miles per hour.)
- Provides that, in certain instances, off-road vehicles and snowmobiles need to be registered. Provides that, during the registration or registration renewal process, the bureau may provide information concerning a manufacturer issued motor vehicle safety recall to the registered owner of a motor vehicle subject to an ongoing recall.
- Specifies that the bureau may not charge a fee for providing information concerning an ongoing, manufacturer issued safety recall.
- Provides that: (1) the bureau; (2) the commissioner of the bureau; (3) employees of the bureau; and (4) third party vendors responsible for providing the bureau with manufacturer issued safety recall information; are immune from civil liability for any act or omission related to the bureau providing safety recall information.
- Provides that a person may transfer a plate from a wrecked or destroyed vehicle to a vehicle acquired or owned by the person.
- Removes the provisions providing for a probationary period for independent colleges under the special group recognition license plate program.
- Provides that the Indiana department of transportation must review plans for general vehicle platoon operations. (Current law provides that the commissioner of the bureau must review plans).
- Specifies that an individual who is 75 years of age or older may renew an operator's, chauffeur's, or public passenger chauffeur's license by mail or electronic service if the individual provides proof of an eyesight examination with the renewal application.
- Establishes distribution by percentage of fees paid for reinstatement of driving privileges.

- Specifies that a court may waive part or all of a reinstatement fee for driving privileges.
- Removes the requirement that an emergency contact for the purposes of the emergency contact data base must hold a valid credential.
- Requires an individual seeking a license to be a driver education instructor to be currently employed or have an employment offer from a licensed driver training school.
- Requires a rider coach trainer to meet standards established by the bureau for instructors in motorcycle safety and education. (Current law requires that the standards be equivalent to or more stringent than those established by the Motorcycle Safety Foundation.)
- Requires an applicant from a foreign country that has a reciprocity agreement with the bureau for obtaining an operator's license to possess a valid driver's license for the type of vehicle being operated or the equivalent from the foreign country. (Current law also allows the applicant to possess an international driving permit.)
- Specifies that the court may grant driving privileges to an individual whose driving privileges have been suspended for life: (1) for a specified period of time; and (2) subject to certain conditions.
- Requires an individual who has been granted driving privileges through a court order after the individual's driving privileges have been suspended for life to possess the order when operating a vehicle or produce the order upon request of a police officer.
- Provides that the bureau of motor vehicles may waive certain testing requirements for an applicant seeking a learner's permit or a driver's license in certain instances.
- Provides that the bureau of motor vehicles (BMV) may develop a system to issue mobile credentials.
- Provides that the BMV may issue, upon request of an applicant, a mobile credential when the applicant satisfies the requirements for application for an identification card or various licenses and permits.
- Provides the BMV with rulemaking authority to implement the mobile credential system.
- Defines mobile credential.
- Eliminates both the department of natural resources fee and the lake and river enhancement fee.
- Sets out the registration and renewal fees for motorboats. Makes conforming changes.

[SEA 7, PL 109 MARION COUNTY CAPITAL IMPROVEMENT BOARD](#)

Author: Mishler, R-Bremen

Sponsor: Huston, R-Fishers

- Provides for the expansion of the professional sports development area (tax area) in Marion County.
- Provides for the capture of covered taxes in the expanded tax area.
- Authorizes the city-county council to adopt a resolution that continues imposition of the increase to the county supplemental auto rental excise tax through December 31, 2040.
- Authorizes the city-county council to adopt a resolution that continues imposition of the increase to the county admissions tax through December 31, 2040.
- Authorizes the city-county council to adopt a resolution that continues the capture of local income taxes attributable to the tax area through December 31, 2040.
- Provides that revenues available for deposit in the sports and convention facilities operating fund may be pledged to secure and provide for the payment of bond or lease obligations of the board.
- Provides that Marion County capital improvement board may not use revenue derived from local or state taxes to finance, construct, or in any way subsidize the construction of meeting or ballroom space related to a privately owned hotel.
- Permits the Indianapolis metropolitan development commission or capital improvement board to adjust the equal opportunity percentages to reflect the results of a disparity study conducted by the City of Indianapolis.

- Provides that if restricted deposits are insufficient to fully repay the board's obligations, revenues collected by the board from certain taxes must be used.
- Establishes an additional professional sports development area in Marion County to capture state and local revenue for capital improvements.
- Provides for the issuance of indebtedness to finance a multipurpose soccer stadium subject to budget committee review.
- Provides that the Indiana stadium and convention building authority, the Marion County capital improvement board, and the Marion County convention and recreational facilities authority may not require a contractor or a subcontractor to enter into a contract limitation and may not grant a public benefit relating to any project that is financed in whole or in part from funds derived from the establishment of a new tax area under the bill.
- Provides that any such provisions are void.
- Strikes a provision requiring the Indiana stadium and convention building authority to enter into project labor agreement on all projects.
- Establishes the legacy project, which must be located at an Indianapolis parks and recreation department location located within a four mile radius of the Soldiers' and Sailors' Monument in Indianapolis.

[SEA 127, PL 272 REFERENDUM FOR SCHOOL SAFETY LEVY](#)

Author: Holdman, R-Markle

Sponsor: Huston, R-Fishers

- Allows a school corporation to adopt a resolution to place a referendum on the ballot to impose a school safety referendum tax levy to improve school safety.
- Allows a school corporation to impose a school safety referendum tax levy if approved by a majority of the voters.
- Requires a school corporation to certify a copy of: (1) the resolution to place a referendum for a school safety referendum tax levy on the ballot; and (2) the language for the question; to the department of local government finance (department) for review and approval.
- Provides that voters may not approve a school safety referendum tax levy that is imposed for more than 8 years.
- Provides that a school safety referendum tax levy may be reimposed or extended.
- Requires a county auditor to distribute proceeds attributable to property taxes imposed after being approved by the voters in a referendum to the school corporation.
- Specifies when a referendum is to be held.
- Requires the circuit court clerk of each county to certify the results of the referendum for a school safety referendum tax levy to the department.
- Provides that if a school safety referendum tax levy is approved by the voters in a school corporation in a calendar year, another school safety referendum levy question may not be placed on the ballot in the school corporation in the following calendar year.
- Provides that if a school corporation imposes a school safety referendum tax levy approved in a referendum, the school corporation may not simultaneously impose more than one additional school safety referendum tax levy approved in a subsequent referendum.
- Provides that during the period beginning with the adoption of a resolution by a school corporation to place a school safety referendum tax levy question on the ballot and continuing through the day on which the referendum is submitted to the voters, the school corporation may not promote a position on the referendum by taking certain actions.
- Provides that a school board member, school corporation superintendent, school corporation assistant superintendent, or chief school business official of a school corporation may discuss and personally advocate a position on a referendum for a school safety referendum tax levy outside a regular school day

as long as public funds are not used.

- Requires the governing body of a school corporation for which a school safety referendum tax levy is approved to establish a school safety referendum tax levy fund (fund).
- Specifies purposes for which money from the fund may be used.
- Requires the governing body of a school corporation for which a school safety referendum tax levy is approved to establish a school safety referendum debt service fund.
- Specifies purposes for which money from the school safety referendum debt service fund may be used.
- Provides that if a school safety referendum tax levy has been approved by the voters in a school corporation at any time in the previous three years, the school corporation may not adopt a resolution to place a school referendum tax levy on the ballot.
- Requires a school corporation to include in a controlled project any capital improvements necessary to complete components of the most recent threat assessment of the buildings within the school corporation or school safety plan that have not been completed or that require additional funding to be completed.
- Expands the use of a matching grant from the Indiana secured school fund by a school corporation or charter school (school) to allow the school to use the matching grant to provide a response to a threat in a manner that the school sees fit, including the use of firearms training or other self-defense training.
- Requires that a school resource officer participate in the development of programs designed to identify, assess, and provide assistance to troubled youth.

[SEA 156, PL 4 FIRE PROTECTION DISTRICT PER DIEMS](#)

Author: Randolph, D-East Chicago

Sponsor: Soliday, R-Valparaiso

- Increases the maximum amount (from \$20 to \$100) that a member of the board of fire trustees of a fire protection district may receive for each day that the member devotes to the work of the district.

[SEA 171, PL 214 STATE AND LOCAL ADMINISTRATION](#)

Author: Holdman, R-Markle

Sponsor: Huston, R-Fishers

- Makes the filing deadlines for property tax deductions applicable to mobile homes and manufactured homes that are not assessed as real property the same as the filing deadlines for property tax deductions applicable to real property.
- Repeals the coal conversion system property tax deduction, the coal combustion product property tax deduction, the recycled coal combustion byproduct personal property tax deduction, the aircraft property tax deduction, the intrastate aircraft property tax deduction, the Hoosier alternative fuel vehicle manufacturer investment income tax credit, and the local income tax option hiring incentive credit.
- Extends the legislative services agency tax incentive review schedule from five to seven years.
- Provides that a redevelopment commission or other entity that creates a tax increment financing area shall file the resolution and supporting documents that create the tax increment financing area with both the county auditor in which the tax increment financing area is located and the department of local government finance within 30 days after the redevelopment commission or other entity takes final action on the resolution.
- Provides that if a redevelopment commission or other entity that creates a tax increment financing area files the resolution and supporting documents with either the county auditor and the department of local government finance after the first anniversary of the effective date of the tax increment financing area, the county auditor shall compute the base assessed value of the tax increment financing area using the assessment date immediately preceding the later of the date on which the documents were filed with the county auditor or the date on which the documents were filed with the department of local

government finance.

- Urges the study of the advisability of eliminating the mortgage property tax deduction and the advisability of increasing the homestead standard deduction.

[SEA 191, PL 16 HISTORIC PRESERVATION AND REHABILITATION GRANTS](#)

Author: Ford, R-Terre Haute

Sponsor: Morrison, R-Fort Wayne

- Provides that for purposes of the historic preservation and rehabilitation grant program, the term "person" includes a nonprofit organization or nonprofit corporation.
- Provides that the office of community and rural affairs may award a grant under the program to a nonprofit organization or nonprofit corporation if the historic property will be used by the nonprofit organization or nonprofit corporation for the organization's or corporation's purposes and functions.
- Increases the maximum amount of a preservation or rehabilitation grant (grant) from 35% to 50% of qualified expenditures, not to exceed the grant ceiling in current law of \$100,000. Provides that a person is eligible for a grant if the qualified expenditures for preserving or rehabilitating the historic property exceed \$5,000 (instead of \$10,000).

[SEA 233, PL 273 BUSINESS PERSONAL PROPERTY TAX EXEMPTION](#)

Author: Freeman, R-Indianapolis

Sponsor: Speedy, R-Indianapolis

Aim Comment: SEA 233 increases the threshold for the business personal property tax exemption from \$20,000 to \$40,000. This will have about a \$4 million fiscal impact statewide, so it is not a big revenue hit, but it does continue to chip away at a significant revenue source for local governments. Eventually, whether and how business personal property should be taxed may morph into a conversation about taxing services or allowing other local revenue options, but Aim will continue to oppose any further rollback of the business personal property tax without a dollar for dollar replacement mechanism.

- Provides that not later than 30 days prior to the filing date, the appropriate assessor shall provide notification to each person whose personal property is subject to assessment.
- Increases, from \$20,000 to \$40,000, the acquisition cost threshold for the business personal property tax exemption.
- Specifies that a taxpayer who is eligible for a personal property tax exemption must include on the taxpayer's personal property tax return: (1) information concerning whether the taxpayer's business personal property within the county is in one location or multiple locations; and (2) an address for the location of the property.
- Provides that the appropriate county officer designated by the county executive (rather than the assessor, under current law) is responsible for: (1) maintaining data files of the geographic information system characteristics of each parcel in the county as of each assessment date; and (2) submitting those files to the geographic information office of the office of technology.
- Repeals provisions in current law that allow a county council to impose a local service fee on each person that has exempt business personal property because the business personal property does not exceed the acquisition threshold.
- Removes outdated provisions.

[SEA 280, PL 114 OVER 65 PROPERTY TAX DEDUCTION](#)

Author: Houchin, R-Salem

Sponsor: Davisson, R-Salem

- Increases the deduction limitation on the assessed value of an individual's real property, or mobile home or manufactured home which is not assessed as real property, if the individual is a disabled veteran or is at least 65 years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed.
- Increases the amount of the deduction for those individuals. Increases the adjusted gross income limitation for individuals that are at least 65 years of age.

[SEA 365, PL 187 FUNDING FOR CHILD WELFARE PROGRAMMING](#)

Author: Zay, R-Huntington

Sponsor: Frizzell, R-Indianapolis

- Provides that the department of child services (department) may collaborate with other entities to implement or participate in programs designed to connect the department and local offices with supportive local community organizations that may provide assistance in meeting the needs of children and families in crisis.
- Requires the department to report, before September 30 of each year until June 30, 2024, to the legislative council information concerning the implementation and participation in the programs.

[SEA 375, PL 19 COLLECTING SOLID WASTE MANAGEMENT DISTRICT FEES](#)

Author: Niemeyer, R-Lowell

Sponsor: Aylesworth, R-Hebron

- Amends the solid waste management district law and the local government law to provide that, after June 30, 2019, a unit of local government may not enact an ordinance requiring a solid waste hauler or a hauler of recyclable materials to collect solid waste management fees and remit the fees to the board of a solid waste management district or a unit of local government.

[SEA 513, PL 70 GRANTS FROM STATE DISASTER RELIEF FUND](#)

Author: Niezgodski, D-South Bend

Sponsor: Wolkins, R-Winona Lake

- Provides that the maximum amount that an individual may receive from the state disaster relief fund (fund) as compensation for damages to the individual's property is \$10,000. (Current administrative rules provide that the maximum amount is \$5,000.)
- Voids provisions in the Indiana Administrative Code that set forth a maximum compensation amount of \$5,000. Directs the department of homeland security to amend, before July 1, 2020, the administrative rule concerning the fund to reflect a maximum compensation amount of \$10,000 for individuals.

[SEA 549, PL 101 SCHOOL FINANCIAL MATTERS](#)

Author: Spartz, R-Noblesville

Sponsor: Cook, R-Cicero

Aim Comment: Originally, SEA 549 contained language that would have changed the membership of redevelopment commissions (RDCs) to include a voting school board member. Under current law, the municipal executive appoints three members and the council appoints two members. Mayors and council members are held accountable to voters for the economic development success of their communities, and redevelopment commissioners help carry out the vision of the elected officials who appoint them. Aim believes that the framework in place today is the proper

balance that gives those most accountable for economic development flexible appointment authority while still allowing the nonvoting advisory school board member an adequate opportunity to participate on behalf of schools.

When the bill was heard in the Senate Tax and Fiscal Policy Committee, the RDC language was removed. SEA 549 as passed only contained language that requested an interim study committee on Tax Increment Finance (TIF) issues. It was not selected by the Legislative Council as a topic to be studied.

- Requires the superintendent of a school corporation to submit a written report to the local board of finance for the school corporation.
- Provides that the report must assess the financial condition of the school corporation using certain fiscal and qualitative indicators.
- Provides that the report must be received and reviewed at the annual meeting of the local board of finance for the school corporation.
- Urges the legislative council to assign to the appropriate interim study committee the task of identifying and studying best practices in: (1) the governance structure and oversight of tax increment financing to promote transparency and economic development in Indiana; and (2) reporting mechanisms between local government units to facilitate better collaboration and decision making.

[SEA 565, PL 234 VARIOUS TAX MATTERS](#)

Author: Holdman, R-Markle

Sponsor: Huston, R-Fishers

Aim Comment: One of Aim's biggest legislative priorities this session was the Investment Hubs proposal which fosters innovation and incentivizes greater collaboration among Indiana's cities and towns. Building on the success of the Regional Cities Initiative, Aim drafted language that would enable regional development authority members to raise revenue on a sustainable, ongoing basis to fund transformative capital projects in a region. Under this model, city, town or county members of a regional development authority (an "Investment Hub") could raise a local income tax or a food and beverage tax up to 1%. Each member would keep half of what they raised, and the other half would go into a regional pot of money.

This language was added to SEA 565 in the House, and did pass that chamber. Although it ended up being turned into a summer study request in conference committee, we were pleased to see the proposal get so much traction this session.

There is a strong contingent of legislators who have already agreed to work on this with us over the summer and into the 2020 session. The Legislative Council also did assign this topic to be officially studied by the Fiscal Policy Committee, and we look forward to continuing to advocate for this ambitious plan to make Indiana's cities and towns more competitive in today's economy as we compete against our peers nationally for talent and population growth.

- Provides that the department of state revenue (department) may deny an application for a registered retail merchant's certificate in certain circumstances.
- Specifies the requirements necessary for a taxpayer to discontinue filing a combined income tax return.
- Requires a partnership, or an estate or trust, to file certain information returns electronically.
- Amends motor carrier fuel tax provisions retroactively to July 1, 2018, to specify the rates that apply to the imposition of the tax.
- Requires a taxpayer to retain books and records during the period of a judicial proceeding or appeal that extends beyond the three year retention period under current law.
- Requires a sheriff that collects a judgment on a tax warrant to notify the department of the name of the taxpayer and the amount of the payment within seven days of receipt of the payment.
- Allows the department to waive or toll tax penalties and interest imposed on a taxpayer who is or has been incarcerated for a period of at least 180 days. Provides that if the department does not: (1) issue a timely

demand notice; (2) file a timely tax warrant; or (3) renew tax warrants; the tax liability is extinguished. Provides that the department may release tax withholding or other tax information statements to certain individuals.

- Provides that the department may domesticate a valid tax warrant in one or more other states or countries, or in the political subunits of other states or countries.
- Provides that a judgment on a tax warrant must be filed in at least one Indiana county not later than 10 years after the first date on which a demand notice could be issued.
- Provides that if a judgment on a tax warrant is entered in at least one Indiana county, the department may file an additional tax warrant in one or more Indiana counties during the period in which one or more tax warrants are valid.
- Updates the income tax reference to the Internal Revenue Code (IRC) in effect on January 1, 2019.
- Revises provisions concerning income under Section 118, Section 163, and Section 965 of the IRC. Clarifies the treatment of a loss for a taxable year disallowed because of Section 461(l) of the IRC in determining an Indiana net operating loss deduction.
- Modifies the adjustment to Indiana adjusted gross income for certain property involved in a like-kind exchange for which a taxpayer claims a federal deduction under Section 179 of the IRC.
- Modifies, for purposes of determining Indiana adjusted gross income, an amount treated as bonus depreciation under IRC Section 168(k) for certain property involved in a like-kind exchange.
- Changes the order in which the department is required to apply a taxpayer's partial payment to the taxpayer's tax liability, penalties, and interest.
- Provides that the revised ordering of payments applies to taxable periods beginning after December 31, 2019.
- Specifies the taxable years to which the adjusted gross income tax changes and the financial institutions tax changes apply.
- Provides that the heavy equipment rental excise tax is imposed upon the rental of heavy rental equipment from a retail merchant in Indiana and received from the retail merchant in Indiana.
- Requires a retail merchant to collect and remit the heavy equipment rental excise tax.
- Provides that in the event of a misclassification, a person shall receive a credit for any property tax paid on the rental of heavy equipment for a calendar year against any excise tax owed on the equipment in the same calendar year and for any excise tax paid on the equipment for a calendar year against any property tax owed on the equipment in the same calendar year.
- Requires the department, beginning January 1, 2021, to establish an annual tax rate for the utility receipts tax and the utility services use tax by determining a tax rate that would maintain tax revenue at the state fiscal year 2018 amount.
- Removes the provision in current law that requires a claim for a unified tax credit for the elderly to be filed within six months following the close of the claimant's taxable year or within the extension period if an extension of time for filing the return has been granted, whichever is later.

[SEA 566, PL 235 RESIDENTIAL TAX INCREMENT FINANCING](#)

Author: Raatz, R-Richmond

Sponsor: Pressel, R-Rolling Prairie

Aim Comment: SEA 566 permits a redevelopment commission (RDC) to establish Housing TIF areas as part of a residential housing program in communities where the three-year average of new residential homes is less than 1% of the total number of homes in the county or municipality. Before a program and a Housing TIF area can be established, however, the Department of Local Government Finance is required to determine eligibility for the program, and the program cannot take effect until the school board of every affected school corporation passes a resolution approving the program.

Aim supports the underlying mission of SEA 566 to give local governments a new tool to meet a community's housing

needs, but we opposed the school corporation approval requirement. We agree that there should be collaboration among local units of government, but this level of oversight is not necessary or good public policy.

- Permits a redevelopment commission to establish a program for residential housing development and a tax increment funding allocation area for the program if the average of new, residential houses constructed in the county or municipality in the preceding three years is less than 1% of the total number of residential houses in the county or municipality.
- Requires the department of local government finance, in cooperation with appropriate county and municipal agencies, to determine eligibility for the program.
- Provides that a program may not take effect until the governing body of each school corporation affected by the program passes a resolution approving the program.
- Defines “residential housing” as housing or workforce housing that consists of single family dwelling units sufficient to secure quality housing in reasonable proximity to employment.

[SEA 582, PL 195 CLAIMS CONCERNING USER FEES](#)

Author: Charbonneau, R-Valparaiso

Sponsor: Karickhoff, R-Kokomo

Aim Comment: On December 5, 2018, the Indiana Tax Court handed down a decision ruling that storm water user fees are taxes. Treating storm water user fees – and thus potentially all user fees –like property taxes would have severe ramifications for local government finance by endangering bonds and severely impeding the ability of Indiana’s local units to finance critical infrastructure projects and provide essential government services.

SEA 582 adds a definition of “user fee” and expressly provides that the circuit and superior courts (not the Tax Court) have jurisdiction over challenges to user fees. The bill is retroactive to negate the Tax Court’s decision.

Aim worked closely with lawmakers all session to communicate the far-reaching consequences of this decision, and we thank Senator Ed Charbonneau and Representative Mike Karickhoff for their leadership shepherding this bill through the process.

- Defines the term “user fee” as a fee, rate, or charge imposed by a political subdivision: (1) that represents a just, reasonable, and proportionate approximation of the use or privilege for use of a service, the benefit conferred by the use or privilege for use of a service, and the costs incurred by a political subdivision for providing the service or availability of the service; and (2) that is not excessive in relation to the costs incurred for providing the service.
- Provides that, in a taxpayer’s appeal of a property tax assessment, a taxpayer may not raise any claim related to the legality or constitutionality of: (1) a user fee; (2) any other charge, fee, or rate imposed by a political subdivision; or (3) any tax imposed by a political subdivision other than a property tax.
- Provides that: (1) all circuit courts; (2) all standard superior courts; and (3) all superior courts that are not standard superior courts; have original and concurrent jurisdiction over claims concerning user fees.
- Makes a technical correction.

[SEA 603, PL 236 ANNEXATION](#)

Author: Buck, R-Kokomo

Sponsor: Ellington, R-Bloomington

- Provides that property added to a fire protection district (district) is considered part of the district as of the date that the district was originally established.
- Provides that provisions of the existing law regarding the following apply to districts established after July 1, 1987 (instead of after June 14, 1987): (1) The effective date of an annexation of property within a district and the date that an annexed area ceases to be a part of the district. (2) A municipality’s liability

for indebtedness of a district that is annexed.

- Provides that if property is annexed within a fire district (including a district established after July 1, 1987) that has a total net assessed value of more than \$1,000,000,000 on the date the annexation ordinance is adopted, the annexed property: (1) remains a part of the district after the annexation; (2) continues to receive its fire protection services from the district; and (3) shall not be taxed by the municipality for fire protection services.
- Provides that a special fire fund shall be created for all fire protection services provided by the municipality to property within the boundaries of the municipality that is not within the district.

[SEA 621, PL 42 NONPROFIT PROPERTY TAX EXEMPTION](#)

Author: Breaux, D-Indianapolis

Sponsor: Porter, D-Indianapolis

- Provides a property tax exemption to a nonprofit corporation that owns real property in Marion County that was acquired for the primary purpose of using the real property as part of a community redevelopment project in an economically distressed area.

aim

Accelerate
Indiana
Municipalities

2019

Public Safety

[HEA 1004, PL 197 SCHOOL SAFETY](#)

Author: McNamara, R-Evansville

Sponsor: Raatz, R-Richmond

- Provides that the Indiana safe schools fund may not be used to provide grants to employ a school resource officer or a law enforcement officer.
- Provides that an Indiana secured school fund matching grant may be used to employ a law enforcement officer.
- Provides that an accredited nonpublic school may receive a grant from the Indiana secured school fund (fund).
- Makes changes to the maximum grant amounts that a school corporation, charter school, accredited nonpublic school, or coalition of schools may receive from the fund.
- Provides that a virtual charter school or a virtual accredited nonpublic school may not receive a grant from the fund.
- Establishes minimum grant match percentages necessary to be eligible to receive a grant from the fund. Provides that, before July 1, 2021, each school corporation, charter school, or accredited nonpublic school shall certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has conducted a threat assessment for each school building used by the school corporation, charter school, or accredited nonpublic school before applying for a fund matching grant.
- Requires that at least one of the manmade disaster drills that is required to be conducted by each school in a school corporation during each semester must be an active shooter drill and must be conducted within 90 days after the beginning of the school year.
- Provides that each: (1) accredited nonpublic school; and (2) charter school; must conduct at least one active shooter drill during each school year.

[HEA 1051, PL 23 STUDY OF RECKLESS HOMICIDE](#)

Author: Thompson, R-Lizton

Sponsor: Young, R-Indianapolis

- Urges the legislative council to assign the task of studying the topic of reckless homicide to an appropriate study committee.

[HEA 1063, PL 44 SCHOOL SAFETY EQUIPMENT](#)

Author: Frye, R-Greensburg

Sponsor: Crider, R-Greenfield

- Adds definition of a "bleeding control kit". Provides that, subject to an appropriation by the general assembly or a donation, each school corporation and charter school shall develop and implement a Stop the Bleed program (program).
- Provides that the department of education, in collaboration with the department of homeland security, shall develop and provide training for the use of bleeding control kits.
- Provides that, in all matters relating to the program, school corporation or charter school personnel are immune from civil liability for any act done or omitted in the use of a bleeding control kit unless the action constitutes gross negligence or willful or wanton misconduct.
- Requires a school's safety plan to include the location of bleeding control kits.

HEA 1065, PL 239 REGIONAL HOLDING FACILITY

Author: Frye, R-Greensburg

Sponsor: Koch, R-Bedford

- Provides that a “regional holding facility” is an existing facility that is currently established and operated by the department of correction (department) that offers mental health and substance abuse treatment, workforce development, educational programs, and other evidence based programs designed to reduce recidivism.
- Provides that a local economic development organization may enter into a regional holding facility lease agreement with the department of correction to: (1) address the issue of jail overcrowding in Indiana; (2) reduce recidivism by offering programs in an unused department of correction facility; and (3) obtain federal funding to operate the facility.
- Establishes conditions under which a county sheriff may transfer certain confined jail offenders to a regional holding facility.
- Establishes requirements for transfer agreements between the department and county sheriffs.
- Requires the department to collect data and report the outcomes of services provided by a regional holding facility to the legislative council.
- Provides that reimbursements paid by the state to the county for the costs of incarcerating a confined jail offender shall be used to pay for a confined jail offender housed in either a regional holding facility or a county jail.
- Provides that the Indiana criminal justice institute shall identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities.
- Allows political subdivisions to enter into public-private agreements with an operator to accomplish the design, financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of a regional jail.
- Establishes the county jail overcrowding task force to: (1) conduct a statewide review of jail overcrowding; and (2) study the issue of how to reduce recidivism for convicted felons in county jails by offering programs designed to reduce recidivism.
- Requires the justice reinvestment advisory council to conduct a statewide review of bail reform and pretrial issues and to identify common reasons and possible local, regional, and statewide solutions.

HEA 1075, PL 103 CHILDREN’S COMMISSION REPORT AND DCS HUMAN TRAFFICKING COORDINATOR

Author: Engleman, R-Georgetown

Sponsor: Houchin, R-Salem

- Changes, from July 1 to September 1, the date by which the commission on improving the status of children in Indiana (commission) must submit its annual report.
- Requires the commission to study the topic of the department of child services employing a human trafficking coordinator.
- Removes an expired provision.

HEA 1080, PL 26 COMMUNITY CORRECTIONS AND CREDIT TIME

Author: Steuerwald, R-Avon

Sponsor: Young, R-Indianapolis

- Provides that the department of correction may adopt emergency rules concerning the deprivation of earned good time credit for a person who is placed in a community corrections program. Makes a technical correction.

[HEA 1094, PL 46 AMBULANCE SERVICE PROGRAM MEMBERSHIP](#)

Author: Lindauer, R-Jasper

Sponsor: Zay, R-Huntington

- Increases from one year to five years the maximum period permitted for membership in an ambulance service program for the program to be exempt from regulation as an insurance product.

[HEA 1125, PL 124 CUMULATIVE CAPITAL IMPROVEMENT FUND](#)

Author: Ellington, R-Bloomington

Sponsor: Koch, R-Bedford

- Permits a local government unit to establish a cumulative capital improvement fund to provide money to purchase, lease, or pay all or part of the cost of electronic monitoring equipment used by a state or local community corrections program.

[HEA 1170, PL 126 PUBLIC SAFETY OFFICER CONTRACT NEGOTIATIONS](#)

Author: Mahan, R-Hartford City

Sponsor: Buck, R-Kokomo

Aim Comment: This bill was a new approach to legislation that did not become law in 2018 that addressed public safety contract negotiations between contracted police and fire departments. This bill mandates an “Evergreen” clause to all new contracts established after June 30, 2019. This language requires the terms of the current contract be extended for a period of one year from the end of the contract unless a new agreement has been agreed to by both parties. During the one year Evergreen period, the entities must enter into nonbinding mediation unless they have come to an agreement on a new contract. If a new agreement is not successfully accomplished by nonbinding mediation during the one year Evergreen period, the contract is no longer binding for either party.

- Requires a county, city, town, or township (unit) that does not have a procedure for resolution of an impasse in contract negotiations through alternative dispute resolution with an employee organization for the unit’s police or fire department employees, to include in a written agreement entered into with the employee organization after June 30, 2019 that: (1) the parties to submit to nonbinding mediation if they fail to agree to a new agreement within one year after the existing agreement expires. (2) the agreement continue without any change in its terms and conditions until the earlier of the following: (A) The parties fail to reach an agreement after mediating the dispute, at which time the written agreement no longer binds the parties. (B) The date the parties execute a new written agreement.

[HEA 1185, PL 79 BUNKHOUSE SAFETY REQUIREMENTS](#)

Author: Negele, R-Attica

Sponsor: Crider, R-Greenfield

- Defines “bunkhouse”. Provides that, before January 1, 2021, the commission may adopt rules to exempt bunkhouses from being required to be equipped with an automatic fire sprinkler system.

[HEA 1208, PL 244 PROHIBITED NAME CHANGE](#)

Author: Clere, R-New Albany

Sponsor: Grooms, R-Jeffersonville

- Defines “lifetime sex or violent offender” and prohibits, with certain exceptions, a lifetime sex or violent offender from changing the offender’s name.
- Requires the local law enforcement authority in the county of conviction to take reasonable steps to notify the victim if a lifetime sex or violent offender changes the offender’s name, and authorizes a

prosecuting attorney to assist with the notification.

[HEA 1225, PL 50 SAFE SCHOOLS](#)

Author: Steuerwald, R-Avon

Sponsor: Head, R-Logansport

- Provides that school corporations, charter schools, and accredited nonpublic schools with the sheriff for the county in which the school corporation, charter school, or accredited nonpublic school is located, may apply for a grant from the Indiana secured school fund to provide for the initial set up costs for an active event warning system.
- Requires guidelines published by the department of homeland security to include information about implementing: (1) universal electronic access to school property for law enforcement in all schools within each county; and (2) access to closed circuit cameras from a central location to be used in an emergency situation.

[HEA 1258, PL 171 DEPARTMENT OF HOMELAND SECURITY](#)

Author: Frye, R-Greensburg

Sponsor: Crider, R-Greenfield

Aim Comment: Under current law, municipal police officers and firefighters must be residents of Indiana and live either in the county in which their department is located, or in a county contiguous to their department. With HEA 1258, police officers and firefighters now may also live in a noncontiguous county, as long as they still live within 50 miles from the closest boundary of the municipality where the department is located. HEA 1258 also opens this up to out of state residents who meet the proximity requirements. These loosened requirements may be important factors when evaluating department policies on take-home cars and equipment.

- Provides that the fire prevention and building safety commission will adopt rules for regulated boiler and pressure vessels. (Current law provides that the boiler and pressure vessel rules board adopts rules for regulated boiler and pressure vessels.)
- Provides that the division may conduct a program of inspections of regulated boilers and pressure vessels. (Current law provides that the division shall conduct a program of periodic inspections of regulated boiler and pressure vessels.)
- Provides that the division shall: (1) issue a regulated boiler and pressure vessel operating permit to certain applicants; (2) perform operating permit inspections of a boiler or pressure vessel owned by the state; (3) conduct a program to audit boiler and pressure vessel inspectors; and (4) conduct a program to audit inspections completed by a boiler and pressure vessel inspector.
- Provides requirements for qualifying or renewing an operating permit. Removes requirements for inspections.
- Provides the fire prevention and building safety commission (commission) with emergency rulemaking authority to adopt rules concerning the division's inspection program.
- Removes provisions in the Indiana Code concerning inspection agencies.
- Provides that the commission may sanction a boiler and pressure vessel inspector in certain instances.
- Removes provisions in the Indiana Code concerning owner or user inspection agencies.
- Allows members of police and fire departments to reside within a county that is noncontiguous to the county where the police or fire department is located but is not more than 50 miles from the closest boundary of the city, town, or township where the police or fire department is located. Includes an emergency management worker and a division fire investigator in the definition of "public safety officer" to qualify the person for the special death benefit for a public safety officer who dies in the line of duty.

[HEA 1284, PL 107 SELF-DEFENSE, DEFENSE OF OTHERS, AND FIREARMS MATTERS](#)

Author: Lucas, R-Seymour

Sponsor: Tomes, R-Wadesville

- Designates the following as voter registration offices: (1) Each office affiliated with the Indiana state police. (2) Each office affiliated with the sheriff of a county. (3) Each office affiliated with a municipal law enforcement agency.
- Provides immunity for a justified use of force in certain instances.
- Requires a court to award, in certain instances, reasonable attorney's fees and costs to a defendant when the justified use of force immunity is successfully raised.
- Permits a person who may legally possess a firearm to possess a firearm on school property if the person possesses the firearm: (1) as an employee or volunteer of a house of worship located on the school property; or (2) while attending a worship service or religious ceremony conducted at a house of worship. Increases the duration of a four year handgun license to five years.
- Provides that an individual may simultaneously hold both a five year license and a lifetime license.
- Requires a law enforcement officer to whom an application for a handgun license is made to consult available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System (NICS), when determining whether possession of a firearm by an applicant would be a violation of state or federal law.
- Modifies the fees for five year licenses beginning July 1, 2020. Makes conforming amendments.

[HEA 1342, PL 54 TELEPHONE CPR INSTRUCTION TRAINING](#)

Author: Bacon, R-Chandler

Sponsor: Becker, R-Evansville

- After July 1, 2020, requires an individual to complete a telephone cardiopulmonary resuscitation (T-CPR) training program (program) approved by the division of fire and building safety (division) if the individual: (1) answers 911 emergency medical telephone calls for a state or local law enforcement agency or fire protection agency, including a volunteer fire department (agency); and (2) is authorized by the agency's protocols to provide T-CPR instructions to a caller. Provides that the division may provide programs or third parties may provide programs that are approved by the division.
- Requires the division to: (1) adopt minimum standards for programs that meet or exceed evidence based nationally recognized emergency cardiovascular care guidelines; and (2) establish continuing education requirements.
- Allows the division to collect reasonable fees for providing programs and certifications that are deposited in the fire and building services fund.
- Sets forth certain requirements for a public safety answering point if a public safety answering point transfers a telephone caller to a public safety telecommunicator.
- Provides that a public safety telecommunicator who has completed a certified training program in emergency medical dispatch call handling is exempt from completing a T-CPR training program.
- Provides civil immunity for damages relating to the provision of T-CPR instruction.
- Makes a technical correction.

[HEA 1358, PL 136 USE OF UNMANNED AERIAL VEHICLES](#)

Author: Morris, R-Fort Wayne

Sponsor: Brown, R-Fort Wayne

- Requires a law enforcement officer to obtain a warrant to use an unmanned aerial vehicle (UAV) over private property or to conduct a search of private property, unless: (1) the owner of the property consents;

or (2) a warrant would not be required for a search not using a UAV.

[HEA 1398, PL 255 INFORMATION CONCERNING THREATS TO SCHOOL SAFETY](#)

Author: Cook, R-Cicero

Sponsor: Crider, R-Greenfield

- Permits a law enforcement agency or private university police department to share private investigatory records with a school corporation, charter school, or nonpublic school for the purpose of enhancing the safety of a student or school facility, without losing the discretion to keep the records confidential from other records requesters.
- Provides that a school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent to appropriate officials in cases of health and safety emergencies as determined by school officials.
- Provides immunity from civil liability concerning the disclosure or report of education records of a student.
- Provides that in the case of a health or safety emergency, a law enforcement officer shall disclose or report a child's personally identifiable information contained in law enforcement records to a school corporation or an appropriate official.
- Provides that information concerning any suspicious activity or potential criminal activity related to a child that is shared between a law enforcement officer and a school corporation or an appropriate official shall not be stored or maintained in any type of data base.

[HEA 1552, PL 59 RESERVE POLICE OFFICER CONTINUING EDUCATION](#)

Author: Mayfield, R-Martinsville

Sponsor: Sandlin, R-Indianapolis

- Allows a county, city, or town law enforcement agency to provide continuing education to appointed police reserve officers.

[HEA 1607, PL 266 HARASSMENT AND ORDERS FOR PROTECTION](#)

Author: Hatfield, D-Evansville

Sponsor: Head, R-Logansport

- Defines "harassment" for purposes of civil orders for protection.
- Provides that a person who is a victim of harassment may file a petition for an order for protection against a person who commits harassment, and that a court may issue an order for protection against a person who commits harassment only after notice and a hearing.
- Provides that a court may impose certain terms and conditions upon a respondent when allowing a petitioner and respondent to occupy the same location.
- Specifies the powers of magistrates.
- Makes conforming changes.

HEA 1651, PL 289 JUDICIAL EVALUATION OF DANGEROUS INDIVIDUALS AND FIREARMS

Author: Schaibley, R-Zionsville

Sponsor: Houchin, R-Salem

- Provides that a judicial finding of dangerousness may be used to initiate temporary commitment proceedings.
- Provides that a dangerous person is not a proper person for the purpose of: (1) applying for; or (2) receiving; a license to carry a handgun.
- Provides that a dangerous person who knowingly or intentionally: (1) rents; (2) purchases; (3) receives transfer of; (4) owns; or (5) possesses; a firearm commits dangerous possession of a firearm, a Class A misdemeanor.
- Provides that a person who knowingly or intentionally: (1) rents; (2) transfers; (3) sells; or (4) offers for sale; a firearm to a person that a court has found to be dangerous or prohibited from owning or possessing a firearm commits dangerous transfer of a firearm, a Level 5 felony.
- Requires a law enforcement officer (officer) who seizes a firearm from a person believed to be dangerous without a warrant to provide an affidavit to a court with jurisdiction over the person at issue: (1) not later than 48 hours after the seizure or attempted seizure of the firearm; and (2) for each seizure or attempted seizure of a firearm from the person.
- Requires a court to order the retention of a seized firearm by a law enforcement agency if the court: (1) finds; or (2) has previously found; the person to be dangerous.
- Requires a court to determine if a person is dangerous by conducting a hearing.
- Provides that if a court finds that an individual is not dangerous or no longer dangerous, the court shall order the law enforcement agency having custody of the firearm confiscated, recovered, or seized from the individual to return the firearm to the individual as quickly as practicable, but not later than five days after the court's order.
- Provides that a dangerous person may petition a court for a court order vacating the person's designation as a dangerous individual 180 days after being found dangerous by a circuit or superior court. Defines "responsible third party".
- Requires a responsible third party to: (1) safely and responsibly care for and store a firearm that is entrusted to the third party; and (2) prevent dangerous persons from accessing any firearm entrusted to the third party.
- Makes conforming amendments.

SEA 2, PL 144 SCHOOL BUS SAFETY

Author: Head, R-Logansport

Sponsor: Manning, R-Denver

- Requires a school bus to be equipped with black reflective tape mounted on certain areas of the school bus.
- Provides that if a school bus is in operation and transporting passengers, the driver of the school bus shall have the daytime running lights illuminated at all times.
- Provides, in the case of an individual who commits a school bus stop arm infraction, that the court may suspend the individual's driving privileges: (1) for 90 days; or (2) if the individual has committed at least one previous school bus stop arm infraction, for one year.
- Increases the penalty, from a Class B misdemeanor to a Class A misdemeanor, for an individual who recklessly passes a school bus when its stop arm is extended on a roadway or a private road. Increases the penalty, from a Class A misdemeanor to a Level 6 felony for an individual who recklessly passes a school bus when its stop arm is extended if the action results in injury, and to a Level 5 felony for an individual who recklessly passes a school bus when its stop arm is extended if the action results in death.

- Provides that the court may suspend the driving privileges of a person who recklessly passes a school bus when its stop arm is extended: (1) for 90 days; or (2) if the person has committed at least one previous school bus arm offense, for one year.
- Provides that a person who has the person's license suspended may not obtain specialized driving privileges.
- Requires a school bus driver to: (1) use an arm signal device, which must be extended while the bus is stopped, whenever a school bus is stopped on a roadway or a private road to load or unload a student; and (2) use flashing lights to give adequate warning that the school bus is stopped or about to stop on the roadway or the private road to load or unload a student.
- Provides that on or before September 1, 2019, and each September 1 thereafter, each school corporation, charter school, or accredited nonpublic school that provides transportation for students must review each school's school bus routes and school bus safety policies to improve the safety of students and adults.
- Provides that the state school bus committee, in consultation with the department of education (department), shall develop and post on the department's Internet web site school bus safety guidelines or best practices.
- Provides that the department, in consultation with the department of transportation, shall include on the department's Internet web site information on how an individual or school may petition to reduce maximum speed limits in areas necessary to ensure that students are safely loaded onto or unloaded from a school bus.
- Provides that, with certain exceptions, when a school bus is operated on a: (1) U.S. route or state route, the driver may not load or unload a student at a location that requires the student to cross a roadway unless no other safe alternatives are available; and (2) street or highway other than a U.S. route or state route, the driver shall load and unload a student as close to the right-hand curb or edge of the roadway as practicable.
- Provides that, if a school bus driver must load or unload an elementary school student at a location on a U.S. or state route, the superintendent or superintendent's designee must present the school bus route to the school board for approval.
- Adds school bus safety to the topics required to be on an examination for a learner's permit or driver's license.
- Provides that the governing body of a school corporation may allow, in certain situations, the use of a school bus or special purpose bus for the transportation of adults with physical or intellectual disabilities.
- Provides that the governing body of a school corporation may allow, by written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of a nonprofit organization exempt from certain provisions related to federal taxation under the Internal Revenue Code.
- Expands the list of purposes for which a school corporation may use a special purpose bus to provide transportation and makes a corresponding change to the requirements for an operator of a special purpose bus.
- Provides that the court may assess a safe schools fee, of at least \$200 but not more than \$1,000, to an individual convicted of recklessly passing a school bus when the stop arm is extended.
- Provides that 25% of the safe schools fees collected by a circuit court shall be deposited in the county general fund.
- Provides that 25% of the safe schools fees collected by a city or town court shall be deposited in the city's or town's general fund.
- Provides that a school corporation, charter school, or nonpublic school (collectively, referred to "qualified school district") with at least one employee may purchase, install, and operate school bus stop arm cameras.
- Provides that if a qualified school district purchases or uses certain school bus equipment, the qualified school district may petition the county council or township board (in a county containing a consolidated city) to receive reimbursement to pay for in full certain school bus equipment.

[SEA 79, PL 271 RIGHTS OF POLICE OFFICERS](#)

Author: Sandlin, R-Indianapolis

Sponsor: Speedy, R-Indianapolis

- Adds provisions establishing minimum due process and personnel rights of a full-time, paid, nonprobationary member of a police department (member) who is the subject of: (1) an internal investigation; or (2) an investigation of a complaint. Adds provisions regarding a member's (1) political activity; and (2) disclosure of property and assets.

[SEA 85, PL 146 1977 FUND RETIREMENT AND SURVIVING SPOUSE BENEFITS](#)

Author: Ford, R-Terre Haute

Sponsor: VanNatter, R-Kokomo

Aim Comment: This legislation was the result of an issue reviewed by the Pension Management Oversight Committee that met during the fall of 2018. In 2018 there was legislation to increase the annual benefit to members of the 1977 fund from 50% to 52% of a first class patrolman or firefighter, however, legislators wanted to fully understand the impact of this legislation on the fund's financial stability. Prior to the passage of this legislation, the fund was adequately funded at 104% and the passage of this legislation will keep the fund above 100% funded, so Aim was neutral on the change. This bill also increases the survivor monthly benefit from 60% to 70% of the fund member's monthly benefit.

- Increases the basic monthly pension benefit payable to a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who retires after June 30, 2019, with 20 years of service from 50% to 52% of the monthly salary of a first class patrolman or firefighter in the year the member ended active service.
- Increases from 60% to 70% of the member's monthly benefit the monthly benefit paid to a surviving spouse of a 1977 fund member who dies after June 30, 2019, other than in the line of duty.

[SEA 99, PL 147 WAGE ASSIGNMENTS FOR CLOTHING AND TOOLS](#)

Author: Boots, R-Crawfordsville

Sponsor: VanNatter, R-Kokomo

- Provides that a wage assignment may be made for the rental of uniform shirts, pants, and job-related clothing. Provides that a wage assignment may be made for the purchase of equipment or tools necessary to fulfill the duties of employment.
- Provides that an employee shall not be charged or subject to a wage assignment for personal protective equipment except for those instances provided under federal rules.
- Provides that the total amount of wages subject to assignment for the purchase of uniforms and equipment or rental of uniform shirts, pants and job-related clothing may not exceed certain amounts.
- Legalizes deductions made before the passage of the bill by an employer from the wages of an employee for the rental of uniforms, shirts, pants, or other job-related clothing.

[SEA 119, PL 183 MACHINE GUNS](#)

Author: Tomes, R-Wadesville

Sponsor: Lucas, R-Seymour

- Defines "machine gun".
- Provides that a person may not sell, give, or in any other manner transfer ownership or possession of a machine gun to any person under 18 years of age.

- Provides that a person who knowingly or intentionally sells, provides, or in any other manner transfers ownership or possession of a machine gun to a person under 18 years of age commits a: (1) Level 5 felony; (2) Level 4 felony if the person has a prior conviction for the offense; or (3) Level 3 felony if a person under 18 years of age uses the machine gun to commit murder. Makes conforming amendments and a technical correction.

[SEA 156, PL 4 FIRE PROTECTION DISTRICT PER DIEMS](#)

Author: Randolph, D-East Chicago

Sponsor: Soliday, R-Valparaiso

- Increases the maximum amount (from \$20 to \$100) that a member of the board of fire trustees of a fire protection district may receive for each day that the member devotes to the work of the district.

[SEA 170, PL 98 CHILD FATALITY REPORT INFORMATION](#)

Author: Leising, R-Oldenburg

Sponsor: Ziemke, R-Batesville

- Specifies that the report concerning child fatalities in Indiana must be completed before December 31 of each year for the preceding calendar year and include information concerning whether the death occurred: (1) while the child was placed in foster care; or (2) after the child, who was once placed in foster care, was returned to a natural parent.

[SEA 172, PL 111 SURVIVOR HEALTH COVERAGE](#)

Author: Crider, R-Greenfield

Sponsor: Frye, R-Greensburg

- Provides that, if the employer of a public safety officer who dies in the line of duty after June 30, 2019, offers health coverage for active employees, the employer shall offer to provide and pay for health coverage under the plan covering active employees for the surviving spouse and each natural child, stepchild, and adopted child of the public safety officer.
- Provides that health coverage for a surviving child continues: (1) until the child becomes 18 years of age; (2) until the child becomes 23 years of age, under certain circumstances; or (3) during the entire period of the child's physical or mental disability; whichever period is longest.
- Changes the application date from a death occurring after June 30, 2019, to a death occurring after December 31, 2017.
- Requires the department of local government finance to establish a state address confidentiality form to be used to restrict access to the home address of certain persons.
- Adds to the definition of "covered person" the surviving spouse of a covered person if the person is killed in the line of duty.
- Provides that the state address confidentiality form may be used when applying for address confidentiality.

[SEA 186, PL 184 TRAFFIC CRIMES](#)

Author: Koch, R-Bedford

Sponsor: McNamara, R-Evansville

- Provides that an operator of a motor vehicle who: (1) operates a motor vehicle after the operator's driving privileges have been suspended or revoked; and (2) causes an accident that results in injury or death to another person; commits a separate offense for each person injured or killed as a result of an accident caused by the operator.
- Provides that an operator of a motor vehicle who leaves the scene of an accident that: (1) was caused

by the operator; and (2) involves injury to another person; commits a separate offense for each person injured by an accident caused by the operator.

- Provides that leaving the scene of an accident involving moderate bodily injury is a Level 6 felony.
- Makes the penalty for leaving the scene of an accident involving the death or catastrophic injury of another person a Level 4 felony. Increases the penalty for causing serious bodily injury when operating a motor vehicle while intoxicated from a Level 6 felony to a Level 5 felony.
- Enhances the penalty for the offense to a Level 4 felony if the person has a previous conviction for the offense.
- Makes the penalty for causing the death or catastrophic injury of another person when operating a motor vehicle while intoxicated a Level 4 felony in certain instances.
- Provides that an operator of a motor vehicle who: (1) is a habitual traffic violator; and (2) causes an accident that results in the injury or death of another person; commits a separate offense for each person injured or killed as a result of an accident caused by the operator.
- Allows multiple sentences for the offense to be served consecutively in certain instances.
- Provides that the operator of a motor vehicle who: (1) flees from a law enforcement officer; and (2) causes an accident resulting in bodily injury, serious bodily injury, catastrophic injury, or death of another person; commits a separate offense for each person injured or killed as a result of the operator's vehicular flight from police.
- Allows multiple sentences for the offense to be served consecutively in certain instances.
- Defines "catastrophic injury" and increases the penalty for certain offenses involving catastrophic injuries.
- Specifies that "metabolites" refers to metabolites in a person's blood.
- Makes conforming amendments.

[SEA 220, PL 113 GOING UPON THE PREMISES OF ANOTHER](#)

Author: Koch, R-Bedford

Sponsor: May, R-Bedford

- Amends the law providing that a person who goes upon the premises of another for certain purposes does not have an assurance that the premises are safe for the person's purpose.
- Specifies that the law applies to a person who goes upon the premises of another for the purpose of departing from a trail, greenway, or similar area.

[SEA 238, PL 30 INDIANA CRIMINAL JUSTICE INSTITUTE](#)

Author: Freeman, R-Indianapolis

Sponsor: Steuerwald, R-Avon

- Expands the possible recipients of grants from the Indiana criminal justice institute (institute) beyond a county government or the state government.
- Changes the institute's responsibility from administering sexual offense services, domestic violence programs, and assistance to victims of human sexual trafficking to administering funds to support those programs and services.
- Requires the state police department to establish, maintain, and operate an Internet web site containing a list of properties that have been used in the illegal manufacture of a controlled substance.
- Abolishes the institute's: (1) meth watch program; (2) responsibility for developing guidelines concerning reporting of methamphetamine abuse; (3) gang crime witness protection program; (4) gang crime witness protection fund; and (5) sexual assault victim advocate standards and certification board.
- Requires the institute to distribute certain funds to the statewide nonprofit sexual assault coalition as

designated by the federal Centers for Disease Control and Prevention.

- Makes conforming amendments.

[SEA 324, PL 18 DISABLED VETERANS PARKING PLACARDS](#)

Author: Crider, R-Greenfield

Sponsor: Judy, R-Fort Wayne

- Requires the bureau of motor vehicles to design a parking placard that designates that the placard has been issued to a person who has been issued or is otherwise eligible to receive a disabled Hoosier veteran plate.
- Provides that the placard does not have an expiration date.
- Provides that a person who is qualified to receive a disabled Hoosier veteran plate and has been issued a permanent parking placard may not be charged a fee for parking in a metered space or assessed a penalty for parking in a metered space for longer than the time permitted.

[SEA 333, PL 224 BODY CAVITY SEARCHES AND BLOOD DRAWS](#)

Author: Grooms, R-Jeffersonville

Sponsor: Mahan, R-Hartford City

- Establishes a procedure authorizing licensed medical personnel to obtain a body fluid sample or to retrieve contraband from the body cavity of an individual as part of a criminal investigation, and, grants, with certain exceptions, immunity to medical personnel.
- Provides a method for certain emergency medical services providers and law enforcement officers who have been exposed to blood or body fluids to obtain the results of a test for a dangerous communicable disease.
- Establishes a procedure for a court to issue an emergency ex parte order for a blood or body fluid specimen.

[SEA 471, PL 276 OFFENSES INVOLVING CRITICAL INFRASTRUCTURE](#)

Author: Koch, R-Bedford

Sponsor: Soliday, R-Valparaiso

- Repeals the term “key facility” and replaces it with “critical infrastructure facility”.
- Defines “critical infrastructure facility”.
- Provides that a person who, not having a contractual interest in the property, knowingly or intentionally enters the real property of a critical infrastructure facility without the permission of the owner of the critical infrastructure facility or an authorized person commits the offense of critical infrastructure facility trespass.
- Provides that a person who recklessly, knowingly, or intentionally damages or defaces property of a critical infrastructure facility commits the offense of critical infrastructure facility mischief.
- Provides criminal penalties and civil remedies for offenses involving a critical infrastructure facility.
- Provides that the chapter addressing offenses of related critical infrastructure facilities does not apply to protected conduct or collective bargaining agreements.
- Provides that a victim of the offense of critical infrastructure facility trespass or mischief may recover damages sustained from a person who caused the loss.
- Provides that a person that compensates, provides consideration to, or remunerates a person for committing the offense of critical infrastructure facility trespass or mischief may be held liable for civil damages.

- Provides that if a person commits the offense of conspiracy to commit the offense of critical infrastructure facility trespass or mischief with a person who commits the offense of critical infrastructure facility trespass or mischief, the conspiring person shall be punished by a fine not to exceed \$100,000.

SEA 561, PL 102 FORENSIC MEDICINE

Author: Houchin, R-Salem

Sponsor: Bacon, R-Chandler

- Establishes the office of forensic medical studies as a division of the state police department. Requires the state police department, in consultation with the Indiana State Coroner's Association, Indiana Sheriff's Association, and coroner's training board, to study the need for a state medical examiner, and provides that the department may employ a physician to assist with the study.
- Specifies the qualifications of a person who may perform an autopsy.

SEA 596, PL 41 VOLUNTARY PREVENTATIVE PROGRAMS FOR JUVENILES

Author: Spartz, R-Noblesville

Sponsor: Schaibley, R-Zionsville

- Provides that the Indiana supreme court may establish a two-year pilot program to assist juvenile court judges in five Indiana counties in providing voluntary preventative programs for at-risk children.
- Requires nonjudicial state agencies to assist the Indiana supreme court in the implementation of the pilot program.
- Requires the supreme court office of judicial administration to report to the legislative council specified information regarding the pilot program.

SEA 603, PL 236 ANNEXATION

Author: Buck, R-Kokomo

Sponsor: Ellington, R-Bloomington

- Provides that property added to a fire protection district (district) is considered part of the district as of the date that the district was originally established.
- Provides that provisions of the existing law regarding the following apply to districts established after July 1, 1987 (instead of after June 14, 1987): (1) The effective date of an annexation of property within a district and the date that an annexed area ceases to be a part of the district. (2) A municipality's liability for indebtedness of a district that is annexed.
- Provides that if property is annexed within a fire district (including a district established after July 1, 1987) that has a total net assessed value of more than \$1,000,000,000 on the date the annexation ordinance is adopted, the annexed property: (1) remains a part of the district after the annexation; (2) continues to receive its fire protection services from the district; and (3) shall not be taxed by the municipality for fire protection services.
- Provides that a special fire fund shall be created for all fire protection services provided by the municipality to property within the boundaries of the municipality that is not within the district.

aim

Accelerate
Indiana
Municipalities

2019

Transportation

HEA 1001, PL 108 STATE BUDGET

Author: Huston, R-Fishers

Sponsor: Mishler, R-Bremen

Aim Comment: While the budget bill is primarily focused on funding state agency operations and education operations, there are typically a few matters of interest to local government before the bill is passed by the General Assembly. That held true this year as both positive and negative language was considered for inclusion in the passed version of the budget. Prior to the Senate passing their version of the bill there was discussion about reverting road funding dollars from the Special Transportation Fund to address a funding shortfall for the Department of Child Services. Aim opposed this suggested action and legislators decided not to recommend Governor Holcomb pursue this redaction of nearly \$100 million of road funding dollars.

There was very positive language included in the bill to establish funding for the rural broadband grant program in the amount of \$100 million dollars. These funds will be utilized to address the lack of broadband service in rural Indiana through a grant program operated by the Office of Community and Rural Affairs.

Another positive funding issue included in the passed version of the budget will include an annual appropriation of \$10 million to the Indiana Finance Authority (IFA) to create a leveraged loan program to assist municipal utilities with water, wastewater, and stormwater infrastructure upgrades. IFA will provide low interest longer term loans and grants with 40% of the funds mandated to be provided to utilities serving less than 3400 customers. More details about this program may be found in HEA 1406.

- State budget. Appropriates money for capital expenditures, the operation of the state, K-12 and higher education, the delivery of Medicaid and other services, and various other distributions and purposes. Renames the build Indiana fund the lottery surplus fund.
- Eliminates all the build Indiana fund accounts.
- Declares the policy of the state that no person may be denied coverage for a preexisting condition under a plan of health coverage offered or administered by the state.
- Specifies that the preexisting condition exclusion provisions of the Patient Protection and Affordable Care Act (PPACA) are in effect and enforced in Indiana, regardless of the legal status of the PPACA.
- Establishes the Indiana-Michigan boundary line commission to administer and oversee a survey and remonumentation of the Indiana-Michigan border.
- Eliminates the office of state based initiatives.
- Makes the budget agency responsible for coordinating federal assistance to state agencies.
- Prohibits certain state agency action regarding federal assistance.
- Requires state agencies to provide federal assistance information to the budget agency.
- Requires the budget agency to: (1) prepare an annual report summarizing the federal assistance received by state agencies during the preceding federal fiscal year; (2) publish a comprehensive federal assistance review plan; and (3) perform a review of the current impact and projected future impact of federal mandates and regulations on Indiana.
- Makes the budget agency the state's single point of contact to review and coordinate proposed federal financial assistance and direct federal development.
- Adds the two deputy budget directors as alternate members of the budget committee, and specifies that one of the deputy directors shall take the place of the budget director when the budget director is not present.
- Removes the restriction on the Indiana horse racing commission using money distributed under a distribution agreement for administrative purposes.
- Requires 0.45% of the adjusted gross receipts from each casino to be deposited in the horse racing commission's operating fund.
- Establishes the problem gambling program fund. Specifies that the part of the problem gambling fee

that is retained annually by the Indiana gaming commission must be deposited into the fund.

- Provides that the money in the fund is continuously appropriated. Permits the trust fund for self-insurance for employees, including retired employees, for the state police department, conservation officers of the department of natural resources, and the state excise police to invest in the same investments as the state police pension plan instead of the public employees' retirement fund (the trust fund could not invest in equity securities).
- Permits the retiree health benefit trust fund to invest in the same investments as the public employees' retirement fund instead of in the same manner as public deposits may be invested. Requires a periodic actuarial study of the retiree health benefit trust fund.
- Provides that employer contributions to the retirement medical benefits account (RMBA) on behalf of a participant must be sufficient to provide the specified benefit.
- Changes the administration and investment decisions for the RMBA from the budget agency to the Indiana public retirement system (INPRS).
- Changes responsibility for reports concerning other post-employment benefits (OPEB) from the office of management and budget (OMB) to the INPRS.
- Changes responsibility for reports concerning local pensions from the OMB to the INPRS.
- Changes references to Governmental Accounting Standards Board Statements that apply to OPEB reports.
- Repeals the Indiana technology fund.
- Provides that a taxpayer may submit, beginning in 2021, a personal property tax return using an online submission system established by the department of local government finance in collaboration with county assessors.
- Replaces the postwar construction fund with a fund named the state construction fund. Dedicates \$1,800,000 to the state construction fund from a part of the cigarette tax revenue formerly appropriated to the department of natural resources.
- Repeals the state police building account and directs the revenue formerly deposited in the account to the state construction fund.
- Establishes requirements to be eligible to claim the Indiana research expense income tax credit effective January 1, 2019.
- Increases the cap on the scholarship granting organization scholarship tax credit from \$14,000,000 to \$15,000,000 for the state fiscal year beginning July 1, 2019, and to \$16,500,000 for state fiscal years beginning after June 30, 2020.
- Repeals the income tax credit for property taxes paid by a for-profit acute care hospital.
- Provides various tax exemptions for the College Football Playoff Group for the College Football Playoff National Championship, including ancillary events.
- Provides that money in the department of state revenue pilot program fund for functions related to motor carrier services is continuously appropriated.
- Allocates a percentage of St. Joseph County innkeeper's tax revenue: (1) for the development and operation of an indoor sports complex in the city of Mishawaka; and (2) to finance projects for the Potawatomi Zoo in the city of South Bend. Expires both of these allocations and decreases the innkeeper's tax rate by the percentage allocated for the respective purposes on the later of: (1) July 1, 2024; or (2) a specified date to occur.
- Removes the reduction from the motor vehicle highway account fund for the appropriation to the department of transportation for traffic safety.
- Transfers \$325,000 each month to the motor carrier regulation fund from the motor vehicle highway account fund.
- Requires the bureau of motor vehicles to determine the allocation to counties from the motor vehicle highway account fund that is based on motor vehicle registrations.

- Provides that proceeds received under the First Amendment to the Amended and Restated Indiana Toll Road Concession and Lease Agreement entered on September 21, 2018, are to be deposited in a new fund known as the toll road lease amendment proceeds fund for certain state highway projects.
- Appropriates \$239,400,000 from the toll road lease amendment proceeds fund in state fiscal year 2019 to be used for the purposes of the fund.
- Terminates the appropriation to the state police department of part of the handgun license fees as of July 1, 2019. Transfers any balance remaining in the fund holding these fees to the state general fund on June 30, 2021.
- Requires the division of disability and rehabilitative services to establish a cost participation schedule for purposes of the first steps program.
- Repeals the statutory cost participation schedule.
- Provides that the money in the division of family resources child care fund is continuously appropriated.
- Removes the requirement that a school corporation distribute to the state general fund 3% of the federal reimbursement for claims paid under the federal Medicaid program. (Under current law, these funds distributed to the state general fund are dedicated for consulting to encourage school participation in the Medicaid program.)
- Extends the prohibition on the office of Medicaid policy and planning from including certain Medicaid recipients who receive nursing facility services in a Medicaid risk based managed care program or a capitated managed care program through June 30, 2020.
- Specifies conditions that apply to a Medicaid disproportionate share hospital payment plan (DSH payment plan).
- Requires the hospital assessment fee committee (committee) to prepare a DSH payment plan or a default plan and submit the DSH payment plan or default plan to the office of the secretary of family and social services (office of the secretary).
- Sets forth requirements for state fiscal years: (1) beginning July 1, 2019; and (2) beginning on or after July 1, 2020.
- Requires the office of the secretary to file with the federal Centers for Medicare and Medicaid Services (CMS) a proposed Medicaid state plan amendment that is based on the DSH payment plan or default plan prepared by the committee and implement the plan amendment if the state plan amendment is approved by CMS.
- Provides for a continuous appropriation from the prekindergarten pilot program fund.
- Establishes a township assistance online pilot program to provide for ease of access and efficient application for township assistance, automate the application process for township assistance, and create a system to collect and report data regarding township assistance administration.
- Extends the hospital assessment fee and the health facility quality assessment fee through June 30, 2021.
- Increases the maximum amount of a primary care scholarship awarded at Marian University College of Osteopathic Medicine in the first class year from \$10,000 per year to \$15,000 per year.
- Provides that the department of child services may enter into a voluntary service referral agreement with a child's parent, guardian, or custodian.
- Adds the budget director as a member of the justice reinvestment advisory council.
- Permits the state to purchase insurance required by the federal government in connection with the use of federal land for the state's wireless public safety voice and data communications system.
- Extends the judicial and legislative branch leave conversion pilot program through June 30, 2021.
- Requires the governor to appoint a task force to study the Indiana law enforcement academy.
- Appropriates \$325,000 from the state general fund to the Indiana department of gaming research for the July 1, 2018, through June 30, 2019, state fiscal year.

- Provides that appropriations from the state board of accounts dedicated fund for the state board of accounts for the state fiscal year beginning July 1, 2018, may be augmented from the state board of accounts dedicated fund.
- Provides that unused funds appropriated to the legislative council and legislative services agency in FY 2019 or FY 2020 do not revert to the general fund until June 30, 2021.
- Permits a state officer to use state funds to make a communication containing the name and likeness of the state officer if the communication: (1) is posted or maintained on a state owned Internet web site; (2) relates to the official duties of the state officer and is not made for commercial broadcast or dissemination to the general public; or (3) is posted on social media, if the communication relates to the official duties of the state officer, was not created, developed, or posted by a nongovernmental entity, and if the social media service provider does not charge for the posting.
- Specifies allowable terms for a settlement agreement involving the state or a state agency.
- Provides for the ability for cash flow funding before a full funding grant agreement is approved for the northern Indiana railroad project.
- Requires the northwest Indiana regional development authority to repay the amount if a full funding grant agreement is not approved.
- Modifies the membership of the board of the northern Indiana commuter transportation district (board).
- Provides that board members are not entitled to a salary per diem.
- Permits the board to authorize the Indiana department of transportation (INDOT) to exercise all or a part of the powers of the board that are necessary or desirable to accomplish the purposes of the board subject to the agreement of INDOT, including carrying out a railroad project.
- Broadens the powers of INDOT to contract with third parties to carry out a railroad project.
- Establishes the next level connections fund to provide matching grants to local units of government and nonprofit organizations for trails, incentivize and establish additional nonstop flights originating from Indiana airports, and accomplish the transportation plan of the department of transportation.
- Permits INDOT to transfer up to \$100,000,000 from the next level connections fund to the rural broadband fund for the purpose of awarding broadband grants for rural areas.
- Establishes the northern Indiana commuter rail account within the fund.
- Requires the budget agency to transfer \$185,000,000 from the next level connections fund to the northern Indiana commuter rail account.
- Permits the transfer of up to an additional \$20,000,000 from the next level connections fund to the northern Indiana commuter rail account, subject to the approval of the governor.
- Provides that any proposed extension or amendment to certain agreements shall be submitted to the budget committee for review.
- Prohibits any extension or amendment to such an agreement until after the budget committee has reviewed the proposed extension or amendment.
- Specifies that any lump sum amounts or series of amounts totaling more than \$1,000,000 received under a public-private agreement entered into by the Indiana finance authority before January 1, 2013, must be held in reserve until May 1 of the calendar year following the calendar year in which the lump sum payment or series of payments was received.
- Authorizes the state and state agencies to enter into cooperative agreements with federally recognized Indian tribes. Specifies the necessary terms of a cooperative agreement.
- Requires a provision of a cooperative agreement waiving the state's sovereign immunity to be reviewed and approved by the attorney general.
- Specifies the conditions that must be met for the state to waive its immunity from suit in federal court under the Eleventh Amendment to the Constitution of the United States with respect to a cooperative agreement.
- Adds federally recognized Indian tribes to the list of governmental entities with which local governments

may enter into interlocal agreements.

- Provides that a marketplace facilitator is required to collect and remit state sales tax as a retail merchant when it facilitates a retail transaction for sellers on the marketplace facilitator's marketplace.
- Specifies circumstances in which a marketplace facilitator or a seller would not be required to collect and remit the state sales tax.
- Specifies that sharing of passenger motor vehicles and trucks through a peer to peer vehicle sharing program is a retail transaction subject to the state gross retail and use tax if sharing occurs more than 15 days in a calendar year.
- Provides that the exemption for the purchase of a new motor vehicle that is acquired for resale, rental, or leasing in the ordinary course of the person's business does not apply to a vehicle purchased for sharing through a peer to peer vehicle sharing program.
- Provides that vehicle sharing through a peer to peer vehicle sharing program is exempt from the auto rental excise tax and a county supplemental auto rental excise tax unless an ordinance is adopted to impose the county tax.
- Limits the county supplemental tax rate to 1%.
- Imposes a vehicle sharing excise tax at a 2% tax rate.
- Distributes the revenue from the tax to political subdivisions based on the vehicle's county of registration.
- Requires a marketplace facilitator to collect and remit innkeeper's tax.
- Repeals the definition of "facilitator" that is set to go into effect July 1, 2019.
- Repeals the provision requiring a facilitator who is a retail merchant to provide an itemized statement to the consumer.
- Provides that primary personal residences are exempt from the state gross retail tax unless the owner rents or furnishes the residence for more than 14 days.
- Provides for the collection of food and beverage taxes.
- Makes failure to collect or remit food and beverage taxes a Level 6 felony.
- Provides that a county treasurer may enter into an agreement with the fiscal officer of an entity responsible for the expenditure of funds from an innkeeper's tax to furnish the fiscal officer each month with the name and retail address of each business collecting an innkeeper's tax and the amount of money collected from each business.
- Provides that the state department of health shall issue guidelines establishing a cost participation standard for the amount of a parent's or guardian's expected contribution toward the purchase of a hearing aid for which assistance is granted under the hearing aid assistance program (program).
- Provides that the state department of health may issue guidelines establishing additional funding priorities to give to applications that are submitted under the program.
- Suspends the healthy Indiana plan phase out trust fund payments beginning in state fiscal year 2018-2019, subject to budget committee review. Requires the department of child services to establish a per diem model to reimburse providers of family preservation services.
- Appropriates \$150,000,000 from the state general fund to the 1996 account of the teachers retirement fund of the Indiana public retirement system (INPRS).
- Specifies that the board of trustees of the INPRS is to reduce the employer contribution rate.
- Requires the governing body of each school corporation after July 1, 2019, and before October 1, 2019, to hold a public meeting to determine: (1) the dollar amount of the reduction in the school corporation's employer contribution rate; and (2) the actions the governing body of the school corporation intends to take with that amount.
- Provides for thirteenth checks in 2019 and 2020 for certain members of the: (1) Indiana state teachers' retirement fund; (2) public employees' retirement fund; (3) state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan; (4) state police pre-1987 benefit

system; and (5) state police 1987 benefit system.

- Urges the legislative council to assign to the appropriate interim study committee the topic of the complexity index used in funding K-12.
- Requires the auditor of state to transfer any balance in the regional cities development fund to the state general fund on June 30, 2019.
- Reconciles conflicts with other enactments. Makes corresponding changes.
- Makes technical corrections.

[HEA 1015, PL 293 VARIOUS GAMING MATTERS](#)

Author: Torr, R-Carmel

Sponsor: Messmer, R-Jasper

Aim Comment: This legislation was one of the largest overhauls since the legalization of gaming in the state of Indiana. Following a recent US Supreme Court decision allowing sports gambling outside of Nevada, Indiana, along with several other states, are now authorizing mobile sports betting. This legislation also expedites the date for table games at the two Indiana racinos from the year 2021 to January 1, 2020. This bill also authorizes one of two gaming licenses located in Gary, Indiana to be moved to a land based casino away from Lake Michigan with stipulations on the license holder. The second license will go through an approval process by the Indiana Gaming Commission to be moved to a new location in the state of Indiana. The likely location will be establishment in Terre Haute. The most controversial aspect of this bill was the hold harmless language that was sought by neighboring gaming communities where casino operations would be modified.

- Authorizes sports wagering at riverboats, racinos, a Vigo County casino, and satellite facilities.
- Provides for the administration and conduct of sports wagering.
- Imposes initial and annual fees on a licensed owner, operating agent, vendor, or permit holder conducting sports wagering. Imposes initial and annual licensing fees on vendors conducting sports wagering.
- Specifies that a vendor contracting with a certificate holder has the same authority to conduct sports wagering as the certificate holder.
- Provides that the Indiana gaming commission (IGC) may issue a temporary certificate of authority or a temporary license to conduct business under certain circumstances.
- Requires the IGC to deposit vendor license application fees in the sports wagering fund.
- Requires the IGC to deposit sports wagering service provider license application fees in the sports wagering fund.
- Sets forth duties for the IGC concerning: (1) sports wagering; and (2) granting certain gambling licenses. Requires the IGC to adopt administrative rules.
- Specifies that the IGC may act upon information received from a sports governing body in considering requests to prohibit wagering on particular events or to prohibit making wagers of a particular type.
- Establishes a sports wagering service provider license. Provides that certain items must be acquired from a person that holds a supplier's license or a sports wagering service provider license.
- Provides that certain services must be obtained from a person holding a sports wagering service provider license.
- Specifies that required background checks apply to employees engaged in activities related to sports wagering.
- Specifies permissible sports wagering wagers.
- Prohibits wagering on e-sports.
- Provides the process for withholding delinquent child support from sports wagering winnings.

- Imposes a sports wagering tax of 9.5% on adjusted gross receipts received from sports wagering.
- Requires 3.33% of the tax revenue received to be deposited in the addiction services fund.
- Provides that the Gary riverboat may transfer to an inland location if the licensed owner: (1) submits a request to relocate; and (2) pays a \$20,000,000 fee.
- Caps the maximum number of gambling games that may be offered at a Gary casino. Requires the licensed owner of the relocated Gary casino to pay an additional fee of \$20,000,000 if: (1) gaming operations are relocated; and (2) the licensed owner sells or transfers the owner's interest in the owner's license within five years of relocation.
- Requires the licensed owner of the relocated Gary casino to: (1) offer each employee at the riverboat a similar position at the inland casino; and (2) consider hiring and training individuals laid off from the riverboat in East Chicago before considering other applicants.
- Provides that if a request to relocate the Gary riverboat is submitted, the IGC shall accept applications and proposals to award an owner's license to operate an inland casino in Vigo County.
- Requires a license fee for the owner's license to operate in Vigo County in the amount of \$5,000,000. Requires the fee for the Vigo County casino license to be deposited in the state general fund.
- Requires a licensed owner conducting gaming operations in Vigo County to make certain payments to the City of Evansville.
- Provides that a person may not have an ownership interest in more than six of any combination of: (1) riverboat licenses; and (2) gambling game licenses.
- Reduces the graduated wagering tax on gambling games at racinos and the wagering tax on gambling games at riverboats.
- Provides that beginning with state fiscal years after June 30, 2021, a licensed owner or racino may not deduct more than \$9,000,000 from adjusted gross receipts from wagering on gambling games.
- Distributes wagering tax revenue from a riverboat located in a historic hotel district to the West Baden Springs historic hotel preservation and maintenance fund beginning in 2021.
- Provides that wagering taxes for the Gary relocated casino continue to be imposed as if two riverboats were in operation for four years.
- Provides that East Chicago, Hammond, and Michigan City may receive supplemental payments from wagering tax distributions that would otherwise be paid to Gary if certain conditions are met. Provides that the IGC shall approve wagering on table games at a racino beginning January 1, 2020.
- Makes technical corrections and other changes to conform with recent changes to the riverboat law.

[HEA 1025, PL 120 COUNTY HIGHWAY ENGINEER'S SALARY](#)

Author: Aylesworth, R-Hebron

Sponsor: Buck, R-Kokomo

- Increases the state subsidy for a county highway engineer's annual salary. Makes an appropriation.

[HEA 1183, PL 281 TOWING SERVICES](#)

Author: Lehman, R-Berne

Sponsor: Doriot, R-Goshen

- Amends the statute concerning the release of an abandoned motor vehicle that has been towed to a storage yard or towing facility as follows: (1) Provides that a towing service or storage yard may charge an inspection amount set forth in the financial responsibility statute.
- Provides that the bureau of motor vehicles may not suspend the driving privileges of a shared vehicle owner for failure to submit proof of financial responsibility at the time an accident occurred if the vehicle was shared through a peer to peer vehicle sharing program at the time the accident occurred.

- Provides that a political subdivision may not enact or enforce an ordinance, resolution, policy, or rule to regulate peer to peer vehicle sharing.
- Allows the board of an airport authority or a board of aviation commissioners to enact or enforce an ordinance, resolution, policy, or rule regulating P2P vehicle sharing.

HEA 1506, PL 178 BUREAU OF MOTOR VEHICLES

Author: Soliday, R-Valparaiso

Sponsor: Merritt, R-Indianapolis

- Provides that if one or more of the following taxes have not been paid for one or more preceding years, the bureau of motor vehicles may collect only the tax for the year immediately preceding the current registration year, the current registration year, and the year immediately following the current registration year: (1) The county vehicle excise tax. (2) The county wheel tax. (3) The municipal vehicle excise tax. (4) The municipal wheel tax. (5) The motor vehicle excise tax. (6) The recreational vehicle excise tax. (7) The commercial vehicle excise tax. (8) The boat excise tax.
- Specifies to which vehicles a county vehicle excise tax, county wheel tax, municipal vehicle excise tax, and municipal wheel tax apply. Provides that an owner who has paid a surtax or wheel tax and moves out of state may be entitled to a refund.
- Specifies the minimum and maximum vehicle registration periods for a vehicle with an: (1) expired; and (2) unexpired; registration.
- Requires that all copies of all ordinances that impose, rescind, or change the rate or amount of a surtax or wheel tax be submitted in a manner prescribed by the bureau of motor vehicles (bureau).
- Provides that the maximum design speed for a low speed vehicle is 25 miles per hour. (Current law provides for 35 miles per hour.)
- Provides that, in certain instances, off-road vehicles and snowmobiles need to be registered.
- Provides that, during the registration or registration renewal process, the bureau may provide information concerning a manufacturer issued motor vehicle safety recall to the registered owner of a motor vehicle subject to an ongoing recall.
- Specifies that the bureau may not charge a fee for providing information concerning an ongoing, manufacturer issued safety recall.
- Provides that: (1) the bureau; (2) the commissioner of the bureau; (3) employees of the bureau; and (4) third party vendors responsible for providing the bureau with manufacturer issued safety recall information; are immune from civil liability for any act or omission related to the bureau providing safety recall information.
- Provides that a person may transfer a plate from a wrecked or destroyed vehicle to a vehicle acquired or owned by the person.
- Removes the provisions providing for a probationary period for independent colleges under the special group recognition license plate program.
- Provides that the Indiana department of transportation must review plans for general vehicle platoon operations. (Current law provides that the commissioner of the bureau must review plans).
- Specifies that an individual who is 75 years of age or older may renew an operator's, chauffeur's, or public passenger chauffeur's license by mail or electronic service if the individual provides proof of an eyesight examination with the renewal application.
- Establishes distribution by percentage of fees paid for reinstatement of driving privileges.
- Specifies that a court may waive part or all of a reinstatement fee for driving privileges.
- Removes the requirement that an emergency contact for the purposes of the emergency contact data base must hold a valid credential.
- Requires an individual seeking a license to be a driver education instructor to be currently employed or

have an employment offer from a licensed driver training school.

- Requires a rider coach trainer to meet standards established by the bureau for instructors in motorcycle safety and education. (Current law requires that the standards be equivalent to or more stringent than those established by the Motorcycle Safety Foundation.)
- Requires an applicant from a foreign country that has a reciprocity agreement with the bureau for obtaining an operator's license to possess a valid driver's license for the type of vehicle being operated or the equivalent from the foreign country. (Current law also allows the applicant to possess an international driving permit.)
- Specifies that the court may grant driving privileges to an individual whose driving privileges have been suspended for life: (1) for a specified period of time; and (2) subject to certain conditions.
- Requires an individual who has been granted driving privileges through a court order after the individual's driving privileges have been suspended for life to possess the order when operating a vehicle or produce the order upon request of a police officer.
- Provides that the bureau of motor vehicles may waive certain testing requirements for an applicant seeking a learner's permit or a driver's license in certain instances.
- Provides that the bureau of motor vehicles (BMV) may develop a system to issue mobile credentials.
- Provides that the BMV may issue, upon request of an applicant, a mobile credential when the applicant satisfies the requirements for application for an identification card or various licenses and permits.
- Provides the BMV with rulemaking authority to implement the mobile credential system. Defines mobile credential.
- Eliminates both the department of natural resources fee and the lake and river enhancement fee.
- Sets out the registration and renewal fees for motorboats.
- Makes conforming changes.

[HEA 1605, PL 14 DEPARTMENT OF TRANSPORTATION MATTERS](#)

Author: Sullivan, R-Evansville

Sponsor: Crider, R-Indianapolis

- Removes a provision requiring each contract for highway work to be acknowledged before an officer authorized to administer oaths.
- Provides that a certificate of qualification issued by the department of transportation (department) is valid for a period of 24 months.
- Allows the department to adopt rules concerning eligibility and qualification requirements for bidders of contracts. Exempts the department from certain real property recording requirements.
- Makes conforming amendments.

[HEA 1649, PL 142 ELECTRIC FOOT SCOOTERS](#)

Author: Eberhart, R-Shelbyville

Sponsor: Ford, R-Terre Haute

- Provides that an electric foot scooter is not a motor vehicle for purposes of certain motor vehicle laws.
- Provides that an electric foot scooter has all rights and duties that apply to a person operating a bicycle.
- Exempts electric foot scooters from financial responsibility.
- Provides for certain equipment requirements for electric foot scooters.
- Allows an electric foot scooter to be parked on a sidewalk in certain instances.

- Prohibits an electric foot scooter from operating on an interstate highway.
- Provides that a local authority, with respect to private roads and highways under the authority's jurisdiction, may regulate the standing or parking of electric foot scooters.
- Provides that a local authority, with respect to private roads and highways under the authority's jurisdiction, may regulate the operation of electric foot scooters and require the registration and licensing of electric foot scooters.
- Makes conforming changes.

[SEA 144, PL 110 VEHICLE WEIGHT](#)

Author: Ford, R-Terre Haute

Sponsor: Pressel, R-Rolling Prairie

- Allows the Indiana department of transportation and certain local authorities to issue a permit that allows for the transportation of: (1) material; (2) products; or (3) equipment; belonging to an electric cooperative in certain instances. Urges the legislative council to assign to an appropriate interim study committee the task of studying overweight divisible loads.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying: (1) the use of automated traffic control systems in work zones; and (2) the use of special signaling devices on construction vehicles in critical work zones.

[SEA 193, PL 150 SEWER AND WATER CONNECTIONS](#)

Author: Bohacek, R-Michiana Shores

Sponsor: Pressel, R-Rolling Prairie

Aim Comment: This legislation provides that a local unit may not prohibit a property owner from installing a water or sewer line in or through a public right of way if the property owner submits documentation that the property's septic system or drinking well is failing. The property owner must have all necessary permits and approvals required by both state and local entities. The property owner is also restricted from extending the new water or sewer lines outside of a regulated territory. The property owner must also have approval of the unit that operates the sewer system or water works. There were attempts to add several different negative utilities language to this bill but Aim was able to prevent worse language from being included in this bill.

- Provides that a unit may not prohibit a property owner from installing a sewer line or other sewage works: (1) in or through a public right-of-way owned or controlled by the unit; and (2) for the purpose of connecting the owner's property to a sewer system owned or operated by another unit or entity; if the owner provides to the unit a written determination from a specified authority that the owner's existing sewage disposal system is failing, and if certain other conditions are met.
- Provides that in the case of a connection to a sewer system made under these provisions, a municipality (or a board of sanitary commissioners for the department of sanitation in certain municipalities) that owns or operates the sewer system to which the connection is made may waive the requirement that the property owner must release the property owner's right to remonstrate against pending or future annexations of the property owner's property by the municipality.
- Provides that a unit may not prohibit a property owner from installing a water service line or other water utility service infrastructure: (1) in or through a public right-of-way owned or controlled by the unit; and (2) for the purpose of connecting the owner's property to a waterworks owned or operated by a water utility other than a water utility owned or operated by the unit; if the property owner's property is served by a private water well, and if certain other conditions are met.

SEA 460, PL 189 BROADBAND DEVELOPMENT

Author: Messmer, R-Jasper

Sponsor: Soliday, R-Valparaiso

- Establishes the rural broadband fund for the purpose of awarding grants: (1) before August 1, 2019, under the existing statute governing grants for qualified broadband projects for unserved areas in Indiana; and (2) after July 31, 2019, under new procedures governing grants for eligible broadband projects for rural areas in Indiana.
- Requires the office of community and rural affairs (office) to establish procedures for the awarding of grants from the fund after July 31, 2019, by state agencies to eligible broadband service providers for eligible broadband projects in rural areas of Indiana.
- Provides that the procedures established by the office must establish specified priorities for the awarding of grants, based on the available Internet speeds in a particular area.
- Provides that the procedures established by the office may not permit the awarding of a grant from the fund for any proposed broadband project in an area in which eligible broadband service is available.
- Provides that the procedures established by the office may not permit the office to award a grant from the fund for any project in a rural area for which funding has been allocated from certain federal funding programs.
- Provides that the procedures established by the office must establish a system of priorities for awarding grants, weighted as determined by the office in guidelines adopted by the office, that gives preference to eligible broadband projects that meet certain specified criteria. Requires an eligible broadband service provider awarded a grant to sign with the office a grant agreement that: (1) outlines a start date and an end date for completion of the project; and (2) conditions the release of any grant funds on the progressive completion of the project.
- Beginning in 2020, requires the office to submit to the general assembly an annual report on the awarding of grants under these procedures during the most recent state fiscal year.
- Provides that every three years, beginning in 2021, the state board of accounts shall conduct an audit of the awarding of grants from the fund during the most recent three state fiscal years.
- Provides that a communications service provider that holds a certificate of territorial authority shall be designated as a public utility solely as that term is used in federal law that allows a state to exempt a public utility from the federal law's requirement that the state must charge fair market value for the use of real property acquired by the state using federal transportation funding.
- Provides that the department of transportation (INDOT) may not charge an access rate or any other recurring charge or recurring fee for communications infrastructure that is located before May 1, 2019, in any rights-of-way that are owned or controlled by INDOT.
- Specifies that INDOT may charge routine right-of-way permit fees to enter INDOT's rights-of-way for the maintenance of existing facilities.
- Provides that the department may create a broadband corridor program to manage communications infrastructure along or within limited access highway rights-of-way.
- Specifies that for purposes of the broadband corridor program, "communications infrastructure" does not include privately owned vertical structures used primarily for providing wireless communications service.
- Provides that: (1) INDOT may not unreasonably discriminate among entities requesting access to broadband corridors or other INDOT controlled right-of-way; and (2) the bill's provisions prohibiting INDOT from discriminating among such entities do not abrogate or limit INDOT's statutory authority to safely and efficiently manage and operate the state highway system and associated highway rights-of-way.
- Provides that, before July 1, 2020, INDOT shall adopt rules to provide that, as used throughout the department's administrative code regarding utility facility relocation for purposes of construction contracts, "utility" has the meaning set forth in federal law concerning utility relocations, adjustments, and reimbursement.

aim

Accelerate
Indiana
Municipalities

2019

Utilities

HEA 1347, PL 105 MUNICIPALLY OWNED UTILITIES

Author: Burton, R-Greenwood

Sponsor: Sandlin, R-Indianapolis

Aim Comment: The intent of this legislation was to clarify that a rental property owner shall not be held financially responsible nor could a lien be placed on the property for an unpaid utility (water, gas or electric) bill if the property owner did not knowingly have responsibility for utility bills. This was perceived as a contract law issue that legislators wanted to prevent from happening.

Municipal utilities have a variety of policies in place on how their utility contracts or agreements will be structured so there is no simple or clear answer for how each utility should respond to this legislation.

This legislation does not impact a utility's ability to collect a deposit before service will be established at the rental property. As an alternative to changing service agreements to hold property owners solely responsible for utility bills or when considering how the service agreements could be structured to most clearly ensure financial responsibility of both tenants and property owners, we encourage municipal officials to closely examine their current deposit rates and decide if higher deposit amounts may be an appropriate requirement for either the property owner, the tenant, or both.

Even if the property owner has taken responsibility for unpaid tenant utility bills, it is clear from the legislation that a lien on the property cannot be attached for unpaid tenant bills. However, it has always been Aim's understanding that liens for unpaid water, gas and electric bills could not be attached to property, rather only sewer liens could be imposed. There is nothing in the new legislation which affects the ability for municipalities to place liens for unpaid sewer bills on any type of property, rental or otherwise.

Aim successfully removed two other problematic issues in this bill. One would have allowed for mediation to be provided by the Attorney General's office for a complaint raised by a customer. The second issue would have required notification to other lien holders prior to the issuance of a new sewer lien. This would have resulted in a burdensome fiscal impact that likely would have negated any benefit of filing a sewer lien.

- Provides that all rates, charges, and other fees for services rendered by a municipally owned utility (other than services rendered by a municipally owned sewer utility or by a department of public utilities for a consolidated city) to property occupied by someone other than the owner are payable by the person occupying the property if the account or other customer or billing records maintained by the utility for the property indicate that: (1) the property is occupied by someone other than the owner; and (2) the person occupying the property is responsible for paying the rates, charges, and fees.
- Provides that upon applying for utility service from a municipally owned utility, the person occupying the property shall provide the utility with the name and contact information of the owner or manager of the property.
- Provides that rates, charges, and fees assessed by a municipally owned utility with respect to property occupied by someone other than the owner do not constitute a lien against the property.
- Specifies that these provisions do not: (1) prohibit a municipal legislative body from imposing any requirement to: (A) ensure payment by; or (B) the creditworthiness of; the person occupying the property; or (2) abrogate or limit the authority of the owner of a multi-unit building to engage in electrical submetering.

HEA 1406, PL 56 WATER INFRASTRUCTURE ASSISTANCE FUND AND PROGRAM

Author: Soliday, R-Valparaiso

Sponsor: Charbonneau, R-Valparaiso

Aim Comment: HEA 1406 was the result of the water task force recommendations that were developed during the 2018 interim study process. This legislation had a companion bill in SEA 4 which contained other positive language to address water and wastewater infrastructure needs around the state. HEA 1406 is the fiscal component that generates additional bonding capabilities by the Indiana Finance Authority. HEA 1001, the biennial budget bill, includes \$10M in revenue to the IFA which will allow them to provide bonds to water and wastewater utilities. There are additional requirements for a utility to access these funds, including the completion of an asset management

plan. There is also a requirement that 40% of the funds are allocated to utilities that serve less than 3200 customers. We anticipate this program will be established to function very similar to the INDOT Community Crossings Program.

- Provides that money from certain sources in the water infrastructure assistance fund (fund) is continuously appropriated for the purposes of the law concerning the water infrastructure assistance program.
- Authorizes the authority to establish: (1) the interest rate; or (2) parameters for establishing the interest rate; on each loan made from the fund. Provides that a participant, to receive a loan, grant, or other financial assistance from the fund: (1) must have an asset management program; and (2) must demonstrate to the authority that it has a plan to participate with one or more other participants in cooperative activities.
- Provides that a participant, after receiving a loan or grant from the fund, must maintain its asset management program: (1) as long as the loan remains unpaid; or (2) during the useful life of the asset financed with the loan or grant.
- Requires a participant, if appropriate, to conduct or participate in efforts to determine and eliminate the causes of non-revenue water in its water distribution system.
- Requires the authority to establish a project prioritization system and project priority list for the purposes of awarding loans and grants from the fund.
- Requires the authority to set aside 40% of the fund for purposes of providing grants, loans, and other financial assistance to or for the benefit of utilities serving less than 3,200 customers.
- Authorizes the authority to provide advisory services to participants in connection with loans from the fund.
- Provides that, if appropriate, the authority shall require a participant receiving a loan or other financial assistance from the fund to establish and maintain sufficient user charges, fees, taxes, special assessments, or revenues to: (1) operate and maintain; and (2) pay the obligations of; its water or wastewater collection and treatment system.
- Authorizes the authority to make loans or provide other financial assistance from the fund to or for the benefit of a participant to establish guaranties, reserves, or sinking funds or for other purposes.
- Authorizes the authority, as an alternative to making loans or providing other financial assistance to participants, to use the money in the fund to provide a leveraged loan program and other financial assistance programs to or for the benefit of participants.

[HEA 1470, PL 89 UTILITY TRANSMISSION IMPROVEMENTS AND COSTS](#)

Author: Soliday, R-Valparaiso

Sponsor: Messmer, R-Jasper

- Amends the statute concerning transmission, distribution, and storage system improvements charges (TDSIC) for electric and gas utilities to provide that for purposes of the statute, "eligible transmission, distribution, and storage system improvements" include: (1) projects that do not include specific locations or exact numbers; and (2) advanced technology investments.
- Provides that a public utility's required plan under the statute (defined under the new provisions as a "TDSIC plan") must cover a period of: (1) at least five years; and (2) not more than seven years. Requires a utility to update its TDSIC plan at least annually.
- Provides that an update to a TDSIC plan may include new projects or improvements.
- Specifies that a targeted economic development project may include a project related to the provision of electric service.
- Provides that a utility may: (1) terminate a TDSIC plan upon 60 days notice to the utility regulatory commission (IURC); and (2) petition the IURC for approval of a new TDSIC plan.
- Provides that a utility that terminates a TDSIC plan must petition the IURC for review and approval of the public utility's basic rates and charges with respect to the same type of utility service before the original expiration date of the terminated plan.

- Provides that eligible transmission, distribution, and storage improvements receiving TDSIC treatment before termination of the plan shall continue to receive TDSIC treatment after termination of the plan until a final order in the public utility's next general rate case is issued.
- Provides that for purposes of the provision prohibiting the IURC from approving a TDSIC that would result in an average aggregate increase in a public utility's total retail revenues of more than 2% in a 12 month period, the IURC shall consider the combined 12 month revenue impact of the TDSIC approved under the terminated plan and the TDSIC approved under any new TDSIC plan.
- Changes the amount of time in which the IURC must hold a hearing and issue an order on a public utility's petition for a TDSIC from 90 days to 120 days.
- Sets forth required findings of the IURC in an order concerning new: (1) projects or improvements; or (2) targeted economic development projects; included in a utility's updated TDSIC plan.

[HEA 1486, PL 261 NEW SEPTIC SYSTEM TECHNOLOGY](#)

Author: Bartels, R-Eckerty

Sponsor: Doriot, R-Goshen

- Requires the state department of health (state department) to establish a technical review panel consisting of individuals who hold certain positions or have certain qualifications relevant to onsite sewage systems or who represent certain organizations to which onsite sewage systems are important.
- Requires the technical review panel to decide whether "technology new to Indiana" (or "TNI", which refers to a sewage treatment method or process or sewage treatment equipment that is not recognized in the administrative rules of the state department or the executive board of the state department) is approved for general use in Indiana.
- Requires the technical review panel, in response to an application, to decide that a TNI: (1) is approved for general use in Indiana; (2) is approved for use in Indiana with certain conditions; (3) is approved for use in Indiana on a project-by-project basis; or (4) is not approved for use in Indiana.
- Requires the technical review panel to inform an applicant of the technical review panel's initial or final decision on a complete application not more than 90 days after notifying the applicant that it received the application.
- Requires the technical review panel to approve a TNI for general use in Indiana if: (1) the TNI has been certified as meeting the NSF/ANSI 40 Standard; (2) a proposed Indiana design and installation manual for the TNI is submitted with the permit application; and (3) the technical review panel certifies that the proposed Indiana design and installation manual meets the vertical and horizontal separation, sizing, and soil loading criteria of the state department.
- Provides that if: (1) a TNI meets the requirements of the NSF/ANSI 40, NSF/ANSI 245, or NSF/ANSI 350 standard; (2) the proposed Indiana design and installation manual for the TNI meets the vertical and horizontal separation, sizing, and soil loading criteria of the state department; and (3) a registered Indiana professional engineer prepares site specific plans for the use of the TNI in a residential or commercial application; the site specific plans may be approved by the local health department within 30 days, if the TNI is to be used in a residential application, and shall be approved by the state department upon submission of the site specific plans, if the TNI is to be used in a commercial application.

[HEA 1664, PL 62 WATER OR SEWER SERVICE FOR CONDOMINIUMS](#)

Author: Manning, R-Denver

Sponsor: Koch, R-Bedford

- Amends existing law to provide that: (1) a landlord; (2) a condominium association; or (3) a homeowners association; that distributes water or sewage disposal service from a water or sewer utility to one or more tenants, condominium units, or homeowners association members, as applicable, is not a public utility solely by reason of engaging in this activity if the landlord or association complies with certain billing and disclosure requirements. (Current law provides this exemption from public utility status only with respect to landlords distributing water or sewer utility services to tenants.)

[SEA 4, PL 15 WATER AND WASTEWATER UTILITIES AND RUNOFF](#)

Author: Charbonneau, R-Valparaiso

Sponsor: Soliday, R-Valparaiso

Aim Comment: The first provision in this bill reestablishes the water task force for a second year of studying statewide water infrastructure needs. The next provision requires the Indiana Finance Authority (IFA) to coordinate all water and wastewater activities in the state of Indiana. The bill also requires the IFA to establish regional study areas for water and wastewater infrastructure and hold annual meetings within each of the study areas. The bill requires utilities located within the study areas to compete a biennial report of their activities within the study area. This bill requires every utility to conduct an annual water audit for non-revenue water loss and to have those results verified by an independent evaluator. Finally, the bill includes language to expand the lead service line program to include service lines made of galvanized steel.

- Establishes a storm water management task force to study issues related to storm water management systems.
- Provides for the task force to consist of: (1) two members of the senate; (2) two members of the house; and (3) other members appointed by the governor.
- Requires the task force to issue a report setting forth its findings and recommendations not later than December 1, 2019.
- Provides that the Indiana finance authority (IFA) shall coordinate the executive branch activities related to the state's water programs.
- Prescribes the duties of the authority in serving in this role.
- Requires the IFA to divide Indiana into study areas and to hold annual meetings with the officers and employees of the water and wastewater utilities located in each study area.
- Authorizes the utilities within a study area to meet voluntarily to determine area water and wastewater priorities, promote cooperation among the utilities, and consider other matters. Requires biennial reports from the utilities of each study area and from the IFA on the cooperative activities of the utilities.
- Provides that a utility applying to the IFA for a loan, a grant, or other financial assistance must demonstrate that its officers and employees have participated in study area activities. Requires every water utility, at least once in each calendar year, to perform an audit of its water distribution system to determine the causes of the water utility's "non-revenue water" (the difference between the amount of water entering the utility's distribution system and the amount of water received by the water utility's customers).
- In even-numbered years, requires the results of the annual audit to be verified by an independent evaluator and reported to the IFA and requires the IFA to issue a report concerning the audit results.
- Specifies that: (1) customer specific data, including information excluded from public access under Indiana's access to public records act; and (2) a required cybersecurity plan; submitted in connection with an application for a permit for a public water system or a wastewater treatment plant is exempt from the requirement that certain required analyses and plans must be made publicly available.
- Amends the definition of "customer lead service line improvement".

[SEA 193, PL 150 SEWER AND WATER CONNECTIONS](#)

Author: Bohacek, R-Michiana Shores

Sponsor: Pressel, R-Rolling Prairie

Aim Comment: This legislation provides that a local unit may not prohibit a property owner from installing a water or sewer line in or through a public right of way if the property owner submits documentation that the property's septic system or drinking well is failing. The property owner must have all necessary permits and approvals required by both state and local entities. The property owner is also restricted from extending the new water or sewer lines outside of a regulated territory. The property owner must also have approval of the unit that operates the sewer system or water works. There were attempts to add several different negative utilities language to this bill but Aim

was able to prevent worse language from being included in this bill.

- Provides that a unit may not prohibit a property owner from installing a sewer line or other sewage works: (1) in or through a public right-of-way owned or controlled by the unit; and (2) for the purpose of connecting the owner's property to a sewer system owned or operated by another unit or entity; if the owner provides to the unit a written determination from a specified authority that the owner's existing sewage disposal system is failing, and if certain other conditions are met.
- Provides that in the case of a connection to a sewer system made under these provisions, a municipality (or a board of sanitary commissioners for the department of sanitation in certain municipalities) that owns or operates the sewer system to which the connection is made may waive the requirement that the property owner must release the property owner's right to remonstrate against pending or future annexations of the property owner's property by the municipality.
- Provides that a unit may not prohibit a property owner from installing a water service line or other water utility service infrastructure: (1) in or through a public right-of-way owned or controlled by the unit; and (2) for the purpose of connecting the owner's property to a waterworks owned or operated by a water utility other than a water utility owned or operated by the unit; if the property owner's property is served by a private water well, and if certain other conditions are met.

[SEA 460, PL 189 BROADBAND DEVELOPMENT](#)

Author: Messmer, R-Jasper

Sponsor: Soliday, R-Valparaiso

- Establishes the rural broadband fund for the purpose of awarding grants: (1) before August 1, 2019, under the existing statute governing grants for qualified broadband projects for unserved areas in Indiana; and (2) after July 31, 2019, under new procedures governing grants for eligible broadband projects for rural areas in Indiana.
- Requires the office of community and rural affairs (office) to establish procedures for the awarding of grants from the fund after July 31, 2019, by state agencies to eligible broadband service providers for eligible broadband projects in rural areas of Indiana.
- Provides that the procedures established by the office must establish specified priorities for the awarding of grants, based on the available Internet speeds in a particular area. Provides that the procedures established by the office may not permit the awarding of a grant from the fund for any proposed broadband project in an area in which eligible broadband service is available.
- Provides that the procedures established by the office may not permit the office to award a grant from the fund for any project in a rural area for which funding has been allocated from certain federal funding programs.
- Provides that the procedures established by the office must establish a system of priorities for awarding grants, weighted as determined by the office in guidelines adopted by the office, that gives preference to eligible broadband projects that meet certain specified criteria.
- Requires an eligible broadband service provider awarded a grant to sign with the office a grant agreement that: (1) outlines a start date and an end date for completion of the project; and (2) conditions the release of any grant funds on the progressive completion of the project.
- Beginning in 2020, requires the office to submit to the general assembly an annual report on the awarding of grants under these procedures during the most recent state fiscal year.
- Provides that every three years, beginning in 2021, the state board of accounts shall conduct an audit of the awarding of grants from the fund during the most recent three state fiscal years.
- Provides that a communications service provider that holds a certificate of territorial authority shall be designated as a public utility solely as that term is used in federal law that allows a state to exempt a public utility from the federal law's requirement that the state must charge fair market value for the use of real property acquired by the state using federal transportation funding.
- Provides that the department of transportation (INDOT) may not charge an access rate or any other

recurring charge or recurring fee for communications infrastructure that is located before May 1, 2019, in any rights-of-way that are owned or controlled by INDOT.

- Specifies that INDOT may charge routine right-of-way permit fees to enter INDOT's rights-of-way for the maintenance of existing facilities.
- Provides that the department may create a broadband corridor program to manage communications infrastructure along or within limited access highway rights-of-way.
- Specifies that for purposes of the broadband corridor program, "communications infrastructure" does not include privately owned vertical structures used primarily for providing wireless communications service.
- Provides that: (1) INDOT may not unreasonably discriminate among entities requesting access to broadband corridors or other INDOT controlled rightsof-way; and (2) the bill's provisions prohibiting INDOT from discriminating among such entities do not abrogate or limit INDOT's statutory authority to safely and efficiently manage and operate the state highway system and associated highway rights-of-way.
- Provides that, before July 1, 2020, INDOT shall adopt rules to provide that, as used throughout the department's administrative code regarding utility facility relocation for purposes of construction contracts, "utility" has the meaning set forth in federal law concerning utility relocations, adjustments, and reimbursement.

[SEA 472, PL 229 UTILITY MATTERS](#)

Author: Koch, R-Bedford

Sponsor: Soliday, R-Valparaiso

- Provides that an order affecting rates of service may be entered by the utility regulatory commission (IURC) without a formal public hearing in the case of any public or municipally owned utility that either: (1) serves less than 8,000 customers; or (2) has initiated a rate case on behalf of a single division of the utility and that division: (A) serves less than 5,000 customers; and (B) has an IURC-approved schedule of rates and charges that is separate and independent from that of any other division of the utility. (Current law permits the IURC to enter a service rate order without a public hearing only in the case of a utility that itself serves less than 5,000 customers.)
- Changes the term "distressed utility" to "offered utility" for purposes of statutory provisions regarding the acquisition of water or wastewater utilities.
- Makes the following changes for purposes of the statutory provisions under which a utility that acquires property from another utility at a cost differential may petition the IURC to include the cost differential in the acquiring utility's rate base: (1) Provides conditions for applicability of the rebuttable presumption that the cost differential is reasonable. (2) Amends the findings the IURC must make in order to approve the petition. (3) Provides that notice of the filing of the petition may be provided to customers of the acquiring utility company in a billing insert. (4) Requires the acquiring utility company to submit with its petition to the IURC a written description of how the acquiring utility will identify and make reasonable and prudent improvements necessary to provide safe and reliable service to customers of the offered utility.
- Provides, for purposes of the requirement that a municipality that plans to sell or dispose of nonsurplus municipally owned utility property must appoint appraisers in a writing that is a public record, that a written contract with the appraisers or the appraisers' firms satisfies this requirement.
- Provides that the municipality must hold a public hearing regarding the appraisal and proposed sale not later than 180 days (rather than 90 days, under current law) after the appraisal is complete.
- Amends the factors the IURC must consider in deciding whether the sale or disposition is in the public interest.
- Provides that if, within a county containing a consolidated city: (1) a main sewer line is extended for the purpose of connecting one or more residential or commercial properties to a sanitary sewer system; and (2) the extension, when completed, will be located within a certain distance of the property line of a residential property served by a septic system; the Health and Hospital Corporation of Marion County (corporation) or its board may not order that the residential property served by a septic system be

connected to the extension.

- Provides, however, that the connection of a residential property served by a septic system to such an extension may be ordered if: (1) the state department of health; or (2) the corporation or its board; determines that the septic system serving the residential property is failing.
- Specifies that these provisions do not affect a septic tank elimination program approved by the IURC.
- Urges the legislative council to assign to an appropriate interim study committee the task of studying, on a statewide basis, the connection of unserved properties to sanitary sewer systems owned or operated by various public and private entities.

[SEA 535, PL 277 EXTRATERRITORIAL POWERS OF MUNICIPALITIES](#)

Author: Boots, R-Crawfordsville

Sponsor: Davisson, R-Salem

Aim Comment: SEA 535 contains many provisions that impact various powers and authority that municipalities have outside corporate boundaries. As introduced, it would have completely eliminated a municipality's opportunity to have planning and zoning jurisdiction in the two-mile fringe. Aim successfully negotiated that back to a much more acceptable place. Under SEA 535:

- For a municipality exercising fringe jurisdiction for the first time, the county commissioners must approve the exercise of that jurisdiction.
- For a municipality currently exercising fringe jurisdiction, there will be no change unless/until the county commissioners take required steps to assume jurisdiction over the fringe area.
- For a municipality in a county with no zoning, there will be no change and no commissioner approval is required to exercise fringe jurisdiction.

Another significant provision in SEA 535 repeals the ability of municipalities to adopt new public health, safety and welfare ordinances that regulate activities up to four miles from corporate boundaries. The impetus for this repeal came after a handful of communities adopted these four-mile ordinances in an effort to prevent wind turbines from being erected in unincorporated areas where the county either did not have zoning regulations or the county had regulations that allowed them.

SEA 535 also prohibits the exercise of eminent domain powers outside municipal boundaries unless a statute specifically allows it. Although current law specifically allows municipalities to use eminent domain to acquire property for parks up to ten miles outside corporate boundaries, SEA 535 repeals that authority, in addition to repealing the ability of municipalities to operate parks outside corporate boundaries. Municipalities also now may not regulate watercourses outside corporate boundaries.

This is a far-reaching bill with many provisions. We encourage municipal attorneys to take a close look at this bill anytime extraterritorial powers are exercised.

- Repeals the general authority of a city or town (municipality) to regulate conduct or property use endangering public health, safety, and welfare within four miles outside of its municipal boundaries and provides that the repeal: (1) does not void such an ordinance or resolution adopted before January 1, 2019, or prevent the validity of such an ordinance or resolution from being challenged in a legal proceeding; and (2) voids such an ordinance or resolution adopted after December 31, 2018.
- Repeals the general authority of a municipality to: (1) impose restrictions upon persons or animals in order to prevent injury or disease; and (2) capture and destroy animals; within four miles outside its boundaries.
- Voids any such ordinances or resolutions adopted by a municipality before July 1, 2019.
- Provides that a municipality may only exercise eminent domain within the municipality unless a statute expressly provides otherwise.
- Eliminates the express authority of a municipal park board to acquire property outside its boundaries by eminent domain.

- Provides that a municipal airport board may exercise eminent domain: (1) within four miles outside its municipal boundaries; and (2) more than four miles outside its municipal boundaries in order to acquire land contiguous to an airport that existed on January 1, 2019.
- Repeals the general authority of a municipality to do the following with regard to watercourses located within 10 miles outside the municipal boundaries: (1) Change the channel of, dam, dredge, remove an obstruction in, straighten, and widen a watercourse. (2) Regulate the taking of water, or causing or permitting water to escape, from a watercourse. (3) Regulate conduct that might alter the temperature of water, or affect the flow of water, in a watercourse. (4)
- Regulate the introduction of any substance into a watercourse or onto its banks. (5) Purify the water in a watercourse.
- Provides that the repeal of the powers in (1) through (5) regarding watercourses: (1) voids any municipal ordinances or resolutions adopted before July 1, 2019, that exercise those powers; (2) does not affect a municipality's ability to take water from a watercourse within the 10 mile area outside its boundaries; and (3) does not affect a municipality's authority under these sections with regard to a municipal park existing on June 30, 2019, that is located within 10 miles outside the municipal boundaries.
- Allows a municipality to continue to exercise eminent domain to acquire property outside its boundaries, if it has reached a specified point in the eminent domain proceedings on January 1, 2019.
- Provides that for comprehensive plans that were initially adopted before July 1, 2019, if the municipal plan commission provided in its comprehensive plan for the development of a contiguous unincorporated area, the municipal plan commission may continue to exercise territorial jurisdiction over that area unless the jurisdiction of the municipal plan commission is terminated as provided by law.
- Provides that for comprehensive plans that are initially adopted after June 30, 2019: (1) If the municipality is located in a county that has not adopted a comprehensive plan covering the contiguous unincorporated area and the municipality is providing municipal services to the contiguous unincorporated area, the municipal plan commission may exercise territorial jurisdiction over that area by filing certain notices. (2) If the municipality is located in a county that has adopted a comprehensive plan and ordinance covering the contiguous unincorporated area, the municipal plan commission may exercise territorial jurisdiction over that area only if it obtains the approval of the county legislative body of each affected county.
- Provides that the power to aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs may be exercised by a municipality with regard to a municipal park located within 10 miles outside the boundaries of the municipality that exists on June 30, 2019.

aim Accelerate
Indiana
Municipalities