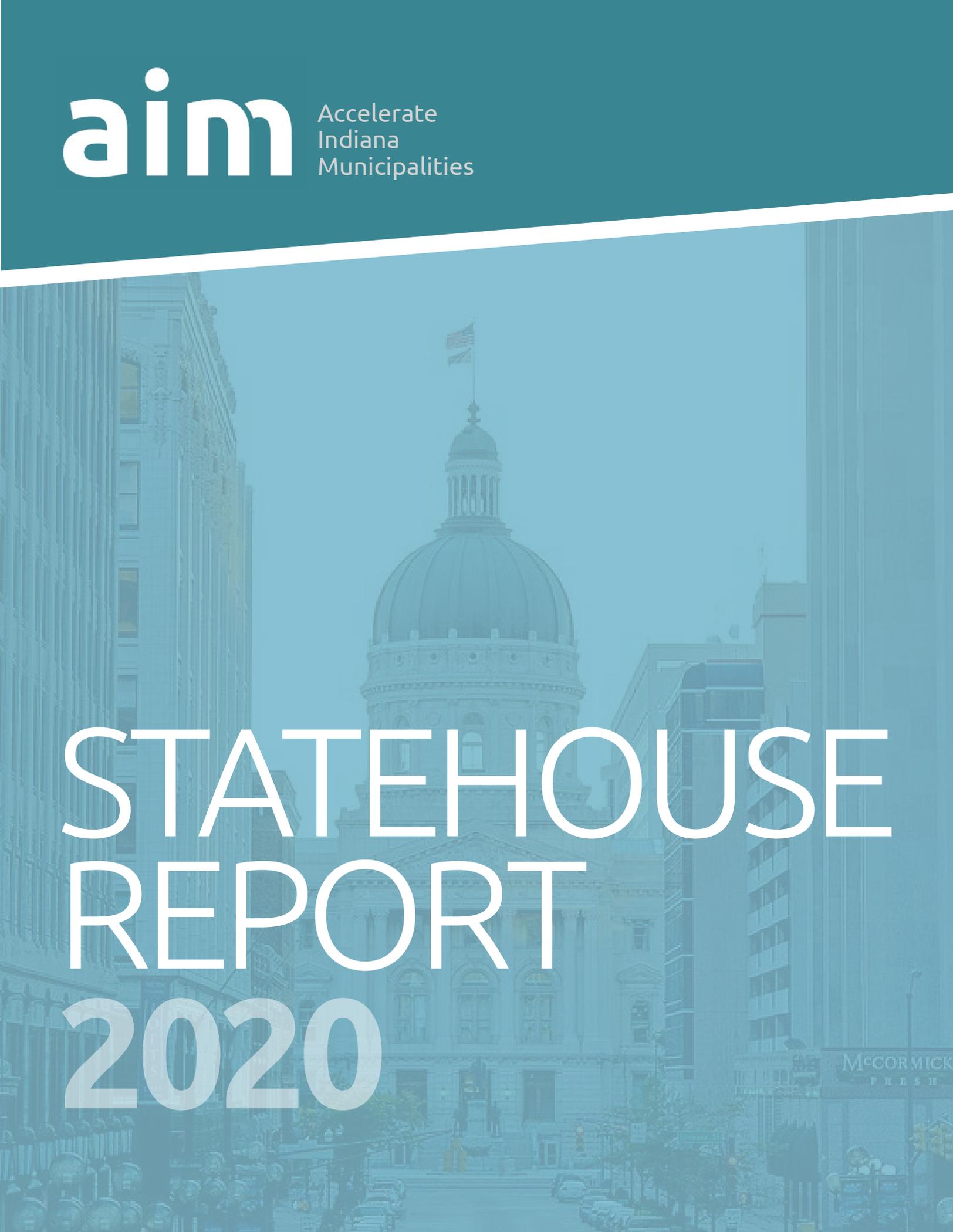


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A blue-tinted photograph of the Indiana Statehouse building, featuring a prominent dome and a flag on top. The building is surrounded by other city buildings and a street with cars and a sign for 'McCORMICK FRESH'.

# STATEHOUSE REPORT 2020

## Session Overview

During the 2020 session, the legislature focused much of its attention on education issues and efforts to lower health care costs. It was also a historic session, with Speaker Bosma announcing his retirement and Rep. Todd Huston (R-Fishers) serving as the Speaker-Elect. The last week of session, Speaker Bosma handed the gavel over to Rep. Huston, who is now the official Speaker of the House.

Over the past few years, Aim has focused on executing a long-term strategy to ensure a bright future for Indiana's cities and towns. This involves regional collaboration for planning and new revenue mechanisms to make those regional plans a reality. This year, House Enrolled Act 350 was introduced at our request as a statewide proposal to allow members of regional development authorities to raise and pool new revenue to fund transformative capital projects. The bill was changed into a Central Indiana pilot program with no new revenue mechanisms included. While this is a step in the right direction, we will continue to advocate for a statewide framework that includes the ability to raise new revenue for regional projects.

Aim had success with Senate Enrolled Act 190, which removes local road and street projects from the controlled projects statute, ensuring that these critical infrastructure projects will never have to go through the onerous and time-consuming processes of a referendum or petition/remonstrance. We also worked to defeat a number of other bills that were concerning to municipal government (e.g. HB 1060, preempting local regulation of building materials; SB 46, exempting churches, schools and farmland from storm water user fees; SB 23, ending municipally-initiated annexations; and several others!).

Senate Enrolled Act 148 would have preempted local ordinances that regulate any aspect of the landlord-tenant relationship. Thanks to the efforts of a coalition of stakeholders that included Aim, the Governor vetoed this harmful legislation, leaving these issues in the hands of local communities.

Unfortunately, there are two bills that will increase costs and administrative burdens on municipally-owned utilities. House Enrolled Act 1165 prohibits municipal utilities from requiring landlords to co-sign service agreements with their tenants for water, gas and electric service. House Enrolled Act 1131 requires water and sewer utilities to follow IURC rules for water and sewer main extensions. This will change some utility procedures in your community and Aim will continue to provide technical assistance as you navigate these new laws.

In this Statehouse Report, you will find the collection of new laws that 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](http://www.iga.in.gov).

We hope you will find the 2020 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 thank you for keeping your legislators informed about municipal matters that are important to you and your community!

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2020

**Administration**

### **SEA 10, PL 51: Pension Matters**

Author: Boots, R-Crawfordsville

Sponsor: Burton, R-Whiteland

- Provides that a member of the public employees' retirement fund (PERF), the Indiana state teachers' retirement fund (TRF), or the legislators' defined contribution plan who meets certain age and service requirements may withdraw all or part of the amount in the member's annuity savings account without consequence to the member's pension benefit under the fund and without separating from a covered position.
- Removes the requirement that a member of PERF, TRF, or the legislators' defined contribution plan wait 30 days after separating from a covered position to withdraw an amount from the member's annuity saving account.
- Provides that the board of trustees of the Indiana public retirement system may offer members an alternative option for the payment of the member's retirement benefits that does not include a minimum benefit option.
- (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

### **SEA 20, PL 53: Plan Commissions**

Author: Gaskill, R-Pendleton

Sponsor: Saunders, R-Lewisville

- Allows a county agricultural extension educator (educator) serving on a county plan commission or an area plan commission who is not a resident of the county to continue to serve on the county plan commission or area plan commission until:
  - (1) October 1, 2020; or
  - (2) the date set forth in a county legislative body ordinance that is after October 1, 2020, and not later than October 1, 2021.
- Provides that an educator who is not a resident of the county shall serve the county plan commission or area plan commission in a nonvoting advisory capacity.
- Provides that the county surveyor's designee must be a resident of the county to serve on the county plan commission or area plan commission.
- Requires a person appointed to a plan commission to fill a vacancy or to serve as an alternate member to meet the same requirements as the member the person is appointed to replace.

### **SEA 25, PL 54: Mental Health Disability Review Panels**

Author: Boots, R-Crawfordsville

Sponsor: Frye, R-Greensburg

- Establishes mental health disability review panels (review panel) for evaluation of members of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who have been determined to have an impairment for mental illness.
- Includes mental illness in the description of "occupational diseases" for purposes of determining whether a 1977 fund member has an impairment.
- Makes the final determination of an impairment for a mental illness provisional for two years:
  - (1) beginning July 1, 2020, for a final determination made after December 31, 2012, and before July 1, 2020; or
  - (2) from the date of the final determination, for a final determination made after June 30, 2020.
- Requires that, during that time, the 1977 fund member participate in a mental health treatment plan, at the employer's cost, and at the end of the two year period, requires the review panel to evaluate the 1977 fund member to determine if the 1977 fund member:
  - (1) is medically able to return to duty; or
  - (2) may continue for another two year provisional disability period.
- Requires that, at the end of the second provisional period, the review panel evaluate the 1977 fund member to determine if the 1977 fund member:

- (1) is medically able to return to duty; or
- (2) has a permanent impairment.
- Provides that the evaluations conducted by the mental health disability review panels are confidential.
- Provides that the board of trustees of the Indiana public retirement system may suspend a 1977 fund member's disability benefits if the member fails to comply with reasonable requests for information by the mental health disability review panel.
- (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

**SEA 61, PL 3: EMS Interstate Personnel Licensure Compact**

Author: Charbonneau, R-Valparaiso

Sponsor: Bacon, R-Chandler

- Implements the emergency medical services personnel licensure interstate compact.

**SEA 100, PL 134: Nonconforming Structures**

Author: Doriot, R-Syracuse

Sponsor: Miller, R-Elkhart

- Provides that the parcel owner shall be allowed to reconstruct, repair, or renovate the nonconforming structure if the reconstruction, repair, or renovation meets certain requirements.
- Specifies that the bill's provision regarding the reconstruction, repair, or renovation of a nonconforming structure does not apply to a nonconforming structure that is:
  - (1) subject to the jurisdiction of a preservation commission; or
  - (2) located within a flood plain.

**SEA 148: Zoning and Housing Matters (VETOED)**

Author: Doriot, R-Syracuse

Sponsor: Miller, R-Elkhart

**Aim Comments:**

As introduced, SEA 148 was a bill dealing with the definition and regulation of manufactured homes. Aim worked with the bill's author, Sen. Blake Doriot (R-Syracuse), to ensure that local units could still impose standards and requirements on manufactured homes. The final version of the bill provided that local units retained the same authority to regulate as under current law, except that they may not require a permanent foundation system that is incompatible with the design of the manufactured home or more than one permanent foundation system, nor may mandate size requirements for manufactured homes within mobile home communities.

However, during conference committee, controversial language to pre-empt local ordinances that regulate the landlord-tenant relationship was added to this bill. Although aimed at an ordinance adopted in Indianapolis, the language in the bill prohibited all local units from regulating any aspect of the landlord-tenant relationship unless otherwise authorized by the General Assembly. Aim argued that this language was overly broad and may void many ordinances statewide that may not have been originally contemplated with the preemption language.

Aim and a coalition of advocacy groups worked against this bill. Although it did pass the General Assembly, fortunately, Governor Holcomb vetoed SEA 148. We expect the issue to be back in some form in 2021.

- Amends a statute concerning manufactured homes (manufactured home statute) to provide, with respect to a manufactured home located outside of a mobile home community, as follows:
  - (1) A comprehensive plan or zoning ordinance adopted by a unit of local government may:
    - (A) specify aesthetic standards and requirements concerning the manufactured home's

permanent foundation system; and

(B) require compatibility of the manufactured home's permanent foundation system with surrounding residential structures.

(2) A unit of local government may not require:

(A) a permanent foundation system that is incompatible with the structural design of the manufactured home; or

(B) more than one permanent foundation system for a manufactured home.

- Specifies that the changes to the manufactured home statute do not affect a requirement applicable to property that is subject to the jurisdiction of a preservation commission.
- Provides that a unit of local government may not adopt or enforce certain ordinances, regulations, requirements, or other restrictions that mandate size requirements for a manufactured home that is placed in a mobile home community.
- Provides that, subject to certain conditions, an industrialized residential structure may be located in a mobile home community.
- Requires a mobile home community operator (operator) to provide all owners of mobile homes, manufactured homes, or industrialized residential structures in a mobile home community with written notice not less than 180 days before the mobile home community's closure.
- Provides that an operator who violates the notice requirement commits a deceptive act that is actionable by the attorney general or a consumer.
- Prohibits a unit of local government from regulating certain aspects of a landlord-tenant relationship with respect to privately owned real property located in the unit unless the regulation is authorized by the general assembly.
- Prohibits a landlord from taking certain retaliatory actions in response to a tenant's engaging in one or more enumerated protected activities.
- Prohibits a local unit from adopting or enforcing any ordinance or regulation concerning retaliatory acts by landlords.
- Makes conforming changes.

### **SEA 180, PL 5: Public Employees Deferred Compensation Plan**

Author: Walker, R-Columbus

Sponsor: Carbaugh, R-Fort Wayne

- Amends the notice requirement in the statute concerning the public employees deferred compensation plan to provide that notice to an employee of the provisions of the statute:
  - (1) is not required to be in writing;
  - (2) is not required to be provided to the employee with the employee's first paycheck (assumed by the statute to be a paper paycheck); and
  - (3) must include the contact information of the plan administrator, instead of the contact information of the auditor of state.

### **SEA 190, PL 60: Controlled Projects**

Author: Holdman, R-Markle

Sponsor: Thompson, R-Lizton

#### **Aim Comments:**

SEA 190, authored by Sen. Travis Holdman (R-Markle) and sponsored by Rep. Jeff Thompson (R-Lizton), removes road and street projects from the definition of a "controlled project" – the type of local government capital project that can be blocked by a voter referendum or the petition/remonstrance process.

The controlled projects statute was designed to control large, discretionary capital projects like city hall remodels or school sports facilities. We do not believe it was ever the intent of this statute to have a road project, which is a core function of government, to be subject to voter approval. This year, the General Assembly agreed and passed SEA 190 into law.

This was an Aim initiative and part of our 2020 operational agenda.

- Amends the definition of a “controlled project” to exclude projects exclusively for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation of:
  - (1) local road and street systems;
  - (2) arterial road and street systems; and
  - (3) any combination of local and arterial road and street systems; including bridges that are designated as being in a road and street system.
- Provides that the restrictions on supporting a position on a controlled project apply to any political subdivision that has assessed value within the same taxing district as the political subdivision proposing the project.
- Provides that nothing shall prevent another political subdivision that has assessed value within the same taxing district as the political subdivision from adopting a resolution or taking a position on a local public question.

### **SEA 197, PL 8: Prohibited Technology Purchases**

Author: Koch, R-Bedford

Sponsor: Soliday, R-Valparaiso

- Defines “prohibited person” as a person that has been designated as posing a national security threat to the integrity of communications networks or the communications supply chain under a Federal Communications Commission rule.
- Prohibits money appropriated by the general assembly or a political subdivision from being granted to or used to purchase or obtain any equipment or services produced or provided by a prohibited person.

### **SEA 216, PL 64: Disclosure of Personal Information to Offender**

Author: Sandlin, R-Indianapolis

Sponsor: Burton, R-Whiteland

- Amends the access to public records act to provide that personal information regarding a correctional officer, probation officer, community corrections officer, law enforcement officer, judge, crime victim, or their family members may be withheld from disclosure when requested by a person confined in a prison, county jail, detention facility, or in a community corrections program as a result of the person’s arrest or conviction for a crime, or that person’s agent or relative. (Currently the law permits withholding personal information of officers, judges, victims, or their family members, if the information is requested by a person incarcerated in a penal institution after conviction for a crime.)
- Provides that the term “agent” does not include an attorney in good standing admitted to the practice of law in Indiana.

### **SEA 230, PL 65: Leasing of Local Unit Property**

Author: Sandlin, R-Indianapolis

Sponsor: Burton, R-Whiteland

- Provides that a political subdivision may lease real property of the political subdivision that is located between the curb of a street and the front of commercial property, including a parkway strip, tree row, verge, or sidewalk, to the owner or property manager of the commercial property:
  - (1) upon terms agreed to between the political subdivision and the property owner or property manager; and
  - (2) without competitive bidding.
- Specifies requirements for the lease.
- Provides that upon execution of the lease, the property of the political subdivision shall be under the maintenance, control, and supervision of the property owner or the property manager, subject to the public’s right to use the sidewalk as a walkway.

- Requires the lessee to:
  - (1) assume the liability of the political subdivision for personal injuries and property damage to third parties occurring on the property; and
  - (2) maintain insurance coverage in amount determined sufficient by the political subdivision.
- Requires the lease to be approved by at least a two-thirds vote of the members of the fiscal body of the political subdivision and recorded in the office of the county recorder.

### **SEA 237, PL 66: Care of City Police Officers and Firefighters**

Author: Liz Brown, R-Fort Wayne

Sponsor: Morris, R-Fort Wayne

- Provides that a city shall pay for the care of a police officer or firefighter who suffers an injury while performing the person's duty or while the person is on duty or who contracts illness caused by the performance of the person's duty.

### **SEA 257, PL 71: Aviation Safety**

Author: Koch, R-Bedford

Sponsor: Soliday, R-Valparaiso

- Provides that INDOT shall not issue a permit for construction or alteration of an energy facility that will result in a structure that is more than 200 feet above ground level at its site unless the applicant for the permit submits to INDOT documentation of a formal review by the Clearinghouse of the proposed construction or alteration indicating:
  - (1) that the formal review resulted in a determination that the construction or alteration will not have an adverse impact on military operations and readiness; or
  - (2) that:
    - (A) the formal review resulted in a determination that the proposed project will have an adverse impact on military operations and readiness; and
    - (B) the applicant has either resolved the adverse impact to the satisfaction of the United States Department of Defense or entered into a mitigation agreement with the United States Department of Defense to mitigate the adverse impact.
- Provides that a person that is a public use airport owner or operator has standing to obtain judicial review or to intervene in a proceeding for judicial review of a zoning decision that may have a negative impact on the safety of civilian or military flight operations to or from the airport.

### **SEA 258, PL 72: Firefighter Safety**

Author: Koch, R-Bedford

Sponsor: Frye, R-Greensburg

- Requires the board of firefighting personnel standards and education to establish best practices to improve safety and health outcomes for firefighters.
- Establishes the best practices fund for the purpose of providing matching grants to political subdivisions and volunteer fire departments to purchase equipment and other gear to implement best practices.
- Provides that the worker's compensation rating bureau of Indiana may recommend a premium or rate discount toward worker's compensation insurance to political subdivisions and volunteer fire departments that implement best practices.

### **SEA 269, PL 139: Worker's Compensation**

Author: Jon Ford, R-Terre Haute

Sponsor: Lehman, R-Berne

- Provides that for worker's compensation and occupational diseases compensation, not later than 14 days from the date that the first installment of compensation is due, an employer or the employer's insurance carrier must file with the worker's compensation board (board) a report of payment of compensation. (Current law provides that not later than 15 days from the

date that the first installment of compensation is due, an employer or the employer's insurance carrier must file with the worker's compensation board a compensation agreement.)

- Provides that for worker's compensation and occupational diseases compensation, the presentation to the employee or to the employee's dependents of certain payments from the employer or the employer's insurance carrier is sufficient tender of the worker's compensation or occupational diseases compensation.
- Provides that for worker's compensation and occupational diseases coverage, an employer must notify certain employees of the employer's intent to terminate the employee's temporary total disability benefits, and for all instances of termination of benefits, file an electronic notice with the board. (Current law provides that an employer must notify an employee of the employer's intent to terminate temporary total disability benefits in cases not included in statute.)
- Provides that for worker's compensation and occupational diseases compensation for injuries occurring on or after July 1, 1991, compensation amounts determined for visual impairments shall be:
  - (1) based on the Functional Vision Score; and
  - (2) except in cases of permanent and complete loss of vision by enucleation, be paid as a whole person rating. (Current law provides that for injuries occurring on or after July 1, 1991, compensation amounts determined for:
    - (A) permanent reduction of the sight of an eye less than a total eye loss shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses; and
    - (B) 100% loss of vision shall be paid for 50% of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses.)
- Removes from the compensation schedule for worker's compensation and occupational diseases compensation, for injuries occurring on or after July 1, 1991, that a reduction of vision to 1/10 of normal vision with glasses is 35 degrees of permanent impairment.
- Provides that the board may dispose of all papers for files when compensation has been awarded either by agreement or upon hearing two years after the termination of the compensation period for files related to worker's compensation and worker's occupational diseases compensation. (Current law provides for one year.)
- Provides that all records of insurance coverage related to worker's occupational diseases compensation shall be maintained for 35 years. (Current law provides the records be maintained for 45 years.)

### **SEA 340, PL 80: Private Property Matters**

Author: Spartz, R-Noblesville

Sponsor: Wolkins, R-Warsaw

#### **Aim Comments:**

SEA 340, authored by Sen. Victoria Spartz (R-Noblesville) and Rep. Dave Wolkins (R-Warsaw), makes various changes to certain eminent domain proceedings.

The bill changes the wording in the notice that must be provided to property owners in eminent domain proceedings, and awards attorney's fees up to \$25,000 to a prevailing property owner if a court finds that the unit did not have a right to exercise eminent domain for the use sought.

For streamlined proceedings under IC 32-24-2, SEA 340 requires notice to the property owner through mail 30 days before the remonstrance can be heard. At the remonstrance hearing in front of the Board of Works, the property owner can appeal damages and, new under SEA 340, can challenge the right to use eminent domain for use sought.

The bill also increases to 3/4 (previously 2/3) the council vote total necessary to initiate eminent domain for economic development purposes under IC 32-24-4.5-11.

- Requires a conveyance, a mortgage, or an instrument of writing to be recorded to be:
  - (1) acknowledged by the grantor; and
  - (2) proven before certain specified individuals; in certain instances.
- Requires the summons accompanying a complaint for condemnation to include language regarding the defendant's right to object to the condemnation within 30 days from the date notice is served.
- Requires a court to award reasonable costs and attorney's fees to a defendant whose objection to a complaint for condemnation is sustained.
- Caps the amount of attorney's fees a court may award if an objection to a condemnation is sustained at \$25,000.
- Exempts a condemnation action brought by a public utility or by a pipeline company from the bill's provisions requiring a court to award a defendant in a condemnation action the defendant's reasonable costs and attorney's fees if the defendant's objections to the proceedings are sustained in the proceedings or upon appeal.
- Requires a municipality to provide notice by mail to affected owners, both residents and nonresidents of the municipality, of a condemnation.
- Permits an affected owner to file an objection that a municipality does not have the right to exercise the power of eminent domain for the use sought.
- Amends the time for a remonstrance hearing for a municipal condemnation and the defendant's right to judicial review of the decision made at the hearing to 30 days. (Current law requires a remonstrance hearing to be set no less than 10 days after notice and the defendant to appeal the decision within 20 days.)
- Provides parties the right to appeal a court's judgment in the judicial review of a municipal condemnation.
- Revises the statute allowing a municipality to condemn property for economic development to require a 3/4 affirmative vote of the municipality's legislative body to exercise the power of eminent domain. (Current law requires a 2/3 affirmative vote of the municipality's legislative body.)
- Allows a property owner to challenge a condemnation for economic development purposes by providing clear and convincing evidence that the owner's parcel is not necessary for the project.

### **SEA 365, PL 143: Town of Griffith**

Author: Niemeyer, R-Lowell

Sponsor: Soliday, R-Valparaiso

- Changes the definition of "eligible municipality".
- Provides that if at least 2/3 of the voters voting in a special election held in the town of Griffith (town) on the public question of whether the territory of the town should be transferred to an adjacent township vote "yes" on the public question:
  - (1) the legislative body of the eligible municipality may submit a petition to one or more adjacent townships within two years after the special election requesting that the adjacent township accept transfer of the territory of the town;
  - (2) the legislative body of an adjacent township that receives a petition for the transfer of the town's territory may adopt a resolution accepting the transfer before the later of December 31 of the year in which the petition is received or the ninetieth day after the date that the petition is received; and
  - (3) if no legislative body of an adjacent township to which a petition for transfer was submitted by the town accepts the transfer before July 1, 2020, the territory of the town is automatically transferred to the adjacent township with the greatest assessed value effective January 1, 2022.

### **SEA 367, PL 144: Regional Development Authorities**

Author: Niemeyer, R-Lowell

Sponsor: Aylesworth, R-Hebron

- Adds three members to the development board of the northwest Indiana regional development authority.
- Specifies that the open door law and access to public records act apply to a regional development authority and the authority's governing board.

### **SEA 405, PL 87: Exemption from Design Release Requirements**

Author: Garten, R-Charlestown

Sponsor: Pressel, R- Rolling Prairie

- Provides that the design release requirements for certain projects do not apply to certain construction that is exempted even if the construction is:
  - (1) a part of;
  - (2) supplemental to; or
  - (3) an accessory of; any other construction that would otherwise require a design release.

### **SEA 406, PL 145: Survivor Benefits**

Author: Garten, R-Charlestown

Sponsor: Bartels, R-Eckerty

- Provides that if a public safety officer enters a deferred retirement option plan (DROP) for the public safety officer's respective pension plan and the public safety officer dies before the public safety officer's DROP exit date, the benefit options for the public safety officer's survivors are made similar, as applicable, to the DROP disability benefit options in:
  - (1) the DROP applicable to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan; and
  - (2) the DROP applicable to the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund (Indianapolis), and the 1977 police officers' and firefighters' pension and disability fund.

### **SEA 409, PL 147: Employment of Minors**

Author: Messmer, R-Jasper

Sponsor: Lyness, R-West Harrison

- Moves provisions on employment of students from Title 20 (Education) to Title 22 (Labor and Safety).
- Provides that a minor who is at least 14 years of age and less than 16 years of age:
  - (1) may not work before 7 a.m. or after 7 p.m.; and
  - (2) may work until 9 p.m. from June 1 through Labor Day except on a day that precedes a school day when the minor may only work until 7 p.m. (Current law provides that a child who is at least 14 years of age and less than 16 years of age may not work before 7 a.m. or after 7 p.m. on a day that precedes a school day or after 10 p.m. on a day that does not precede a school day.)
- Provides that a minor who is at least 16 years of age and less than 18 years of age:
  - (1) may not work for more than nine hours in any one day, 40 hours in a school week, 48 hours in a non-school week, and six days in any one week;
  - (2) may not begin a work day before 6 a.m.;
  - (3) may work in certain occupations until 10 p.m. on nights that are followed by a school day; and
  - (4) may work until 11 p.m. on a night followed by a school day with written permission from the minor's parent.
- (Current law:
  - (1) provides that a child who is at least 16 years of age and less than 17 years of age:
    - (A) may not work for more than eight hours in any one day, 30 hours in any one week, and six days in any one week;
    - (B) may not begin a work day before 6 a.m.; and
    - (C) may work until 11 p.m. on a night followed by a school

- day with written permission from the child's parent;
  - (2) provides that a child who is at least 17 years of age and less than 18 years of age:
    - (A) may not work for more than eight hours in any one day, 30 hours in any one week, and six days in any one week;
    - (B) may not begin a work day before 6 a.m. on a school day; and
    - (C) may work until 11:30 p.m. on nights that are followed by a school day and 1 a.m. on a following day with written permission from the child's parent; and
  - (3) allows a child who is at least 16 years of age and less than 18 years of age to be employed for up to 40 hours during a school week, not exceeding nine hours in any one day, and a total of 48 hours in any one nonschool week with written permission from the child's parent.)
- Provides that an employer may notify the issuing officer if the minor's employment terminates. (Current law provides that an employer must notify the issuing officer.)
- Removes provisions:
  - (1) requiring rest breaks for a child who is less than 18 years of age;
  - (2) prohibiting employment of a child who is less than 18 years of age from 7:30 a.m. to 3:30 p.m. unless the child presents a written exception from the child's school;
  - (3) prohibiting a child who is less than 18 years of age from working after 10 p.m. or before 6 a.m. in an establishment that is open to the public unless another employee at least 18 years of age works in the establishment during the same hours as the child, so long as the establishment is open to the public before 6 a.m. or after 10 p.m.;
  - (4) requiring a child less than 18 years of age who is not a resident of Indiana, a minor who is a resident but attends a nonpublic school that employs less than one employee, or a minor who is a resident but is enrolled in a career and technical education program as approved by the Indiana state board of education to obtain an employment certificate;
  - (5) allowing the state board of education the ability to revoke a employment certificate; and
  - (6) providing that the state board of education adopt rules and approve forms related to employment certificates.
- Provides that the transfer in the bill of provisions related to employment certificates and employment of minors from Title 20 (Education) to Title 22 (Labor and Safety) expires June 30, 2021.
- Provides that after June 30, 2021, certain provisions that were transferred to Title 22 are transferred and relocated to a new chapter within Title 22, including provisions related to:
  - (1) the maximum number of hours a minor may be employed or permitted to work each day of the week and the hours beginning and ending each day;
  - (2) civil penalties; and
  - (3) age restrictions.
- Renames the bureau of child labor to the "bureau of youth employment".
- Replaces the term "child labor" throughout the Indiana Code.
- Provides that a principal of a school may send notice to the bureau of youth employment and the bureau of motor vehicles to revoke the student's employment certificate and driver's license or learner's permit. (Current law provides that the principal must send notice.)
- Provides that the Indiana department of labor may establish recommendations for rest breaks.
- Requires certain employers to register with the Indiana department of labor.
- Provides that the labor education and youth employment fund shall be used for the expenses of hiring and salaries of additional inspectors to enforce the new chapter, including developing and maintaining the data base, and any remaining funds may be used for the purposes of education and awarding grants to provide educational programs.
- Requires the Indiana department of labor to prepare a report outlining a plan to develop and maintain a data base displaying certain employers that employ minors by August 1, 2020, and develop the data base by July 1, 2021.
- Removes provisions that allow an employer to pay an employee who has not attained the age of

20 years, during the first 90 consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than the amount payable under the federal Fair Labor Standards Act of 1938.

- Provides that a minor less than 16 years of age may not be employed or permitted to work during school hours.
- Provides that a minor may not work in an establishment that is open to the public after 10 p.m. or before 6 a.m. unless another employer who is at least 18 years of age also works with the minor so long as the establishment is open to the public before 6 a.m. or after 10 p.m.
- Makes conforming changes.

### **SEA 424, PL 149: Address Confidentiality Program**

Author: Rogers, R-Granger

Sponsor: Engleman, R-Georgetown

- Allows a victim of harassment, human trafficking, intimidation, or invasion of privacy to participate in the address confidentiality program (program) of the office of the attorney general (office). (Currently the law allows only victims of domestic violence, sexual assault, or stalking to participate in the program.)
- Removes the requirement that a victim must have obtained a protective order to participate in the program.
- Requires that an applicant to the program provide a description of the applicant's plan to maintain the confidentiality of the applicant's new address.
- Provides, with certain exceptions, that if a program participant provides written notice to an individual, state or local government agency, business, or other legal entity:
  - (1) the entity shall use the address designated by the office;
  - (2) the entity may not disclose the program participant's address; and
  - (3) if the entity is a landlord, the entity may not display the program participant's name at the protected address.
- Allows the office to revoke a person's participation in the program or deny an applicant's application if the person:
  - (1) uses or intends to use the program in furtherance of a crime;
  - (2) knowingly misrepresents in a fraudulent manner any information the program participant or applicant provides to the program; or
  - (3) is unable or unwilling to maintain the confidentiality of the program participant's or applicant's address.
- Establishes the circumstances under which a program participant's address may be disclosed in a court proceeding and requires the court to issue an appropriate order to limit any further disclosure.
- Repeals a statute providing that a program participant who provides false information on a program application commits perjury.

### **SEA 433, PL 90: Structures in Floodways**

Author: Bassler, R-Washington

Sponsor: Lindauer, R-Jasper

- Prohibits the director of the department of natural resources (department) from exercising the authority to remove an abode or residence from a floodway if:
  - (1) the abode or residence was constructed before January 1, 2020;
  - (2) the owner of the abode or residence has taken measures to elevate the lowest floor of the abode or residence to at least two feet above the one hundred year flood elevation within two years after receiving notification from the department concerning the abode or residence; and
  - (3) the owner of the abode or residence has taken necessary measures to comply with all applicable local, state, and federal floodway regulations.

## **SEA 438, PL 91: Regulation of Pesticide Use and Application**

Author: Leising, R-Oldenburg

Sponsor: Lehe, R-Brookston

- Makes various changes to the statutes governing pesticide registration and pesticide use and application.
- Requires the pesticide review board (board) to establish a working group to review civil penalties and for the working group to make recommendations (before December 1, 2020) concerning civil penalties to the board and the general assembly.
- Provides that the state chemist shall suspend the enforcement of its FY 2019 pesticide enforcement response policy.

## **HEA 1006, PL 94: Minimum Age to Marry and Emancipation of Minors**

Author: Engleman, R-Georgetown

Sponsor: Charbonneau, R-Valparaiso

- Specifies that an "adult" is:
  - (1) a person at least eighteen years of age; or
  - (2) a:
    - (A) married minor who is at least sixteen years of age; or
    - (B) minor that has been completely emancipated by a court; for the purpose of marriage.
- Raises the minimum age to marry from 15 years of age to 16 years of age.
- Provides that an individual 16 or 17 years of age may marry only if:
  - (1) the individual's intended spouse is not more than four years older than the individual;
  - (2) a juvenile court has issued an order allowing the individual to marry; and
  - (3) the individual:
    - (A) completes any premarital counseling required under the order;
    - (B) applies for a marriage license not earlier than 15 days after the order is issued; and
    - (C) includes a certified copy of the order with the individual's application for a marriage license.
- Repeals provisions requiring an individual less than 18 years of age to obtain consent to marry from the individual's parent or guardian.
- Specifies a process an individual 16 or 17 years of age must follow to petition a juvenile court for an order allowing the individual to marry, and specifies conditions necessary for approval of the petition and conditions requiring denial of the petition.
- Provides that a court that issues an order allowing an individual at least 16 years of age to marry must also issue an order completely emancipating the individual.
- Amends the list of records or documents an individual may submit to a court clerk as proof of the individual's date of birth for purposes of applying for a marriage license.
- Amends the law regarding petitions by minors for emancipation as follows:
  - (1) Provides that a court hearing a minor's petition for emancipation must appoint a guardian ad litem for the minor.
  - (2) Provides that the guardian ad litem shall investigate the statements contained in the minor's petition and file a report of the investigation with the court.
  - (3) Provides that a court may grant a minor's petition for emancipation only if the court finds that emancipation is in the child's best interests.
  - (4) Provides that if the court completely emancipates the child:
    - (A) the child has all the rights and responsibilities of an adult; and
    - (B) the emancipation order may not specify terms of emancipation.
- Provides that an emancipated child remains subject to:
  - (1) Indiana law concerning minimum age for marriage; and
  - (2) other specific constitutional and statutory age requirements applicable to the emancipated child because of the emancipated child's age.
- Makes conforming amendments.

### **HEA 1015, PL 33: Rights of Professional Firefighters**

Author: Pressel, R-Rolling Prairie

Sponsor: Sandlin, R-Indianapolis

- Provides that a full-time, paid, non-probationary firefighter has certain minimum protections in addition to any protections provided by contract or other law with regard to the following:
  - (1) The conduct of an interview of the firefighter by the fire department (department) regarding a complaint or internal investigation.
  - (2) The giving of notice by the department to the firefighter of a personnel reassignment, personnel action, or disciplinary action.
  - (3) The disclosure of the firefighter's personal financial information for purposes of a personnel assignment or action.
  - (4) The firefighter's engagement in or refusal to engage in political activity.
- Repeals a provision that makes the provisions applicable only to police officers. (Currently these statutes apply only to police officers and police departments.)

### **HEA 1043, PL 96: Firefighters and Police Officers**

Author: Davisson, R-Salem

Sponsor: Boots, R-Crawfordsville

- Provides that a political subdivision served by a volunteer fire department may make contributions to the public employees' defined contribution plan for the members of the volunteer fire department in an amount determined by the governing body of the political subdivision.
- Provides that a unit's obligation to provide insurance coverage for a volunteer firefighter or member of an emergency medical services personnel supersedes the obligation of another medical insurance carrier.
- Increases the maximum age for police officers to begin membership in the 1977 police officers' and firefighters' pension and disability fund from 35 to 39 years of age.

### **HEA 1045, PL 97: Honor and Remember Flag**

Author: Abbott, R-Rome City

Sponsor: Glick, R-LaGrange

- Allows the Honor and Remember flag to be displayed at each state office building, the Indiana veterans' cemetery, and each veterans cemetery managed by the Indiana department of veterans' affairs.
- Provides that the Honor and Remember flag may be annually displayed during the month of May.
- Allows the Honor and Remember flag to be displayed at any time by certain entities.

### **HEA 1063, PL 99: Public Safety Officer Death Benefits**

Author: Goodrich, R-Noblesville

Sponsor: Doriot, R-Syracuse

- Increases, from \$150,000 to \$225,000, the special death benefit for certain public safety officers, certain motor carrier inspectors, certain special police employees, members of the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund, and the 1977 police officers' and firefighters' pension and disability fund who die in the line of duty after June 30, 2020.
- Provides that the board shall determine contributions and contribution rates for individual employers or for a group of employers necessary to adequately maintain the special death benefit fund.
- Provides that, for certain police officers, firefighters, and emergency medical services providers, the cost of the coverage is in addition to the contribution determined by the board.

## HEA 1065, PL 154: Various Tax Matters

Author: Thompson, R-Lizton

Sponsor: Holdman, R-Markle

### **Aim Comments:**

HEA 1065 was authored by Rep. Jeff Thompson (R-Lizton) and sponsored by Sen. Travis Holdman (R-Markle). This bill was a moving target throughout session, containing various local government and property tax provisions, including a controversial provision that allows school corporations to share referendum revenue with charter schools in their footprint.

Notably for municipal government is a provision added on the last day of session that changes the voting procedures for Local Income Tax (LIT) councils. This change only applies to former COIT counties in which there is one city or town with more than 50% of the population of the county.

Under current law, in former COIT counties (where a LIT Council is the adopting body for local income tax changes), each unit is apportioned votes on the LIT council in proportion to their population. Each unit votes as a bloc, so when the council approves a proposed change, all of the unit's votes are cast for the change (regardless e.g. of whether the council votes unanimously or 5-4). In counties where a municipality has the majority population of the county, that municipality's council controls the LIT council.

In counties in which there is one unit with the majority of the population in the county, the change in HEA 1065 apportions votes on the LIT council to every council member who sits on county, city or town councils within the county. For example, if a city has 63% of the population of a county, each member of the 9-member council has 7% of the vote for the entire LIT council: calculated by the population proportion of their city (63%) divided by the number of members of the council (9).

This affects 6 counties: Allen (Fort Wayne), Delaware (Muncie), Fayette (Connersville), Howard (Kokomo), Monroe (Bloomington), and Vanderburgh (Evansville). These changes sunset on May 31, 2021. It also provides that any LIT increase approved by the LIT Council for these communities after December 31, 2019 and before April 1, 2020 is void.

HEA 1065 also makes changes to residential housing TIF programs. Under current law, a housing TIF program can be started in counties and municipalities if the average of new, single family residential homes constructed in the preceding 3 years is less than 1% of the total number of residential homes in that jurisdiction. HEA 1065 exempts housing TIFs from the 3-year 1% calculation if the proposed housing TIF area is within an economic development target area. It also changes the maximum duration from 20 to 25 years, and treats condos and townhouses the same as single family dwellings within an economic development target area.

- Amends the definition of "inventory" for purposes of property tax.
- Amends the definition of "land developer" for purposes of provisions that apply to reassessment of undeveloped land.
- Provides that, if a taxpayer believes that the taxpayer has overreported a personal property assessment that is discovered in the course of a review of the taxpayer's personal property assessment for which the assessing official fails to make an adjustment to correct the error, the taxpayer may:
  - (1) initiate an appeal with the county property tax assessment board of appeals for a credit to offset any resulting overpayment; or
  - (2) file a claim for refund with regard to any resulting overpayment.
- Authorizes an appeal to the Indiana board of tax review of the denial of the refund claim with regard to a resulting overpayment.

- Provides that a:
  - (1) township fire protection and emergency services area; or
  - (2) fire protection district;
- that experiences more than 6% population growth during a 10 year period may increase its maximum property tax levy for 2021 or any year thereafter by an amount based on the population growth that exceeds 6%.
- Provides, however, that the township or fire protection district may not increase the tax levy based on the population growth by a total rate of more than 0.15 per \$100 of the net assessed value of the fire protection and emergency services area or fire protection district area within a 10 year period.
- Adds provisions concerning a school corporation's establishment of a school improvement fund if payments for loans or advances from the common school fund are suspended and related provisions.
- Amends the definition of "qualified higher education expenses" for the purpose of the 529 college savings contribution tax credit to exclude qualified education loan repayments.
- Amends the definition of "taxpayer" for the purpose of the 529 college savings contribution tax credit to include a married individual filing a separate return.
- Amends the industrial recovery tax credit to:
  - (1) provide that qualified expenses must be certified by the Indiana economic development corporation before the taxpayer is entitled to the credit for a taxable year; and
  - (2) specify that a taxpayer may make more than one assignment of any part of the credit, but may not assign the same part of a credit more than once.
- Amends the definition of "qualified redevelopment site" for purposes of the redevelopment tax credit to include a mine reclamation site.
- Provides that a local income tax council (LIT council) for a county with a single voting bloc must vote as a whole in order to exercise its authority to increase (but not decrease) a local income tax rate in the county.
- Defines a "county with a single voting bloc" as a county in which one city or one town that is a member of the LIT council is allocated more than 50% of the total votes allocated to the members of the LIT council.
- Sunsets this provision on May 31, 2021.
- Provides that actions taken by a member of a LIT council, or a LIT council, for a county with a single voting bloc after December 31, 2019, and before April 1, 2020, on a resolution or proposed ordinance to increase a local income tax in the county are void.
- Retroactively amends local income tax provisions that authorize Monroe County and Howard County to impose a special purpose rate to fund operation and maintenance of a juvenile detention center to remove provisions referring to property tax credits that were inadvertently included in those special purpose rate provisions when the local income tax law was enacted.
- Imposes a nonprofit agricultural organization health coverage tax on an organization that provides nonprofit agricultural organization coverage in Indiana.
- Defines "nonprofit agricultural organization coverage" for purposes of the tax.
- Provides that the tax is equal to 1.3% of gross premiums collected in the previous calendar year.
- Provides that a charter school may elect to distribute a proportionate share of the charter school's operations fund to the school corporation in whose district the charter school is located.
- Provides that a school corporation may distribute money that is received as part of a referendum tax levy to a charter school, excluding a virtual charter school, that is located in the attendance area of the school corporation.
- Provides that the resolution adopted by a school corporation to place a referendum on the ballot must indicate whether proceeds collected from the tax levy will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, as well as the amount that will be distributed.
- Removes the cap on the amount of career and technical education enrollment grants that may be distributed per state fiscal year.

- Provides that Spencer County is subject to a provision of the area planning law concerning urban areas.
- Makes certain changes to provisions that permit a redevelopment commission to establish a program for residential housing development and a tax increment funding allocation area for the program, including the following:
  - (1) Provides that the threshold condition for establishing a residential housing development program (program) does not apply for purposes of establishing a program in an economic development target area.
  - (2) Requires the department of redevelopment to consult with officials of all school corporations within the proposed allocation area before formal submission of the program.
  - (3) Requires the department of redevelopment to provide notice of the public hearing on the program to all affected taxing units and officials of all school corporations within the proposed allocation area.
- Revises the definition of “income tax base period amount” in the context of the certified technology park statute.
- Urges the legislative council to assign to an appropriate interim study committee during the 2020 legislative interim the task of studying tax credits and other fiscal incentives for a film and media production program.

### **HEA 1090, PL 102: Assumption of Care of Cemeteries**

Author: Cook, R-Cicero

Sponsor: Koch, R-Bedford

- Provides that a township or a county may assume maintenance of a cemetery for which it would otherwise not be responsible.
- Requires a property owner that has a cemetery located on the owner’s property to make a reasonable effort to maintain the cemetery.
- Provides that a township or county that assumes responsibility for maintaining a cemetery may seek reimbursement from the property owner for the cost of maintenance.
- Provides that a property owner commits a Class C infraction if the property owner fails to maintain the cemetery after the township or county provides two written notices.

### **HEA 1093, PL 39: Electric Document Filing**

Author: Ziemke, R-Batesville

Sponsor: Perfect, R-Lawrenceburg

- Provides that an executive branch state agency may allow a person to electronically file or submit a document to the state agency as an option in addition to any other means of filing or submitting a document that is required or allowed by statute or rule.
- Provides that methods to collect electronic filings or submissions must be approved by the office of technology.

### **HEA 1108, PL 157: State Board of Accounts**

Author: Lehman, R-Berne

Sponsor: Bassler, R-Washington

#### **Aim Comments:**

HEA 1108, authored by Rep. Matt Lehman (R-Berne) and sponsored by Sen. Eric Bassler (R-Washington) is the State Board of Accounts (SBOA) agency bill. Notably for cities and towns, it clarifies that management letters from the SBOA are confidential under the Access to Public Records Act (APRA). These letters are issues of noncompliance noted during audits that are not yet significant enough to become findings on those audits. They are usually recommendations from SBOA on how to improve a process or procedure to be more responsible or secure. These letters are confidential so that the municipality can take this information and improve their processes without having an official finding on their audit. The only way these letters would become available to the public is if an issue detailed

in a management letter from one year becomes a finding on the following year's audit.

- Makes various changes to statutes concerning the state board of accounts (board).
- Adds a definition of a "responsible officer of an audited entity".
- Allows the audit committee to determine the amount of the bond for the state examiner, deputy examiners, and field examiners based on applicable risk considerations.
- Repeals a statute that addresses duties required by law on April 5, 1909.
- Provides that, for purposes of the risk based examination criteria, the board may perform examinations of certain audited entities more frequently than once every four years if required by a ratings agency that rates debt maintained by such an audited entity.
- Provides that the board may issue management letters based on professional auditing standards to certain audited entities.
- Provides that the state examiner, deputy examiner, or field examiner may issue subpoenas to enforce the filing of certain reports.
- Establishes a procedure governing the examination of certain bodies corporate and politic.
- Provides that the procedure applies only to a body corporate and politic whose enabling statute does not provide for an audit, examination, or other engagement by the state board of accounts or an independent public accounting firm concerning financial or compliance related matters of the body corporate and politic.
- Makes changes to statutes establishing the forfeiture of office for the failure to file certain reports, interference with an examiner, and the failure to adopt or use the system of accounting and reporting adopted by the board.
- Provides that, as an alternative to an order to forfeit office, a court may impose a civil penalty that does not exceed \$500 for each day that the public officer or responsible officer continues to violate an obligation with respect to an audit, examination, or other engagement by the board.
- Specifies that the individual is personally liable for a civil penalty imposed on the individual for such a violation.
- Provides that the board may collect the expenses from the audited entity that the board incurs in carrying out the audit, examination, or other engagement.

### **HEA 1111, PL 158: Unemployment**

Author: Leonard, R-Huntington

Sponsor: Ruckelshaus, R-Indianapolis

- Provides a new schedule of rates for calendar years after December 31, 2020.
- Specifies that Schedule C applies for calendar years 2021 through 2025.
- Provides new contribution rates for calendar years after 2020.

### **HEA 1113, PL 159: Local Government Finance**

Author: Leonard, R-Huntington

Sponsor: Bassler, R-Washington

#### **Aim Comments:**

HEA 1113, authored by Rep. Dan Leonard (R-Huntington) and sponsored by Sen. Eric Bassler (R-Washington), was the annual Department of Local Government Finance agency bill. As always happens with this bill, it became a home for many local government finance issues.

Throughout the session, many controversial provisions were included in this bill, but by the time it reached its final version, most of these provisions were removed.

One part of this bill which Aim supports was a change to the statute on refunding taxpayers for successful property tax appeals. Under current law, there is a provision that allows local governments up to 5 years to pay back property tax appeals over \$100,000, but that provision of law was set to

expire this year. HEA 1113 changed this section to allow more time to pay back large property tax appeals:

- Up to 5 years for property tax appeals of \$500,000-\$5M
- Up to 7 years for property tax appeals of \$5M-\$10M
- Up to 10 years for property tax appeals of \$10M or more

This will help communities better manage the budget and cash flow issues created when commercial taxpayers win big property tax appeals. More work needs to be done on the appeals process for commercial properties (to address the “dark box” problem), but this is a step in the right direction.

- Changes the deadline for reporting bonds issued or leases executed after September 30.
- Requires budget committee review of an agreement:
  - (1) in which the Indiana finance authority or the state is a party; and
  - (2) that would increase revenue as a result of a sale or lease of a state asset, or a grant of a license to operate a state asset, if the increase in revenue as a result is at least \$100,000,000.
- Changes the defined term “assessed value growth quotient” to the term “maximum levy growth quotient” without changing the definition.
- Allows the department of local government finance (department) to amend certain rules to conform with statutory changes.
- Requires counties to provide data related to property taxation to the department. (Current law requires counties to provide the data to the department and the legislative services agency.)
- Amends and adds provisions regarding the assessment of a golf course.
- Eliminates unnecessary information from the sales disclosure form.
- Changes the term “industrial facility” in the statutes concerned with the assessment of industrial facilities.
- Prohibits township assessors and vendors who contract with county assessors or townships from assessing industrial facilities in Lake County.
- Provides that, for purposes of determining the assessed value of real property for an individual who has received an over 65 deduction, a disabled veteran deduction, or an over 65 circuit breaker credit, subsequent increases in assessed value are not considered unless the increase is attributable to physical improvements to the property.
- Provides that a taxpayer may appeal a change in the assessed value of personal property made by a township assessor or county assessor by filing a written notice of review with the county property tax assessment board of appeals (PTABOA).
- Provides that a taxpayer may appeal a change in the assessed value of personal property made by a PTABOA by filing a written notice of review with the Indiana board of tax review.
- Removes existing language that provides that, if a PTABOA fails to change an assessed value claimed by a taxpayer on a personal property return and give notice of the change within the time prescribed, the assessor may file a petition for review of the assessment by the Indiana board.
- Changes the debt service obligation reporting date.
- Provides that a political subdivision shall submit the date, time, and place of the final adoption of the budget, tax rate, and levy through the department’s computer gateway.
- Requires a political subdivision to indicate on its budget ordinance whether the political subdivision intends to issue debt after December 1 or file a shortfall appeal.
- Requires a political subdivision that makes an additional unbudgeted appropriation to submit the additional appropriation to the department within 15 days after the additional appropriation is adopted.
- Provides procedures for increases for the maximum permissible ad valorem property tax levies for Sullivan County, the city of Wabash, and the Wabash city school corporation.
- Specifies that the county treasurer’s property tax comparison statement, issued annually, must include:
  - (1) information stating how a taxpayer can obtain information regarding the taxpayer’s notice

of assessment or reassessment; and

(2) a remittance coupon indicating payment amount due at each payment due date.

- Eliminates the use of the state address confidentiality form to submit a request to restrict access to a covered person's address maintained in a public property data base.
- Provides that, if a taxpayer is owed a refund that exceeds \$500,000 for excessive property taxes paid on real property, a county auditor may pay the property tax refund in equal installments of property tax credits for at least five and not more than 10 years, depending on the amount owed to the taxpayer.
- Requires the department to provide certain assessment and tax data to the legislative services agency within one business day of receipt.
- Eliminates the requirement that a candidate for an assessor-appraiser examination be an Indiana resident.
- Provides that if an adopting body under the local income tax law wishes to submit a proposed notice, ordinance, or resolution to the department for preliminary review, the adopting body shall submit the notice, ordinance, or resolution on the prescribed forms.
- Modifies the standard formula for the calculation of certified shares of local income tax revenue in Hamilton County after 2020 and before 2024 to calculate adjusted amounts of certified shares for the city of Carmel and the city of Fishers.
- Eliminates the requirement in the context of teacher collective bargaining for the department to certify the amount of an operating referendum tax levy or a school safety referendum tax levy.
- Provides an exception to the maximum term or repayment period for bonds issued by a school corporation for a school building construction project if a loan is made or guaranteed by a federal agency.
- Changes from \$1.50 to \$3 the amount of the fee that a lessor in a rental purchase agreement may impose for accepting rental payments by telephone.
- Transfers responsibility for reporting by political subdivisions of other post-employment benefits from the department to the state board of accounts.
- Provides that money in the fund of a flood control improvement district established after December 31, 2019, may be used for a flood control works project in a location outside the boundaries of the district. Expires this provision on March 1, 2022.
- Allows a unit of local government to establish a public safety officer survivors' health coverage cumulative fund to discharge its obligation to pay for health coverage for the survivors of a member of the 1977 police officers' and firefighters' pension and disability fund who was employed by the unit and died in the line of duty.
- Aligns the deadline for public libraries to adopt a budget with the general deadline to adopt a budget.
- Removes a provision in current law requiring the state board of accounts to approve the form of a record for stating certain unpaid costs on unsafe premises.
- Removes a provision in current law requiring a township to treat a transfer of money as part of the township's ad valorem property tax levy for the year.
- Provides that, if a township board member (in a county other than Marion County) is a member of the immediate family of the township trustee, the township board member may not participate in a vote on the adoption of the township's budget and tax levies; and if a majority of the members of the township board are so precluded from voting on the township's budget and tax levies, then the township's most recent annual appropriations are continued for the ensuing budget year.
- Provides that a person that has certain business relationships with another person that owes delinquent taxes, special assessments, penalties, interest, or costs attributable to a prior tax sale is prohibited from bidding on or purchasing real property at a tax sale or from bidding on, purchasing, receiving, or leasing a tract under the law governing the disposal of property by local governments.
- Requires the county treasurer to require each person bidding at a tax sale to sign a form

affirming that the person is not bidding on or purchasing tracts or items of real property on behalf of or as an agent for a person who is prohibited from purchasing at a tax sale.

- Allows certain nonprofit entities that failed to comply with the exemption filing deadlines to claim the property tax exemptions that the nonprofit entities were otherwise eligible to claim.
- Rephrases and reorganizes various provisions.
- Makes technical changes.

### **HEA 1131, PL 160: Utility Matters**

Author: Pressel, R- Rolling Prairie

Sponsor: Garten, R-Charlestown

#### **Aim Comments:**

HEA 1131 requires municipally-owned utilities to follow the Indiana Utility Regulatory Commission (IURC) rules for water and sewer main extensions (see [170 IAC 6-1.5](#) for water and [170 IAC 8.5-4](#) for sewer). The main impetus for Rep. Jim Pressel (R-Rolling Prairie) to introduce this bill was to create a standard for municipal utilities to pay for “upsizing” mains – requiring a utility to pay the difference in cost when the utility is requiring a developer to install a bigger main than is necessary to serve that development. This mirrors how investor-owned utilities handle upsizing according to IURC rules, but in addition to upsizing, there are many other provisions in the water and sewer main extension rules with which non-jurisdictional utilities will now have to comply.

Throughout session, we argued that requiring municipally-owned utilities that have chosen to be exempt from IURC regulation to nevertheless comply with certain IURC rules is a big step that blurs the line between jurisdictional and non-jurisdictional utilities. We also argued the bill adds unnecessary regulation and causes cost shifts for new mains onto municipal utilities. Unfortunately, our arguments were unsuccessful.

The bill also requires new water utilities that provide water service to less than 8,000 customers to be under the jurisdiction of the IURC for the first ten years.

Moving forward, we expect to see more legislation that further attempts to standardize the rules for all utilities.

- Makes the following changes for purposes of a statute that subjects a water or wastewater utility organized after June 30, 2018, to the jurisdiction of the Indiana utility regulatory commission (IURC) with regard to certain aspects of the water or wastewater utility’s operations for a period of 10 years:
  - (1) Provides that the term “water or wastewater utility” includes a municipally owned utility that provides water service to less than 8,000 customers.
  - (2) Deletes references to organization of a water or wastewater utility as a legal entity.
- Requires the IURC, in a rate case for a water or wastewater utility that extends service to an infrastructure development zone at the request of the governmental entity that established the infrastructure development zone, to approve inclusion in the water or wastewater utility’s rate schedule of a surcharge payable only within the geographic area of the infrastructure development zone. (Under current law, such a surcharge must apply within the entire jurisdiction of the governmental entity.)
- Provides that, with respect to any water main extension or wastewater main extension, a utility shall comply with the IURC’s rules governing water main extensions or wastewater main extensions, regardless of whether the utility is subject to the IURC’s jurisdiction for the approval of rates and charges.
- Provides that a dispute arising over a water main extension or wastewater main extension may be submitted as an informal complaint to the IURC’s consumer affairs division, regardless of whether the person requesting the extension is a customer of the utility involved.

- Provides that, if the IURC determines that it requires additional staff to handle the volume of informal complaints submitted, the IURC may impose a fee on a party against whom a decision is rendered.
- Provides that the fee may not exceed:
  - (1) the IURC's actual costs in administering the informal complaint; or
  - (2) \$750.
- Provides that certain procedures for acquisition by a municipal utility of property of another utility apply to acquisition by a nonmunicipal utility of property of another utility, and prescribes requirements regarding appraisal of the value of utility property acquired by a nonmunicipal utility.
- Provides, for purposes of the factors the IURC must consider in determining whether a utility that acquires property of an offered utility may include the cost differential of the offered utility's property as part of the acquiring utility's rate base, that an offered utility is too small to capture economies of scale or is not furnishing or maintaining adequate, efficient, safe, and reasonable service and facilities if the IURC finds that the offered utility serves fewer than 8,000 customers (rather than 5,000 customers under current law).
- Provides:
  - (1) that a city meeting certain population parameters may annex territory:
    - (A) that is not contiguous to the city;
    - (B) that is south of the southernmost boundary of the city;
    - (C) the entire area of which is not more than four miles from the city's boundary; and
    - (D) that does not extend more than one mile to the east of a state highway;
  - (2) that the annexed territory is not considered a part of the city for purposes of annexation of additional territory; and
  - (3) that the city may not require connection to a sewer installed to provide service to the annexed territory.
- Provides that certain provisions regarding approval of sewage disposal and treatment fees apply to a sanitation district that:
  - (1) is located in a county that meets specified population parameters; and
  - (2) is under an order or party to an agreement with one or more state or federal agencies to remediate environmental conditions.

### **HEA 1147, PL 107: Municipal Elections**

Author: Morrison, R-Brazil

Sponsor: Boots, R-Crawfordsville

#### **Aim Comments:**

HEA 1147 was authored by Rep. Alan Morrison (R-Brazil) and sponsored by Sen. Phil Boots (R-Crawfordsville) to authorize the legislative body of cities with a population less than 3,500 and towns to adopt an ordinance to move municipal elections to even-numbered years. With direction from the Aim legislative committee and Board of Directors, Aim opposed this bill. While we appreciate that it is a local decision whether to change the election cycle for the eligible municipalities under HEA 1147, we remain concerned that this is a first step toward eliminating the municipal election cycle altogether, forcing candidates for local office to run during midterm/presidential election cycles where federal issues may dominate the political landscape.

- Authorizes the legislative body of a town or of a city (if the city has a population of less than 3,500) to adopt an ordinance to move the election of all elected offices of the municipality to even-numbered years.

### **HEA 1151, PL 41: School Resource Officers**

Author: Mayfield, R-Martinsville

Sponsor: Boots, R-Crawfordsville

- Adds a school resource officer to the definition of “public safety officer” as it relates to the public employee benefits special death benefit fund (fund).
- Provides that a school resource officer qualifies for the fund if the school resource officer is not otherwise entitled to a line of duty benefit under the 1925 police pension fund, 1953 police pension fund (Indianapolis), or the 1977 police officers’ and firefighters’ pension and disability fund.

### **HEA 1235, PL 117: Public Safety**

Author: Karickhoff, R-Kokomo

Sponsor: Crider, R-Greenfield

- Allows a federal enforcement officer with at least five years of service to be appointed as a police chief or deputy police chief in a city.
- Provides that the statewide 911 board may increase an enhanced prepaid wireless charge one time after April 1, 2020, and before July 1, 2023, in an amount not to exceed \$0.10.
- Revises the definition of “statewide 911 system”.
- Provides that the statewide 911 board may adjust the statewide 911 fee one time after April 1, 2020, and before July 1, 2023, in an amount not to exceed \$0.10.
- Requires 60 days prior notice to the department of state revenue of any rate change to the enhanced prepaid wireless charge or the statewide 911 fee.

### **HEA 1244, PL 119: Unemployment Hearings and Appeals**

Author: Vermillion, R-Marion

Sponsor: Boots, R-Crawfordsville

- Provides that, in unemployment appeals, the proceedings before an administrative law judge are de novo.
- Provides that an administrative law judge, review board member, or other individual who adjudicates claims can consider as evidence and include in the record those records of the department of workforce development (department) that are material to the issues being considered in the hearing if the records are made available to the interested parties prior to the hearing through:
  - (1) the United States mail or
  - (2) the department’s electronic portal.
- Removes the provision that provides that the department shall define the term “effort to secure full-time work”.
- Provides that an individual has made an effort to secure full-time work with respect to any week in which the individual has completed certain activities directed by the department and affirmed that the individual has made an effort to secure full-time work.
- Requires the department, not later than December 31, 2021, to adopt rules to define:
  - (1) the acceptable types of work search activities,
  - (2) the number of work search activities required to be completed in any week,
  - (3) the requirements for producing documentation, and
  - (4) the requirement to apply to, and accept if offered, suitable jobs referred by the department.
- Provides that 646 IAC 5-9-3 is void and directs the publisher of the Indiana Administrative Code and the Indiana Register to remove the section from the Indiana Administrative Code.

### **HEA 1267, PL 123: Withdrawal of Candidates**

Author: Hostettler, R-Fort Branch

Sponsor: Messmer, R-Jasper

- Provides that a candidate may withdraw from being a candidate not later than noon 81 days before the date of a primary election. (Under current law, a candidate wanting to withdraw must do so not later than noon 85 days before the primary election.)

### **HEA 1288, PL 24: Local Office Campaign Finance Reports**

Author: Moseley, D-Portage

Sponsor: Walker, R-Columbus

- Provides that a county election board may provide for electronic filing of campaign finance reports by local candidates and committees.
- Provides that if a county election board provides for electronic filing of campaign finance reports, the county election board may not require any candidate or committee to file campaign finance reports electronically.

### **HEA 1343, PL 163: New Harmony and Wabash River Bridge Authority**

Author: Hostettler, R-Fort Branch

Sponsor: Tomes, R-Wadesville

- Provides that the New Harmony and Wabash River bridge authority (bridge authority) and its members, officers, and employees are immune from civil liability resulting from any act or omission related to implementation of the statute that establishes the bridge authority.
- Provides that the immunity does not extend to a person who commits an act or omits to do an act that amounts to gross negligence or willful and wanton misconduct.
- Requires the attorney general to defend the bridge authority and its members, officers, and employees if any of these are made a party to a civil suit and the attorney general determines that the suit has arisen out of an act or omission of any of these authorized or required under the bridge authority law or any other law.
- Repeals an existing statute in the bridge authority law relating to civil immunity.

### **HEA 1370, PL 26: Regional Development**

Author: May, R-Bedford

Sponsor: Messmer, R-Jasper

- Provides that a public instrumentality or a public corporate body authorized by state law may enter into an interlocal agreement.
- Allows two or more eligible units to establish a land bank jointly by entering into an interlocal agreement.

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2020

**Community  
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Development**

## **SEA 2, PL 2: School Accountability**

Author: Raatz, R-Richmond

Sponsor: DeVon, R-Granger

- Provides that a school's or school corporation's category or designation of school or school corporation performance assigned by the state board of education for the 2018-2019 school year may not be lower than the school's or school corporation's category or designation of school or school corporation performance for the 2017-2018 school year.
- Provides that a school's or school corporation's category or designation of school or school corporation performance assigned by the state board of education for the 2019-2020 school year is the higher of the school's or school corporation's:
  - (1) category or designation of school or school corporation performance assigned for the 2018-2019 school year; or
  - (2) category or designation of school or school corporation performance for the 2019-2020 school year.
- Provides that consequences for school improvement do not apply for the 2018-2019 or 2019-2020 school years.
- Provides that ILEARN program test scores or a school's category or designation of school improvement for the 2018-2019 or 2019-2020 school year may not be used by a school corporation as part of an annual performance evaluation of a particular certificated employee unless the use of the ILEARN program test scores or a school's category or designation of school improvement would improve the particular certificated employee's annual performance rating.

## **SEA 78, PL 30: Shovel Ready Site Development Center**

Author: Messmer, R-Jasper

Sponsor: Manning, R-Denver

- Defines "office" as the office of community and rural affairs for purposes of the law governing the shovel ready site development center (center).
- Provides that the office shall, in cooperation with the Indiana economic development corporation and political subdivisions, administer the center to enable political subdivisions to obtain permits to create sites that are ready for economic development.
- Provides that the office shall serve as the certifying body for acceptance into the program and determine the criteria to be used to certify sites.

## **SEA 100, PL 134: Nonconforming Structures**

Author: Doriot, R-Syracuse

Sponsor: Miller, R-Elkhart

- Provides that the parcel owner shall be allowed to reconstruct, repair, or renovate the nonconforming structure if the reconstruction, repair, or renovation meets certain requirements.
- Specifies that the bill's provision regarding the reconstruction, repair, or renovation of a nonconforming structure does not apply to a nonconforming structure that is:
  - (1) subject to the jurisdiction of a preservation commission; or
  - (2) located within a flood plain.

## **SEA 148: Zoning and Housing Matters (VETOED)**

Author: Doriot, R-Syracuse

Sponsor: Miller, R-Elkhart

### **Aim Comments:**

As introduced, SEA 148 was a bill dealing with the definition and regulation of manufactured homes. Aim worked with the bill's author, Sen. Blake Doriot (R-Syracuse), to ensure that local units could still impose standards and requirements on manufactured homes. The final version of the bill provided that local units retained the same authority to regulate as under current law, except that they may not require a permanent foundation system that is incompatible with the design of the manufactured

home or more than one permanent foundation system, nor may mandate size requirements for manufactured homes within mobile home communities.

However, during conference committee, controversial language to pre-empt local ordinances that regulate the landlord-tenant relationship was added to this bill. Although aimed at an ordinance adopted in Indianapolis, the language in the bill prohibited all local units from regulating any aspect of the landlord-tenant relationship unless otherwise authorized by the General Assembly. Aim argued that this language was overly broad and may void many ordinances statewide that may not have been originally contemplated with the preemption language.

Aim and a coalition of advocacy groups worked against this bill. Although it did pass the General Assembly, fortunately, Governor Holcomb vetoed SEA 148. We expect the issue to be back in some form in 2021.

- Amends a statute concerning manufactured homes (manufactured home statute) to provide, with respect to a manufactured home located outside of a mobile home community, as follows:
  - (1) A comprehensive plan or zoning ordinance adopted by a unit of local government may:
    - (A) specify aesthetic standards and requirements concerning the manufactured home's permanent foundation system; and
    - (B) require compatibility of the manufactured home's permanent foundation system with surrounding residential structures.
  - (2) A unit of local government may not require:
    - (A) a permanent foundation system that is incompatible with the structural design of the manufactured home; or
    - (B) more than one permanent foundation system for a manufactured home.
- Specifies that the changes to the manufactured home statute do not affect a requirement applicable to property that is subject to the jurisdiction of a preservation commission.
- Provides that a unit of local government may not adopt or enforce certain ordinances, regulations, requirements, or other restrictions that mandate size requirements for a manufactured home that is placed in a mobile home community.
- Provides that, subject to certain conditions, an industrialized residential structure may be located in a mobile home community.
- Requires a mobile home community operator (operator) to provide all owners of mobile homes, manufactured homes, or industrialized residential structures in a mobile home community with written notice not less than 180 days before the mobile home community's closure.
- Provides that an operator who violates the notice requirement commits a deceptive act that is actionable by the attorney general or a consumer.
- Prohibits a unit of local government from regulating certain aspects of a landlord-tenant relationship with respect to privately owned real property located in the unit unless the regulation is authorized by the general assembly.
- Prohibits a landlord from taking certain retaliatory actions in response to a tenant's engaging in one or more enumerated protected activities.
- Prohibits a local unit from adopting or enforcing any ordinance or regulation concerning retaliatory acts by landlords.
- Makes conforming changes.

### **SEA 177, PL 59: Administration of the Broadband Ready Program**

Author: Donato, R-Logansport

Sponsor: Manning, R-Denver

- Provides that the office of community and rural affairs, rather than the Indiana economic development corporation, administers the broadband ready communities development center.

### **SEA 230, PL 65: Leasing of Local Unit Property**

Author: Sandlin, R-Indianapolis

Sponsor: Burton, R-Whiteland

- Provides that a political subdivision may lease real property of the political subdivision that is located between the curb of a street and the front of commercial property, including a parkway strip, tree row, verge, or sidewalk, to the owner or property manager of the commercial property:
  - (1) upon terms agreed to between the political subdivision and the property owner or property manager; and
  - (2) without competitive bidding.
- Specifies requirements for the lease.
- Provides that upon execution of the lease, the property of the political subdivision shall be under the maintenance, control, and supervision of the property owner or the property manager, subject to the public's right to use the sidewalk as a walkway.
- Requires the lessee to:
  - (1) assume the liability of the political subdivision for personal injuries and property damage to third parties occurring on the property; and
  - (2) maintain insurance coverage in amount determined sufficient by the political subdivision.
- Requires the lease to be approved by at least a two-thirds vote of the members of the fiscal body of the political subdivision and recorded in the office of the county recorder.

### **SEA 272, PL 74: Indiana Economic Development Corporation**

Author: Jon Ford, R-Terre Haute

Sponsor: Torr, R-Carmel

- Provides that the secretary of commerce or the secretary's designee is a member of the Indiana defense task force and a member of the governor's workforce cabinet.
- Abolishes the Indiana office of defense development.
- Provides that if the governor is unable to chair a meeting of the Indiana economic development corporation board, the governor may designate a board member as acting chairperson.
- Provides that the secretary of commerce or the secretary's designee has certain duties currently assigned to the president of the Indiana economic development corporation to sign warrants drawn by the auditor of state.
- Provides that the term "taxpayer" includes an assignee as opposed to a lessee for purposes of the industrial recovery tax credit.
- Revises the terms for assigning an industrial recovery tax credit.
- Eliminates the tax credit for fostering of employment of students who participate in a course of study that includes a cooperative arrangement between an educational institution and an employer.
- Makes conforming changes for the elimination of the tax credit. (Under current law, the tax credit applied to taxable years beginning after December 31, 2014, and before January 1, 2019.)

### **SEA 295, PL 76: Various Education Matters**

Author: Raatz, R-Richmond

Sponsor: Behning, R-Indianapolis

- Extends the date by which public schools, including charter schools, and accredited nonpublic schools must provide age appropriate research and evidence based or research or evidence based instruction on child abuse and child sexual abuse to students.
- Provides that, beginning July 1, 2021, the department of workforce development must implement a new Indiana career explorer program (program).
- Establishes requirements for the program.
- Requires the department of workforce development to issue, not later than December 31, 2020, a request for proposals regarding the part of the program that includes educational and career assessments or tools.

- Amends grade levels to which certain career exploration models and career preparation models apply.
- Removes provisions regarding a pilot program for instruction in and use of the Indiana career explorer program and standards.
- Requires the department of education (department) to prepare and submit an annual report to the state board of education, general assembly, and commission for higher education regarding certain computer science metrics.
- Requires the department to post the report on its Internet web site.

### **SEA 350, PL 83: Central Indiana Regional Development Authority**

Author: Holdman, R-Markle

Sponsor: Brown, R-Crawfordsville

#### **Aim Comments:**

As introduced, SEA 350 was Aim’s language that would have provided a statewide framework for members of regional development authorities to raise new revenue to fund capital projects within a region – the “Investment Hubs” proposal. When the bill was considered in the Senate Tax & Fiscal Policy Committee, Sen. Travis Holdman (R-Markle), the author of the bill and the chairman of the committee, had an amendment to remove the revenue-raising components of the bill and pared it down to a pilot program for communities in Central Indiana.

From here, we hope to continue building support with legislators and other stakeholders for a comprehensive proposal that allows all communities across the state access to a regional framework that includes new revenue-raising mechanisms for important quality of life projects that we know are necessary to attract and retain talent.

- Authorizes counties and municipalities within the Indianapolis metropolitan area to establish a central Indiana regional development authority pilot that will sunset on July 1, 2025.
- Requires counties and municipalities that wish to establish the development authority to adopt substantially similar resolutions to adopt a preliminary strategic economic development plan (preliminary development plan).
- Provides that the development authority shall be governed by a strategy committee composed of members selected according to the terms of the preliminary development plan adopted to establish the development authority.
- Specifies the duties of the development authority.
- Requires the development authority to prepare a comprehensive strategic economic development plan.
- Codifies the establishment and governing provisions of the Indianapolis metropolitan planning organization.
- Requires the Indianapolis metropolitan planning organization to:
  - (1) develop a comprehensive asset management report for the metropolitan planning area in collaboration with the Indiana department of transportation; and
  - (2) present the comprehensive asset management report to the city-county council of Indianapolis and Marion County, the fiscal and legislative bodies of each entity that is a member of the Indianapolis metropolitan planning organization, and the budget committee.

### **SEA 367, PL 144: Regional Development Authorities**

Author: Niemeyer, R-Lowell

Sponsor: Aylesworth, R-Hebron

- Adds three members to the development board of the northwest Indiana regional development authority.
- Specifies that the open door law and access to public records act apply to a regional development authority and the authority’s governing board.

## **SEA 405, PL 87: Exemption from Design Release Requirements**

Author: Garten, R-Charlestown

Sponsor: Pressel, R-Rolling Prairie

- Provides that the design release requirements for certain projects do not apply to certain construction that is exempted even if the construction is:
  - (1) a part of;
  - (2) supplemental to; or
  - (3) an accessory of; any other construction that would otherwise require a design release.

## **SEA 409, PL 147: Employment of Minors**

Author: Messmer, R-Jasper

Sponsor: Lyness, R-West Harrison

- Moves provisions on employment of students from Title 20 (Education) to Title 22 (Labor and Safety).
- Provides that a minor who is at least 14 years of age and less than 16 years of age:
  - (1) may not work before 7 a.m. or after 7 p.m.; and
  - (2) may work until 9 p.m. from June 1 through Labor Day except on a day that precedes a school day when the minor may only work until 7 p.m. (Current law provides that a child who is at least 14 years of age and less than 16 years of age may not work before 7 a.m. or after 7 p.m. on a day that precedes a school day or after 10 p.m. on a day that does not precede a school day.)
- Provides that a minor who is at least 16 years of age and less than 18 years of age:
  - (1) may not work for more than nine hours in any one day, 40 hours in a school week, 48 hours in a nonschool week, and six days in any one week;
  - (2) may not begin a work day before 6 a.m.;
  - (3) may work in certain occupations until 10 p.m. on nights that are followed by a school day; and
  - (4) may work until 11 p.m. on a night followed by a school day with written permission from the minor's parent.
- (Current law:
  - (1) provides that a child who is at least 16 years of age and less than 17 years of age:
    - (A) may not work for more than eight hours in any one day, 30 hours in any one week, and six days in any one week;
    - (B) may not begin a work day before 6 a.m.; and
    - (C) may work until 11 p.m. on a night followed by a school day with written permission from the child's parent;
  - (2) provides that a child who is at least 17 years of age and less than 18 years of age:
    - (A) may not work for more than eight hours in any one day, 30 hours in any one week, and six days in any one week;
    - (B) may not begin a work day before 6 a.m. on a school day; and
    - (C) may work until 11:30 p.m. on nights that are followed by a school day and 1 a.m. on a following day with written permission from the child's parent; and
  - (3) allows a child who is at least 16 years of age and less than 18 years of age to be employed for up to 40 hours during a school week, not exceeding nine hours in any one day, and a total of 48 hours in any one nonschool week with written permission from the child's parent.)
- Provides that an employer may notify the issuing officer if the minor's employment terminates. (Current law provides that an employer must notify the issuing officer.)
- Removes provisions:
  - (1) requiring rest breaks for a child who is less than 18 years of age;
  - (2) prohibiting employment of a child who is less than 18 years of age from 7:30 a.m. to 3:30 p.m. unless the child presents a written exception from the child's school;
  - (3) prohibiting a child who is less than 18 years of age from working after 10 p.m. or before 6 a.m. in an establishment that is open to the public unless another employee at least 18

years of age works in the establishment during the same hours as the child, so long as the establishment is open to the public before 6 a.m. or after 10 p.m.;

(4) requiring a child less than 18 years of age who is not a resident of Indiana, a minor who is a resident but attends a nonpublic school that employs less than one employee, or a minor who is a resident but is enrolled in a career and technical education program as approved by the Indiana state board of education to obtain an employment certificate;

(5) allowing the state board of education the ability to revoke a employment certificate; and

(6) providing that the state board of education adopt rules and approve forms related to employment certificates.

- Provides that the transfer in the bill of provisions related to employment certificates and employment of minors from Title 20 (Education) to Title 22 (Labor and Safety) expires June 30, 2021.
- Provides that after June 30, 2021, certain provisions that were transferred to Title 22 are transferred and relocated to a new chapter within Title 22, including provisions related to:
  - (1) the maximum number of hours a minor may be employed or permitted to work each day of the week and the hours beginning and ending each day;
  - (2) civil penalties; and
  - (3) age restrictions.
- Renames the bureau of child labor to the “bureau of youth employment”.
- Replaces the term “child labor” throughout the Indiana Code.
- Provides that a principal of a school may send notice to the bureau of youth employment and the bureau of motor vehicles to revoke the student’s employment certificate and driver’s license or learner’s permit. (Current law provides that the principal must send notice.)
- Provides that the Indiana department of labor may establish recommendations for rest breaks.
- Requires certain employers to register with the Indiana department of labor.
- Provides that the labor education and youth employment fund shall be used for the expenses of hiring and salaries of additional inspectors to enforce the new chapter, including developing and maintaining the data base, and any remaining funds may be used for the purposes of education and awarding grants to provide educational programs.
- Requires the Indiana department of labor to prepare a report outlining a plan to develop and maintain a data base displaying certain employers that employ minors by August 1, 2020, and develop the data base by July 1, 2021.
- Removes provisions that allow an employer to pay an employee who has not attained the age of 20 years, during the first 90 consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than the amount payable under the federal Fair Labor Standards Act of 1938.
- Provides that a minor less than 16 years of age may not be employed or permitted to work during school hours.
- Provides that a minor may not work in an establishment that is open to the public after 10 p.m. or before 6 a.m. unless another employer who is at least 18 years of age also works with the minor so long as the establishment is open to the public before 6 a.m. or after 10 p.m.
- Makes conforming changes.

### **SEA 433, PL 90: Structures in Floodways**

Author: Bassler, R-Washington

Sponsor: Lindauer, R-Jasper

- Prohibits the director of the department of natural resources (department) from exercising the authority to remove an abode or residence from a floodway if:
  - (1) the abode or residence was constructed before January 1, 2020;
  - (2) the owner of the abode or residence has taken measures to elevate the lowest floor of the abode or residence to at least two feet above the one hundred year flood elevation within two years after receiving notification from the department concerning the abode or residence;and

(3) the owner of the abode or residence has taken necessary measures to comply with all applicable local, state, and federal floodway regulations.

### **HEA 1014, PL 167: State Museum and Historic Site Corporation**

Author: Saunders, R-Lewisville

Sponsor: Gaskill, R-Pendleton

- Specifies that a memorandum of understanding between the chief executive officer of the Indiana state museum and historic sites corporation (corporation) and a nonprofit organization that supports a specific state historic site may not include certain restrictions on the fundraising activities of the nonprofit organization and certain operations of the nonprofit organization.
- Requires the corporation to return certain donor restricted funds to a nonprofit organization if the funds are not used for a donor's specified use in a historic site project.

### **HEA 1022, PL 151: Panhandling**

Author: Bosma, R-Indianapolis

Sponsor: Messmer, R-Jasper

- Provides that a person who panhandles within 50 feet of:
  - (1) the entrance or exit to a bank, business, or restaurant;
  - (2) the location where a financial transaction occurs; or
  - (3) a public monument;commits the offense of panhandling, a Class C misdemeanor.
- Provides that a person who knowingly or intentionally panhandles regardless of the time of day commits panhandling, a Class C misdemeanor. (Current law limits the time period of the offense to after sunset and before sunrise.)
- Defines "financial transaction" and "public monument".

### **HEA 1059, PL 98: Sales Tax on Recreational Vehicles**

Author: Miller, R-Elkhart

Sponsor: Doriot, R-Syracuse

- Provides that for certain transactions involving a cargo trailer or recreational vehicle, the state gross retail tax rate is the rate of the nonreciprocal state or foreign country (excluding any locally imposed tax rates) in which the cargo trailer or recreational vehicle will be titled or registered, as certified by the seller and purchaser in an affidavit prescribed by the department of state revenue (department).
- Provides what information must be included in the affidavit prescribed by the department.
- Provides that the department shall create a certificate of sales tax paid form for a cargo trailer or recreational vehicle that may be completed by the dealer and provided to the purchaser of a cargo trailer or recreational vehicle sold in Indiana.
- Provides that the department may audit submitted affidavits and make a proposed assessment of the amount of unpaid tax due with respect to any incorrect information.

### **HEA 1066, PL 155: Various Education Matters**

Author: Thompson, R-Lizton

Sponsor: Raatz, R-Richmond

- Provides that a school corporation shall accept a transferring student who does not have legal settlement in the school corporation if the school corporation has the capacity to accept the student and the student's parent is a current employee of the transferee school corporation with an annual salary of at least:
  - (1) \$8,000; or
  - (2) \$3,000 earned due to being included as an employee in the extracurricular portion of the transferee school corporation's current collective bargaining agreement.
- Provides that for purposes of accepting the transfer of a student who is a child of a school employee when the school corporation has a policy of not accepting transfer students, the

school corporation may not enroll and may not report for purposes of state tuition support a student whose parent does not meet certain requirements.

- Provides that a school corporation, charter school, or nonpublic school with at least one employee may provide a presentation or instruction to students explaining aspects of autism, including behaviors that students with autism may exhibit as well as student interaction with students with autism.
- Provides that each public school and private school with at least one employee shall provide, upon request of another school in which the student currently attends, the requesting school a copy of a particular student's disciplinary records that are relevant to the safety of students who currently attend the requesting school.
- Provides that a school corporation may use a special purpose bus or certain other appropriate vehicles to transport students to and from a career or technical education program.
- Requires the department of education (department) to publish the following information from the previous school year or collective bargaining period on the department's Internet web site:
  - (1) The total number of full-time teachers retained from the previous year.
  - (2) Teacher workforce growth.
  - (3) The number of emergency permits granted by each school corporation, categorized by content area.
- Requires the department to include in its annual report, and publish on the department's Internet web site, the number of vacant teaching positions in each school corporation by:
  - (1) grade;
  - (2) subject; and
  - (3) required credential; with critical shortage areas, as determined by unfilled vacancies, highlighted for each school corporation.
- Makes changes to the determination of which pupils may be included in a school corporation's average daily membership (ADM).
- Provides that a student who:
  - (1) qualifies for free or reduced price lunch under the national school lunch program; or
  - (2) attended a turnaround academy under IC 20-31-9.5 or attends a school that is located in the same school building as the participating innovation network charter school, may receive preference for admission to a participating innovation network charter school if the preference is specifically provided for in the charter and is approved by the authorizer.
- Provides that staff performance evaluation plans for the Indianapolis Public Schools must be developed and implemented in accordance with statewide teacher evaluation plan requirements.
- Provides that a teacher who:
  - (1) is employed in a school corporation;
  - (2) loses his or her job in the school corporation because of a reorganization; and
  - (3) has received a rating of effective or highly effective on his or her most recent performance evaluation; shall receive an employment preference over other candidates for the same vacant teaching position, for a period of not more than one year after the teacher loses his or her job.
- Provides that a teacher who:
  - (1) is employed in a school corporation;
  - (2) loses his or her job in a school corporation because of a reorganization; and
  - (3) is subsequently employed by a community school corporation created by a reorganization; retains certain rights and privileges that the teacher held at the time the teacher lost his or her job in the original school corporation.
- Provides that, after June 30, 2021, a governing body may not enter into a contract with a superintendent on or after the date of the election for one or more members of the governing body until January 1 of the year immediately following the year of the election.
- Requires that the majority of the benchmark, formative, interim, or similar assessments approved by the state board of education (state board) must indicate the degree to which students are on track for grade level proficiency and college and career readiness.

- Requires that a principal or a principal’s designee ensure that a suspended student receives credit, in the same manner as a student who is not suspended would receive, for any assignments or school work assigned during the period of the student’s suspension that the student completes.
- Provides that charter schools that enroll certain students for the purposes of the students receiving services from accredited nonpublic alternative high schools are entitled to receive a certain amount of state tuition support for the students.
- Amends the definition of “governmental entity” under the criminal code to include a charter school and the organizer for purposes of the criminal provisions that apply to offenses against public administration.
- Requires the department to:
  - (1) prepare a report that includes information from the 2019-2020 school year for each school corporation, charter school, and eligible school regarding the number of students counted in average daily membership (ADM) who were not reported through the student testing number application center as having completed a course;
  - (2) submit, not later than December 1, 2020, the report to the legislative council;
  - (3) post the report to the department’s Internet web site; and
  - (4) provide a link to the report to each school corporation, charter school, and eligible school.
- Provides that each school corporation and charter school may place a durable poster or framed picture representing:
  - (1) the national motto of the United States, “In God We Trust”;
  - (2) an accurate representation of the United States flag; and
  - (3) an accurate representation of the Indiana state flag; in each school library and classroom within the school corporation or charter school.
- Provides that the representation of the United States flag and the Indiana state flag must comply with any applicable federal or state laws concerning the design, dimensions, or presentation of each respective flag.
- Provides that the provisions of SEA 2-2020 apply to an adult high school.
- Urges:
  - (1) the state board to approve, for purposes of career and technical education graduation pathways, a career and technical education cluster that allows students to acquire knowledge and skills related to employment in the electric, natural gas, communications, water, and wastewater utility industries;
  - (2) the governor’s workforce cabinet (cabinet), in consultation with the state board, department of education, and department of workforce development:
    - (A) to create course sequences for the career and technical education cluster; and
    - (B) in creating the course sequences:
      - i. to consider the impact of course sequences on long term outcomes of students; and
      - ii. to prioritize course sequences that lead to high wage, high demand jobs; and
  - (3) the cabinet to:
    - (A) collect data regarding approved career clusters and course sequences to inform decision making around approving, creating, and amending current and future career clusters and course sequence requirements; and
    - (B) report to the general assembly regarding the collected data.

**[HEA 1081, PL 15: Commission for Supplier Diversity](#)**

Author: Gutwein, R-Francesville

Sponsor: Houchin, R-Salem

- Changes the name of the governor’s commission on minority and women’s business enterprises to the governor’s commission on supplier diversity (commission).
- Relocates provisions concerning small businesses owned and operated by Indiana veterans to the commission’s statutes.
- Makes conforming changes.

## **HEA 1082, PL 37: Various Higher Education Matters**

Author: Heaton, R-Terre Haute

Sponsor: Jon Ford, R-Terre Haute

- Makes changes to the:
  - (1) definition of “eligible secondary school student”; and
  - (2) requirements regarding agreements between the commission for higher education (commission) and eligible employers; for purposes of the employment aid readiness network (EARN) Indiana program.
- Makes changes to the name of the “return and complete” project.
- Makes changes to the definitions regarding the project, including repealing definitions regarding the return and complete project.
- Requires the commission to:
  - (1) collect and maintain certain information regarding the project; and
  - (2) submit a report to the general assembly and governor regarding the information.
- Provides that money in the graduate medical education fund does not revert to any other fund. (Current law provides that money in the graduate medical education fund does not revert to the state general fund.)
- Repeals provisions that do the following:
  - (1) Require state educational institutions to report annually to the commission regarding return and complete students.
  - (2) Expire the return and complete project provisions.

## **HEA 1104, PL 17: Housing and Community Development Authority**

Author: Clere, R-New Albany

Sponsor: Garten, R-Charlestown

- Repeals the laws governing the microenterprise partnership program fund and microenterprise partnership program.
- Requires the governing body of an eligible entity to notify the Indiana housing and community development authority of the creation of an affordable housing fund.
- Replaces the member of the low income housing trust fund advisory committee appointed by and representing the Indianapolis Coalition for Neighborhood Development with one member appointed by and representing the Indiana housing and community development authority.

## **HEA 1112, PL 18: Skills Enhancement Fund Grants**

Author: Leonard, R-Huntington

Sponsor: Koch, R-Bedford

- Provides that an increase of wages with a participating employee or group of participating employees negotiated by agreement, regardless of timing, qualifies as an increase of wages for purposes of eligibility for a grant from the skills enhancement fund for a participating employee that is an existing worker.

## **HEA 1131, PL 160: Utility Matters**

Author: Pressel, R-Rolling Prairie

Sponsor: Garten, R-Charlestown

### **Aim Comments:**

HEA 1131 requires municipally-owned utilities to follow the Indiana Utility Regulatory Commission (IURC) rules for water and sewer main extensions (see [170 IAC 6-1.5](#) for water and [170 IAC 8.5-4](#) for sewer). The main impetus for Rep. Jim Pressel (R-Rolling Prairie) to introduce this bill was to create a standard for municipal utilities to pay for “upsizing” mains – requiring a utility to pay the difference in cost when the utility is requiring a developer to install a bigger main than is necessary to serve that development. This mirrors how investor-owned utilities handle upsizing according to IURC rules, but in addition to upsizing, there are many other provisions in the water and sewer main extension rules

with which non-jurisdictional utilities will now have to comply.

Throughout session, we argued that requiring municipally-owned utilities that have chosen to be exempt from IURC regulation to nevertheless comply with certain IURC rules is a big step that blurs the line between jurisdictional and non-jurisdictional utilities. We also argued the bill adds unnecessary regulation and causes cost shifts for new mains onto municipal utilities. Unfortunately, our arguments were unsuccessful.

The bill also requires new water utilities that provide water service to less than 8,000 customers to be under the jurisdiction of the IURC for the first ten years.

Moving forward, we expect to see more legislation that further attempts to standardize the rules for all utilities.

- Makes the following changes for purposes of a statute that subjects a water or wastewater utility organized after June 30, 2018, to the jurisdiction of the Indiana utility regulatory commission (IURC) with regard to certain aspects of the water or wastewater utility's operations for a period of 10 years:
  - (1) Provides that the term "water or wastewater utility" includes a municipally owned utility that provides water service to less than 8,000 customers.
  - (2) Deletes references to organization of a water or wastewater utility as a legal entity.
- Requires the IURC, in a rate case for a water or wastewater utility that extends service to an infrastructure development zone at the request of the governmental entity that established the infrastructure development zone, to approve inclusion in the water or wastewater utility's rate schedule of a surcharge payable only within the geographic area of the infrastructure development zone. (Under current law, such a surcharge must apply within the entire jurisdiction of the governmental entity.)
- Provides that, with respect to any water main extension or wastewater main extension, a utility shall comply with the IURC's rules governing water main extensions or wastewater main extensions, regardless of whether the utility is subject to the IURC's jurisdiction for the approval of rates and charges.
- Provides that a dispute arising over a water main extension or wastewater main extension may be submitted as an informal complaint to the IURC's consumer affairs division, regardless of whether the person requesting the extension is a customer of the utility involved.
- Provides that, if the IURC determines that it requires additional staff to handle the volume of informal complaints submitted, the IURC may impose a fee on a party against whom a decision is rendered.
- Provides that the fee may not exceed:
  - (1) the IURC's actual costs in administering the informal complaint; or
  - (2) \$750.
- Provides that certain procedures for acquisition by a municipal utility of property of another utility apply to acquisition by a nonmunicipal utility of property of another utility, and prescribes requirements regarding appraisal of the value of utility property acquired by a nonmunicipal utility.
- Provides, for purposes of the factors the IURC must consider in determining whether a utility that acquires property of an offered utility may include the cost differential of the offered utility's property as part of the acquiring utility's rate base, that an offered utility is too small to capture economies of scale or is not furnishing or maintaining adequate, efficient, safe, and reasonable service and facilities if the IURC finds that the offered utility serves fewer than 8,000 customers (rather than 5,000 customers under current law).
- Provides:
  - (1) that a city meeting certain population parameters may annex territory:
    - (A) that is not contiguous to the city;

- (B) that is south of the southernmost boundary of the city;
- (C) the entire area of which is not more than four miles from the city's boundary; and
- (D) that does not extend more than one mile to the east of a state highway;
- (2) that the annexed territory is not considered a part of the city for purposes of annexation of additional territory; and
- (3) that the city may not require connection to a sewer installed to provide service to the annexed territory.
- Provides that certain provisions regarding approval of sewage disposal and treatment fees apply to a sanitation district that:
  - (1) is located in a county that meets specified population parameters; and
  - (2) is under an order or party to an agreement with one or more state or federal agencies to remediate environmental conditions.

### **HEA 1153, PL 109: Governor's Workforce Cabinet**

Author: Goodrich, R-Noblesville

Sponsor: Raatz, R-Richmond

- Provides that the governor's workforce cabinet (cabinet) shall, on or before December 1, 2020, create a comprehensive strategic plan to ensure alignment of Indiana's primary, secondary, and postsecondary education systems with Indiana's workforce training programs and employer needs.
- Requires the cabinet to include early childhood education in the cabinet's:
  - (1) systematic and comprehensive review to determine whether Indiana's educational system is aligned with employer needs; and
  - (2) comprehensive strategic plan to ensure alignment of Indiana's educational system with employer needs.

### **HEA 1218, PL 46: Locating Underground Utility Infrastructure**

Author: Manning, R-Denver

Sponsor: Donato, R-Logansport

- Amends the statute concerning the location of underground utility facilities (state 811 law) to provide that for any new or replacement underground facility that an operator installs or causes to be installed after June 30, 2020, the operator shall ensure that:
  - (1) the materials from which the facility is constructed are capable of being detected from above ground level using standard equipment and technologies used by the utility locating industry; or
  - (2) if the materials from which the facility is constructed are not capable of being detected from above ground level using standard locating techniques, the facility is encased by conductive material or is equipped with an electrically conducting wire or other means of locating the facility while it is underground.

### **HEA 1305, PL 125: Graduation Rate Calculation**

Author: Stutzman, R-Middlebury

Sponsor: Doriot, R-Syracuse

- Provides that a student who withdraws from school after completing grade 10 may not be included in a school's graduation rate if the student's parent submits to the school the following statements while the student is enrolled in grade 8:
  - (1) A statement from the parent affirming that the parent has a sincerely held religious belief against the taking of a photograph and that the student will be withdrawing from school after completing grade 10 in order to complete a career pathway certification or due to the parent's deeply held religious belief.
  - (2) A statement from a member of the clergy of the religious organization of which the parent is a member regarding the prohibition of photography of members of the religious organization. Requires at least one parent of the student to provide proof that the parent has

been issued a photo exempt driver's license or identification card.

### **HEA 1334, PL 25: Radon Mitigation**

Author: Eberhart, R-Shelbyville

Sponsor: Niemeyer, R-Lowell

- Provides the state department of health (state department) with emergency rulemaking authority to amend provisions in the state department's administrative rules concerning radon.
- Requires the state department to amend provisions in the state department's administrative rules concerning radon using the regular rulemaking process before December 31, 2021.
- Provides that the provisions added by the bill expire July 1, 2022.

### **HEA 1370, PL 26: Regional Development**

Author: May, R-Bedford

Sponsor: Messmer, R-Jasper

- Provides that a public instrumentality or a public corporate body authorized by state law may enter into an interlocal agreement.
- Allows two or more eligible units to establish a land bank jointly by entering into an interlocal agreement.

### **HEA 1419, PL 132: Governor's Workforce Cabinet**

Author: Behning, R-Indianapolis

Sponsor: Raatz, R-Richmond

- Makes changes to the membership of the governor's workforce cabinet.
- Requires the governor's workforce cabinet to work with stakeholders from early learning through the workforce to establish alignment and coordination between the early learning advisory committee, state board of education (state board), commission for higher education, and department of workforce development.

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### **SEA 39, PL 29: Specialized Driving Privileges**

Author: Freeman, R-Indianapolis

Sponsor: John Young, R-Franklin

- Provides that in certain circumstances a court may stay the suspension of a person's driving privileges and grant specialized driving privileges for a period of time as determined by the court.
- Provides that the court may set periodic hearings to review the grant of specialized driving privileges.
- Provides that, if a probable cause affidavit must be sent by a judicial officer to the bureau of motor vehicles, the probable cause affidavit must be sent at the conclusion of the initial hearing.

### **SEA 47, PL 55: Expungement Issues**

Author: Freeman, R-Indianapolis

Sponsor: John Young, R-Franklin

- Defines "protection order records" and requires companies that provide background checks to periodically review their records and remove records relating to expunged protection orders (in the same manner as expunged convictions are removed).
- Permits a person to expunge protection order records in connection with the denial of an ex parte petition for a protection order.
- Provides that if a court reduces a Class D or Level 6 felony to a misdemeanor, the five-year waiting period for expungement begins on the date of the felony conviction and not on the date the felony was converted to a misdemeanor.
- Provides that, if a person whose records have been expunged seeks employment with a law enforcement agency or a probation or community corrections department, the law enforcement agency or the probation or community corrections department may:
  - (1) inquire about the person's expunged records; and
  - (2) refuse to employ the person.
- Specifies the procedure to expunge records of a collateral action entered in a different county than the county which issued the expungement order.

### **SEA 109, PL 31: Statute of Limitations**

Author: Crider, R-Greenfield

Sponsor: Steuerwald, R-Avon

- Provides that an otherwise barred offense may be commenced not later than five years from the earlier of the date on which:
  - (1) the state first discovers DNA evidence sufficient to charge the offender;
  - (2) the state first becomes aware of a recording that provides evidence sufficient to charge the offender; or
  - (3) a person confesses to the offense.
- Permits the alleged victim of certain child sex crimes to apply for victim compensation not later than five years after:
  - (1) the state first discovers DNA evidence sufficient to charge the offender;
  - (2) the state first becomes aware of a recording that provides evidence sufficient to charge the offender; or
  - (3) a person confesses to the offense.

### **SEA 187, PL 7: Elkhart County Courts**

Author: Doriot, R-Syracuse

Sponsor: Miller, R-Elkhart

- Provides that the board of county commissioners shall provide the circuit court clerk with an office at:
  - (1) the county seat; or

(2) in Elkhart County, any other place in the county as the board of county commissioners may provide; in a building provided for that purpose.

- Provides that each division of the circuit court or superior court of Elkhart County shall hold sessions at:
  - (1) the courthouse of the county; or
  - (2) any other place in the county as the board of county commissioners may provide.

### **SEA 206, PL 62: Deposition of a Child Victim**

Author: Messmer, R-Jasper

Sponsor: Torr, R-Carmel

- Defines “child victim” as a child less than 16 years of age who is the victim of a sex offense, and specifies that a child victim has the right to confer with a representative of the prosecuting attorney’s office before being deposed.
- Repeals and replaces the current statute concerning the deposition of a child with a new statute that provides that a defendant may only depose a child victim if the prosecuting attorney agrees to the deposition or if a court authorizes the deposition.
- Establishes a procedure for a court to use to determine whether to authorize the deposition of a child victim, and to specify the manner in which the deposition may be conducted.
- Provides that an order authorizing the deposition of a child must expressly prohibit the presence of the person accused of committing the offense against the child unless certain conditions apply and the presence of the accused is necessary to preserve the person’s rights under the United States or Indiana constitution.
- Makes conforming amendments.

### **SEA 209, PL 63: Search Warrant**

Author: Crider, R-Greenfield

Sponsor: McNamara, R-Evansville

- Provides that a warrant authorizing a search, testing, or other analysis of an item is deemed executed when the item is seized.
- Provides that a warrant return is sufficient if the return contains a statement indicating that the item was seized by a law enforcement officer.

### **SEA 216, PL 64: Disclosure of Personal Information to Offender**

Author: Sandlin, R-Indianapolis

Sponsor: Burton, R-Whiteland

- Amends the access to public records act to provide that personal information regarding a correctional officer, probation officer, community corrections officer, law enforcement officer, judge, crime victim, or their family members may be withheld from disclosure when requested by a person confined in a prison, county jail, detention facility, or in a community corrections program as a result of the person’s arrest or conviction for a crime, or that person’s agent or relative. (Currently the law permits withholding personal information of officers, judges, victims, or their family members, if the information is requested by a person incarcerated in a penal institution after conviction for a crime.)
- Provides that the term “agent” does not include an attorney in good standing admitted to the practice of law in Indiana.

### **SEA 256, PL 138: Courts and Judicial Officers**

Author: Koch, R-Bedford

Sponsor: McNamara, R-Evansville

- Provides that the interim study committee on courts and the judiciary (committee) shall review, consider, and make recommendations concerning requests for new courts, new judicial officers, and changes in jurisdiction of existing courts in each even-numbered year.
- Specifies the information that must be provided to the committee with such a request.

- Provides that in each even-numbered year the committee shall:
  - (1) identify each county in which the number of courts or judicial officers exceeds the number used by the county for a particular year; and
  - (2) determine the number of years in which the number of courts or judicial officers in the county has exceeded the number used by the county.
- Requires the office of judicial administration to post the required information on its Internet web site.
- Establishes the Clark circuit courts No. 5 and No. 6, beginning January 1, 2025.
- Provides for the election of the judges of each of these circuit courts at the November 2024 general election.
- Establishes the Clark superior courts No. 5 and No. 6.
- Requires the governor to appoint the judge of each of these superior courts.
- Provides that each of these superior courts converts to Clark circuit courts No. 5 and No. 6 beginning January 1, 2025.
- Establishes a sixth circuit court in Delaware County.
- Removes the requirement that Delaware circuit courts No. 4 and No. 5 each have a standard small claims and misdemeanor docket.
- Establishes a third superior court in Marshall County.
- Allows the judges of the Gibson superior court and Gibson circuit court to jointly appoint a magistrate to serve the Gibson County courts.
- Allows the judges of the Hamilton circuit and superior courts to jointly appoint an additional magistrate to serve the Hamilton County courts.
- Allows the judges of the Jennings circuit and superior courts to jointly appoint a magistrate to serve the Jennings County courts.
- Requires the Indiana criminal justice institute to:
  - (1) collect data concerning rates of rearrest of defendants released with and without money bail; and
  - (2) submit an annual report containing the information collected to the legislative council.
- Urges the legislative council to assign to the committee the topic of giving mutual full faith and credit to judgments and orders of a tribal court of a federally recognized Indian tribe.

### **SEA 302, PL 140: Indigency Determinations**

Author: Tallian, D-Portage

Sponsor: Steuerwald, R-Avon

- Establishes a procedure for a criminal court to use in determining if a defendant is indigent.
- Provides that, if a court has ordered a defendant to pay part of the cost of representation, the court shall inquire at sentencing whether the defendant has paid the required amount.
- Specifies that a court may prorate fines, fees, and court costs based on the person's reasonable ability to pay.
- (The introduced version of this bill was prepared by the interim study committee on corrections and criminal code.)

### **SEA 335, PL 142: Criminal Law Issues**

Author: Mike Young, R-Indianapolis

Sponsor: McNamara, R-Evansville

- Provides that, if certain criminal penalties are increased (or, in the case of an infraction, imposed) due to a prior conviction or infraction committed by a defendant, the new offense must have been committed not later than 12 years from the later of the date:
  - (1) of the conviction or infraction judgment; or
  - (2) the person was released from incarceration, probation, or parole.
- Excludes certain crimes and classes of crimes from the 12 year lookback period.
- Specifies the duties of an operator of a boat who is involved in an accident or collision resulting in injury.

- Adds strangulation and domestic battery to the definition of “crimes of violence”.
- Specifies that references to a conviction for Indiana offenses include:
  - (1) an attempt to commit the offense;
  - (2) a conspiracy to commit the offense; and
  - (3) a substantially similar offense committed in another jurisdiction.
- Provides that credit earned by a person on pretrial home detention does not include accrued time.
- Makes it a crime to possess a firearm with an obliterated serial number (under current law, it is only a crime to possess a handgun with an obliterated serial number).
- Provides that a person who:
  - (1) agrees with two or more persons to commit theft; and
  - (2) performs an overt act in furtherance of the agreement; commits organized theft, a Level 6 felony.
- Prohibits a person who has been adjudicated a delinquent child for committing an act while armed with a firearm that would be a serious violent felony if committed by an adult (serious delinquent) from possessing a firearm unless the person is at least:
  - (1) 26 years of age, in the case of less serious acts; or
  - (2) 28 years of age, in the case of more serious acts.
- Makes possession of a firearm by a serious delinquent a Level 6 felony, and increases the penalty to a Level 5 felony for a second or subsequent offense.
- Requires a juvenile court to transmit certain findings to the office of judicial administration for transmission to the National Instant Criminal Background Check System (NICS) upon a finding of delinquency for an act that would be a serious violent felony if committed by an adult.
- Allows a court to consider certain factors when evaluating a petition to expunge certain juvenile adjudications.
- Beginning July 1, 2021:
  - (1) requires the office of judicial administration to collect and publish certain statistics related to the confiscation and retention of firearms; and
  - (2) requires a court to provide certain information to the office of judicial administration after issuing a finding concerning a person’s dangerousness.
- Provides that a person who knowingly makes a false report that another person is dangerous commits false informing, a Class B misdemeanor.
- Specifies that a person commits the offense of operating a vehicle with a controlled substance if the controlled substance is in the person’s blood (rather than the person’s body).
- Increases the penalty for operating a vehicle with a controlled substance in the person’s blood if the person is transporting a child in the vehicle.
- Provides a defense to a “smokable hemp” offense if the hemp is carried in continuous transit from a licensed producer in another state through Indiana to a licensed handler in another state.
- Makes conforming amendments, reconciles conflicts, and makes technical corrections.

### **HEA 1006, PL 94: Minimum Age to Marry and Emancipation of Minors**

Author: Engleman, R-Georgetown

Sponsor: Charbonneau, R-Valparaiso

- Specifies that an “adult” is:
  - (1) a person at least eighteen years of age; or
  - (2) a:
    - (A) married minor who is at least sixteen years of age; or
    - (B) minor that has been completely emancipated by a court;
 for the purpose of marriage.
- Raises the minimum age to marry from 15 years of age to 16 years of age.
- Provides that an individual 16 or 17 years of age may marry only if:
  - (1) the individual’s intended spouse is not more than four years older than the individual;

- (2) a juvenile court has issued an order allowing the individual to marry; and
- (3) the individual:
  - (A) completes any premarital counseling required under the order;
  - (B) applies for a marriage license not earlier than 15 days after the order is issued; and
  - (C) includes a certified copy of the order with the individual's application for a marriage license.
- Repeals provisions requiring an individual less than 18 years of age to obtain consent to marry from the individual's parent or guardian.
- Specifies a process an individual 16 or 17 years of age must follow to petition a juvenile court for an order allowing the individual to marry, and specifies conditions necessary for approval of the petition and conditions requiring denial of the petition.
- Provides that a court that issues an order allowing an individual at least 16 years of age to marry must also issue an order completely emancipating the individual.
- Amends the list of records or documents an individual may submit to a court clerk as proof of the individual's date of birth for purposes of applying for a marriage license.
- Amends the law regarding petitions by minors for emancipation as follows:
  - (1) Provides that a court hearing a minor's petition for emancipation must appoint a guardian ad litem for the minor.
  - (2) Provides that the guardian ad litem shall investigate the statements contained in the minor's petition and file a report of the investigation with the court.
  - (3) Provides that a court may grant a minor's petition for emancipation only if the court finds that emancipation is in the child's best interests.
  - (4) Provides that if the court completely emancipates the child:
    - (A) the child has all the rights and responsibilities of an adult; and
    - (B) the emancipation order may not specify terms of emancipation.
- Provides that an emancipated child remains subject to:
  - (1) Indiana law concerning minimum age for marriage; and
  - (2) other specific constitutional and statutory age requirements applicable to the emancipated child because of the emancipated child's age.
- Makes conforming amendments

### **HEA 1047, PL 34: Justice Reinvestment Advisory Council**

Author: Steuerwald, R-Avon

Sponsor: Mike Young, R-Indianapolis

- Specifies the purpose and certain duties of the justice reinvestment advisory council, including the duty to study jail overcrowding, and adds additional members, including members of the Indiana evidence based decision making initiative (which is a partnership between state and local criminal justice stakeholders).
- Makes a technical correction.

### **HEA 1070, PL 100: Distracted Driving**

Author: Sullivan, R-Evansville

Sponsor: Crider, R-Greenfield

- Provides that, except in certain circumstances, a person may not hold or use a telecommunications device while operating a moving motor vehicle.
- Removes prohibitions on typing, transmitting, or reading a text message or an electronic mail message while operating a moving motor vehicle.
- Provides that the bureau may not assess points under the point system for a violation occurring before July 1, 2021.

### **HEA 1120, PL 106: Community Corrections and Credit Time**

Author: Steuerwald, R-Avon

Sponsor: Koch, R-Bedford

- Amends guidelines related to educational credit time for a person incarcerated in the department of correction.
- Provides that, before May 1, 2023, the department of correction shall submit a report to the legislative council concerning the implementation of the individualized case management plan.
- Permits a prosecuting attorney to file for revocation of a community corrections placement.
- Provides that credit time earned by a person on pretrial home detention does not include accrued time.

### **HEA 1157, PL 110: Motor Vehicle and Criminal Law Issues**

Author: Hatfield, D-Evansville

Sponsor: Freeman, R-Indianapolis

- Increases the penalty for numerous motor vehicle violations from a Class C infraction to a Class A infraction if the violation results in bodily injury.
- Requires the bureau of motor vehicles to remove any record of a suspension from a defendant charged with operating while intoxicated if the case ends in favor of the defendant and the defendant's driving privileges were suspended because:
  - (1) the defendant refused a chemical test; or
  - (2) the results of a chemical test resulted in prima facie evidence of intoxication.
- Provides that a court and the bureau, if applicable, shall terminate all or any part of the remaining suspension of a person's license suspension if:
  - (1) the charges against the person are dismissed;
  - (2) the person is acquitted; or
  - (3) the person's conviction is vacated or reversed on appeal.
- Provides that a court shall terminate a suspension imposed for refusal to submit to a chemical test if:
  - (1) the court accepts a plea agreement between the state and the defendant that includes this provision; or
  - (2) the court finds at sentencing that terminating the remaining suspension is in the best interests of society.
- Adds cross references concerning license suspensions and ignition interlock devices.
- Makes an individual less than 18 years of age eligible for a deferral program. (Under current law, individuals under 18 years of age are not eligible for deferral.)
- Repeals certain driving privilege suspensions when a motor vehicle is used in dealing certain controlled substances.
- Makes conforming changes.

### **HEA 1225, PL 116: Public Safety**

Author: McNamara, R-Evansville

Sponsor: Messmer, R-Jasper

- Removes the requirement that school buses have black reflective tape affixed on the bumpers and sides of the bus.
- Provides that, in certain instances, a person who:
  - (1) fails to yield to an emergency vehicle; and
  - (2) causes serious bodily injury, catastrophic injury, or death to any person operating, occupying, or affiliated with the authorized emergency vehicle;
 commits a Level 6 felony.
- Provides that the offense of resisting law enforcement is a Level 6 felony if, while committing the offense of resisting law enforcement by forcibly resisting, obstructing, or interfering with a law enforcement officer, the person:
  - (1) creates a substantial risk of bodily injury to the person or another person; and
  - (2) has two or more prior unrelated convictions for resisting law enforcement.
- Provides that the offense of resisting law enforcement is a Level 6 felony if, while committing the offense of resisting law enforcement by fleeing from a law enforcement officer, the person

- has two or more prior unrelated convictions for resisting law enforcement.
- Makes conforming amendments.

### **HEA 1313, PL 162: Courts and Family Law Matters**

Author: John Young, R-Franklin

Sponsor: Koch, R-Bedford

- Provides that a magistrate has the same powers as a judge, except the power of judicial mandate.
- Repeals certain sections that enumerate the powers for magistrates.
- Repeals the judicial technology oversight committee.
- Increases the filing limit for the small claims docket to not more than \$8,000 (rather than \$6,000, under current law).
- Provides that the Marion County court will divide the work of the court into various divisions, including but not limited to the following:
  - (1) Civil.
  - (2) Criminal.
  - (3) Family.
- Provides that the Marion County court shall hold session in the:
  - (1) community justice campus in Indianapolis; and
  - (2) other places in Marion County as the court determines.
- Provides that a relocating individual who is party to a custody order or parenting time order is not required to file a notice of intent to move with the clerk of the court if:
  - (1) the relocation has been addressed by a prior court order; or
  - (2) the relocation will:
    - (A) result in a decrease in the distance between the relocating individual's residence and the nonrelocating individual's residence; or
    - (B) result in an increase of not more than 20 miles in the distance between the relocating individual's residence and the nonrelocating individual's residence.
- Makes conforming amendments.

### **HEA 1385, PL 164: Natural Resources**

Author: Eberhart, R-Shelbyville

Sponsor: Glick, R-LaGrange

- Removes the definition of "motorboat".
- Provides that the definition of "watercraft" does not include a craft that is:
  - (1) powered by its occupants; and
  - (2) does not contain a mechanical propellant.
- Repeals and replaces provisions in the current watercraft registration law.
- Amends sections related to boat excise tax.
- Provides that tax situs means the taxing district in which the boat is located on the date it is registered.
- Provides that a watercraft is not a vehicle for purposes of mechanic's liens for vehicles.
- Provides that a person that fails to carry a certificate of registration or display proof of registration for display on a watercraft commits a Class C infraction.
- Provides that a person who knowingly or intentionally falsifies, predates, changes, or counterfeits proof of registration for a watercraft commits a Class C misdemeanor.
- Revises the definition of "recreational trail" to specify that the term refers to trails or paths funded through the recreational trails program.
- Specifies that the state may acquire a railroad's interest in a corridor for use as a trail (rather than as a recreational trail as provided by current law).
- Specifies that the state may consider a corridor's suitability for use as a trail (rather than as a recreational trail as provided by current law) when considering whether to acquire a railroad's interest in a corridor.
- Specifies that a railroad's interest in a corridor acquired for a recreational purpose may be

developed and operated under the recreational trails program. (Current law requires such acquisitions to be developed and operated under the program.)

- Modifies the definitions of “all-terrain vehicle” and “recreational off-highway vehicle”.
- Makes it a Class C infraction to violate a rule adopted by the natural resources commission or an emergency rule adopted by the department of natural resources, unless otherwise specified under state law.
- Allows the owner of a boat that carries passengers upon public water for hire to elect to have an underwater survey (survey) conducted instead of the required dry dock inspection.
- Requires that the boat be inspected in a dry dock once every 120 months.
- Requires the owner of the boat to hire and pay for the survey.
- Requires the survey to be conducted by an inspector from a certified organization that is approved by the natural resources commission.
- Requires that the certificate of inspection and registration certify the method of the boat’s inspection and the name of the person and organization that performed the inspection.
- Allows an individual to float on a board on or in the wake directly behind a motorboat that is underway using the wake itself as the means of propulsion.
- Removes the sunset provision regarding the use of certain rifles while hunting.
- Removes an exception for legal minnow seines and dip nets from the prohibition on using various fishing techniques near a dam.
- Authorizes the natural resources commission to authorize exceptions for the use of otherwise prohibited techniques by rule.
- Makes various changes to the procedures for revoking or denying a license or permit under the wildlife violator compact.
- Provides that a court having jurisdiction of an offense committed in violation of an Indiana law for the protection of wildlife may revoke the license of the offender for a minimum of one year. (Current law allows revocations for a period of 30 days, 60 days, 90 days, or one year.)
- Declares that the citizens of Indiana have certain vested rights with respect to Lake Michigan, and that the natural resources commission may adopt rules concerning those rights.
- Provides that property owners may jointly apply for a permit with the Indiana department of environmental management for wetland activities in state regulated wetlands.
- Authorizes the department to adopt rules identifying the ordinary high water mark on the land adjoining the waters of Lake Michigan for administrative purposes.
- Provides that the owner of a private property that is adjacent to Lake Michigan is immune from liability under certain circumstances.
- Provides guidelines for permitting to private property owners by local governmental agencies, in the case of an emergency to:
  - (1) repair; or
  - (2) construct; a new seawall or revetment on the owner’s property.
- Provides guidelines for the location of a seawall or revetment in the event of construction or repair of that seawall or revetment.
- Makes a local planning and zoning statute concerning the alienation of mineral resources and forests outside urban areas applicable to all counties.

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**Criminal Code  
Changes**

## **SEA 1, PL 49: Tobacco and Vaping Smoking Age**

Author: Charbonneau, R-Valparaiso

Sponsor: Kirchhofer, R-Beech Grove

- Prohibits a person who is less than 21 years of age from buying or possessing:
  - (1) tobacco;
  - (2) e-liquids; or
  - (3) electronic cigarettes.
- Makes conforming changes regarding enforcement provisions, sales certificates, prohibition of delivery sales, and notices posted at retail establishments and at vending machines.
- Provides that a retail establishment that sells an e-liquid to a person less than 21 years of age is subject to a civil judgment for an infraction.
- Doubles the civil judgment for an infraction for:
  - (1) a retail establishment that sells or distributes tobacco, an e-liquid, or an electronic cigarette to a person less than 21 years of age; and
  - (2) certain retail establishments that allow an underage person to enter their establishment.
- Modifies the time frame for when retail establishments may receive enhanced penalties for repeat e-liquid and tobacco products violations.
- Requires a merchant who mails or ships cigarettes as part of a delivery sale to use a shipping service that requires a customer to present identification if they appear to be less than 30 years of age.
- Provides that a tobacco sales certificate (certificate) may only be issued to a person who has not had an interest in a certificate revoked by the commission for a business location within one year.
- Makes it a Class C misdemeanor if a tobacco and vaping business operates within 1,000 feet of a public or private elementary or secondary school.
- Provides that a retail establishment in which tobacco products, electronic cigarettes, and e-liquids account for at least 85% of the retail establishment's gross sales:
  - (1) may not allow a person who is less than 21 years of age to enter the retail establishment; and
  - (2) is not subject to a statute prohibiting sales of tobacco or electronic cigarettes through a self-service display.
- Makes it a Class B infraction for a person to knowingly sell tobacco, an e-liquid, or an electronic cigarette that contains vitamin E acetate.
- Makes technical corrections.

## **SEA 47, PL 55: Expungement Issues**

Author: Freeman, R-Indianapolis

Sponsor: John Young, R-Franklin

- Defines "protection order records" and requires companies that provide background checks to periodically review their records and remove records relating to expunged protection orders (in the same manner as expunged convictions are removed).
- Permits a person to expunge protection order records in connection with the denial of an ex parte petition for a protection order.
- Provides that if a court reduces a Class D or Level 6 felony to a misdemeanor, the five-year waiting period for expungement begins on the date of the felony conviction and not on the date the felony was converted to a misdemeanor.
- Provides that, if a person whose records have been expunged seeks employment with a law enforcement agency or a probation or community corrections department, the law enforcement agency or the probation or community corrections department may:
  - (1) inquire about the person's expunged records; and
  - (2) refuse to employ the person.
- Specifies the procedure to expunge records of a collateral action entered in a different county than the county which issued the expungement order.

### **SEA 109, PL 31: Statute of Limitations**

Author: Crider, R-Greenfield

Sponsor: Steuerwald, R-Avon

- Provides that an otherwise barred offense may be commenced not later than five years from the earlier of the date on which:
  - (1) the state first discovers DNA evidence sufficient to charge the offender;
  - (2) the state first becomes aware of a recording that provides evidence sufficient to charge the offender; or
  - (3) a person confesses to the offense.
- Permits the alleged victim of certain child sex crimes to apply for victim compensation not later than five years after:
  - (1) the state first discovers DNA evidence sufficient to charge the offender;
  - (2) the state first becomes aware of a recording that provides evidence sufficient to charge the offender; or
  - (3) a person confesses to the offense.

### **SEA 249, PL 70: Exploitation of Dependents and Endangered Adults**

Author: Young, R-Indianapolis

Sponsor: McNamara, R-Evansville

- Defines “person in a position of trust” and “self-dealing”.
- Provides that a:
  - (1) person commits exploitation of a dependent or an endangered adult if the person recklessly uses or exerts control over the personal services or property of an endangered adult or dependent; and
  - (2) person in a position of trust commits exploitation of a dependent or an endangered adult if the person recklessly engages in self-dealing with the property of the dependent or endangered adult.
- Increases the penalty if the person has a prior unrelated conviction.
- Removes:
  - (1) provisions relating to the Social Security Act;
  - (2) a sentencing enhancement that applies if the victim is at least 60 years of age; and
  - (3) a sentencing enhancement based on the value of the property.

### **SEA 335, PL 142: Criminal Law Issues**

Author: Mike Young, R-Indianapolis

Sponsor: McNamara, R-Evansville

- Provides that, if certain criminal penalties are increased (or, in the case of an infraction, imposed) due to a prior conviction or infraction committed by a defendant, the new offense must have been committed not later than 12 years from the later of the date:
  - (1) of the conviction or infraction judgment; or
  - (2) the person was released from incarceration, probation, or parole.
- Excludes certain crimes and classes of crimes from the 12 year lookback period.
- Specifies the duties of an operator of a boat who is involved in an accident or collision resulting in injury.
- Adds strangulation and domestic battery to the definition of “crimes of violence”.
- Specifies that references to a conviction for Indiana offenses include:
  - (1) an attempt to commit the offense;
  - (2) a conspiracy to commit the offense; and
  - (3) a substantially similar offense committed in another jurisdiction.
- Provides that credit earned by a person on pretrial home detention does not include accrued time.
- Makes it a crime to possess a firearm with an obliterated serial number (under current law, it is only a crime to possess a handgun with an obliterated serial number).

- Provides that a person who:
  - (1) agrees with two or more persons to commit theft; and
  - (2) performs an overt act in furtherance of the agreement;
 commits organized theft, a Level 6 felony.
- Prohibits a person who has been adjudicated a delinquent child for committing an act while armed with a firearm that would be a serious violent felony if committed by an adult (serious delinquent) from possessing a firearm unless the person is at least:
  - (1) 26 years of age, in the case of less serious acts; or
  - (2) 28 years of age, in the case of more serious acts.
- Makes possession of a firearm by a serious delinquent a Level 6 felony, and increases the penalty to a Level 5 felony for a second or subsequent offense.
- Requires a juvenile court to transmit certain findings to the office of judicial administration for transmission to the National Instant Criminal Background Check System (NICS) upon a finding of delinquency for an act that would be a serious violent felony if committed by an adult.
- Allows a court to consider certain factors when evaluating a petition to expunge certain juvenile adjudications.
- Beginning July 1, 2021:
  - (1) requires the office of judicial administration to collect and publish certain statistics related to the confiscation and retention of firearms; and
  - (2) requires a court to provide certain information to the office of judicial administration after issuing a finding concerning a person's dangerousness.
- Provides that a person who knowingly makes a false report that another person is dangerous commits false informing, a Class B misdemeanor.
- Specifies that a person commits the offense of operating a vehicle with a controlled substance if the controlled substance is in the person's blood (rather than the person's body).
- Increases the penalty for operating a vehicle with a controlled substance in the person's blood if the person is transporting a child in the vehicle.
- Provides a defense to a "smokable hemp" offense if the hemp is carried in continuous transit from a licensed producer in another state through Indiana to a licensed handler in another state.
- Makes conforming amendments, reconciles conflicts, and makes technical corrections.

### **HEA 1022, PL 151: Panhandling**

Author: Bosma, R-Indianapolis

Sponsor: Messmer, R-Jasper

- Provides that a person who panhandles within 50 feet of:
  - (1) the entrance or exit to a bank, business, or restaurant;
  - (2) the location where a financial transaction occurs; or
  - (3) a public monument;
 commits the offense of panhandling, a Class C misdemeanor.
- Provides that a person who knowingly or intentionally panhandles regardless of the time of day commits panhandling, a Class C misdemeanor. (Current law limits the time period of the offense to after sunset and before sunrise.)
- Defines "financial transaction" and "public monument".

### **HEA 1032, PL 95: Interfering with Public Safety**

Author: Miller, R-Elkhart

Sponsor: Rogers, R-Granger

- Renames the offense of "interfering with law enforcement" to "interfering with public safety", and provides that a person who enters a marked off area after having been denied entry by an emergency medical services provider commits interfering with public safety. (Under current law, the offense is only committed if the person is denied entry by a law enforcement officer.)

## HEA 1066, PL 155: Various Education Matters

Author: Thompson, R-Lizton

Sponsor: Raatz, R-Richmond

- Provides that a school corporation shall accept a transferring student who does not have legal settlement in the school corporation if the school corporation has the capacity to accept the student and the student's parent is a current employee of the transferee school corporation with an annual salary of at least:
  - (1) \$8,000; or
  - (2) \$3,000 earned due to being included as an employee in the extracurricular portion of the transferee school corporation's current collective bargaining agreement.
- Provides that for purposes of accepting the transfer of a student who is a child of a school employee when the school corporation has a policy of not accepting transfer students, the school corporation may not enroll and may not report for purposes of state tuition support a student whose parent does not meet certain requirements.
- Provides that a school corporation, charter school, or nonpublic school with at least one employee may provide a presentation or instruction to students explaining aspects of autism, including behaviors that students with autism may exhibit as well as student interaction with students with autism.
- Provides that each public school and private school with at least one employee shall provide, upon request of another school in which the student currently attends, the requesting school a copy of a particular student's disciplinary records that are relevant to the safety of students who currently attend the requesting school.
- Provides that a school corporation may use a special purpose bus or certain other appropriate vehicles to transport students to and from a career or technical education program.
- Requires the department of education (department) to publish the following information from the previous school year or collective bargaining period on the department's Internet web site:
  - (1) The total number of full-time teachers retained from the previous year.
  - (2) Teacher workforce growth.
  - (3) The number of emergency permits granted by each school corporation, categorized by content area.
- Requires the department to include in its annual report, and publish on the department's Internet web site, the number of vacant teaching positions in each school corporation by:
  - (1) grade;
  - (2) subject; and
  - (3) required credential; with critical shortage areas, as determined by unfilled vacancies, highlighted for each school corporation.
- Makes changes to the determination of which pupils may be included in a school corporation's average daily membership (ADM).
- Provides that a student who:
  - (1) qualifies for free or reduced price lunch under the national school lunch program; or
  - (2) attended a turnaround academy under IC 20-31-9.5 or attends a school that is located in the same school building as the participating innovation network charter school, may receive preference for admission to a participating innovation network charter school if the preference is specifically provided for in the charter and is approved by the authorizer.
- Provides that staff performance evaluation plans for the Indianapolis Public Schools must be developed and implemented in accordance with statewide teacher evaluation plan requirements.
- Provides that a teacher who:
  - (1) is employed in a school corporation;
  - (2) loses his or her job in the school corporation because of a reorganization; and
  - (3) has received a rating of effective or highly effective on his or her most recent performance evaluation;shall receive an employment preference over other candidates for the same vacant teaching

- position, for a period of not more than one year after the teacher loses his or her job.
- Provides that a teacher who:
  - (1) is employed in a school corporation;
  - (2) loses his or her job in a school corporation because of a reorganization; and
  - (3) is subsequently employed by a community school corporation created by a reorganization; retains certain rights and privileges that the teacher held at the time the teacher lost his or her job in the original school corporation.
- Provides that, after June 30, 2021, a governing body may not enter into a contract with a superintendent on or after the date of the election for one or more members of the governing body until January 1 of the year immediately following the year of the election.
- Requires that the majority of the benchmark, formative, interim, or similar assessments approved by the state board of education (state board) must indicate the degree to which students are on track for grade level proficiency and college and career readiness.
- Requires that a principal or a principal's designee ensure that a suspended student receives credit, in the same manner as a student who is not suspended would receive, for any assignments or school work assigned during the period of the student's suspension that the student completes.
- Provides that charter schools that enroll certain students for the purposes of the students receiving services from accredited nonpublic alternative high schools are entitled to receive a certain amount of state tuition support for the students.
- Amends the definition of "governmental entity" under the criminal code to include a charter school and the organizer for purposes of the criminal provisions that apply to offenses against public administration.
- Requires the department to:
  - (1) prepare a report that includes information from the 2019-2020 school year for each school corporation, charter school, and eligible school regarding the number of students counted in average daily membership (ADM) who were not reported through the student testing number application center as having completed a course;
  - (2) submit, not later than December 1, 2020, the report to the legislative council;
  - (3) post the report to the department's Internet web site; and
  - (4) provide a link to the report to each school corporation, charter school, and eligible school.
- Provides that each school corporation and charter school may place a durable poster or framed picture representing:
  - (1) the national motto of the United States, "In God We Trust";
  - (2) an accurate representation of the United States flag; and
  - (3) an accurate representation of the Indiana state flag; in each school library and classroom within the school corporation or charter school.
- Provides that the representation of the United States flag and the Indiana state flag must comply with any applicable federal or state laws concerning the design, dimensions, or presentation of each respective flag.
- Provides that the provisions of SEA 2-2020 apply to an adult high school.
- Urges:
  - (1) the state board to approve, for purposes of career and technical education graduation pathways, a career and technical education cluster that allows students to acquire knowledge and skills related to employment in the electric, natural gas, communications, water, and wastewater utility industries;
  - (2) the governor's workforce cabinet (cabinet), in consultation with the state board, department of education, and department of workforce development:
    - (A) to create course sequences for the career and technical education cluster; and
    - (B) in creating the course sequences:
      - i. to consider the impact of course sequences on long term outcomes of students; and
      - ii. to prioritize course sequences that lead to high wage, high demand jobs; and
  - (3) the cabinet to:

- (A) collect data regarding approved career clusters and course sequences to inform decision making around approving, creating, and amending current and future career clusters and course sequence requirements; and
- (B) report to the general assembly regarding the collected data.

### **HEA 1157, PL 110: Motor Vehicle and Criminal Law Issues**

Author: Hatfield, D-Evansville

Sponsor: Freeman, R-Indianapolis

- Increases the penalty for numerous motor vehicle violations from a Class C infraction to a Class A infraction if the violation results in bodily injury.
- Requires the bureau of motor vehicles to remove any record of a suspension from a defendant charged with operating while intoxicated if the case ends in favor of the defendant and the defendant's driving privileges were suspended because:
  - (1) the defendant refused a chemical test; or
  - (2) the results of a chemical test resulted in prima facie evidence of intoxication.
- Provides that a court and the bureau, if applicable, shall terminate all or any part of the remaining suspension of a person's license suspension if:
  - (1) the charges against the person are dismissed;
  - (2) the person is acquitted; or
  - (3) the person's conviction is vacated or reversed on appeal.
- Provides that a court shall terminate a suspension imposed for refusal to submit to a chemical test if:
  - (1) the court accepts a plea agreement between the state and the defendant that includes this provision; or
  - (2) the court finds at sentencing that terminating the remaining suspension is in the best interests of society.
- Adds cross references concerning license suspensions and ignition interlock devices.
- Makes an individual less than 18 years of age eligible for a deferral program. (Under current law, individuals under 18 years of age are not eligible for deferral.)
- Repeals certain driving privilege suspensions when a motor vehicle is used in dealing certain controlled substances.
- Makes conforming changes.

### **HEA 1225, PL 116: Public Safety**

Author: McNamara, R-Evansville

Sponsor: Messmer, R-Jasper

- Removes the requirement that school buses have black reflective tape affixed on the bumpers and sides of the bus.
- Provides that, in certain instances, a person who:
  - (1) fails to yield to an emergency vehicle; and
  - (2) causes serious bodily injury, catastrophic injury, or death to any person operating, occupying, or affiliated with the authorized emergency vehicle;commits a Level 6 felony.
- Provides that the offense of resisting law enforcement is a Level 6 felony if, while committing the offense of resisting law enforcement by forcibly resisting, obstructing, or interfering with a law enforcement officer, the person:
  - (1) creates a substantial risk of bodily injury to the person or another person; and
  - (2) has two or more prior unrelated convictions for resisting law enforcement.
- Provides that the offense of resisting law enforcement is a Level 6 felony if, while committing the offense of resisting law enforcement by fleeing from a law enforcement officer, the person has two or more prior unrelated convictions for resisting law enforcement.
- Makes conforming amendments.

## HEA 1385, PL 164: Natural Resources

Author: Eberhart, R-Shelbyville

Sponsor: Glick, R-LaGrange

- Removes the definition of “motorboat”.
- Provides that the definition of “watercraft” does not include a craft that is:
  - (1) powered by its occupants; and
  - (2) does not contain a mechanical propellant.
- Repeals and replaces provisions in the current watercraft registration law.
- Amends sections related to boat excise tax.
- Provides that tax situs means the taxing district in which the boat is located on the date it is registered.
- Provides that a watercraft is not a vehicle for purposes of mechanic’s liens for vehicles.
- Provides that a person that fails to carry a certificate of registration or display proof of registration for display on a watercraft commits a Class C infraction.
- Provides that a person who knowingly or intentionally falsifies, predates, changes, or counterfeits proof of registration for a watercraft commits a Class C misdemeanor.
- Revises the definition of “recreational trail” to specify that the term refers to trails or paths funded through the recreational trails program.
- Specifies that the state may acquire a railroad’s interest in a corridor for use as a trail (rather than as a recreational trail as provided by current law).
- Specifies that the state may consider a corridor’s suitability for use as a trail (rather than as a recreational trail as provided by current law) when considering whether to acquire a railroad’s interest in a corridor.
- Specifies that a railroad’s interest in a corridor acquired for a recreational purpose may be developed and operated under the recreational trails program. (Current law requires such acquisitions to be developed and operated under the program.)
- Modifies the definitions of “all-terrain vehicle” and “recreational off-highway vehicle”.
- Makes it a Class C infraction to violate a rule adopted by the natural resources commission or an emergency rule adopted by the department of natural resources, unless otherwise specified under state law.
- Allows the owner of a boat that carries passengers upon public water for hire to elect to have an underwater survey (survey) conducted instead of the required dry dock inspection.
- Requires that the boat be inspected in a dry dock once every 120 months.
- Requires the owner of the boat to hire and pay for the survey.
- Requires the survey to be conducted by an inspector from a certified organization that is approved by the natural resources commission.
- Requires that the certificate of inspection and registration certify the method of the boat’s inspection and the name of the person and organization that performed the inspection.
- Allows an individual to float on a board on or in the wake directly behind a motorboat that is underway using the wake itself as the means of propulsion.
- Removes the sunset provision regarding the use of certain rifles while hunting.
- Removes an exception for legal minnow seines and dip nets from the prohibition on using various fishing techniques near a dam.
- Authorizes the natural resources commission to authorize exceptions for the use of otherwise prohibited techniques by rule.
- Makes various changes to the procedures for revoking or denying a license or permit under the wildlife violator compact.
- Provides that a court having jurisdiction of an offense committed in violation of an Indiana law for the protection of wildlife may revoke the license of the offender for a minimum of one year. (Current law allows revocations for a period of 30 days, 60 days, 90 days, or one year.)
- Declares that the citizens of Indiana have certain vested rights with respect to Lake Michigan, and that the natural resources commission may adopt rules concerning those rights.
- Provides that property owners may jointly apply for a permit with the Indiana department of

- environmental management for wetland activities in state regulated wetlands.
- Authorizes the department to adopt rules identifying the ordinary high water mark on the land adjoining the waters of Lake Michigan for administrative purposes.
- Provides that the owner of a private property that is adjacent to Lake Michigan is immune from liability under certain circumstances.
- Provides guidelines for permitting to private property owners by local governmental agencies, in the case of an emergency to:
  - (1) repair; or
  - (2) construct; a new seawall or revetment on the owner's property.
- Provides guidelines for the location of a seawall or revetment in the event of construction or repair of that seawall or revetment.
- Makes a local planning and zoning statute concerning the alienation of mineral resources and forests outside urban areas applicable to all counties.

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### **SEA 229, PL 166: Maintenance of Regulated Drains**

Author: Spartz, R-Noblesville

Sponsor: Wolkins, R-Warsaw

- Provides that a permit is not required from the Indiana department of environmental management for the maintenance or reconstruction of a regulated drain in accordance with certain best management practices for purposes of the law concerning state regulated wetlands, as long as the work takes place within the current easement and the reconstruction does not substantially change the characteristics of the drain to perform the function for which it was designed and constructed.

### **SEA 366, PL 13: Kankakee River and Yellow River Development**

Author: Niemeyer, R-Lowell

Sponsor: Gutwein, R-Francesville

- Provides that the auditor of state shall deduct amounts due from distributions of local income taxes allocated to (as opposed to payable to) the county when a county fails to pay direct support or special assessments to the Kankakee River basin and Yellow River basin development commission.

### **SEA 430, PL 148: Reservoir Conservancy Districts**

Author: Merritt, R-Indianapolis

Sponsor: Wolkins, R-Warsaw

- Allows a conservancy district to be established as a “reservoir conservancy district” if:
  - (1) the conservancy district will be established for certain purposes;
  - (2) the boundaries will encompass part or all of a reservoir located partly within a consolidated city; and
  - (3) at least 25% of the surface of the reservoir is owned by a utility governed by a board of directors for utilities of a consolidated city.
- Requires the board of directors of a reservoir conservancy district and the utility that owns the reservoir (utility owner) to enter into an operating agreement that describes all works of improvement and maintenance that the reservoir conservancy district proposes to perform.
- Requires that all such works be approved by the utility owner before the work begins.
- Provides that a reservoir conservancy district has all of the powers granted to other conservancy districts with certain exceptions, including:
  - (1) a reservoir conservancy district does not have the power of eminent domain; and
  - (2) the utility owner is exempt from all assessments, taxes, and fees imposed by the reservoir conservancy district.
- Imposes a limit on the special benefits tax levy of a reservoir conservancy district.
- Authorizes a reservoir conservancy district to impose and collect fees for the recreational use of watercraft on the reservoir, but provides that a one year use fee for a nonresident may not be 50% greater than the one year use fee for a resident, and that a one-day use fee may not exceed 17% of a one year use fee.
- Authorizes a reservoir conservancy district to establish rules concerning safety and resource conservation but provides that the rules shall not interfere with state rules or with the use of the reservoir for water supply purposes, shall not impair the commercial license of the commercial licensee of the utility owner, and shall not discourage uses of the reservoir for activities allowed under the fish and wildlife laws.
- Authorizes a reservoir conservancy district to:
  - (1) install catch basins and filtration systems;
  - (2) implement erosion control measures;
  - (3) dredge; and
  - (4) take other actions; with authorization from state and federal agencies.
- Provides that the utility owner has sole authority to control the water level and water quality of the reservoir.

- Provides that, except in a case of intentional or willful and wanton misconduct, the utility owner is not liable for any personal injury, death, property damage, or other loss that an individual incurs while present on or in the reservoir.
- Includes provisions concerning the potential civil liability of the utility owner, the state, the reservoir conservancy district, and owners of property located in a reservoir conservancy district for personal injury, death, or property damage occurring within the reservoir conservancy district.

### **SEA 438, PL 91: Regulation of Pesticide Use and Application**

Author: Leising, R-Oldenburg

Sponsor: Lehe, R-Brookston

- Makes various changes to the statutes governing pesticide registration and pesticide use and application.
- Requires the pesticide review board (board) to establish a working group to review civil penalties and for the working group to make recommendations (before December 1, 2020) concerning civil penalties to the board and the general assembly.
- Provides that the state chemist shall suspend the enforcement of its FY 2019 pesticide enforcement response policy.

### **HEA 1265, PL 122: Drinking Water Testing**

Author: Jackson, D-Hammond

Sponsor: Randolph, D-East Chicago

- Requires each person or entity having authority over a school building to test the drinking water in the school building before January 1, 2023, to determine whether the drinking water equals or exceeds the action level for lead of 15 parts per billion.
- Provides that the testing requirement is satisfied if the drinking water of a school building:
  - (1) was tested during the lead sampling program for school buildings conducted by the Indiana finance authority (IFA) in 2017 and 2018;
  - (2) is tested in the lead sampling program conducted by the IFA in 2019 and 2020; or has otherwise been tested for compliance with the federal drinking water standards at least once since 2016.
- Requires that drinking water in school buildings located in Lake County be tested at least once in each period of two calendar years beginning in 2023.
- Provides that if a test of the drinking water of a school building indicates the presence of lead in the water equal to or greater than 15 parts per billion, the person or entity having authority over the school building is required to take action to reduce the lead levels in the drinking water to less than 15 parts per billion.
- Provides that the person or entity having authority over a school building that is subject to drinking water testing is required to seek state and federal money that is available for lead sampling or testing.

### **HEA 1309, PL 126: Department of Environmental Management**

Author: Wolkins, R-Warsaw

Sponsor: Messmer, R-Jasper

- Revises references to federal regulations relating to variances from water quality standards.
- Provides that a variance from a water quality standard issued for a period of more than five years must be reevaluated in accordance with the requirements of the federal rule on variances from water quality standards.
- Provides that a variance relating to an NPDES permit may be submitted at any time before or after the issuance, renewal, or modification of the NPDES permit.
- Eliminates the requirement that the department itself, at least once per year, administer a certification examination for operators of water treatment plants, water distribution systems, and wastewater treatment plants.

- Requires instead the department to ensure that the examination is administered at least once per year, and allows the examination to be administered by independent third parties authorized by the commissioner of the department.

### **HEA 1334, PL 25: Radon Mitigation**

Author: Eberhart, R-Shelbyville

Sponsor: Niemeyer, R-Lowell

- Provides the state department of health (state department) with emergency rulemaking authority to amend provisions in the state department's administrative rules concerning radon.
- Requires the state department to amend provisions in the state department's administrative rules concerning radon using the regular rulemaking process before December 31, 2021.
- Provides that the provisions added by the bill expire July 1, 2022.

### **HEA 1403, PL 27: Waste Tires**

Author: Wolkins, R-Warsaw

Sponsor: Messmer, R-Jasper

- Adds a definition of "used tire", for purposes of the law governing solid waste management.
- Adds requirements for the adoption of administrative rules concerning the regulation of waste tire storage sites and waste tire processing operations.

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## **SEA 1, PL 49: Tobacco and Vaping Smoking Age**

Author: Charbonneau, R-Valparaiso

Sponsor: Kirchhofer, R-Beech Grove

- Prohibits a person who is less than 21 years of age from buying or possessing:
  - (1) tobacco;
  - (2) e-liquids; or
  - (3) electronic cigarettes.
- Makes conforming changes regarding enforcement provisions, sales certificates, prohibition of delivery sales, and notices posted at retail establishments and at vending machines.
- Provides that a retail establishment that sells an e-liquid to a person less than 21 years of age is subject to a civil judgment for an infraction.
- Doubles the civil judgment for an infraction for:
  - (1) a retail establishment that sells or distributes tobacco, an e-liquid, or an electronic cigarette to a person less than 21 years of age; and
  - (2) certain retail establishments that allow an underage person to enter their establishment.
- Modifies the time frame for when retail establishments may receive enhanced penalties for repeat e-liquid and tobacco products violations.
- Requires a merchant who mails or ships cigarettes as part of a delivery sale to use a shipping service that requires a customer to present identification if they appear to be less than 30 years of age.
- Provides that a tobacco sales certificate (certificate) may only be issued to a person who has not had an interest in a certificate revoked by the commission for a business location within one year.
- Makes it a Class C misdemeanor if a tobacco and vaping business operates within 1,000 feet of a public or private elementary or secondary school.
- Provides that a retail establishment in which tobacco products, electronic cigarettes, and e-liquids account for at least 85% of the retail establishment's gross sales:
  - (1) may not allow a person who is less than 21 years of age to enter the retail establishment; and
  - (2) is not subject to a statute prohibiting sales of tobacco or electronic cigarettes through a self-service display.
- Makes it a Class B infraction for a person to knowingly sell tobacco, an e-liquid, or an electronic cigarette that contains vitamin E acetate.
- Makes technical corrections.

## **SEA 5, PL 50: Health Provider Contracts**

Author: Charbonneau, R-Valparaiso

Sponsor: Schaibley, R-Carmel

- Requires hospitals, ambulatory outpatient surgical centers, and urgent care facilities to post certain information on their Internet web sites about health care services they provide, including the weighted average negotiated charges for the services.
- Provides that an insurer that issues a group health insurance policy or a health maintenance organization that enters into a group health maintenance organization contract shall disclose to the policyholder or subscriber:
  - (1) the amount of the commission, service fee, or brokerage fee to be paid to an insurance producer for selling, soliciting, or negotiating the policy or contract; and
  - (2) whether the commission or fee is based on a percentage of total plan premiums or a flat per member fee.
- Requires that this information be disclosed at the outset and upon renewal of the policy or contract.
- Prohibits the inclusion in a health provider contract of a provision under which a provider (an individual or entity licensed or authorized to provide health care services) would be prohibited from disclosing health care service claims data to an employer providing the coverage.

- States that the inclusion of such a provision in a health care provider contract is an unfair or deceptive act or practice in the business of insurance.
- Requires the department of insurance to submit a request for information and a request for proposals concerning the establishment and operation of an all payer claims data base, which will receive and contain information on claims paid by insurers, health maintenance organizations, pharmacy benefit managers, and other payers.
- Provides that a fully credentialed provider shall be reimbursed by an insurer or health maintenance organization for eligible services provided at an in-network hospital if certain conditions are met.

### **SEA 246, PL 69: Mental Health Services**

Author: Crider, R-Greenfield

Sponsor: Cook, R-Cicero

- Requires a school corporation, charter school, or accredited nonpublic school to certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has a memorandum of understanding in place with a community mental health center or provider certified or licensed by the state to provide mental and behavioral health services to students before applying for a grant from the Indiana secured school fund.
- Provides that the community mental health center or provider may be employed by the school corporation, charter school, or accredited nonpublic school.
- Requires a school corporation and a charter school to enter into a memorandum of understanding with a community mental health center or provider certified or licensed by the state to provide mental and behavioral health services to students.
- Requires the division of mental health and addiction to develop a memorandum of understanding for referral and assist school corporations and charter schools in obtaining a memorandum of understanding with a community mental health center or an appropriate provider.
- Requires each school corporation and charter school that enters into a memorandum of understanding with a community mental health center or appropriate provider to comply with certain confidentiality and referral requirements.

### **SEA 267, PL 73: Administration of 211 Services**

Author: Bohacek, R-Michiana Shores

Sponsor: Pressel, R-Rolling Prairie

- Transfers responsibility for the 211 human services information dialing code from the Indiana housing and community development authority (authority) to the office of the secretary of family and social services (office of the secretary).
- Eliminates provisions:
  - (1) regarding recognized 211 service providers;
  - (2) prohibiting state agencies or departments from establishing telephone lines or hotlines to provide human services information or referrals without first consulting a recognized 211 provider and notifying the authority;
  - (3) prohibiting dissemination of information to the public about the availability of 211 services except in conformity with rules adopted by the authority;
  - (4) limiting disbursements from the 211 services account to \$50,000 annually;
  - (5) requiring consultation with the board of directors of Indiana 211 Partnership, Inc., for purposes of preparation of the annual plan for expenditure of funds from the 211 services account; and
  - (6) requiring an annual report to the general assembly regarding 211 services and deposits to and disbursements from the 211 services account.
- Creates the 211 services fund in place of the 211 services account.
- Creates the 211 advisory committee for purposes of advising the office of the secretary regarding use of and goals for 211 services.
- Requires the office of the secretary to:

- (1) compile specified data regarding 211 services beginning July 1, 2021;
- (2) enter into data sharing agreements to make the data available to entities approved by the office of the secretary; and
- (3) obtain and maintain accreditation for 211 operations in accordance with the standards of a national accreditation organization for information and referral services.
- Requires the office of the secretary to submit to the general assembly an annual report regarding 211 services.
- Makes conforming amendments.

### **SEA 273, PL 75: Indiana Behavioral Health Commission**

Author: Crider, R-Greenfield

Sponsor: Kirchhofer, R-Beech Grove

- Establishes the Indiana behavioral health commission (commission).
- Specifies the membership of the commission.
- Requires the commission to prepare:
  - (1) an interim report not later than October 1, 2020; and
  - (2) a final report not later than October 1, 2022.
- Specifies the issues and topics to be discussed in the commission reports.
- Requires commission reports to be issued to the following parties:
  - (1) The governor.
  - (2) The legislative council.
  - (3) Any other party specified by the commission chairperson.
- Requires commission reports to be issued in an electronic format.
- Abolishes the commission on December 31, 2022.
- Defines certain terms.
- Makes conforming amendments.

### **HEA 1094, PL 40: Substance Use Prevention and Recovery**

Author: Ziemke, R-Batesville

Sponsor: Glick, R-LaGrange

- Requires the executive director of the Indiana criminal justice institute to work with local coordinating councils and other stakeholders when implementing certain recommendations concerning substance use and substance use disorder.
- Includes public safety programs in the statutory definition of “criminal justice services and activities”.
- Specifies that local coordinating councils responsible for the combating of drug and substance use are:
  - (1) collaborative; and
  - (2) open to the public.
- Permits county drug free community funds to supplement local government spending on:
  - (1) drug use recovery programs;
  - (2) drug use intervention programs; and
  - (3) drug use prevention programs.
- Defines certain terms.

### **HEA 1182, PL 112: HIV, Fatality Reviews, and Syringe Exchange Programs**

Author: Clere, R-New Albany

Sponsor: Becker, R-Evansville

- Removes acquired immune deficiency syndrome (AIDS) from the statutory definition of “exposure risk disease”.
- Replaces the term “AIDS” with the term “human immunodeficiency virus (HIV)” where appropriate.

- Replaces the term “carrier” with the term “individual with a communicable disease” where appropriate.
- Replaces the term “danger” with the term “risk” where appropriate.
- Replaces the term “spread” with the term “transmission” where appropriate.
- Replaces the term “HIV antibody” with “human immunodeficiency virus (HIV)” where appropriate.
- Requires the state department of health (department) to specify, in any literature provided to children and young adults concerning HIV, that abstinence is the best way to prevent the transmission of HIV as a result of sexual activity.
- Provides that a physician or the authorized representative of a physician may not order an HIV test unless the physician or the authorized representative of a physician:
  - (1) informs the patient of the test orally or in writing;
  - (2) provides the patient with an explanation of the test orally, in writing, by video, or by a combination of these methods; and
  - (3) informs the patient orally or in writing of the patient’s right to ask questions and to refuse the test.
- Requires the information to be communicated to the patient in a language or manner that the patient understands.
- Requires a physician or an authorized representative of the physician to inform a patient of the counseling services and treatment options available to the patient if an HIV test indicates that the patient is HIV positive.
- Requires a patient to be notified of their right to a:
  - (1) hearing; and
  - (2) counsel;
 in certain situations involving a court ordered HIV test.
- Specifies that the use of antiretroviral drugs and other medical interventions may lessen the likelihood of transmitting HIV to a child during childbirth. (Current law states that birth by caesarean section may lessen the likelihood of transmitting HIV to a child during childbirth).
- Provides that the requirement to dispose of semen that contains the HIV antibody does not apply if the semen is used according to safer conception practices endorsed by the federal Centers for Disease Control and Prevention or other generally accepted medical experts.
- Revises the definition of “health care provider”.
- Provides that a patient is considered to have consented to:
  - (1) testing for the presence of a dangerous communicable disease of a type that has been epidemiologically demonstrated to be transmittable by an exposure of the kind experienced by the affected health care provider; and
  - (2) the release of testing results to a medical director or an affected physician in the event of an exposure; if the patient is unable to consent to testing or the release of test results due to physical or mental incapacity.
- Allows a health care provider or a health care provider’s employer to petition a court for an order requiring a patient to provide a blood or bodily fluid specimen in certain instances.
- Allows a health care provider, a health care provider’s employer, or the state department of health to request certain test results when a patient is a witness, bystander, or victim of alleged criminal activity in certain instances.
- Provides that a health care provider may request a notification concerning exposure to certain communicable diseases in certain instances.
- Allows a health care provider to designate a physician to receive certain test results following a possible exposure to certain communicable diseases.
- Requires a health care provider to be notified of an exposure to certain communicable diseases not later than 48 hours after certain notifications have been issued.
- Requires a health care provider to be provided with:
  - (1) medically necessary treatment; and
  - (2) counseling;
 following an exposure to certain communicable diseases.

- Requires a suicide and overdose fatality review team (SOFR team) to review certain suicide and overdose fatalities.
- Allows a SOFR team to make recommendations concerning the prevention of suicide and overdose fatalities.
- Specifies membership, record keeping, and data entry requirements for SOFR teams.
- Renumbers the article concerning suicide and overdose fatality teams for purposes of conflict resolution.
- Requires a syringe exchange program to:
  - (1) provide testing for communicable diseases and provide services or a referral for services if the individual tests positive; and
  - (2) establish a referral process for program participants in need of information or education concerning communicable diseases or health care.
- Requires the state department of health to include certain information concerning syringe exchange programs in the report to the general assembly before November 1, 2020.
- Extends the expiration date for certain syringe exchange programs from July 1, 2021, to July 1, 2022.
- Defines certain terms.
- Makes conforming amendments and technical corrections.

### **HEA 1265, PL 122: Drinking Water Testing**

Author: Jackson, D-Hammond

Sponsor: Randolph, D-East Chicago

- Requires each person or entity having authority over a school building to test the drinking water in the school building before January 1, 2023, to determine whether the drinking water equals or exceeds the action level for lead of 15 parts per billion.
- Provides that the testing requirement is satisfied if the drinking water of a school building:
  - (1) was tested during the lead sampling program for school buildings conducted by the Indiana finance authority (IFA) in 2017 and 2018;
  - (2) is tested in the lead sampling program conducted by the IFA in 2019 and 2020; or has otherwise been tested for compliance with the federal drinking water standards at least once since 2016.
- Requires that drinking water in school buildings located in Lake County be tested at least once in each period of two calendar years beginning in 2023.
- Provides that if a test of the drinking water of a school building indicates the presence of lead in the water equal to or greater than 15 parts per billion, the person or entity having authority over the school building is required to take action to reduce the lead levels in the drinking water to less than 15 parts per billion.
- Provides that the person or entity having authority over a school building that is subject to drinking water testing is required to seek state and federal money that is available for lead sampling or testing.

### **HEA 1309, PL 126: Department of Environmental Management**

Author: Wolkins, R-Warsaw

Sponsor: Messmer, R-Jasper

- Revises references to federal regulations relating to variances from water quality standards.
- Provides that a variance from a water quality standard issued for a period of more than five years must be reevaluated in accordance with the requirements of the federal rule on variances from water quality standards.
- Provides that a variance relating to an NPDES permit may be submitted at any time before or after the issuance, renewal, or modification of the NPDES permit.
- Eliminates the requirement that the department itself, at least once per year, administer a certification examination for operators of water treatment plants, water distribution systems, and wastewater treatment plants.

- Requires instead the department to ensure that the examination is administered at least once per year, and allows the examination to be administered by independent third parties authorized by the commissioner of the department.

### [HEA 1326, PL 127: Community Mental Health Centers](#)

Author: Kirchhofer, R-Beech Grove

Sponsor: Crider, R-Greenfield

- Provides that:
  - (1) licensed clinical social workers;
  - (2) licensed mental health counselors;
  - (3) licensed marriage and family therapists; and
  - (4) licensed clinical addiction counselors;
 who have at least two years of experience in addiction treatment or hold an addiction credential are eligible supervisors for addiction based intensive outpatient treatments under Medicaid.
- Defines a community mental health center as a governmental unit for purposes of the required nonfederal share of medical assistance payments under Medicaid.
- Provides that a provider in an intensive outpatient treatment program is not required to be a licensed addictive counselor or clinical addiction counselor if specified conditions are met.
- Specifies that a recovery audit does not require documentation at the time of service for services provided in certain instances.
- Allows a supervising provider in a community mental health center to review documentation concerning:
  - (1) a plan of treatment; or
  - (2) specific treatment methods; not later than 30 days from the date of service.
- Sets forth requirements to demonstrate active treatment in developing a plan of treatment.
- Requires the division to provide best practice recommendations and to work with community mental health centers in a collaborative manner.
- Provides that documentation that is developed as part of an incident or death audit is confidential.
- Allows the division of mental health and addiction to grant a waiver of staffing requirements for community mental health center applicants.
- Provides that a licensed prescriber with prescriptive authority shall be counted when determining whether a community mental health center applicant meets certain staffing requirements for community mental health center certification.
- Requires a licensed clinical addiction counselor to be counted for certain staffing requirements of community mental health centers.
- Requires the division to develop a comprehensive appeals process under the mental health and addiction forensic treatment program not later than January 1, 2021.
- Provides advanced practice nurses with all of the supervisory rights and responsibilities of:
  - (1) licensed physicians; and
  - (2) health service provider in psychology (HSP) psychologists; in certain instances if specified requirements are met.

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### **SEA 177, PL 59: Administration of the Broadband Ready Program**

Author: Donato, R-Logansport

Sponsor: Manning, R-Denver

- Provides that the office of community and rural affairs, rather than the Indiana economic development corporation, administers the broadband ready communities development center.

### **SEA 197, PL 8: Prohibited Technology Purchases**

Author: Koch, R-Bedford

Sponsor: Soliday, R-Valparaiso

- Defines “prohibited person” as a person that has been designated as posing a national security threat to the integrity of communications networks or the communications supply chain under a Federal Communications Commission rule.
- Prohibits money appropriated by the general assembly or a political subdivision from being granted to or used to purchase or obtain any equipment or services produced or provided by a prohibited person.

### **SEA 343, PL 81: Rural Communications Cooperatives**

Author: Houchin, R-Salem

Sponsor: Manning, R-Denver

- Changes the rural telephone cooperative act to the rural communications cooperative act, allowing the formation of nonprofit cooperative corporations for the purposes of providing telecommunications service and information service, including video service, broadband service, and VOIP service.
- Makes conforming amendments.

### **HEA 1235, PL 117: Public Safety**

Author: Karickhoff, R-Kokomo

Sponsor: Crider, R-Greenfield

- Allows a federal enforcement officer with at least five years of service to be appointed as a police chief or deputy police chief in a city.
- Provides that the statewide 911 board may increase an enhanced prepaid wireless charge one time after April 1, 2020, and before July 1, 2023, in an amount not to exceed \$0.10.
- Revises the definition of “statewide 911 system”.
- Provides that the statewide 911 board may adjust the statewide 911 fee one time after April 1, 2020, and before July 1, 2023, in an amount not to exceed \$0.10.
- Requires 60 days prior notice to the department of state revenue of any rate change to the enhanced prepaid wireless charge or the statewide 911 fee.

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### **SEA 132, PL 57: Department of Homeland Security**

Author: Crider, R-Greenfield

Sponsor: Frye, R-Greensburg

- Renames the “safety first” license plate as the “first responder” license plate.
- Provides that the department of homeland security (department) may require a person to submit information, a document, or an application electronically.
- Provides that the two-dimensional bar code assigned to an elevator shall be displayed in or on each elevator.
- Repeals the reduced ignition propensity standards for cigarettes fund and transfers the money in the fund to the fire prevention and public safety fund.
- Provides that the fire prevention and public safety fund may be used for the same purposes as the reduced ignition propensity standards for cigarettes fund.
- Requires a school corporation or charter school to annually report to the department the number of school resource officers employed by the school corporation or charter school for the protection of the school corporation or charter school.
- Requires the department to annually compile the number of school resource officers employed by school corporations or charter schools for the protection of the school corporations or charter schools and retain that information.
- Provides that the information about school resource officers compiled by the department is confidential. Makes conforming changes.

### **SEA 237, PL 66: Care of City Police Officers and Firefighters**

Author: Liz Brown, R-Fort Wayne

Sponsor: Morris, R-Fort Wayne

- Provides that a city shall pay for the care of a police officer or firefighter who suffers an injury while performing the person’s duty or while the person is on duty or who contracts illness caused by the performance of the person’s duty.

### **SEA 254, PL 137: Water and Wastewater Utilities**

Author: Charbonneau, R-Valparaiso

Sponsor: Soliday, R-Valparaiso

- Amends the law allowing the adjustment of a water or wastewater utility’s rates and charges to enable the utility to recover the cost of eligible infrastructure improvements, by providing that the general maximum limit on the revenues used in determining the adjustment does not apply to infrastructure improvement costs associated with the construction, reconstruction, or improvement of a highway, street, or road.
- Amends the law that allows a public water utility to treat the costs of replacing customer-owned lead service lines as eligible infrastructure improvements for which a utility’s rates and charges may be adjusted, by providing that the law applies to municipally owned utilities as well as public utilities.
- Establishes a procedure under which a public utility, municipally owned utility, or not-for-profit utility that provides water or wastewater service to the public and is under the jurisdiction of the commission for the approval of rates and charges may seek to recover, through a periodic rate adjustment, the cost of certain utility plant or equipment expenditures that are related to compliance with environmental requirements or made for health, safety, or environmental protection purposes.

### **SEA 269, PL 139: Worker’s Compensation**

Author: Jon Ford, R-Terre Haute

Sponsor: Lehman, R-Berne

- Provides that for worker’s compensation and occupational diseases compensation, not later than 14 days from the date that the first installment of compensation is due, an employer or the employer’s insurance carrier must file with the worker’s compensation board (board) a

report of payment of compensation. (Current law provides that not later than 15 days from the date that the first installment of compensation is due, an employer or the employer's insurance carrier must file with the worker's compensation board a compensation agreement.)

- Provides that for worker's compensation and occupational diseases compensation, the presentation to the employee or to the employee's dependents of certain payments from the employer or the employer's insurance carrier is sufficient tender of the worker's compensation or occupational diseases compensation.
- Provides that for worker's compensation and occupational diseases coverage, an employer must notify certain employees of the employer's intent to terminate the employee's temporary total disability benefits, and for all instances of termination of benefits, file an electronic notice with the board. (Current law provides that an employer must notify an employee of the employer's intent to terminate temporary total disability benefits in cases not included in statute.)
- Provides that for worker's compensation and occupational diseases compensation for injuries occurring on or after July 1, 1991, compensation amounts determined for visual impairments shall be:
  - (1) based on the Functional Vision Score; and
  - (2) except in cases of permanent and complete loss of vision by enucleation, be paid as a whole person rating. (Current law provides that for injuries occurring on or after July 1, 1991, compensation amounts determined for:
    - (A) permanent reduction of the sight of an eye less than a total eye loss shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses; and
    - (B) 100% loss of vision shall be paid for 50% of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses.)
- Removes from the compensation schedule for worker's compensation and occupational diseases compensation, for injuries occurring on or after July 1, 1991, that a reduction of vision to 1/10 of normal vision with glasses is 35 degrees of permanent impairment.
- Provides that the board may dispose of all papers for files when compensation has been awarded either by agreement or upon hearing two years after the termination of the compensation period for files related to worker's compensation and worker's occupational diseases compensation. (Current law provides for one year.)
- Provides that all records of insurance coverage related to worker's occupational diseases compensation shall be maintained for 35 years. (Current law provides the records be maintained for 45 years.)

### **[SEA 350, PL 83: Central Indiana Regional Development Authority](#)**

Author: Holdman, R-Markle

Sponsor: Tim Brown, R-Crawfordsville

#### **Aim Comments:**

As introduced, SEA 350 was Aim's language that would have provided a statewide framework for members of regional development authorities to raise new revenue to fund capital projects within a region – the "Investment Hubs" proposal. When the bill was considered in the Senate Tax & Fiscal Policy Committee, Sen. Travis Holdman (R-Markle), the author of the bill and the chairman of the committee, had an amendment to remove the revenue-raising components of the bill and pared it down to a pilot program for communities in Central Indiana.

From here, we hope to continue building support with legislators and other stakeholders for a comprehensive proposal that allows all communities across the state access to a regional framework that includes new revenue-raising mechanisms for important quality of life projects that we know are necessary to attract and retain talent.

- Authorizes counties and municipalities within the Indianapolis metropolitan area to establish a central Indiana regional development authority pilot that will sunset on July 1, 2025.
- Requires counties and municipalities that wish to establish the development authority to adopt substantially similar resolutions to adopt a preliminary strategic economic development plan (preliminary development plan).
- Provides that the development authority shall be governed by a strategy committee composed of members selected according to the terms of the preliminary development plan adopted to establish the development authority.
- Specifies the duties of the development authority.
- Requires the development authority to prepare a comprehensive strategic economic development plan.
- Codifies the establishment and governing provisions of the Indianapolis metropolitan planning organization.
- Requires the Indianapolis metropolitan planning organization to:
  - (1) develop a comprehensive asset management report for the metropolitan planning area in collaboration with the Indiana department of transportation; and
  - (2) present the comprehensive asset management report to the city-county council of Indianapolis and Marion County, the fiscal and legislative bodies of each entity that is a member of the Indianapolis metropolitan planning organization, and the budget committee.

### **SEA 366, PL 13: Kankakee River and Yellow River Development**

Author: Niemeyer, R-Lowell

Sponsor: Gutwein, R-Francesville

- Provides that the auditor of state shall deduct amounts due from distributions of local income taxes allocated to (as opposed to payable to) the county when a county fails to pay direct support or special assessments to the Kankakee River basin and Yellow River basin development commission.

### **SEA 408, PL 146: Various Tax Matters**

Author: Holdman, R-Markle

Sponsor: Tim Brown, R-Crawfordsville

#### **Aim Comments:**

SEA 408, the annual Department of Revenue (DOR) agency bill, was authored by Sen. Travis Holdman (R-Markle) and sponsored by Rep. Tim Brown (R-Crawfordsville).

One provision supported by Aim requires the DOR to work with county governments in order to integrate accurate GIS data on parcels in the county into the DOR systems starting in 2022. Once the system is fully integrated, local income tax (LIT) distribution could be better localized to the communities generating the revenue, or different LIT rates could be set for different communities within a county. Having this data could enable future efforts to give municipalities the independent authority to adopt their own LIT rate.

- Removes references to an out-of-state merchant's collection of the state use tax. (Under current law, an out-of-state merchant is required to collect the state gross retail tax (not the use tax) on retail transactions made in Indiana if certain threshold conditions are met.)
- Makes clarifying and technical changes to the definitions of "bundled transaction", "unitary transaction", and "gross retail income" in the sales tax statute, and "adjusted gross receipts" in the sports wagering statute.
- Removes outdated references to the gross income tax and adjusted gross income tax.
- Makes a technical correction in the gasoline use tax statute.
- Changes the definition of "Internal Revenue Code" in the adjusted gross income tax law to mean the Internal Revenue Code of 1986 as amended and in effect on January 1, 2020.

- Clarifies the allowable state income tax deductions and credits for a married individual filing a separate return.
- Requires a payor of prize money to an initial recipient in connection with a racing event at a qualified motorsports facility to withhold adjusted gross income tax from the payment of the prize money.
- Provides that a taxpayer is entitled to claim a historic rehabilitation tax credit granted for a year other than the year in which the preservation or rehabilitation of the historic property was performed and certification provided, notwithstanding the expiration of the historic rehabilitation tax credit chapter on January 1, 2019, and the cap on the amount of credits allowed in a state fiscal year beginning after June 30, 2016.
- Defines “loans arising in factoring” under the financial institutions tax statute.
- Specifies the duties of the motor carrier service division of the department of state revenue (department).
- Removes obsolete provisions related to transporting gasoline or special fuel.
- Eliminates a redundant penalty provision for failure to file a quarterly motor carrier fuel tax report (this penalty is currently assessed and calculated under the penalty provisions of the International Fuel Tax Agreement as set forth in another section of the Indiana Code).
- Authorizes the department to require a taxpayer to execute a power of attorney for representation of the taxpayer on a form prescribed by the department.
- Requires each county to periodically submit certain data to the GIS officer.
- Allows a taxpayer to request a secondary review of adjustments to tax attributes in certain circumstances.
- Makes clarifying changes to the statute of limitations for tax assessments and tax refunds.
- Extends the statute of limitations for assessments for certain partners and partnerships.
- Allows for certain disclosures of a taxpayer’s information concerning returns and remittances for a listed tax in connection with the department’s online tax system to an individual without a power of attorney.
- Provides that after a date determined by the department, not later than September 1, 2023, the department may not make disclosures of a taxpayer’s information concerning returns and remittances for a listed tax to an individual unless the individual has a power of attorney or is otherwise authorized to receive the information by law.
- Extends the statute of limitations to allow a refund of state and local income tax with regard to veterans’ disability severance payments that were determined to qualify for a refund of federal income tax under the Combat-Injured Veterans Tax Fairness Act of 2016.
- Revises the penalty provisions related to payments made to the department by a payment instrument on which the department is unable to obtain payment.
- Expands the functions of the taxpayer rights advocate office within the department.
- Repeals the state revenue pilot program fund.
- Provides that any money in the state revenue pilot program fund before its repeal is transferred to the motor carrier regulation fund.
- Makes conforming changes.

### **SEA 410, PL 88: Libraries**

Author: Glick, R-LaGrange

Sponsor: Abbott, R-Rome City

- Makes changes to statutes applicable to the review of budgets of certain public libraries.
- Establishes a procedure for public libraries to identify the applicable city, town, or county fiscal body to receive a public library’s proposed budget.
- Includes public libraries in the definition of “qualified entities” for purposes of criminal background checks.
- Requires, before December 31, 2020, a public library to adopt a policy regarding conducting criminal background checks for individuals who are more than 18 years of age and who:
  - (1) apply to the public library for employment or volunteer work; or

- (2) are currently employed by or perform volunteer work for the public library.
- Provides that a library board may issue a local library card without charge or for a reduced fee to an individual who is not a resident of the library district and who is a child receiving foster care services.

### **HEA 1003, PL 92: Education Matters**

Author: Jordan, R-Bremen

Sponsor: Raatz, R-Richmond

- Provides that the state board of education (state board) shall determine the timing, frequency, and method of certain teacher training requirements, including whether the training should be required for purposes of obtaining or renewing a license or as part of the completion requirements for a teacher preparation program.
- Provides that the following apply to nonpublic schools accredited by a national or regional accrediting agency recognized by the state board:
  - (1) Indiana secured school fund provisions.
  - (2) Certain sale of school building provisions.
  - (3) Certain textbook assistance provisions.
- Changes a provision concerning waivers from postsecondary readiness competency requirements that references “nonaccredited nonpublic school” to “nonaccredited nonpublic school that has less than one employee”.
- Provides that the state board and the governing body of a school corporation or nonpublic school may not enter into, renew, or otherwise extend a contract to establish a freeway school after June 30, 2020.
- Provides that provisions relating to the establishment and administration of freeway schools expire July 1, 2025.
- Establishes new requirements to accredit a public or private school in Indiana.
- Provides that the state board may grant an application by a school or group of schools that requests to waive compliance with certain statutes or rules.
- Requires the state board to annually prepare a report that includes certain information regarding compliance waiver requests and provide the report to the general assembly.
- Provides that a school corporation may publish in a local newspaper a summary of the annual performance report with a description of how to find and view the full annual performance report on the Internet in lieu of publishing the whole annual performance report.
- Provides that a school corporation may publish in a local newspaper a summary of the annual financial report with a description of how to find and view the full annual financial report on the Internet in lieu of publishing the whole annual financial report.
- Repeals a provision that requires the state board to implement a system of recognizing certain education programs of nonpublic schools.
- Repeals:
  - (1) a provision relating to performance based school accreditation;
  - (2) a provision pertaining to school improvement plans; and
  - (3) a provision pertaining to the recognition of educational programs of nonpublic schools.
- Makes conforming amendments and technical corrections.

### **HEA 1004, PL 93: Health Matters**

Author: Smaltz, R-Auburn

Sponsor: Charbonneau, R-Valparaiso

- States that the office of the secretary of family and social services and a managed care organization may not prohibit a provider from participating in another insurance network.
- Defines “weighted average negotiated charge” and requires the weighted average negotiated charge per service per provider type for Medicaid to be reported by hospitals and ambulatory outpatient surgical centers.
- Requires certain health care providers, beginning July 1, 2021, to provide a good faith estimate

to individuals of the price for nonemergency health care services to be provided to the individual by the health care provider and sets forth requirements.

- Allows an individual to request a good faith estimate from a health care provider for the total price for nonemergency services that have been ordered, scheduled, or referred and requires the health care provider to provide the good faith estimate.
- Sets forth requirements for the good faith estimate.
- Provides that an out of network practitioner who provides health care services to a covered individual in an in network facility may not charge more for the health care services provided to a covered individual than allowed according to the rate or amount of compensation established by the covered individual's network plan unless:
  - (1) at least five days before the health care services are scheduled to be provided, the covered individual is provided a statement that:
    - (A) informs the covered individual that the facility or practitioner intends to charge more than allowed under the network plan; and
    - (B) sets forth an estimate of the charge; and
  - (2) the covered individual signs the statement, signifying the covered individual's consent to the charge.
- Sets forth notice requirements.
- Sets forth provisions that a physician noncompete agreement must include in order to be enforceable.
- Provides for information and notification that an employer must give to a physician who leaves the employment of the provider.
- Allows an individual to request from a health carrier a good faith estimate of the amount of the cost of nonemergency health care services that the health carrier will pay for or reimburse and the applicable benefit limitations of the nonemergency health care service.
- Sets forth requirements of a good faith estimate by a health carrier and sets penalties for violations.

### **HEA 1007, PL 1: Fiscal Matters**

Author: Tim Brown, R-Crawfordsville

Sponsor: Mishler, R-Bremen

- Adds several standard provisions to the sports wagering fund.
- Repeals a provision requiring review by the budget committee of certain agreements or extensions of agreements entered into by the Indiana finance authority or the state.
- Appropriates money from the state general fund for various projects of Indiana's state educational institutions.

### **HEA 1052, PL 153: Pulaski County Local Income Tax**

Author: Gutwein, R-Francesville

Sponsor: Charbonneau, R-Valparaiso

- Provides that a tax imposed by a fiscal body on the adjusted gross income of local taxpayers at a tax rate that does not exceed three-tenths percent (0.3%) expires December 31, 2020.
- Provides that for calendar years beginning after December 31, 2020, and before January 1, 2036, the county fiscal body may impose a tax on the adjusted gross income of local taxpayers at a tax rate that does not exceed three-tenths percent (0.3%).
- Amends purposes for which revenue generated from the special purpose tax rate may be used.

### **HEA 1063, PL 99: Public Safety Officer Death Benefits**

Author: Goodrich, R-Noblesville

Sponsor: Doriot, R-Syracuse

- Increases, from \$150,000 to \$225,000, the special death benefit for certain public safety officers, certain motor carrier inspectors, certain special police employees, members of the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund,

and the 1977 police officers' and firefighters' pension and disability fund who die in the line of duty after June 30, 2020.

- Provides that the board shall determine contributions and contribution rates for individual employers or for a group of employers necessary to adequately maintain the special death benefit fund.
- Provides that, for certain police officers, firefighters, and emergency medical services providers, the cost of the coverage is in addition to the contribution determined by the board.

### **HEA 1065, PL 154: Various Tax Matters**

Author: Thompson, R-Lizton

Sponsor: Holdman, R-Markle

#### **Aim Comments:**

HEA 1065 was authored by Rep. Jeff Thompson (R-Lizton) and sponsored by Sen. Travis Holdman (R-Markle). This bill was a moving target throughout session, containing various local government and property tax provisions, including a controversial provision that allows school corporations to share referendum revenue with charter schools in their footprint.

Notably for municipal government is a provision added on the last day of session that changes the voting procedures for Local Income Tax (LIT) councils. This change only applies to former COIT counties in which there is one city or town with more than 50% of the population of the county.

Under current law, in former COIT counties (where a LIT Council is the adopting body for local income tax changes), each unit is apportioned votes on the LIT council in proportion to their population. Each unit votes as a bloc, so when the council approves a proposed change, all of the unit's votes are cast for the change (regardless e.g. of whether the council votes unanimously or 5-4). In counties where a municipality has the majority population of the county, that municipality's council controls the LIT council.

In counties in which there is one unit with the majority of the population in the county, the change in HEA 1065 apportions votes on the LIT council to every council member who sits on county, city or town councils within the county. For example, if a city has 63% of the population of a county, each member of the 9-member council has 7% of the vote for the entire LIT council: calculated by the population proportion of their city (63%) divided by the number of members of the council (9).

This affects 6 counties: Allen (Fort Wayne), Delaware (Muncie), Fayette (Connersville), Howard (Kokomo), Monroe (Bloomington), and Vanderburgh (Evansville). These changes sunset on May 31, 2021. It also provides that any LIT increase approved by the LIT Council for these communities after December 31, 2019 and before April 1, 2020 is void.

HEA 1065 also makes changes to residential housing TIF programs. Under current law, a housing TIF program can be started in counties and municipalities if the average of new, single family residential homes constructed in the preceding 3 years is less than 1% of the total number of residential homes in that jurisdiction. HEA 1065 exempts housing TIFs from the 3-year 1% calculation if the proposed housing TIF area is within an economic development target area. It also changes the maximum duration from 20 to 25 years, and treats condos and townhouses the same as single family dwellings within an economic development target area.

- Amends the definition of "inventory" for purposes of property tax. Amends the definition of "land developer" for purposes of provisions that apply to reassessment of undeveloped land.
- Provides that, if a taxpayer believes that the taxpayer has overreported a personal property assessment that is discovered in the course of a review of the taxpayer's personal property assessment for which the assessing official fails to make an adjustment to correct the error, the

taxpayer may:

- (1) initiate an appeal with the county property tax assessment board of appeals for a credit to offset any resulting overpayment; or
- (2) file a claim for refund with regard to any resulting overpayment.

- Authorizes an appeal to the Indiana board of tax review of the denial of the refund claim with regard to a resulting overpayment.
- Provides that a:
  - (1) township fire protection and emergency services area; or
  - (2) fire protection district;that experiences more than 6% population growth during a 10 year period may increase its maximum property tax levy for 2021 or any year thereafter by an amount based on the population growth that exceeds 6%.
- Provides, however, that the township or fire protection district may not increase the tax levy based on the population growth by a total rate of more than 0.15 per \$100 of the net assessed value of the fire protection and emergency services area or fire protection district area within a 10 year period.
- Adds provisions concerning a school corporation's establishment of a school improvement fund if payments for loans or advances from the common school fund are suspended and related provisions.
- Amends the definition of "qualified higher education expenses" for the purpose of the 529 college savings contribution tax credit to exclude qualified education loan repayments.
- Amends the definition of "taxpayer" for the purpose of the 529 college savings contribution tax credit to include a married individual filing a separate return.
- Amends the industrial recovery tax credit to:
  - (1) provide that qualified expenses must be certified by the Indiana economic development corporation before the taxpayer is entitled to the credit for a taxable year; and
  - (2) specify that a taxpayer may make more than one assignment of any part of the credit, but may not assign the same part of a credit more than once.
- Amends the definition of "qualified redevelopment site" for purposes of the redevelopment tax credit to include a mine reclamation site.
- Provides that a local income tax council (LIT council) for a county with a single voting bloc must vote as a whole in order to exercise its authority to increase (but not decrease) a local income tax rate in the county.
- Defines a "county with a single voting bloc" as a county in which one city or one town that is a member of the LIT council is allocated more than 50% of the total votes allocated to the members of the LIT council.
- Sunsets this provision on May 31, 2021.
- Provides that actions taken by a member of a LIT council, or a LIT council, for a county with a single voting bloc after December 31, 2019, and before April 1, 2020, on a resolution or proposed ordinance to increase a local income tax in the county are void.
- Retroactively amends local income tax provisions that authorize Monroe County and Howard County to impose a special purpose rate to fund operation and maintenance of a juvenile detention center to remove provisions referring to property tax credits that were inadvertently included in those special purpose rate provisions when the local income tax law was enacted.
- Imposes a nonprofit agricultural organization health coverage tax on an organization that provides nonprofit agricultural organization coverage in Indiana. Defines "nonprofit agricultural organization coverage" for purposes of the tax. Provides that the tax is equal to 1.3% of gross premiums collected in the previous calendar year.
- Provides that a charter school may elect to distribute a proportionate share of the charter school's operations fund to the school corporation in whose district the charter school is located.
- Provides that a school corporation may distribute money that is received as part of a referendum tax levy to a charter school, excluding a virtual charter school, that is located in the attendance area of the school corporation.

- Provides that the resolution adopted by a school corporation to place a referendum on the ballot must indicate whether proceeds collected from the tax levy will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, as well as the amount that will be distributed.
- Removes the cap on the amount of career and technical education enrollment grants that may be distributed per state fiscal year.
- Provides that Spencer County is subject to a provision of the area planning law concerning urban areas.
- Makes certain changes to provisions that permit a redevelopment commission to establish a program for residential housing development and a tax increment funding allocation area for the program, including the following:
  - (1) Provides that the threshold condition for establishing a residential housing development program (program) does not apply for purposes of establishing a program in an economic development target area.
  - (2) Requires the department of redevelopment to consult with officials of all school corporations within the proposed allocation area before formal submission of the program.
  - (3) Requires the department of redevelopment to provide notice of the public hearing on the program to all affected taxing units and officials of all school corporations within the proposed allocation area.
- Revises the definition of “income tax base period amount” in the context of the certified technology park statute.
- Urges the legislative council to assign to an appropriate interim study committee during the 2020 legislative interim the task of studying tax credits and other fiscal incentives for a film and media production program.

#### **HEA 1094, PL 40: Substance Use Prevention and Recovery**

Author: Ziemke, R-Batesville

Sponsor: Glick, R-LaGrange

- Requires the executive director of the Indiana criminal justice institute to work with local coordinating councils and other stakeholders when implementing certain recommendations concerning substance use and substance use disorder.
- Includes public safety programs in the statutory definition of “criminal justice services and activities”.
- Specifies that local coordinating councils responsible for the combating of drug and substance use are:
  - (1) collaborative; and
  - (2) open to the public.
- Permits county drug free community funds to supplement local government spending on:
  - (1) drug use recovery programs;
  - (2) drug use intervention programs; and
  - (3) drug use prevention programs. Defines certain terms.

#### **SEA 1099, PL 104: Low Head Dams**

Author: Manning: R-Denver

Sponsor: Busch: R-Fort Wayne

- Requires the natural resources commission to establish a roster of low head dams in the state that are capable of creating hazardous currents that pose safety issues.
- Establishes requirements concerning low head dams for the department of natural resources (department) and owners of low head dams.
- Provides that an owner of at least two low head dams is exempt from certain requirements if that owner has previously installed warning signs, in coordination with the department, and maintains and repairs the existing signs.
- Except for purposes of an inspection, maintenance, or removal, prohibits a person from

- accessing a low head dam.
- Prohibits wading, boating, swimming, or accessing the waters within 50 feet of a low head dam when warning signs are present.
- Provides that the state is not liable for any death or injury that occurs on or resulting from a low head dam that is not owned by the state.
- Provides for a penalty for violations.
- Requires the department to prepare a report that includes recommendations concerning the creation of a low head dam removal program and any recommendations concerning low head dam safety legislation.

### [HEA 1108, PL 157: State Board of Accounts](#)

Author: Lehman, R-Berne

Sponsor: Bassler, R-Washington

#### **Aim Comments:**

HEA 1108, authored by Rep. Matt Lehman (R-Berne) and sponsored by Sen. Eric Bassler (R-Washington) is the State Board of Accounts (SBOA) agency bill. Notably for cities and towns, it clarifies that management letters from the SBOA are confidential under the Access to Public Records Act (APRA). These letters are issues of noncompliance noted during audits that are not yet significant enough to become findings on those audits. They are usually recommendations from SBOA on how to improve a process or procedure to be more responsible or secure. These letters are confidential so that the municipality can take this information and improve their processes without having an official finding on their audit. The only way these letters would become available to the public is if an issue detailed in a management letter from one year becomes a finding on the following year's audit.

- Makes various changes to statutes concerning the state board of accounts (board).
- Adds a definition of a "responsible officer of an audited entity".
- Allows the audit committee to determine the amount of the bond for the state examiner, deputy examiners, and field examiners based on applicable risk considerations.
- Repeals a statute that addresses duties required by law on April 5, 1909.
- Provides that, for purposes of the risk-based examination criteria, the board may perform examinations of certain audited entities more frequently than once every four years if required by a ratings agency that rates debt maintained by such an audited entity.
- Provides that the board may issue management letters based on professional auditing standards to certain audited entities.
- Provides that the state examiner, deputy examiner, or field examiner may issue subpoenas to enforce the filing of certain reports.
- Establishes a procedure governing the examination of certain bodies corporate and politic.
- Provides that the procedure applies only to a body corporate and politic whose enabling statute does not provide for an audit, examination, or other engagement by the state board of accounts or an independent public accounting firm concerning financial or compliance related matters of the body corporate and politic.
- Makes changes to statutes establishing the forfeiture of office for the failure to file certain reports, interference with an examiner, and the failure to adopt or use the system of accounting and reporting adopted by the board.
- Provides that, as an alternative to an order to forfeit office, a court may impose a civil penalty that does not exceed \$500 for each day that the public officer or responsible officer continues to violate an obligation with respect to an audit, examination, or other engagement by the board.
- Specifies that the individual is personally liable for a civil penalty imposed on the individual for such a violation.
- Provides that the board may collect the expenses from the audited entity that the board incurs in carrying out the audit, examination, or other engagement.

## HEA 1111, PL 158: Unemployment

Author: Leonard, R-Huntington

Sponsor: Ruckelshaus, R-Indianapolis

- Provides a new schedule of rates for calendar years after December 31, 2020.
- Specifies that Schedule C applies for calendar years 2021 through 2025.
- Provides new contribution rates for calendar years after 2020.

## HEA 1113, PL 159: Local Government Finance

Author: Leonard, R-Huntington

Sponsor: Bassler, R-Washington

### **Aim Comments:**

HEA 1113, authored by Rep. Dan Leonard (R-Huntington) and sponsored by Sen. Eric Bassler (R-Washington), was the annual Department of Local Government Finance agency bill. As always happens with this bill, it became a home for many local government finance issues.

Throughout the session, many controversial provisions were included in this bill, but by the time it reached its final version, most of these provisions were removed.

One part of this bill which Aim supports was a change to the statute on refunding taxpayers for successful property tax appeals. Under current law, there is a provision that allows local governments up to 5 years to pay back property tax appeals over \$100,000, but that provision of law was set to expire this year. HEA 1113 changed this section to allow more time to pay back large property tax appeals:

- Up to 5 years for property tax appeals of \$500,000-\$5M
- Up to 7 years for property tax appeals of \$5M-\$10M
- Up to 10 years for property tax appeals of \$10M or more

This will help communities better manage the budget and cash flow issues created when commercial taxpayers win big property tax appeals. More work needs to be done on the appeals process for commercial properties (to address the “dark box” problem), but this is a step in the right direction.

- Changes the deadline for reporting bonds issued or leases executed after September 30.
- Requires budget committee review of an agreement:
  - (1) in which the Indiana finance authority or the state is a party; and
  - (2) that would increase revenue as a result of a sale or lease of a state asset, or a grant of a license to operate a state asset, if the increase in revenue as a result is at least \$100,000,000.
- Changes the defined term “assessed value growth quotient” to the term “maximum levy growth quotient” without changing the definition.
- Allows the department of local government finance (department) to amend certain rules to conform with statutory changes.
- Requires counties to provide data related to property taxation to the department. (Current law requires counties to provide the data to the department and the legislative services agency.)
- Amends and adds provisions regarding the assessment of a golf course.
- Eliminates unnecessary information from the sales disclosure form.
- Changes the term “industrial facility” in the statutes concerned with the assessment of industrial facilities.
- Prohibits township assessors and vendors who contract with county assessors or townships from assessing industrial facilities in Lake County.
- Provides that, for purposes of determining the assessed value of real property for an individual who has received an over 65 deduction, a disabled veteran deduction, or an over 65 circuit breaker credit, subsequent increases in assessed value are not considered unless the increase is attributable to physical improvements to the property.

- Provides that a taxpayer may appeal a change in the assessed value of personal property made by a township assessor or county assessor by filing a written notice of review with the county property tax assessment board of appeals (PTABOA).
- Provides that a taxpayer may appeal a change in the assessed value of personal property made by a PTABOA by filing a written notice of review with the Indiana board of tax review.
- Removes existing language that provides that, if a PTABOA fails to change an assessed value claimed by a taxpayer on a personal property return and give notice of the change within the time prescribed, the assessor may file a petition for review of the assessment by the Indiana board.
- Changes the debt service obligation reporting date.
- Provides that a political subdivision shall submit the date, time, and place of the final adoption of the budget, tax rate, and levy through the department's computer gateway.
- Requires a political subdivision to indicate on its budget ordinance whether the political subdivision intends to issue debt after December 1 or file a shortfall appeal.
- Requires a political subdivision that makes an additional unbudgeted appropriation to submit the additional appropriation to the department within 15 days after the additional appropriation is adopted.
- Provides procedures for increases for the maximum permissible ad valorem property tax levies for Sullivan County, the city of Wabash, and the Wabash city school corporation.
- Specifies that the county treasurer's property tax comparison statement, issued annually, must include:
  - (1) information stating how a taxpayer can obtain information regarding the taxpayer's notice of assessment or reassessment; and
  - (2) a remittance coupon indicating payment amount due at each payment due date.
- Eliminates the use of the state address confidentiality form to submit a request to restrict access to a covered person's address maintained in a public property data base.
- Provides that, if a taxpayer is owed a refund that exceeds \$500,000 for excessive property taxes paid on real property, a county auditor may pay the property tax refund in equal installments of property tax credits for at least five and not more than 10 years, depending on the amount owed to the taxpayer.
- Requires the department to provide certain assessment and tax data to the legislative services agency within one business day of receipt.
- Eliminates the requirement that a candidate for an assessor-appraiser examination be an Indiana resident.
- Provides that if an adopting body under the local income tax law wishes to submit a proposed notice, ordinance, or resolution to the department for preliminary review, the adopting body shall submit the notice, ordinance, or resolution on the prescribed forms.
- Modifies the standard formula for the calculation of certified shares of local income tax revenue in Hamilton County after 2020 and before 2024 to calculate adjusted amounts of certified shares for the city of Carmel and the city of Fishers.
- Eliminates the requirement in the context of teacher collective bargaining for the department to certify the amount of an operating referendum tax levy or a school safety referendum tax levy.
- Provides an exception to the maximum term or repayment period for bonds issued by a school corporation for a school building construction project if a loan is made or guaranteed by a federal agency.
- Changes from \$1.50 to \$3 the amount of the fee that a lessor in a rental purchase agreement may impose for accepting rental payments by telephone.
- Transfers responsibility for reporting by political subdivisions of other post-employment benefits from the department to the state board of accounts.
- Provides that money in the fund of a flood control improvement district established after December 31, 2019, may be used for a flood control works project in a location outside the boundaries of the district. Expires this provision on March 1, 2022.

- Allows a unit of local government to establish a public safety officer survivors' health coverage cumulative fund to discharge its obligation to pay for health coverage for the survivors of a member of the 1977 police officers' and firefighters' pension and disability fund who was employed by the unit and died in the line of duty.
- Aligns the deadline for public libraries to adopt a budget with the general deadline to adopt a budget.
- Removes a provision in current law requiring the state board of accounts to approve the form of a record for stating certain unpaid costs on unsafe premises.
- Removes a provision in current law requiring a township to treat a transfer of money as part of the township's ad valorem property tax levy for the year.
- Provides that, if a township board member (in a county other than Marion County) is a member of the immediate family of the township trustee, the township board member may not participate in a vote on the adoption of the township's budget and tax levies; and if a majority of the members of the township board are so precluded from voting on the township's budget and tax levies, then the township's most recent annual appropriations are continued for the ensuing budget year.
- Provides that a person that has certain business relationships with another person that owes delinquent taxes, special assessments, penalties, interest, or costs attributable to a prior tax sale is prohibited from bidding on or purchasing real property at a tax sale or from bidding on, purchasing, receiving, or leasing a tract under the law governing the disposal of property by local governments.
- Requires the county treasurer to require each person bidding at a tax sale to sign a form affirming that the person is not bidding on or purchasing tracts or items of real property on behalf of or as an agent for a person who is prohibited from purchasing at a tax sale.
- Allows certain nonprofit entities that failed to comply with the exemption filing deadlines to claim the property tax exemptions that the nonprofit entities were otherwise eligible to claim.
- Rephrases and reorganizes various provisions.
- Makes technical changes.

### [HEA 1165, PL 161: Municipally Owned Utilities](#)

Author: Burton, R-Whiteland

Sponsor: Sandlin, R-Indianapolis

#### **Aim Comments:**

Authored by Rep. Woody Burton (R-Whiteland) and Sen. Jack Sandlin (R-Indianapolis), HEA 1165 prohibits municipally-owned utilities from requiring a property owner to be a party to the service agreement for water, gas or electric services provided to a tenant-owned property. A property owner may still opt to keep services in his/her name, but any requirement for a property owner to co-sign with a tenant is now clearly prohibited.

HEA 1165 was a follow-up bill to HEA 1347 from the 2019 session. That bill prohibited landlords from being held accountable for the unpaid bills of their tenants if their names were not on the account. It also called co-signing agreements into question but did not clearly prohibit the practice. At Rep. Burton's request, the Attorney General issued an [advisory opinion](#) interpreting that statute, saying that these practices are contrary to the purpose of the statute and may not be permissible.

Aim argued that co-signing agreements, or a requirement that service be kept in a property owner's name, are both administratively efficient ways to ward against bad debt that ultimately impacts the whole customer base. Throughout the session, we sought support for language that would expressly allow for co-signing agreements to continue. Unfortunately, this language was not accepted.

Although sewer was not included in HEA 1165, we understand there is still an interest from some legislators and stakeholder groups to change the sewer lien statute which allows a lien to be placed

on properties for unpaid sewer charges. Aim will continue to be vigilant against efforts to negatively impact that process.

Thank you to everyone who reached out to your legislators on HEA 1165 – though it was not the outcome we wanted, your voices were heard on this issue.

- Specifies that the statute concerning the payment for utility services (other than sewer services) provided by a municipally owned utility to rental property does not allow a municipal legislative body to impose a requirement that the owner of the property must:
  - (1) ensure the creditworthiness of the person occupying the property; or
  - (2) accept responsibility for charges incurred by the person occupying the property; by cosigning an agreement or by any other method.

### **HEA 1209, PL 115: Reimbursement for Emergency Medical Services**

Author: Kirchhofer, R-Beech Grove

Sponsor: Crider, R-Greenfield

- Requires the state employee health plan, Medicaid, policies of accident and sickness insurance, and health maintenance organization contracts that provide coverage for emergency medical services to reimburse for emergency medical services that are:
  - (1) rendered by an emergency medical services provider organization;
  - (2) within the emergency medical services provider organization's scope of practice;
  - (3) performed or provided as advanced life support services; and
  - (4) performed or provided during a response initiated through the 911 system.

### **HEA 1235, PL 117: Public Safety**

Author: Karickhoff, R-Kokomo

Sponsor: Crider, R-Greenfield

- Allows a federal enforcement officer with at least five years of service to be appointed as a police chief or deputy police chief in a city.
- Provides that the statewide 911 board may increase an enhanced prepaid wireless charge one time after April 1, 2020, and before July 1, 2023, in an amount not to exceed \$0.10.
- Revises the definition of "statewide 911 system".
- Provides that the statewide 911 board may adjust the statewide 911 fee one time after April 1, 2020, and before July 1, 2023, in an amount not to exceed \$0.10.
- Requires 60 days prior notice to the department of state revenue of any rate change to the enhanced prepaid wireless charge or the statewide 911 fee.

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### **SEA 25, PL 54: Mental Health Disability Review Panels**

Author: Boots, R-Crawfordsville

Sponsor: Frye, R-Greensburg

- Establishes mental health disability review panels (review panel) for evaluation of members of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who have been determined to have an impairment for mental illness.
- Includes mental illness in the description of "occupational diseases" for purposes of determining whether a 1977 fund member has an impairment.
- Makes the final determination of an impairment for a mental illness provisional for two years:
  - (1) beginning July 1, 2020, for a final determination made after December 31, 2012, and before July 1, 2020; or
  - (2) from the date of the final determination, for a final determination made after June 30, 2020.
- Requires that, during that time, the 1977 fund member participate in a mental health treatment plan, at the employer's cost, and at the end of the two year period, requires the review panel to evaluate the 1977 fund member to determine if the 1977 fund member:
  - (1) is medically able to return to duty; or
  - (2) may continue for another two year provisional disability period.
- Requires that, at the end of the second provisional period, the review panel evaluate the 1977 fund member to determine if the 1977 fund member:
  - (1) is medically able to return to duty; or
  - (2) has a permanent impairment.
- Provides that the evaluations conducted by the mental health disability review panels are confidential.
- Provides that the board of trustees of the Indiana public retirement system may suspend a 1977 fund member's disability benefits if the member fails to comply with reasonable requests for information by the mental health disability review panel.
- (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

### **SEA 39, PL 29: Specialized Driving Privileges**

Author: Freeman, R-Indianapolis

Sponsor: John Young, R-Franklin

- Provides that in certain circumstances a court may stay the suspension of a person's driving privileges and grant specialized driving privileges for a period of time as determined by the court.
- Provides that the court may set periodic hearings to review the grant of specialized driving privileges.
- Provides that, if a probable cause affidavit must be sent by a judicial officer to the bureau of motor vehicles, the probable cause affidavit must be sent at the conclusion of the initial hearing.

### **SEA 47, PL 55: Expungement Issues**

Author: Freeman, R-Indianapolis

Sponsor: John Young, R-Franklin

- Defines "protection order records" and requires companies that provide background checks to periodically review their records and remove records relating to expunged protection orders (in the same manner as expunged convictions are removed).
- Permits a person to expunge protection order records in connection with the denial of an ex parte petition for a protection order.
- Provides that if a court reduces a Class D or Level 6 felony to a misdemeanor, the five-year waiting period for expungement begins on the date of the felony conviction and not on the date the felony was converted to a misdemeanor.

- Provides that, if a person whose records have been expunged seeks employment with a law enforcement agency or a probation or community corrections department, the law enforcement agency or the probation or community corrections department may:
  - (1) inquire about the person's expunged records; and
  - (2) refuse to employ the person.
- Specifies the procedure to expunge records of a collateral action entered in a different county than the county which issued the expungement order.

### **SEA 61, PL 3: EMS Interstate Personnel Licensure Compact**

Author: Charbonneau, R-Valparaiso

Sponsor: Bacon, R-Chandler

- Implements the emergency medical services personnel licensure interstate compact.

### **SEA 132, PL 57: Department of Homeland Security**

Author: Crider, R-Greenfield

Sponsor: Frye, R-Greensburg

- Renames the "safety first" license plate as the "first responder" license plate.
- Provides that the department of homeland security (department) may require a person to submit information, a document, or an application electronically.
- Provides that the two-dimensional bar code assigned to an elevator shall be displayed in or on each elevator.
- Repeals the reduced ignition propensity standards for cigarettes fund and transfers the money in the fund to the fire prevention and public safety fund.
- Provides that the fire prevention and public safety fund may be used for the same purposes as the reduced ignition propensity standards for cigarettes fund.
- Requires a school corporation or charter school to annually report to the department the number of school resource officers employed by the school corporation or charter school for the protection of the school corporation or charter school.
- Requires the department to annually compile the number of school resource officers employed by school corporations or charter schools for the protection of the school corporations or charter schools and retain that information.
- Provides that the information about school resource officers compiled by the department is confidential.
- Makes conforming changes.

### **SEA 146, PL 58: Sexual Assault Victims' Rights**

Author: Doriot, R-Syracuse

Sponsor: Schaibley, R-Carmel

- Provides rights to sexual assault victims, including the right to:
  - (1) speak with a victim advocate or victim service provider, if available, and a victims assistance or a social worker, if a victim advocate or victim service provider is not available, before a forensic medical exam or during the course of an investigation;
  - (2) the collection of sexual assault forensic evidence; and
  - (3) notice.
- Requires a provider, before commencing a forensic medical examination, or as soon as possible, to notify a victim advocate or victim service provider, if available, or victims assistance or a social worker, if a victim advocate or victim service provider is not available.

### **SEA 190, PL 60: Controlled Projects**

Author: Holdman, R-Markle

Sponsor: Thompson, R-Lizton

### **Aim Comments:**

SEA 190, authored by Sen. Travis Holdman (R-Markle) and sponsored by Rep. Jeff Thompson (R-Lizton), removes road and street projects from the definition of a “controlled project” – the type of local government capital project that can be blocked by a voter referendum or the petition/remonstrance process.

The controlled projects statute was designed to control large, discretionary capital projects like city hall remodels or school sports facilities. We do not believe it was ever the intent of this statute to have a road project, which is a core function of government, to be subject to voter approval. This year, the General Assembly agreed and passed SEA 190 into law.

This was an Aim initiative and part of our 2020 operational agenda.

- Amends the definition of a “controlled project” to exclude projects exclusively for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation of:
  - (1) local road and street systems;
  - (2) arterial road and street systems; and
  - (3) any combination of local and arterial road and street systems; including bridges that are designated as being in a road and street system.
- Provides that the restrictions on supporting a position on a controlled project apply to any political subdivision that has assessed value within the same taxing district as the political subdivision proposing the project.
- Provides that nothing shall prevent another political subdivision that has assessed value within the same taxing district as the political subdivision from adopting a resolution or taking a position on a local public question.

### **SEA 197, PL 8: Prohibited Technology Purchases**

Author: Koch, R-Bedford

Sponsor: Soliday, R-Valparaiso

- Defines “prohibited person” as a person that has been designated as posing a national security threat to the integrity of communications networks or the communications supply chain under a Federal Communications Commission rule.
- Prohibits money appropriated by the general assembly or a political subdivision from being granted to or used to purchase or obtain any equipment or services produced or provided by a prohibited person.

### **SEA 209, PL 63: Search Warrant**

Author: Crider, R-Greenfield

Sponsor: McNamara, R-Evansville

- Provides that a warrant authorizing a search, testing, or other analysis of an item is deemed executed when the item is seized.
- Provides that a warrant return is sufficient if the return contains a statement indicating that the item was seized by a law enforcement officer.

### **SEA 216, PL 64: Disclosure of Personal Information to Offender**

Author: Sandlin, R-Indianapolis

Sponsor: Burton, R-Whiteland

- Amends the access to public records act to provide that personal information regarding a correctional officer, probation officer, community corrections officer, law enforcement officer, judge, crime victim, or their family members may be withheld from disclosure when requested by a person confined in a prison, county jail, detention facility, or in a community corrections program as a result of the person’s arrest or conviction for a crime, or that person’s agent or relative. (Currently the law permits withholding personal information of officers, judges,

victims, or their family members, if the information is requested by a person incarcerated in a penal institution after conviction for a crime.)

- Provides that the term “agent” does not include an attorney in good standing admitted to the practice of law in Indiana.

### **SEA 237, PL 66: Care of City Police Officers and Firefighters**

Author: Liz Brown, R-Fort Wayne

Sponsor: Morris, R-Fort Wayne

- Provides that a city shall pay for the care of a police officer or firefighter who suffers an injury while performing the person’s duty or while the person is on duty or who contracts illness caused by the performance of the person’s duty.

### **SEA 246, PL 69: Mental Health Services**

Author: Crider, R-Greenfield

Sponsor: Cook, R-Cicero

- Requires a school corporation, charter school, or accredited nonpublic school to certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has a memorandum of understanding in place with a community mental health center or provider certified or licensed by the state to provide mental and behavioral health services to students before applying for a grant from the Indiana secured school fund.
- Provides that the community mental health center or provider may be employed by the school corporation, charter school, or accredited nonpublic school.
- Requires a school corporation and a charter school to enter into a memorandum of understanding with a community mental health center or provider certified or licensed by the state to provide mental and behavioral health services to students.
- Requires the division of mental health and addiction to develop a memorandum of understanding for referral and assist school corporations and charter schools in obtaining a memorandum of understanding with a community mental health center or an appropriate provider.
- Requires each school corporation and charter school that enters into a memorandum of understanding with a community mental health center or appropriate provider to comply with certain confidentiality and referral requirements.

### **SEA 258, PL 72: Firefighter Safety**

Author: Koch, R-Bedford

Sponsor: Frye, R-Greensburg

- Requires the board of firefighting personnel standards and education to establish best practices to improve safety and health outcomes for firefighters.
- Establishes the best practices fund for the purpose of providing matching grants to political subdivisions and volunteer fire departments to purchase equipment and other gear to implement best practices.
- Provides that the worker’s compensation rating bureau of Indiana may recommend a premium or rate discount toward worker’s compensation insurance to political subdivisions and volunteer fire departments that implement best practices.

### **SEA 406, PL 145: Survivor Benefits**

Author: Garten, R-Charlestown

Sponsor: Bartels, R-Eckerty

- Provides that if a public safety officer enters a deferred retirement option plan (DROP) for the public safety officer’s respective pension plan and the public safety officer dies before the public safety officer’s DROP exit date, the benefit options for the public safety officer’s survivors are made similar, as applicable, to the DROP disability benefit options in:  
(1) the DROP applicable to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers’ retirement plan; and

(2) the DROP applicable to the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund (Indianapolis), and the 1977 police officers' and firefighters' pension and disability fund.

### **SEA 424, PL 149: Address Confidentiality Program**

Author: Rogers, R-Granger

Sponsor: Engleman, R-Georgetown

- Allows a victim of harassment, human trafficking, intimidation, or invasion of privacy to participate in the address confidentiality program (program) of the office of the attorney general (office). (Currently the law allows only victims of domestic violence, sexual assault, or stalking to participate in the program.)
- Removes the requirement that a victim must have obtained a protective order to participate in the program.
- Requires that an applicant to the program provide a description of the applicant's plan to maintain the confidentiality of the applicant's new address.
- Provides, with certain exceptions, that if a program participant provides written notice to an individual, state or local government agency, business, or other legal entity:
  - (1) the entity shall use the address designated by the office;
  - (2) the entity may not disclose the program participant's address; and
  - (3) if the entity is a landlord, the entity may not display the program participant's name at the protected address.
- Allows the office to revoke a person's participation in the program or deny an applicant's application if the person:
  - (1) uses or intends to use the program in furtherance of a crime;
  - (2) knowingly misrepresents in a fraudulent manner any information the program participant or applicant provides to the program; or
  - (3) is unable or unwilling to maintain the confidentiality of the program participant's or applicant's address.
- Establishes the circumstances under which a program participant's address may be disclosed in a court proceeding and requires the court to issue an appropriate order to limit any further disclosure.
- Repeals a statute providing that a program participant who provides false information on a program application commits perjury.

### **HEA 1015, PL 33: Rights of Professional Firefighters**

Author: Pressel, R-Rolling Prairie

Sponsor: Sandlin, R-Indianapolis

- Provides that a full-time, paid, nonprobationary firefighter has certain minimum protections in addition to any protections provided by contract or other law with regard to the following:
  - (1) The conduct of an interview of the firefighter by the fire department (department) regarding a complaint or internal investigation.
  - (2) The giving of notice by the department to the firefighter of a personnel reassignment, personnel action, or disciplinary action.
  - (3) The disclosure of the firefighter's personal financial information for purposes of a personnel assignment or action.
  - (4) The firefighter's engagement in or refusal to engage in political activity. (Currently these statutes apply only to police officers and police departments.)
- Repeals a provision that makes the provisions applicable only to police officers.

### **HEA 1022, PL 151: Panhandling**

Author: Bosma, R-Indianapolis

Sponsor: Messmer, R-Jasper

- Provides that a person who panhandles within 50 feet of:

- (1) the entrance or exit to a bank, business, or restaurant;
- (2) the location where a financial transaction occurs; or
- (3) a public monument;

commits the offense of panhandling, a Class C misdemeanor.

- Provides that a person who knowingly or intentionally panhandles regardless of the time of day commits panhandling, a Class C misdemeanor. (Current law limits the time period of the offense to after sunset and before sunrise.)
- Defines “financial transaction” and “public monument”.

### **HEA 1032, PL 95: Interfering with Public Safety**

Author: Miller, R-Elkhart

Sponsor: Rogers, R-Granger

- Renames the offense of “interfering with law enforcement” to “interfering with public safety”, and provides that a person who enters a marked off area after having been denied entry by an emergency medical services provider commits interfering with public safety. (Under current law, the offense is only committed if the person is denied entry by a law enforcement officer.)

### **HEA 1043, PL 96: Firefighters and Police Officers**

Author: Davisson, R-Salem

Sponsor: Boots, R-Crawfordsville

- Provides that a political subdivision served by a volunteer fire department may make contributions to the public employees’ defined contribution plan for the members of the volunteer fire department in an amount determined by the governing body of the political subdivision.
- Provides that a unit’s obligation to provide insurance coverage for a volunteer firefighter or member of an emergency medical services personnel supersedes the obligation of another medical insurance carrier.
- Increases the maximum age for police officers to begin membership in the 1977 police officers’ and firefighters’ pension and disability fund from 35 to 39 years of age.

### **HEA 1063, PL 99: Public Safety Officer Death Benefits**

Author: Goodrich, R-Noblesville

Sponsor: Doriot, R-Syracuse

- Increases, from \$150,000 to \$225,000, the special death benefit for certain public safety officers, certain motor carrier inspectors, certain special police employees, members of the 1925 police pension fund, the 1937 firefighters’ pension fund, the 1953 police pension fund, and the 1977 police officers’ and firefighters’ pension and disability fund who die in the line of duty after June 30, 2020.
- Provides that the board shall determine contributions and contribution rates for individual employers or for a group of employers necessary to adequately maintain the special death benefit fund.
- Provides that, for certain police officers, firefighters, and emergency medical services providers, the cost of the coverage is in addition to the contribution determined by the board.

### **HEA 1065, PL 154: Various Tax Matters**

Author: Thompson, R-Lizton

Sponsor: Holdman, R-Markle

#### **Aim Comments:**

HEA 1065 was authored by Rep. Jeff Thompson (R-Lizton) and sponsored by Sen. Travis Holdman (R-Markle). This bill was a moving target throughout session, containing various local government and property tax provisions, including a controversial provision that allows school corporations to share referendum revenue with charter schools in their footprint.

Notably for municipal government is a provision added on the last day of session that changes the voting procedures for Local Income Tax (LIT) councils. This change only applies to former COIT counties in which there is one city or town with more than 50% of the population of the county.

Under current law, in former COIT counties (where a LIT Council is the adopting body for local income tax changes), each unit is apportioned votes on the LIT council in proportion to their population. Each unit votes as a bloc, so when the council approves a proposed change, all of the unit's votes are cast for the change (regardless e.g. of whether the council votes unanimously or 5-4). In counties where a municipality has the majority population of the county, that municipality's council controls the LIT council.

In counties in which there is one unit with the majority of the population in the county, the change in HEA 1065 apportions votes on the LIT council to every council member who sits on county, city or town councils within the county. For example, if a city has 63% of the population of a county, each member of the 9-member council has 7% of the vote for the entire LIT council: calculated by the population proportion of their city (63%) divided by the number of members of the council (9).

This affects 6 counties: Allen (Fort Wayne), Delaware (Muncie), Fayette (Connersville), Howard (Kokomo), Monroe (Bloomington), and Vanderburgh (Evansville). These changes sunset on May 31, 2021. It also provides that any LIT increase approved by the LIT Council for these communities after December 31, 2019 and before April 1, 2020 is void.

HEA 1065 also makes changes to residential housing TIF programs. Under current law, a housing TIF program can be started in counties and municipalities if the average of new, single family residential homes constructed in the preceding 3 years is less than 1% of the total number of residential homes in that jurisdiction. HEA 1065 exempts housing TIFs from the 3-year 1% calculation if the proposed housing TIF area is within an economic development target area. It also changes the maximum duration from 20 to 25 years, and treats condos and townhouses the same as single family dwellings within an economic development target area.

- Amends the definition of "inventory" for purposes of property tax. Amends the definition of "land developer" for purposes of provisions that apply to reassessment of undeveloped land.
- Provides that, if a taxpayer believes that the taxpayer has overreported a personal property assessment that is discovered in the course of a review of the taxpayer's personal property assessment for which the assessing official fails to make an adjustment to correct the error, the taxpayer may:
  - (1) initiate an appeal with the county property tax assessment board of appeals for a credit to offset any resulting overpayment; or
  - (2) file a claim for refund with regard to any resulting overpayment.
- Authorizes an appeal to the Indiana board of tax review of the denial of the refund claim with regard to a resulting overpayment.
- Provides that a:
  - (1) township fire protection and emergency services area; or
  - (2) fire protection district;that experiences more than 6% population growth during a 10 year period may increase its maximum property tax levy for 2021 or any year thereafter by an amount based on the population growth that exceeds 6%.
- Provides, however, that the township or fire protection district may not increase the tax levy based on the population growth by a total rate of more than 0.15 per \$100 of the net assessed value of the fire protection and emergency services area or fire protection district area within a 10 year period.
- Adds provisions concerning a school corporation's establishment of a school improvement fund if payments for loans or advances from the common school fund are suspended and related

provisions.

- Amends the definition of “qualified higher education expenses” for the purpose of the 529 college savings contribution tax credit to exclude qualified education loan repayments.
- Amends the definition of “taxpayer” for the purpose of the 529 college savings contribution tax credit to include a married individual filing a separate return.
- Amends the industrial recovery tax credit to:
  - (1) provide that qualified expenses must be certified by the Indiana economic development corporation before the taxpayer is entitled to the credit for a taxable year; and
  - (2) specify that a taxpayer may make more than one assignment of any part of the credit, but may not assign the same part of a credit more than once.
- Amends the definition of “qualified redevelopment site” for purposes of the redevelopment tax credit to include a mine reclamation site.
- Provides that a local income tax council (LIT council) for a county with a single voting bloc must vote as a whole in order to exercise its authority to increase (but not decrease) a local income tax rate in the county.
- Defines a “county with a single voting bloc” as a county in which one city or one town that is a member of the LIT council is allocated more than 50% of the total votes allocated to the members of the LIT council.
- Sunsets this provision on May 31, 2021.
- Provides that actions taken by a member of a LIT council, or a LIT council, for a county with a single voting bloc after December 31, 2019, and before April 1, 2020, on a resolution or proposed ordinance to increase a local income tax in the county are void.
- Retroactively amends local income tax provisions that authorize Monroe County and Howard County to impose a special purpose rate to fund operation and maintenance of a juvenile detention center to remove provisions referring to property tax credits that were inadvertently included in those special purpose rate provisions when the local income tax law was enacted.
- Imposes a nonprofit agricultural organization health coverage tax on an organization that provides nonprofit agricultural organization coverage in Indiana.
- Defines “nonprofit agricultural organization coverage” for purposes of the tax.
- Provides that the tax is equal to 1.3% of gross premiums collected in the previous calendar year.
- Provides that a charter school may elect to distribute a proportionate share of the charter school’s operations fund to the school corporation in whose district the charter school is located.
- Provides that a school corporation may distribute money that is received as part of a referendum tax levy to a charter school, excluding a virtual charter school, that is located in the attendance area of the school corporation.
- Provides that the resolution adopted by a school corporation to place a referendum on the ballot must indicate whether proceeds collected from the tax levy will be used to provide a distribution to a charter school or charter schools, excluding a virtual charter school, as well as the amount that will be distributed.
- Removes the cap on the amount of career and technical education enrollment grants that may be distributed per state fiscal year.
- Provides that Spencer County is subject to a provision of the area planning law concerning urban areas.
- Makes certain changes to provisions that permit a redevelopment commission to establish a program for residential housing development and a tax increment funding allocation area for the program, including the following:
  - (1) Provides that the threshold condition for establishing a residential housing development program (program) does not apply for purposes of establishing a program in an economic development target area.
  - (2) Requires the department of redevelopment to consult with officials of all school corporations within the proposed allocation area before formal submission of the program.
  - (3) Requires the department of redevelopment to provide notice of the public hearing on the program to all affected taxing units and officials of all school corporations within the

- proposed allocation area.
- Revises the definition of “income tax base period amount” in the context of the certified technology park statute.
- Urges the legislative council to assign to an appropriate interim study committee during the 2020 legislative interim the task of studying tax credits and other fiscal incentives for a film and media production program.

### **HEA 1070, PL 100: Distracted Driving**

Author: Sullivan, R-Evansville

Sponsor: Crider, R-Greenfield

- Provides that, except in certain circumstances, a person may not hold or use a telecommunications device while operating a moving motor vehicle.
- Removes prohibitions on typing, transmitting, or reading a text message or an electronic mail message while operating a moving motor vehicle.
- Provides that the bureau may not assess points under the point system for a violation occurring before July 1, 2021.

### **HEA 1095, PL 16: Contracts for Emergency Road Repairs**

Author: Sullivan, R-Evansville

Sponsor: Garten, R-Charlestown

- Authorizes the Indiana department of transportation (INDOT) commissioner to declare an emergency when a part of the state highway system has been damaged to the extent it is unusable by the traveling public or unsafe to use. (Under current law, the governor must declare such an emergency. Current law permits INDOT to award a contract for repairs by soliciting bids from at least three prequalified persons without use of the formal bidding process.)
- Repeals a provision that permits a contract to be awarded under such circumstances only if three bids are received and the lowest bid does not exceed the engineer’s estimate to repair by more than 10%.

### **HEA 1099, PL 104: Low Head Dams**

Author: Manning, R-Denver

Sponsor: Busch, R-Fort Wayne

- Requires the natural resources commission to establish a roster of low head dams in the state that are capable of creating hazardous currents that pose safety issues.
- Establishes requirements concerning low head dams for the department of natural resources (department) and owners of low head dams.
- Provides that an owner of at least two low head dams is exempt from certain requirements if that owner has previously installed warning signs, in coordination with the department, and maintains and repairs the existing signs.
- Except for purposes of an inspection, maintenance, or removal, prohibits a person from accessing a low head dam.
- Prohibits wading, boating, swimming, or accessing the waters within 50 feet of a low head dam when warning signs are present.
- Provides that the state is not liable for any death or injury that occurs on or resulting from a low head dam that is not owned by the state.
- Provides for a penalty for violations.
- Requires the department to prepare a report that includes recommendations concerning the creation of a low head dam removal program and any recommendations concerning low head dam safety legislation.

### **HEA 1113, PL 159: Local Government Finance**

Author: Leonard, R-Huntington

Sponsor: Bassler, R-Washington

## Aim Comments:

HEA 1113, authored by Rep. Dan Leonard (R-Huntington) and sponsored by Sen. Eric Bassler (R-Washington), was the annual Department of Local Government Finance agency bill. As always happens with this bill, it became a home for many local government finance issues.

Throughout the session, many controversial provisions were included in this bill, but by the time it reached its final version, most of these provisions were removed.

One part of this bill which Aim supports was a change to the statute on refunding taxpayers for successful property tax appeals. Under current law, there is a provision that allows local governments up to 5 years to pay back property tax appeals over \$100,000, but that provision of law was set to expire this year. HEA 1113 changed this section to allow more time to pay back large property tax appeals:

- Up to 5 years for property tax appeals of \$500,000-\$5M
- Up to 7 years for property tax appeals of \$5M-\$10M
- Up to 10 years for property tax appeals of \$10M or more

This will help communities better manage the budget and cash flow issues created when commercial taxpayers win big property tax appeals. More work needs to be done on the appeals process for commercial properties (to address the “dark box” problem), but this is a step in the right direction.

- Changes the deadline for reporting bonds issued or leases executed after September 30.
- Requires budget committee review of an agreement:
  - (1) in which the Indiana finance authority or the state is a party; and
  - (2) that would increase revenue as a result of a sale or lease of a state asset, or a grant of a license to operate a state asset, if the increase in revenue as a result is at least \$100,000,000.
- Changes the defined term “assessed value growth quotient” to the term “maximum levy growth quotient” without changing the definition.
- Allows the department of local government finance (department) to amend certain rules to conform with statutory changes.
- Requires counties to provide data related to property taxation to the department. (Current law requires counties to provide the data to the department and the legislative services agency.)
- Amends and adds provisions regarding the assessment of a golf course.
- Eliminates unnecessary information from the sales disclosure form.
- Changes the term “industrial facility” in the statutes concerned with the assessment of industrial facilities.
- Prohibits township assessors and vendors who contract with county assessors or townships from assessing industrial facilities in Lake County.
- Provides that, for purposes of determining the assessed value of real property for an individual who has received an over 65 deduction, a disabled veteran deduction, or an over 65 circuit breaker credit, subsequent increases in assessed value are not considered unless the increase is attributable to physical improvements to the property.
- Provides that a taxpayer may appeal a change in the assessed value of personal property made by a township assessor or county assessor by filing a written notice of review with the county property tax assessment board of appeals (PTABOA).
- Provides that a taxpayer may appeal a change in the assessed value of personal property made by a PTABOA by filing a written notice of review with the Indiana board of tax review.
- Removes existing language that provides that, if a PTABOA fails to change an assessed value claimed by a taxpayer on a personal property return and give notice of the change within the time prescribed, the assessor may file a petition for review of the assessment by the Indiana board.
- Changes the debt service obligation reporting date.
- Provides that a political subdivision shall submit the date, time, and place of the final adoption of the budget, tax rate, and levy through the department’s computer gateway.

- Requires a political subdivision to indicate on its budget ordinance whether the political subdivision intends to issue debt after December 1 or file a shortfall appeal.
- Requires a political subdivision that makes an additional unbudgeted appropriation to submit the additional appropriation to the department within 15 days after the additional appropriation is adopted.
- Provides procedures for increases for the maximum permissible ad valorem property tax levies for Sullivan County, the city of Wabash, and the Wabash city school corporation.
- Specifies that the county treasurer's property tax comparison statement, issued annually, must include:
  - (1) information stating how a taxpayer can obtain information regarding the taxpayer's notice of assessment or reassessment; and
  - (2) a remittance coupon indicating payment amount due at each payment due date.
- Eliminates the use of the state address confidentiality form to submit a request to restrict access to a covered person's address maintained in a public property data base.
- Provides that, if a taxpayer is owed a refund that exceeds \$500,000 for excessive property taxes paid on real property, a county auditor may pay the property tax refund in equal installments of property tax credits for at least five and not more than 10 years, depending on the amount owed to the taxpayer.
- Requires the department to provide certain assessment and tax data to the legislative services agency within one business day of receipt.
- Eliminates the requirement that a candidate for an assessor-appraiser examination be an Indiana resident.
- Provides that if an adopting body under the local income tax law wishes to submit a proposed notice, ordinance, or resolution to the department for preliminary review, the adopting body shall submit the notice, ordinance, or resolution on the prescribed forms.
- Modifies the standard formula for the calculation of certified shares of local income tax revenue in Hamilton County after 2020 and before 2024 to calculate adjusted amounts of certified shares for the city of Carmel and the city of Fishers.
- Eliminates the requirement in the context of teacher collective bargaining for the department to certify the amount of an operating referendum tax levy or a school safety referendum tax levy.
- Provides an exception to the maximum term or repayment period for bonds issued by a school corporation for a school building construction project if a loan is made or guaranteed by a federal agency.
- Changes from \$1.50 to \$3 the amount of the fee that a lessor in a rental purchase agreement may impose for accepting rental payments by telephone.
- Transfers responsibility for reporting by political subdivisions of other post-employment benefits from the department to the state board of accounts.
- Provides that money in the fund of a flood control improvement district established after December 31, 2019, may be used for a flood control works project in a location outside the boundaries of the district. Expires this provision on March 1, 2022.
- Allows a unit of local government to establish a public safety officer survivors' health coverage cumulative fund to discharge its obligation to pay for health coverage for the survivors of a member of the 1977 police officers' and firefighters' pension and disability fund who was employed by the unit and died in the line of duty.
- Aligns the deadline for public libraries to adopt a budget with the general deadline to adopt a budget.
- Removes a provision in current law requiring the state board of accounts to approve the form of a record for stating certain unpaid costs on unsafe premises.
- Removes a provision in current law requiring a township to treat a transfer of money as part of the township's ad valorem property tax levy for the year.
- Provides that, if a township board member (in a county other than Marion County) is a member of the immediate family of the township trustee, the township board member may not

participate in a vote on the adoption of the township's budget and tax levies; and if a majority of the members of the township board are so precluded from voting on the township's budget and tax levies, then the township's most recent annual appropriations are continued for the ensuing budget year.

- Provides that a person that has certain business relationships with another person that owes delinquent taxes, special assessments, penalties, interest, or costs attributable to a prior tax sale is prohibited from bidding on or purchasing real property at a tax sale or from bidding on, purchasing, receiving, or leasing a tract under the law governing the disposal of property by local governments.
- Requires the county treasurer to require each person bidding at a tax sale to sign a form affirming that the person is not bidding on or purchasing tracts or items of real property on behalf of or as an agent for a person who is prohibited from purchasing at a tax sale.
- Allows certain nonprofit entities that failed to comply with the exemption filing deadlines to claim the property tax exemptions that the nonprofit entities were otherwise eligible to claim.
- Rephrases and reorganizes various provisions.
- Makes technical changes.

### **HEA 1151, PL 41: School Resource Officers**

Author: Mayfield, R-Martinsville

Sponsor: Boots, R-Crawfordsville

- Adds a school resource officer to the definition of "public safety officer" as it relates to the public employee benefits special death benefit fund (fund).
- Provides that a school resource officer qualifies for the fund if the school resource officer is not otherwise entitled to a line of duty benefit under the 1925 police pension fund, 1953 police pension fund (Indianapolis), or the 1977 police officers' and firefighters' pension and disability fund.

### **HEA 1157, PL 110: Motor Vehicle and Criminal Law Issues**

Author: Hatfield, D-Evansville

Sponsor: Freeman, R-Indianapolis

- Increases the penalty for numerous motor vehicle violations from a Class C infraction to a Class A infraction if the violation results in bodily injury.
- Requires the bureau of motor vehicles to remove any record of a suspension from a defendant charged with operating while intoxicated if the case ends in favor of the defendant and the defendant's driving privileges were suspended because:
  - (1) the defendant refused a chemical test; or
  - (2) the results of a chemical test resulted in prima facie evidence of intoxication.
- Provides that a court and the bureau, if applicable, shall terminate all or any part of the remaining suspension of a person's license suspension if:
  - (1) the charges against the person are dismissed;
  - (2) the person is acquitted; or
  - (3) the person's conviction is vacated or reversed on appeal.
- Provides that a court shall terminate a suspension imposed for refusal to submit to a chemical test if:
  - (1) the court accepts a plea agreement between the state and the defendant that includes this provision; or
  - (2) the court finds at sentencing that terminating the remaining suspension is in the best interests of society.
- Adds cross references concerning license suspensions and ignition interlock devices.
- Makes an individual less than 18 years of age eligible for a deferral program. (Under current law, individuals under 18 years of age are not eligible for deferral.)
- Repeals certain driving privilege suspensions when a motor vehicle is used in dealing certain controlled substances.

- Makes conforming changes.

### **HEA 1174, PL 43: Youth Helmet Safety**

Author: Frye, R-Greensburg

Sponsor: Crider, R-Greenfield

- Provides that:
  - (1) the executive director of the department of homeland security with assistance from the state emergency medical services medical director; and
  - (2) the state fire marshal; shall partner with state agencies, including the state department of health and state educational institutions, to develop public safety education and outreach programs.
- Provides that the fire prevention and public safety fund may be used to support:
  - (1) fire safety and prevention programs; and
  - (2) public safety education and outreach programs, including, but not limited to, youth helmet safety.

### **HEA 1189, PL 22: Use of Firefighting Foam Containing PFAS**

Author: Mayfield, R-Martinsville

Sponsor: Crider, R-Greenfield

- Prohibits the use of Class B firefighting foam containing an intentionally added PFAS chemical:
  - (1) for training purposes; and
  - (2) for testing purposes, unless the testing facility has implemented appropriate measures to prevent releases of the firefighting foam to the environment.

### **HEA 1198, PL 113: Public Safety Matters**

Author: Abbott, R-Rome City

Sponsor: Glick, R-LaGrange

- Designates an Indiana first responder to include the following employees and volunteers of state and local public safety agencies:
  - (1) Law enforcement officers.
  - (2) Firefighters, including volunteer firefighters.
  - (3) Corrections officers.
  - (4) Public safety telecommunicators.
  - (5) Providers of emergency medical services.
  - (6) Providers of emergency management services.
  - (7) Any other individuals whose duties in serving a public safety agency include rapid emergency response.
- Provides that the designation of an individual as an Indiana first responder does not affect an individual's terms of employment or volunteer service with the public safety agency.
- Provides that a certified emergency medical technician or a licensed paramedic is not liable for transporting any person to an appropriate health care facility when the emergency medical technician or the licensed paramedic makes a good faith judgment that the emergency patient or the emergency patient's primary caregiver lacks the capacity to make an informed decision about the patient's:
  - (1) safety; or
  - (2) need for medical attention;and the emergency patient is reasonably likely to suffer disability or death without the medical intervention available at the facility.

### **HEA 1209, PL 115: Reimbursement for Emergency Medical Services**

Author: Kirchhofer, R-Beech Grove

Sponsor: Crider, R-Greenfield

- Requires the state employee health plan, Medicaid, policies of accident and sickness insurance,

and health maintenance organization contracts that provide coverage for emergency medical services to reimburse for emergency medical services that are:

- (1) rendered by an emergency medical services provider organization;
- (2) within the emergency medical services provider organization's scope of practice;
- (3) performed or provided as advanced life support services; and
- (4) performed or provided during a response initiated through the 911 system.

### **HEA 1224, PL 23: Council on Impaired and Dangerous Driving**

Author: McNamara, R-Evansville

Sponsor: Crider, R-Greenfield

- Removes references to the governor's council on impaired and dangerous driving.
- Transfers duties of the governor's council on impaired and dangerous driving to the Indiana criminal justice institute.

### **HEA 1225, PL 116: Public Safety**

Author: McNamara, R-Evansville

Sponsor: Messmer, R-Jasper

- Removes the requirement that school buses have black reflective tape affixed on the bumpers and sides of the bus.
- Provides that, in certain instances, a person who:
  - (1) fails to yield to an emergency vehicle; and
  - (2) causes serious bodily injury, catastrophic injury, or death to any person operating, occupying, or affiliated with the authorized emergency vehicle;commits a Level 6 felony.
- Provides that the offense of resisting law enforcement is a Level 6 felony if, while committing the offense of resisting law enforcement by forcibly resisting, obstructing, or interfering with a law enforcement officer, the person:
  - (1) creates a substantial risk of bodily injury to the person or another person; and
  - (2) has two or more prior unrelated convictions for resisting law enforcement.
- Provides that the offense of resisting law enforcement is a Level 6 felony if, while committing the offense of resisting law enforcement by fleeing from a law enforcement officer, the person has two or more prior unrelated convictions for resisting law enforcement.
- Makes conforming amendments.

### **HEA 1235, PL 117: Public Safety**

Author: Karickhoff, R-Kokomo

Sponsor: Crider, R-Greenfield

- Allows a federal enforcement officer with at least five years of service to be appointed as a police chief or deputy police chief in a city.
- Provides that the statewide 911 board may increase an enhanced prepaid wireless charge one time after April 1, 2020, and before July 1, 2023, in an amount not to exceed \$0.10.
- Revises the definition of "statewide 911 system".
- Provides that the statewide 911 board may adjust the statewide 911 fee one time after April 1, 2020, and before July 1, 2023, in an amount not to exceed \$0.10.
- Requires 60 days prior notice to the department of state revenue of any rate change to the enhanced prepaid wireless charge or the statewide 911 fee.

### **HEA 1301, PL 47: Deployment of Truck Safety Technology**

Author: Carbaugh, R-Fort Wayne

Sponsor: Crider, R-Greenfield

- Provides that a motor carrier safety improvement that is deployed, implemented, used by, or required by a motor carrier shall not be considered when evaluating an individual's status as an employee, independent contractor, or jointly employed employee.

## HEA 1346, PL 48: Jail Overcrowding

Author: Frye, R-Greensburg

Sponsor: Koch, R-Bedford

- Repeals all provisions concerning the county jail overcrowding task force.
- Adds additional members to the justice reinvestment advisory council (“advisory council”), including members of the Indiana evidence based decision making initiative (which is a partnership between state and local criminal justice stakeholders).
- Specifies the purpose and certain duties of the advisory council, including:
  - (1) to conduct a state level review and evaluation of jail overcrowding to identify a range of possible solutions; and
  - (2) to develop incarceration alternatives and recidivism reduction programs at the county and community level by promoting the development of the incorporation of evidence based decision making into decisions concerning jail overcrowding.
- Provides that the advisory council may make a recommendation to the county sheriffs concerning strategies to address jail overcrowding and implementing evidence based practices for reducing recidivism for individuals in county jails.
- Requires the criminal justice institute to coordinate with state and local criminal justice agencies for the collection and transfer of data from sheriffs concerning jail:
  - (1) populations; and
  - (2) statistics;for the purpose of providing jail data to the management performance hub.

## HEA 1385, PL 164: Natural Resources

Author: Eberhart, R-Shelbyville

Sponsor: Glick, R-Lagrange

- Removes the definition of “motorboat”.
- Provides that the definition of “watercraft” does not include a craft that is:
  - (1) powered by its occupants; and
  - (2) does not contain a mechanical propellant.
- Repeals and replaces provisions in the current watercraft registration law.
- Amends sections related to boat excise tax.
- Provides that tax situs means the taxing district in which the boat is located on the date it is registered.
- Provides that a watercraft is not a vehicle for purposes of mechanic’s liens for vehicles.
- Provides that a person that fails to carry a certificate of registration or display proof of registration for display on a watercraft commits a Class C infraction.
- Provides that a person who knowingly or intentionally falsifies, predates, changes, or counterfeits proof of registration for a watercraft commits a Class C misdemeanor.
- Revises the definition of “recreational trail” to specify that the term refers to trails or paths funded through the recreational trails program.
- Specifies that the state may acquire a railroad’s interest in a corridor for use as a trail (rather than as a recreational trail as provided by current law).
- Specifies that the state may consider a corridor’s suitability for use as a trail (rather than as a recreational trail as provided by current law) when considering whether to acquire a railroad’s interest in a corridor.
- Specifies that a railroad’s interest in a corridor acquired for a recreational purpose may be developed and operated under the recreational trails program. (Current law requires such acquisitions to be developed and operated under the program.)
- Modifies the definitions of “all-terrain vehicle” and “recreational off-highway vehicle”.
- Makes it a Class C infraction to violate a rule adopted by the natural resources commission or an emergency rule adopted by the department of natural resources, unless otherwise specified under state law.
- Allows the owner of a boat that carries passengers upon public water for hire to elect to have

- an underwater survey (survey) conducted instead of the required dry dock inspection.
- Requires that the boat be inspected in a dry dock once every 120 months.
- Requires the owner of the boat to hire and pay for the survey.
- Requires the survey to be conducted by an inspector from a certified organization that is approved by the natural resources commission.
- Requires that the certificate of inspection and registration certify the method of the boat's inspection and the name of the person and organization that performed the inspection.
- Allows an individual to float on a board on or in the wake directly behind a motorboat that is underway using the wake itself as the means of propulsion.
- Removes the sunset provision regarding the use of certain rifles while hunting.
- Removes an exception for legal minnow seines and dip nets from the prohibition on using various fishing techniques near a dam.
- Authorizes the natural resources commission to authorize exceptions for the use of otherwise prohibited techniques by rule.
- Makes various changes to the procedures for revoking or denying a license or permit under the wildlife violator compact.
- Provides that a court having jurisdiction of an offense committed in violation of an Indiana law for the protection of wildlife may revoke the license of the offender for a minimum of one year. (Current law allows revocations for a period of 30 days, 60 days, 90 days, or one year.)
- Declares that the citizens of Indiana have certain vested rights with respect to Lake Michigan, and that the natural resources commission may adopt rules concerning those rights.
- Provides that property owners may jointly apply for a permit with the Indiana department of environmental management for wetland activities in state regulated wetlands.
- Authorizes the department to adopt rules identifying the ordinary high water mark on the land adjoining the waters of Lake Michigan for administrative purposes.
- Provides that the owner of a private property that is adjacent to Lake Michigan is immune from liability under certain circumstances.
- Provides guidelines for permitting to private property owners by local governmental agencies, in the case of an emergency to:
  - (1) repair; or
  - (2) construct; a new seawall or revetment on the owner's property.
- Provides guidelines for the location of a seawall or revetment in the event of construction or repair of that seawall or revetment.
- Makes a local planning and zoning statute concerning the alienation of mineral resources and forests outside urban areas applicable to all counties.

**aim**

Accelerate  
Indiana  
Municipalities

2020

**Transportation  
and  
Infrastructure**

## **SEA 190, PL 60: Controlled Projects**

Author: Holdman, R-Markle

Sponsor: Thompson, R-Lizton

### **Aim Comments:**

SEA 190, authored by Sen. Travis Holdman (R-Markle) and sponsored by Rep. Jeff Thompson (R-Lizton), removes road and street projects from the definition of a “controlled project” – the type of local government capital project that can be blocked by a voter referendum or the petition/remonstrance process.

The controlled projects statute was designed to control large, discretionary capital projects like city hall remodels or school sports facilities. We do not believe it was ever the intent of this statute to have a road project, which is a core function of government, to be subject to voter approval. This year, the General Assembly agreed and passed SEA 190 into law.

This was an Aim initiative and part of our 2020 operational agenda.

- Amends the definition of a “controlled project” to exclude projects exclusively for engineering, land and right-of-way acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation of:
  - (1) local road and street systems;
  - (2) arterial road and street systems; and
  - (3) any combination of local and arterial road and street systems; including bridges that are designated as being in a road and street system.
- Provides that the restrictions on supporting a position on a controlled project apply to any political subdivision that has assessed value within the same taxing district as the political subdivision proposing the project.
- Provides that nothing shall prevent another political subdivision that has assessed value within the same taxing district as the political subdivision from adopting a resolution or taking a position on a local public question.

## **SEA 229, PL 166: Maintenance of Regulated Drains**

Author: Spartz, R-Noblesville

Sponsor: Wolkins, R-Warsaw

- Provides that a permit is not required from the Indiana department of environmental management for the maintenance or reconstruction of a regulated drain in accordance with certain best management practices for purposes of the law concerning state regulated wetlands, as long as the work takes place within the current easement and the reconstruction does not substantially change the characteristics of the drain to perform the function for which it was designed and constructed.

## **SEA 254, PL 137: Water and Wastewater Utilities**

Author: Charbonneau, R-Valparaiso

Sponsor: Soliday, R-Valparaiso

- Amends the law allowing the adjustment of a water or wastewater utility’s rates and charges to enable the utility to recover the cost of eligible infrastructure improvements, by providing that the general maximum limit on the revenues used in determining the adjustment does not apply to infrastructure improvement costs associated with the construction, reconstruction, or improvement of a highway, street, or road.
- Amends the law that allows a public water utility to treat the costs of replacing customer-owned lead service lines as eligible infrastructure improvements for which a utility’s rates and charges may be adjusted, by providing that the law applies to municipally owned utilities as well as public utilities.

- Establishes a procedure under which a public utility, municipally owned utility, or not-for-profit utility that provides water or wastewater service to the public and is under the jurisdiction of the commission for the approval of rates and charges may seek to recover, through a periodic rate adjustment, the cost of certain utility plant or equipment expenditures that are related to compliance with environmental requirements or made for health, safety, or environmental protection purposes.

### **SEA 405, PL 87: Exemption from Design Release Requirements**

Author: Garten, R-Charlestown

Sponsor: Pressel, R- Rolling Prairie

- Provides that the design release requirements for certain projects do not apply to certain construction that is exempted even if the construction is:
  - (1) a part of;
  - (2) supplemental to; or
  - (3) an accessory of; any other construction that would otherwise require a design release.

### **HEA 1095, PL 16: Contracts for Emergency Road Repairs**

Author: Sullivan, R-Evansville

Sponsor: Garten, R-Charlestown

- Authorizes the Indiana department of transportation (INDOT) commissioner to declare an emergency when a part of the state highway system has been damaged to the extent it is unusable by the traveling public or unsafe to use. (Under current law, the governor must declare such an emergency. Current law permits INDOT to award a contract for repairs by soliciting bids from at least three prequalified persons without use of the formal bidding process.)
- Repeals a provision that permits a contract to be awarded under such circumstances only if three bids are received and the lowest bid does not exceed the engineer's estimate to repair by more than 10%.

### **HEA 1218, PL 46: Locating Underground Utility Infrastructure**

Author: Manning, R-Denver

Sponsor: Donato, R-Logansport

- Amends the statute concerning the location of underground utility facilities (state 811 law) to provide that for any new or replacement underground facility that an operator installs or causes to be installed after June 30, 2020, the operator shall ensure that:
  - (1) the materials from which the facility is constructed are capable of being detected from above ground level using standard equipment and technologies used by the utility locating industry; or
  - (2) if the materials from which the facility is constructed are not capable of being detected from above ground level using standard locating techniques, the facility is encased by conductive material or is equipped with an electrically conducting wire or other means of locating the facility while it is underground.

### **HEA 1301, PL 47: Deployment of Truck Safety Technology**

Author: Carbaugh, R-Fort Wayne

Sponsor: Crider, R-Greenfield

- Provides that a motor carrier safety improvement that is deployed, implemented, used by, or required by a motor carrier shall not be considered when evaluating an individual's status as an employee, independent contractor, or jointly employed employee.

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**Utilities**

### **SEA 177, PL 59: Administration of the Broadband Ready Program**

Author: Donato, R-Logansport

Sponsor: Manning, R-Denver

- Provides that the office of community and rural affairs, rather than the Indiana economic development corporation, administers the broadband ready communities development center.

### **SEA 229, PL 166: Maintenance of Regulated Drains**

Author: Spartz, R-Noblesville

Sponsor: Wolkins, R-Warsaw

- Provides that a permit is not required from the Indiana department of environmental management for the maintenance or reconstruction of a regulated drain in accordance with certain best management practices for purposes of the law concerning state regulated wetlands, as long as the work takes place within the current easement and the reconstruction does not substantially change the characteristics of the drain to perform the function for which it was designed and constructed.

### **SEA 254, PL 137: Water and Wastewater Utilities**

Author: Charbonneau, R-Valparaiso

Sponsor: Soliday, R-Valparaiso

- Amends the law allowing the adjustment of a water or wastewater utility's rates and charges to enable the utility to recover the cost of eligible infrastructure improvements, by providing that the general maximum limit on the revenues used in determining the adjustment does not apply to infrastructure improvement costs associated with the construction, reconstruction, or improvement of a highway, street, or road.
- Amends the law that allows a public water utility to treat the costs of replacing customer-owned lead service lines as eligible infrastructure improvements for which a utility's rates and charges may be adjusted, by providing that the law applies to municipally owned utilities as well as public utilities.
- Establishes a procedure under which a public utility, municipally owned utility, or not-for-profit utility that provides water or wastewater service to the public and is under the jurisdiction of the commission for the approval of rates and charges may seek to recover, through a periodic rate adjustment, the cost of certain utility plant or equipment expenditures that are related to compliance with environmental requirements or made for health, safety, or environmental protection purposes.

### **SEA 343, PL 81: Rural Communications Cooperatives**

Author: Houchin, R-Salem

Sponsor: Manning, R-Denver

- Changes the rural telephone cooperative act to the rural communications cooperative act, allowing the formation of nonprofit cooperative corporations for the purposes of providing telecommunications service and information service, including video service, broadband service, and VOIP service.
- Makes conforming amendments.

### **SEA 430, PL 148: Reservoir Conservancy Districts**

Author: Merritt, R-Indianapolis

Sponsor: Wolkins, R-Warsaw

- Allows a conservancy district to be established as a "reservoir conservancy district" if:
  - (1) the conservancy district will be established for certain purposes;
  - (2) the boundaries will encompass part or all of a reservoir located partly within a consolidated city; and
  - (3) at least 25% of the surface of the reservoir is owned by a utility governed by a board of directors for utilities of a consolidated city.

- Requires the board of directors of a reservoir conservancy district and the utility that owns the reservoir (utility owner) to enter into an operating agreement that describes all works of improvement and maintenance that the reservoir conservancy district proposes to perform.
- Requires that all such works be approved by the utility owner before the work begins.
- Provides that a reservoir conservancy district has all of the powers granted to other conservancy districts with certain exceptions, including:
  - (1) a reservoir conservancy district does not have the power of eminent domain; and
  - (2) the utility owner is exempt from all assessments, taxes, and fees imposed by the reservoir conservancy district.
- Imposes a limit on the special benefits tax levy of a reservoir conservancy district.
- Authorizes a reservoir conservancy district to impose and collect fees for the recreational use of watercraft on the reservoir, but provides that a one year use fee for a nonresident may not be 50% greater than the one year use fee for a resident, and that a one-day use fee may not exceed 17% of a one year use fee.
- Authorizes a reservoir conservancy district to establish rules concerning safety and resource conservation but provides that the rules shall not interfere with state rules or with the use of the reservoir for water supply purposes, shall not impair the commercial license of the commercial licensee of the utility owner, and shall not discourage uses of the reservoir for activities allowed under the fish and wildlife laws.
- Authorizes a reservoir conservancy district to:
  - (1) install catch basins and filtration systems;
  - (2) implement erosion control measures;
  - (3) dredge; and
  - (4) take other actions; with authorization from state and federal agencies.
- Provides that the utility owner has sole authority to control the water level and water quality of the reservoir.
- Provides that, except in a case of intentional or willful and wanton misconduct, the utility owner is not liable for any personal injury, death, property damage, or other loss that an individual incurs while present on or in the reservoir.
- Includes provisions concerning the potential civil liability of the utility owner, the state, the reservoir conservancy district, and owners of property located in a reservoir conservancy district for personal injury, death, or property damage occurring within the reservoir conservancy district.

### **HEA 1131, PL 160: Utility Matters**

Author: Pressel, R-Rolling Prairie

Sponsor: Garten, R-Charlestown

#### **Aim Comments:**

HEA 1131 requires municipally-owned utilities to follow the Indiana Utility Regulatory Commission (IURC) rules for water and sewer main extensions (see [170 IAC 6-1.5](#) for water and [170 IAC 8.5-4](#) for sewer). The main impetus for Rep. Jim Pressel (R-Rolling Prairie) to introduce this bill was to create a standard for municipal utilities to pay for “upsizing” mains – requiring a utility to pay the difference in cost when the utility is requiring a developer to install a bigger main than is necessary to serve that development. This mirrors how investor-owned utilities handle upsizing according to IURC rules, but in addition to upsizing, there are many other provisions in the water and sewer main extension rules with which non-jurisdictional utilities will now have to comply.

Throughout session, we argued that requiring municipally-owned utilities that have chosen to be exempt from IURC regulation to nevertheless comply with certain IURC rules is a big step that blurs the line between jurisdictional and non-jurisdictional utilities. We also argued the bill adds unnecessary regulation and causes cost shifts for new mains onto municipal utilities. Unfortunately, our arguments were unsuccessful.

The bill also requires new water utilities that provide water service to less than 8,000 customers to be under the jurisdiction of the IURC for the first ten years.

Moving forward, we expect to see more legislation that further attempts to standardize the rules for all utilities.

- Makes the following changes for purposes of a statute that subjects a water or wastewater utility organized after June 30, 2018, to the jurisdiction of the Indiana utility regulatory commission (IURC) with regard to certain aspects of the water or wastewater utility's operations for a period of 10 years:
  - (1) Provides that the term "water or wastewater utility" includes a municipally owned utility that provides water service to less than 8,000 customers.
  - (2) Deletes references to organization of a water or wastewater utility as a legal entity.
- Requires the IURC, in a rate case for a water or wastewater utility that extends service to an infrastructure development zone at the request of the governmental entity that established the infrastructure development zone, to approve inclusion in the water or wastewater utility's rate schedule of a surcharge payable only within the geographic area of the infrastructure development zone. (Under current law, such a surcharge must apply within the entire jurisdiction of the governmental entity.)
- Provides that, with respect to any water main extension or wastewater main extension, a utility shall comply with the IURC's rules governing water main extensions or wastewater main extensions, regardless of whether the utility is subject to the IURC's jurisdiction for the approval of rates and charges.
- Provides that a dispute arising over a water main extension or wastewater main extension may be submitted as an informal complaint to the IURC's consumer affairs division, regardless of whether the person requesting the extension is a customer of the utility involved.
- Provides that, if the IURC determines that it requires additional staff to handle the volume of informal complaints submitted, the IURC may impose a fee on a party against whom a decision is rendered.
- Provides that the fee may not exceed:
  - (1) the IURC's actual costs in administering the informal complaint; or
  - (2) \$750.
- Provides that certain procedures for acquisition by a municipal utility of property of another utility apply to acquisition by a nonmunicipal utility of property of another utility, and prescribes requirements regarding appraisal of the value of utility property acquired by a nonmunicipal utility.
- Provides, for purposes of the factors the IURC must consider in determining whether a utility that acquires property of an offered utility may include the cost differential of the offered utility's property as part of the acquiring utility's rate base, that an offered utility is too small to capture economies of scale or is not furnishing or maintaining adequate, efficient, safe, and reasonable service and facilities if the IURC finds that the offered utility serves fewer than 8,000 customers (rather than 5,000 customers under current law).
- Provides:
  - (1) that a city meeting certain population parameters may annex territory:
    - (A) that is not contiguous to the city;
    - (B) that is south of the southernmost boundary of the city;
    - (C) the entire area of which is not more than four miles from the city's boundary; and
    - (D) that does not extend more than one mile to the east of a state highway;
  - (2) that the annexed territory is not considered a part of the city for purposes of annexation of additional territory; and
  - (3) that the city may not require connection to a sewer installed to provide service to the annexed territory.

- Provides that certain provisions regarding approval of sewage disposal and treatment fees apply to a sanitation district that:
  - (1) is located in a county that meets specified population parameters; and
  - (2) is under an order or party to an agreement with one or more state or federal agencies to remediate environmental conditions.

### **HEA 1165, PL 161: Municipally Owned Utilities**

Author: Burton, R-Whiteland

Sponsor: Sandlin, R-Indianapolis

#### **Aim Comments:**

Authored by Rep. Woody Burton (R-Whiteland) and Sen. Jack Sandlin (R-Indianapolis), HEA 1165 prohibits municipally-owned utilities from requiring a property owner to be a party to the service agreement for water, gas or electric services provided to a tenant-owned property. A property owner may still opt to keep services in his/her name, but any requirement for a property owner to co-sign with a tenant is now clearly prohibited.

HEA 1165 was a follow-up bill to HEA 1347 from the 2019 session. That bill prohibited landlords from being held accountable for the unpaid bills of their tenants if their names were not on the account. It also called co-signing agreements into question but did not clearly prohibit the practice. At Rep. Burton's request, the Attorney General issued an [advisory opinion](#) interpreting that statute, saying that these practices are contrary to the purpose of the statute and may not be permissible.

Aim argued that co-signing agreements, or a requirement that service be kept in a property owner's name, are both administratively efficient ways to ward against bad debt that ultimately impacts the whole customer base. Throughout the session, we sought support for language that would expressly allow for co-signing agreements to continue. Unfortunately, this language was not accepted.

Although sewer was not included in HEA 1165, we understand there is still an interest from some legislators and stakeholder groups to change the sewer lien statute which allows a lien to be placed on properties for unpaid sewer charges. Aim will continue to be vigilant against efforts to negatively impact that process.

Thank you to everyone who reached out to your legislators on HEA 1165 – though it was not the outcome we wanted, your voices were heard on this issue.

- Specifies that the statute concerning the payment for utility services (other than sewer services) provided by a municipally owned utility to rental property does not allow a municipal legislative body to impose a requirement that the owner of the property must:
  - (1) ensure the creditworthiness of the person occupying the property; or
  - (2) accept responsibility for charges incurred by the person occupying the property; by cosigning an agreement or by any other method.

### **HEA 1218, PL 46: Locating Underground Utility Infrastructure**

Author: Manning, R-Denver

Sponsor: Donato, R-Logansport

- Amends the statute concerning the location of underground utility facilities (state 811 law) to provide that for any new or replacement underground facility that an operator installs or causes to be installed after June 30, 2020, the operator shall ensure that:
  - (1) the materials from which the facility is constructed are capable of being detected from above ground level using standard equipment and technologies used by the utility locating industry; or

(2) if the materials from which the facility is constructed are not capable of being detected from above ground level using standard locating techniques, the facility is encased by conductive material or is equipped with an electrically conducting wire or other means of locating the facility while it is underground.

### **HEA 1265, PL 122: Drinking Water Testing**

Author: Jackson, D-Hammond

Sponsor: Randolph, D-East Chicago

- Requires each person or entity having authority over a school building to test the drinking water in the school building before January 1, 2023, to determine whether the drinking water equals or exceeds the action level for lead of 15 parts per billion.
- Provides that the testing requirement is satisfied if the drinking water of a school building:
  - (1) was tested during the lead sampling program for school buildings conducted by the Indiana finance authority (IFA) in 2017 and 2018;
  - (2) is tested in the lead sampling program conducted by the IFA in 2019 and 2020; or has otherwise been tested for compliance with the federal drinking water standards at least once since 2016.
- Requires that drinking water in school buildings located in Lake County be tested at least once in each period of two calendar years beginning in 2023.
- Provides that if a test of the drinking water of a school building indicates the presence of lead in the water equal to or greater than 15 parts per billion, the person or entity having authority over the school building is required to take action to reduce the lead levels in the drinking water to less than 15 parts per billion.
- Provides that the person or entity having authority over a school building that is subject to drinking water testing is required to seek state and federal money that is available for lead sampling or testing.

### **HEA 1309, PL 126: Department of Environmental Management**

Author: Wolkins, R-Warsaw

Sponsor: Messmer, R-Jasper

- Revises references to federal regulations relating to variances from water quality standards.
- Provides that a variance from a water quality standard issued for a period of more than five years must be reevaluated in accordance with the requirements of the federal rule on variances from water quality standards.
- Provides that a variance relating to an NPDES permit may be submitted at any time before or after the issuance, renewal, or modification of the NPDES permit.
- Eliminates the requirement that the department itself, at least once per year, administer a certification examination for operators of water treatment plants, water distribution systems, and wastewater treatment plants.
- Requires instead the department to ensure that the examination is administered at least once per year, and allows the examination to be administered by independent third parties authorized by the commissioner of the department.

### **HEA 1414, PL 165: Electric Generation**

Author: Soliday, R-Valparaiso

Sponsor: Messmer, R-Jasper

- Provides that a public utility that owns and operates a reliable capacity electric generation resource shall operate and maintain the unit using good utility practices and in a manner reasonably intended to support the availability of the unit for dispatch and for providing reliable service to customers of the public utility.
- Prohibits a public utility from terminating a power agreement with a legacy generation resource in which the public utility has an ownership interest unless the public utility provides the utility regulatory commission (IURC) with at least three years advance notice of the termination.

- Provides that the IURC shall determine the reasonable costs incurred by the public utility under the power agreement and allow the public utility to recover those costs in a fuel adjustment charge proceeding.
- Provides that a public utility may not retire, sell, or transfer a reliable capacity resource with a capacity of at least 80 megawatts before May 1, 2021, unless:
  - (1) the public utility first provides written notice to the IURC of the public utility's intent to do so; and
  - (2) the IURC conducts a public hearing to receive information concerning the reasonableness of the planned retirement, sale, or transfer.
- Requires the IURC to conduct the required hearing and issue its analysis and conclusions concerning the reasonableness of the planned retirement, sale, or transfer not later than 120 days after the date of the IURC's receipt of the public utility's written notice to the IURC.
- Provides that if the planned retirement, sale, or transfer:
  - (1) was included in the public utility's preferred portfolio in the public utility's most recent integrated resource plan, the public utility may proceed with the planned retirement, sale, or transfer after the commission issues the commission's analysis and conclusions; or
  - (2) was not included in the public utility's preferred portfolio in the public utility's most recent integrated resource plan, the public utility may not proceed with the planned retirement, sale, or transfer until at least six months have elapsed from the date of the commission's receipt of the public utility's written notice of the planned retirement, sale, or transfer.
- Provides that if a public utility cites a federal mandate as the basis, in whole or in part, for the planned retirement, sale, or transfer of the reliable capacity resource, the IURC may consider as part of its analysis and conclusions whether the cited federal mandate:
  - (1) is in force;
  - (2) has not expired or been revoked; and
  - (3) is not merely anticipated to be enacted; at the time of the public utility's notice.
- Provides that these provisions expire May 1, 2021.
- Provides that in awarding high value workforce ready credit-bearing grants, the commission for higher education, in conjunction with the department of workforce development, shall give priority to an applicant who is a coal transition worker.
- Defines a "coal transition worker" as an individual who is laid off or terminated from the individual's employment:
  - (1) at a commercial coal mine in Indiana;
  - (2) at a coal fired electric generating unit in Indiana; or
  - (3) in an Indiana based manufacturing or transportation supply chain serving:
    - (A) a commercial coal mine; or
    - (B) a coal fired electric generating unit; in Indiana.

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